

## HB0022S01 compared with HB0022

~~{deleted text}~~ shows text that was in HB0022 but was deleted in HB0022S01.

inserted text shows text that was not in HB0022 but was inserted into HB0022S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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

~~{Committee Note:~~

~~\_\_\_\_\_The Government Operations Interim Committee recommended this bill.~~

~~\_\_\_\_\_Legislative Vote: 11 voting for 0 voting against \_\_\_\_\_ 3 absent~~

~~{General Description:~~

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

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- makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

~~{ None }~~ 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  
17-15-32, as enacted by Laws of Utah 2018, Chapter 257  
17-22-2, as last amended by Laws of Utah 2022, Chapter 335  
17-23-17, as last amended by Laws of Utah 2022, Chapter 415  
17-27a-103, as last amended by Laws of Utah 2022, Chapter 406  
17-27a-305, as last amended by Laws of Utah 2021, Chapter 35  
17-30-3, as last amended by Laws of Utah 2009, Chapter 218  
17-31-2, as last amended by Laws of Utah 2022, Chapter 360  
17-34-3, as last amended by Laws of Utah 2015, Chapter 352  
17-36-9, as last amended by Laws of Utah 2014, Chapter 176  
17-41-101, as last amended by Laws of Utah 2022, Chapter 72  
17-43-201, as last amended by Laws of Utah 2022, Chapter 255  
17-43-301, as last amended by Laws of Utah 2022, Chapter 255  
17-50-103, as last amended by Laws of Utah 2007, Chapter 329  
17-52a-503, as last amended by Laws of Utah 2020, Chapter 47  
17B-1-102, as last amended by Laws of Utah 2021, Chapter 314  
17B-1-103, as last amended by Laws of Utah 2018, Chapter 256  
17B-1-104, as last amended by Laws of Utah 2009, Chapter 92  
17B-1-104.5, as enacted by Laws of Utah 2011, Chapter 68  
17B-1-105, as last amended by Laws of Utah 2009, Chapter 350  
17B-1-106, as last amended by Laws of Utah 2021, Chapters 84, 162, 345, and 382  
17B-1-107, as last amended by Laws of Utah 2015, Chapter 349

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**17B-1-110**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-111**, as last amended by Laws of Utah 2021, Chapter 355  
**17B-1-113**, as last amended by Laws of Utah 2019, Chapter 37  
**17B-1-114**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-1-115**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-1-116**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-1-118**, as last amended by Laws of Utah 2021, Chapter 35  
**17B-1-119**, as repealed and reenacted by Laws of Utah 2013, Chapter 309  
**17B-1-120**, as enacted by Laws of Utah 2011, Chapter 205  
**17B-1-121**, as last amended by Laws of Utah 2021, Chapter 35  
**17B-1-201**, as last amended by Laws of Utah 2011, Chapter 68  
**17B-1-202**, as last amended by Laws of Utah 2020, Chapter 354  
**17B-1-203**, as last amended by Laws of Utah 2017, Chapter 112  
**17B-1-204**, as last amended by Laws of Utah 2011, Chapter 68  
**17B-1-205**, as last amended by Laws of Utah 2011, Chapter 68  
**17B-1-207**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-208**, as last amended by Laws of Utah 2017, Chapter 112  
**17B-1-209**, as last amended by Laws of Utah 2011, Chapter 68  
**17B-1-210**, as last amended by Laws of Utah 2011, Chapter 68  
**17B-1-211**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355  
**17B-1-212**, as last amended by Laws of Utah 2022, Chapter 381  
**17B-1-213**, as last amended by Laws of Utah 2022, Chapter 381  
**17B-1-214**, as last amended by Laws of Utah 2017, Chapter 404  
**17B-1-215**, as last amended by Laws of Utah 2014, Chapter 405  
**17B-1-216**, as last amended by Laws of Utah 2009, Chapter 350  
**17B-1-217**, as last amended by Laws of Utah 2013, Chapter 448  
**17B-1-301**, as last amended by Laws of Utah 2018, Chapter 424  
**17B-1-302**, as last amended by Laws of Utah 2022, Chapter 381  
**17B-1-303**, as last amended by Laws of Utah 2022, Chapter 381  
**17B-1-304**, as last amended by Laws of Utah 2022, Chapter 381  
**17B-1-305**, as last amended by Laws of Utah 2014, Chapter 362

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**17B-1-306**, as last amended by Laws of Utah 2022, Chapters 18, 381  
**17B-1-306.5**, as last amended by Laws of Utah 2014, Chapter 377  
**17B-1-307**, as last amended by Laws of Utah 2022, Chapter 381  
**17B-1-308**, as last amended by Laws of Utah 2019, Chapter 40  
**17B-1-310**, as last amended by Laws of Utah 2013, Chapter 448  
**17B-1-311**, as last amended by Laws of Utah 2021, Chapter 51  
**17B-1-312**, as last amended by Laws of Utah 2018, Chapter 200  
**17B-1-313**, as last amended by Laws of Utah 2021, Chapter 355  
**17B-1-314**, as enacted by Laws of Utah 2011, Chapter 106  
**17B-1-401**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-402**, as last amended by Laws of Utah 2011, Chapter 68  
**17B-1-403**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-404**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-405**, as last amended by Laws of Utah 2009, Chapter 350  
**17B-1-406**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-407**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-408**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-409**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-410**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-411**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-412**, as last amended by Laws of Utah 2010, Chapter 263  
**17B-1-413**, as last amended by Laws of Utah 2021, Chapters 84, 345  
**17B-1-414**, as last amended by Laws of Utah 2020, Chapter 122  
**17B-1-415**, as last amended by Laws of Utah 2011, Chapter 223  
**17B-1-416**, as last amended by Laws of Utah 2011, Chapter 68  
**17B-1-417**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355  
**17B-1-418**, as last amended by Laws of Utah 2015, Chapter 349  
**17B-1-501**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-1-502**, as last amended by Laws of Utah 2016, Chapters 176, 348  
**17B-1-503**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 7  
**17B-1-504**, as renumbered and amended by Laws of Utah 2007, Chapter 329

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**17B-1-505**, as last amended by Laws of Utah 2017, Chapter 404  
**17B-1-505.5**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355  
**17B-1-506**, as last amended by Laws of Utah 2011, Chapter 297  
**17B-1-507**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-508**, as last amended by Laws of Utah 2015, Chapter 436  
**17B-1-509**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-510**, as last amended by Laws of Utah 2015, Chapter 436  
**17B-1-511**, as last amended by Laws of Utah 2014, Chapter 377  
**17B-1-512**, as last amended by Laws of Utah 2017, Chapter 404  
**17B-1-513**, as last amended by Laws of Utah 2016, Chapter 140  
**17B-1-601**, as last amended by Laws of Utah 2014, Chapter 253  
**17B-1-602**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-603**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-604**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-605**, as last amended by Laws of Utah 2013, Chapter 295  
**17B-1-606**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-607**, as last amended by Laws of Utah 2015, Chapter 436  
**17B-1-608**, as last amended by Laws of Utah 2022, Chapter 330  
**17B-1-609**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355  
**17B-1-612**, as last amended by Laws of Utah 2021, Chapter 339  
**17B-1-613**, as last amended by Laws of Utah 2016, Chapter 353  
**17B-1-614**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-615**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-617**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-618**, as last amended by Laws of Utah 2022, Chapter 381  
**17B-1-619**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-620**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-621**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-623**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-1-626**, as last amended by Laws of Utah 2014, Chapter 253  
**17B-1-627**, as last amended by Laws of Utah 2009, Chapter 204

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**17B-1-629**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-631**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-632**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-633**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-635**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-639**, as last amended by Laws of Utah 2013, Chapter 448  
**17B-1-640**, as last amended by Laws of Utah 2013, Chapter 448  
**17B-1-641**, as last amended by Laws of Utah 2018, Chapter 256  
**17B-1-642**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-643**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15  
**17B-1-644**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-645**, as enacted by Laws of Utah 2010, Chapter 171  
**17B-1-701**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-702**, as last amended by Laws of Utah 2018, Chapter 424  
**17B-1-703**, as last amended by Laws of Utah 2018, Chapter 424  
**17B-1-801**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-802**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-803**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-804**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-805**, as enacted by Laws of Utah 2018, Chapter 154  
**17B-1-901**, as last amended by Laws of Utah 2015, Chapter 260  
**17B-1-902**, as last amended by Laws of Utah 2018, Chapter 197  
**17B-1-902.1**, as enacted by Laws of Utah 2015, Chapter 349  
**17B-1-903**, as last amended by Laws of Utah 2015, Chapter 349  
**17B-1-904**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-905**, as enacted by Laws of Utah 2011, Chapter 106  
**17B-1-906**, as enacted by Laws of Utah 2011, Chapter 106  
**17B-1-1001**, as last amended by Laws of Utah 2019, Chapter 255  
**17B-1-1002**, as last amended by Laws of Utah 2015, Chapter 352  
**17B-1-1003**, as last amended by Laws of Utah 2019, Chapter 255  
**17B-1-1101**, as last amended by Laws of Utah 2008, Chapter 360

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**17B-1-1102**, as last amended by Laws of Utah 2021, Chapters 314, 415  
**17B-1-1103**, as last amended by Laws of Utah 2008, Chapter 360  
**17B-1-1104**, as last amended by Laws of Utah 2008, Chapter 360  
**17B-1-1105**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-1-1107**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-1-1201**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-1-1202**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-1-1204**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355  
**17B-1-1207**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-1-1301**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-1302**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-1303**, as last amended by Laws of Utah 2017, Chapter 248  
**17B-1-1304**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-1305**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-1-1306**, as last amended by Laws of Utah 2017, Chapter 248  
**17B-1-1307**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355  
**17B-1-1308**, as last amended by Laws of Utah 2017, Chapter 248  
**17B-1-1309**, as enacted by Laws of Utah 2017, Chapter 248  
**17B-1-1310**, as enacted by Laws of Utah 2017, Chapter 248  
**17B-1-1401**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-1-1402**, as last amended by Laws of Utah 2011, Chapter 68  
**17B-1-1403**, as enacted by Laws of Utah 2020, Chapter 122  
**17B-2a-102**, as last amended by Laws of Utah 2014, Chapter 194  
**17B-2a-104**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-2a-203**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-2a-205**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-2a-209**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-2a-303**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-2a-304**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-2a-402**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-2a-403**, as last amended by Laws of Utah 2016, Chapters 273, 346

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**17B-2a-502**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-2a-503**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-2a-602**, as last amended by Laws of Utah 2019, Chapter 430  
**17B-2a-603**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-2a-702**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-2a-703**, as last amended by Laws of Utah 2019, Chapter 37  
**17B-2a-802**, as last amended by Laws of Utah 2022, Chapters 69, 406  
**17B-2a-803**, as last amended by Laws of Utah 2016, Chapter 273 and last amended by  
Coordination Clause, Laws of Utah 2016, Chapter 273  
**17B-2a-804**, as last amended by Laws of Utah 2022, Chapters 69, 406  
**17B-2a-817**, as last amended by Laws of Utah 2013, Chapter 415  
**17B-2a-902**, as last amended by Laws of Utah 2014, Chapter 189  
**17B-2a-903**, as last amended by Laws of Utah 2009, Chapter 218  
**17B-2a-904**, as enacted by Laws of Utah 2007, Chapter 329  
**17B-2a-907**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
**17B-2a-1003**, as last amended by Laws of Utah 2019, Chapter 430  
**17B-2a-1004**, as last amended by Laws of Utah 2011, Chapter 47  
**17B-2a-1007**, as last amended by Laws of Utah 2021, Chapter 355  
**17B-2a-1102**, as last amended by Laws of Utah 2015, Chapter 352  
**17B-2a-1104**, as last amended by Laws of Utah 2022, Chapter 381  
**17B-2a-1106**, as last amended by Laws of Utah 2019, Chapter 24  
**17C-1-102**, as last amended by Laws of Utah 2021, Chapter 214  
**17C-1-409**, as last amended by Laws of Utah 2022, Chapter 307  
**17D-1-102**, as last amended by Laws of Utah 2014, Chapter 377  
**17D-1-103**, as last amended by Laws of Utah 2020, Chapter 354  
**17D-1-106**, as last amended by Laws of Utah 2020, Chapter 122  
**17D-1-202**, as enacted by Laws of Utah 2008, Chapter 360  
**17D-1-303**, as last amended by Laws of Utah 2014, Chapter 377  
**17D-1-305**, as enacted by Laws of Utah 2008, Chapter 360  
**17D-1-401**, as last amended by Laws of Utah 2015, Chapter 437  
**17D-1-601**, as last amended by Laws of Utah 2013, Chapter 371



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**17D-1-603**, as last amended by Laws of Utah 2013, Chapter 371  
**17D-1-604**, as enacted by Laws of Utah 2013, Chapter 371  
**17D-2-102**, as enacted by Laws of Utah 2008, Chapter 360  
**17D-2-108**, as last amended by Laws of Utah 2012, Chapter 347  
**17D-3-105**, as last amended by Laws of Utah 2020, Chapter 122  
**17D-4-102**, as last amended by Laws of Utah 2022, Chapters 82, 237  
**17D-4-103**, as renumbered and amended by Laws of Utah 2021, Chapter 314  
**17D-4-201**, as renumbered and amended by Laws of Utah 2021, Chapter 314  
**17D-4-203**, as last amended by Laws of Utah 2022, Chapter 82  
**17D-4-204**, as renumbered and amended by Laws of Utah 2021, Chapter 314  
**17D-4-301**, as last amended by Laws of Utah 2022, Chapter 207  
**20A-1-102**, as last amended by Laws of Utah 2022, Chapters 18, 170  
**20A-1-201**, as last amended by Laws of Utah 2014, Chapter 362  
**20A-1-202**, as last amended by Laws of Utah 2014, Chapter 362  
**20A-1-206**, as last amended by Laws of Utah 2022, Chapter 167  
**20A-1-512**, as last amended by Laws of Utah 2021, Chapters 77, 84 and 345  
**20A-1-513**, as last amended by Laws of Utah 2021, Chapter 93  
**20A-2-101**, as last amended by Laws of Utah 2019, Chapter 433  
**20A-3a-102**, as renumbered and amended by Laws of Utah 2020, Chapter 31  
**20A-3a-104**, as renumbered and amended by Laws of Utah 2020, Chapter 31  
**20A-3a-501**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 17  
**20A-3a-605**, as renumbered and amended by Laws of Utah 2020, Chapter 31  
**20A-4-301**, as last amended by Laws of Utah 2014, Chapter 377  
**20A-4-304**, as last amended by Laws of Utah 2022, Chapter 342  
**20A-4-305**, as last amended by Laws of Utah 2008, Chapter 228  
**20A-4-401**, as last amended by Laws of Utah 2020, Chapter 31  
**20A-5-302**, as last amended by Laws of Utah 2020, Chapters 31, 49  
**20A-5-400.5**, as last amended by Laws of Utah 2013, Chapter 415  
**20A-5-401**, as last amended by Laws of Utah 2020, Chapter 31  
**20A-5-403**, as last amended by Laws of Utah 2022, Chapter 18  
**20A-5-407**, as last amended by Laws of Utah 2020, Chapter 31

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**20A-5-601**, as last amended by Laws of Utah 2022, Chapter 18

**20A-5-602**, as last amended by Laws of Utah 2020, Chapter 31

**20A-9-101**, as last amended by Laws of Utah 2022, Chapters 13, 325

**20A-9-503**, as last amended by Laws of Utah 2022, Chapters 13, 18

**20A-11-101**, as last amended by Laws of Utah 2022, Chapter 126

**20A-11-1202**, as last amended by Laws of Utah 2020, Chapter 365

**20A-17-103**, as enacted by Laws of Utah 2015, Chapter 106

### ENACTS:

**17B-2a-407, Utah Code Annotated 1953**

### REPEALS:

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) a city;

(B) a town;

(C) a metro township;

(D) a school district;

(E) a ~~[local]~~ special district governed by ~~[Title 17B, Limited Purpose Local Government Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities - Special Districts;

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

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

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

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

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

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

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

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

(i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,

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that meets the requirements of Subsection 67-1a-6.5(3); and

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

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

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

(ii) the original certificate of boundary adjustment;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(1) As used in this section:

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

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

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

(ii) "Limited purpose entity" includes:

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

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

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

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

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

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

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

(H) interlocal entities, as that term is defined in Section 11-13-103;

(I) local building authorities, as that term is defined in Section 17D-2-102;

(J) ~~local~~ special districts, as that term is defined in Section 17B-1-102;

(K) local health departments, as that term is defined in Section 26A-1-102;

(L) nonprofit corporations that receive an amount of money requiring an accounting report under Section 51-2a-201.5;

(M) school districts under Title 53G, Chapter 3, School District Creation and Change; and

(N) special service districts, as that term is defined in Section 17D-1-102.

(b) "Local government entity" means a municipality, as that term is defined in Section 10-1-104.

(2) Beginning on July 1, 2019, each county shall list on the county's website any of the following information that the lieutenant governor publishes in a registry of local government entities and limited purpose entities regarding each limited purpose entity and local government entity that operates, either in whole or in part, within the county or has geographic boundaries that overlap or are contained within the boundaries of the county:

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- (a) the entity's name;
- (b) the entity's type of local government entity or limited purpose entity;
- (c) the entity's governmental function;
- (d) the entity's physical address and phone number, including the name and contact information of an individual whom the entity designates as the primary contact for the entity;
- (e) names of the members of the entity's governing board or commission, managing officers, or other similar managers;
- (f) the entity's sources of revenue; and
- (g) if the entity has created an assessment area, as that term is defined in Section 11-42-102, information regarding the creation, purpose, and boundaries of the assessment area.

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

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

- (1) The sheriff shall:
  - (a) preserve the peace;
  - (b) make all lawful arrests;
  - (c) attend in person or by deputy the Supreme Court and the Court of Appeals when required or when the court is held within his county, all courts of record, and court commissioner and referee sessions held within his county, obey their lawful orders and directions, and comply with the court security rule, Rule 3-414, of the Utah Code of Judicial Administration;
  - (d) upon request of the juvenile court, aid the court in maintaining order during hearings and transport a minor to and from youth corrections facilities, other institutions, or other designated places;
  - (e) attend county justice courts if the judge finds that the matter before the court requires the sheriff's attendance for security, transportation, and escort of jail prisoners in his custody, or for the custody of jurors;
  - (f) command the aid of as many inhabitants of his county as he considers necessary in the execution of these duties;
  - (g) take charge of and keep the county jail and the jail prisoners;
  - (h) receive and safely keep all persons committed to his custody, file and preserve the commitments of those persons, and record the name, age, place of birth, and description of

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each person committed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) is subject to the direction of the police [~~local~~] special district board of trustees or police interlocal entity governing body, as the case may be, as and to the extent provided by agreement between the police [~~local~~] special district or police interlocal entity, respectively, and the sheriff.

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

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

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

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

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

(1) As used in this section:

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

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



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

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

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

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

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

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

(3) This type of map shall show:

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

(b) the date of survey;

(c) the scale of drawing and north point;

(d) the distance and course of all lines traced or established, giving the basis of bearing and the distance and course to two or more section corners or quarter corners, including township and range, or to identified monuments within a recorded subdivision;

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

(f) a written boundary description of property surveyed;

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

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

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

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

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

(i) the purpose of the survey;

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(ii) the basis on which the lines were established; and  
(iii) the found monuments and deed elements that controlled the established or reestablished lines.

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

- (i) the location of the survey by quarter section and by township and range;
- (ii) the date of the survey;
- (iii) the surveyor's stamp or seal; and
- (iv) the surveyor's business name and address.

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

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

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

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

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

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

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

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

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

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

As used in this chapter:

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

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

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

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

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

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

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

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

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

(a) a single project;

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

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

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

(6) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product,

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or service that is not sold, offered, or existing on the property where the sign is located.

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

(i) an operating charter school;

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

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

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

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

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

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

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

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

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

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

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

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

(d) (i) either:

(A) no person uses or occupies; or

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

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

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

(13) "Development activity" means:

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

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

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

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

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

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

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

(16) "Educational facility":

(a) means:

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

(ii) a structure or facility:

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

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

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

(b) does not include:

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

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

(B) used in support of the purposes of a building described in Subsection (16)(a)(i); or  
(ii) a therapeutic school.

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

(18) "Flood plain" means land that:

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

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

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

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

(a) the unincorporated land within the county; or

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

(21) "Geologic hazard" means:

(a) a surface fault rupture;

(b) shallow groundwater;

(c) liquefaction;

(d) a landslide;

(e) a debris flow;

(f) unstable soil;

(g) a rock fall; or

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

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- (i) to life;
- (ii) of substantial loss of real property; or
- (iii) of substantial damage to real property.

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

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

- (a) are clearly marked as "identical plans";
- (b) are substantially identical building plans that were previously submitted to and reviewed and approved by the county; and
- (c) describe a building that:
  - (i) is located on land zoned the same as the land on which the building described in the previously approved plans is located;
  - (ii) is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans;
  - (iii) has a floor plan identical to the building plan previously submitted to and reviewed and approved by the county; and
  - (iv) does not require any additional engineering or analysis.

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

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

- (a) recording a subdivision plat; or
- (b) development of a commercial, industrial, mixed use, or multifamily project.

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

- (a) complies with the county's written standards for design, materials, and workmanship; and
- (b) will not fail in any material respect, as a result of poor workmanship or materials,

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within the improvement warranty period.

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

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

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

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

(ii) has substantial evidence, on record:

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

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

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

(a) is required for human consumption; and

(b) an applicant must install:

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

(ii) as a condition of:

(A) recording a subdivision plat;

(B) obtaining a building permit; or

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

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

(a) runs with the land; and

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

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

(30) "Interstate pipeline company" means a person or entity engaged in natural gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under



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the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

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

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

(33) "Land use application":

(a) means an application that is:

(i) required by a county; and

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

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

(34) "Land use authority" means:

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

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

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

(a) a land use permit;

(b) a land use application; or

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

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

(37) "Land use regulation":

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

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

(c) does not include:

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

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

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

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

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

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

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

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

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

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

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

(i) creates an additional lot; or

(ii) constitutes a subdivision.

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

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

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

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

or

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

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

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

~~[(43)]~~ (42) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the

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median gross income for households of the same size in the county in which the housing is located.

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

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

- (a) verifying that building plans are identical plans; and
- (b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

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

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

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

- (a) legally existed before the current land use designation;
- (b) has been maintained continuously since the time the land use ordinance regulation governing the land changed; and
- (c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

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

- (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
- (b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
- (c) has been adopted as an element of the county's general plan.

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

~~[(50)]~~ (49) (a) "Parcel boundary adjustment" means a recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary

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line agreement in accordance with Section 17-27a-523, if no additional parcel is created and:

- (i) none of the property identified in the agreement is a lot; or
- (ii) the adjustment is to the boundaries of a single person's parcels.
- (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary

line that:

- (i) creates an additional parcel; or
- (ii) constitutes a subdivision.
- (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by the Department of Transportation.

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

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

- (a) an estimate of the existing supply of moderate income housing located within the county;
- (b) an estimate of the need for moderate income housing in the county for the next five years;
- (c) a survey of total residential land use;
- (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
- (e) a description of the county's program to encourage an adequate supply of moderate income housing.

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

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

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

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

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

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

(a) the federal government;

(b) the state;

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

(d) a charter school.

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

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

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

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

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

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

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

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

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

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

- (a) parliamentary order and procedure;
- (b) ethical behavior; and
- (c) civil discourse.

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

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

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

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

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

(67) "Specified public agency" means:

- (a) the state;
- (b) a school district; or
- (c) a charter school.

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

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

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

(b) "Subdivision" includes:

- (i) the division or development of land, whether by deed, metes and bounds

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description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

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

(c) "Subdivision" does not include:

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

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

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

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

(B) joining a lot to a parcel;

(iv) a bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:

(A) an electrical transmission line or a substation;

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

(C) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility;

(v) a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Sections 17-27a-523 and 17-27a-608 if:

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

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

(vi) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:

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

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

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

(vii) a parcel boundary adjustment;

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- (viii) a lot line adjustment;
- (ix) a road, street, or highway dedication plat;
- (x) a deed or easement for a road, street, or highway purpose; or
- (xi) any other division of land authorized by law.

(71) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 17-27a-608 that:

- (a) vacates all or a portion of the subdivision;
- (b) alters the outside boundary of the subdivision;
- (c) changes the number of lots within the subdivision;
- (d) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or

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

(72) "Substantial evidence" means evidence that:

- (a) is beyond a scintilla; and
- (b) a reasonable mind would accept as adequate to support a conclusion.

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

- (a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
- (b) bedrock units with high shrink or swell susceptibility; or
- (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

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

- (a) for four or more individuals who are not related to:
  - (i) the owner of the facility; or
  - (ii) the primary service provider of the facility;
- (b) that serves students who have a history of failing to function:
  - (i) at home;
  - (ii) in a public school; or
  - (iii) in a nonresidential private school; and
- (c) that offers:
  - (i) room and board; and



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(ii) an academic education integrated with:

(A) specialized structure and supervision; or

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

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

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

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

(a) each of the rights listed in Section 73-1-11; and

(b) an ownership interest in the right to the beneficial use of water represented by:

(i) a contract; or

(ii) a share in a water company, as defined in Section 73-3-3.5.

(78) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

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

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

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

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

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

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

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

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

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

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

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

(3) A county may not:

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) provide a walk-through of school construction at no cost and at a time convenient to the district or charter school; and

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

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

(i) a county building inspector;

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

(B) for a charter school, a school district building inspector from the school district in which the charter school is located; or

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

(A) not an employee of the contractor;

(B) approved by:

(I) a county building inspector; or

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

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

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which the charter school is located; and

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

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

(c) If a school district or charter school uses a school district or independent building inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall submit to the state superintendent of public instruction and county building official, on a monthly basis during construction of the school building, a copy of each inspection certificate regarding the school building.

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

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

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

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

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

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

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

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

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

(iv) A certificate authorizing permanent occupancy issued by the state superintendent

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of public instruction under Subsection 53E-3-706(3) or a school district official with authority to issue the certificate shall be considered to satisfy any county requirement for an inspection or a certificate of occupancy.

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

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

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

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

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

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

(D) any credit against an impact fee; and

(E) the potential for waiving an impact fee.

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

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

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

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

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

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

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

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

(A) "Police interlocal entity" means an interlocal entity, as defined in Section

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11-13-103, that is created:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Appointment to fill a vacancy resulting other than from expiration of term shall be

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for the unexpired portion of the term only.

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

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

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

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

(1) As used in this section:

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

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

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

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

(e) "Base year revenue" means the amount of revenue generated by a transient room tax and collected by a county for fiscal year 2018-19.

(f) "Base year promotion expenditure" means the amount of revenue generated by a transient room tax that a county spent for the purpose described in Subsection (2)(a) during fiscal year 2018-19.

(g) "Economic diversification activity" means an economic development activity that is reasonably similar to, supplements, or expands any economic program as administered by the state or the Governor's Office of Economic Opportunity.

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

(i) is located within a county that has a national park within or partially within the county's boundaries; and

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

(i) "Emergency medical services provider" means an eligible town, a ~~local~~ special district, or a special service district.

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(j) "Tourism" means an activity to develop, encourage, solicit, or market tourism that attracts transient guests to the county, including planning, development, and advertising for the purpose described in Subsection (2)(a)(i).

(k) "Town" means a municipality that is classified as a town in accordance with Section 10-2-301.

(l) "Transient room tax" means a tax at a rate not to exceed 4.25% authorized by Section 59-12-301.

(2) Subject to the requirements of this section, a county legislative body may impose the transient room tax for the purposes of:

(a) establishing and promoting:

(i) tourism;

(ii) recreation, film production, and conventions; or

(iii) an economic diversification activity if:

(A) the county is a county of the fourth, fifth, or sixth class;

(B) the county has more than one national park within or partially within the county's boundaries; and

(C) the county has a base population of 9,000 or more according to current United States census data;

(b) acquiring, leasing, constructing, furnishing, maintaining, or operating:

(i) convention meeting rooms;

(ii) exhibit halls;

(iii) visitor information centers;

(iv) museums;

(v) sports and recreation facilities including practice fields, stadiums, and arenas;

(vi) related facilities;

(vii) if a national park is located within or partially within the county's boundaries, the following on any route designated by the county legislative body:

(A) transit service, including shuttle service; and

(B) parking infrastructure; and

(viii) an airport, if:

(A) the county is a county of the fourth, fifth, or sixth class; and



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(B) the county is the airport operator of the airport;

(c) acquiring land, leasing land, or making payments for construction or infrastructure improvements required for or related to the purposes listed in Subsection (2)(b);

(d) as required to mitigate the impacts of recreation, tourism, or conventions in counties of the fourth, fifth, and sixth class, paying for:

(i) solid waste disposal operations;

(ii) emergency medical services;

(iii) search and rescue activities;

(iv) law enforcement activities; and

(v) road repair and upgrade of:

(A) class B roads, as defined in Section 72-3-103;

(B) class C roads, as defined in Section 72-3-104; or

(C) class D roads, as defined in Section 72-3-105; and

(e) making the annual payment of principal, interest, premiums, and necessary reserves for any of the aggregate of bonds authorized under Subsection (5).

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

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

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

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

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

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

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

(5) (a) The county legislative body may issue bonds or cause bonds to be issued, as permitted by law, to pay all or part of any costs incurred for the purposes set forth in

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Subsections (2)(b) through (2)(d) that are permitted to be paid from bond proceeds.

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

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

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

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

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

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

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

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

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

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

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

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

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eligible towns.

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

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

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

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

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

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

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

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

(d) A county legislative body may not expend:

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

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

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

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

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

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

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

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

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

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

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

(iii) a combination of these sources.

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

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

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

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

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

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

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

(1) (a) The budget for each fund shall provide a complete financial plan for the budget

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period and shall contain in tabular form classified by the account titles as required by the uniform system of budgeting, accounting, and reporting:

- (i) estimates of all anticipated revenues;
- (ii) all appropriations for expenditures; and
- (iii) any additional data required by Section 17-36-10 or by the uniform system of

budgeting, accounting, and reporting.

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

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

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

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

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

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

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

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

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

### **17-41-101. Definitions.**

As used in this chapter:

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(1) "Advisory board" means:

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

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

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

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

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

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

(4) "Applicable legislative body" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) forages and sod crops;

(ii) grains and feed crops;

(iii) livestock as defined in Section 59-2-102;

(iv) trees and fruits; or

(v) vegetables, nursery, floral, and ornamental stock; or

(b) land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.

(11) "Division" means the Division of Oil, Gas, and Mining created in Section 40-6-15.

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

(13) "Mine operator" means a natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, including a successor, assign, affiliate, subsidiary, and related parent company, that, as of January 1, 2019:

(a) owns, controls, or manages a mining use under a large mine permit issued by the division or the board; and

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(b) has produced commercial quantities of a mineral deposit from the mining use.

(14) "Mineral deposit" means the same as that term is defined in Section 40-8-4.

(15) "Mining protection area" means land where a vested mining use occurs, including each surface or subsurface land or mineral estate that a mine operator with a vested mining use owns or controls.

(16) "Mining use":

(a) means:

(i) the full range of activities, from prospecting and exploration to reclamation and closure, associated with the exploitation of a mineral deposit; and

(ii) the use of the surface and subsurface and groundwater and surface water of an area in connection with the activities described in Subsection (16)(a)(i) that have been, are being, or will be conducted; and

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

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

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

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

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

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

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

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

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

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

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



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(xi) an activity described in Subsection 40-8-4(17)(a).

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

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

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

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

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

(21) "Planning commission" means:

(a) a countywide planning commission if the land proposed to be included in the agriculture protection area, industrial protection area, or critical infrastructure materials protection area is within the unincorporated part of the county and not within a planning advisory area;

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

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

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

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

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

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

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

(a) by a mine operator; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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provider.

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

(5) Each local substance abuse authority shall:

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

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

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

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

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

(d) appoint directly or by contract a full or part time director for substance abuse programs, and prescribe the director's duties;

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

(f) establish and require contract providers to establish administrative, clinical, procurement, personnel, financial, and management policies regarding substance abuse services and facilities, in accordance with the rules of the division, and state and federal law;

(g) establish mechanisms allowing for direct citizen input;

(h) annually contract with the division to provide substance abuse programs and services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and Mental Health Act;

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

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(j) promote or establish programs for the prevention of substance abuse within the community setting through community-based prevention programs;

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

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

(m) for persons convicted of driving under the influence in violation of Section 41-6a-502 or 41-6a-517, conduct the following as defined in Section 41-6a-501:

(i) a screening;

(ii) an assessment;

(iii) an educational series; and

(iv) substance abuse treatment; and

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

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

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

(i) the division;

(ii) the local substance abuse authority director;

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

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

(iv) the county legislative body; and

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

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

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

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

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

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

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

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

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

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

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

(iii) may include:

(A) counseling;

(B) case management; or

(C) a support group; and

(iv) shall include a referral for:

(A) prenatal care; and

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

(10) If a substance abuse treatment program described in Subsection (9) is not able to

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accept and admit a pregnant woman or pregnant minor under Subsection (9) within 48 hours of the time that request for admission is made, the local substance abuse authority shall contact the Division of Integrated Healthcare for assistance in providing services to the pregnant woman or pregnant minor.

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

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

(1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(vii) establish mechanisms allowing for direct citizen input;

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

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

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

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

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

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

(i) inpatient care and services;

(ii) residential care and services;

(iii) outpatient care and services;

(iv) 24-hour crisis care and services;

(v) psychotropic medication management;

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

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(vii) case management;

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

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

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

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

(i) collaborate with the statewide mental health crisis line described in Section 62A-15-1302;

(ii) ensure that each individual who answers calls to the local mental health crisis line:

(A) is a mental health therapist or a crisis worker; and

(B) meets the standards of care and practice established by the Division of Integrated Healthcare, in accordance with Section 62A-15-1302; and

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

(A) waiting on hold; or

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

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

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

(a) the entity's financial records and other records relevant to the entity's performance

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of the services provided to the mental health authority shall be subject to examination by:

- (i) the division;
- (ii) the local mental health authority director;
- (iii) (A) the county treasurer and county or district attorney; or  
(B) if two or more counties jointly provide mental health services under an agreement under Subsection (3), the designated treasurer and the designated legal officer;
- (iv) the county legislative body; and
- (v) in a county with a county executive that is separate from the county legislative body, the county executive;

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

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

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

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

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

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

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

(1) For purposes of this section:

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

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

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

~~[(A) by statute is a political and corporate entity separate from the county that created~~

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it, and]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) on or before November 1 of the year immediately following the year of the election

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described in Section 17-52a-501 in which the optional plan is approved, the county legislative body shall:

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

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

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

(c) the proposed optional plan:

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

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

(iii) is judicially noticeable by all courts;

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

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

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

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

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

(a) school district;

(b) justice court;

(c) ~~[local]~~ special district under ~~[Title 17B, Limited Purpose Local Government~~

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~~Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities - Special Districts;

- (d) special service district under Title 17D, Chapter 1, Special Service District Act;
- (e) city or town; or
- (f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal

Cooperation Act.

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

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

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

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

### **TITLE 17B. ~~{ }~~ LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES - SPECIAL DISTRICTS**

#### **CHAPTER 1. ~~{ }~~ PROVISIONS APPLICABLE TO ALL SPECIAL DISTRICTS**

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

As used in this title:

- (1) "Appointing authority" means the person or body authorized to make an appointment to the board of trustees.
- (2) "Basic ~~[local]~~ special district":
  - (a) means a ~~[local]~~ special district that is not a specialized ~~[local]~~ special district; and
  - (b) includes an entity that was, under the law in effect before April 30, 2007, created and operated as a ~~[local]~~ special district, as defined under the law in effect before April 30, 2007.
- (3) "Bond" means:
  - (a) a written obligation to repay borrowed money, whether denominated a bond, note, warrant, certificate of indebtedness, or otherwise; and
  - (b) a lease agreement, installment purchase agreement, or other agreement that:
    - (i) includes an obligation by the district to pay money; and
    - (ii) the district's board of trustees, in its discretion, treats as a bond for purposes of Title

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11, Chapter 14, Local Government Bonding Act, or Title 11, Chapter 27, Utah Refunding Bond Act.

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

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

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

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

(8) "General obligation bond":

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

(i) levied:

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

(B) on taxable property within the district; and

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

and

(b) does not include:

(i) a short-term bond;

(ii) a tax and revenue anticipation bond; or

(iii) a special assessment bond.

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



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security:

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

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

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

(i) provide the requested service; or

(ii) commit to provide the requested service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) the United States or an agency of the United States;
- (b) the state or an agency of the state;
- (c) a political subdivision of the state or an agency of a political subdivision of the state;

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

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

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

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

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

(b) does not include:

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

(ii) a tax and revenue anticipation bond; or

(iii) a special assessment bond.

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

(a) parliamentary order and procedure;

(b) ethical behavior; and

(c) civil discourse.

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

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

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

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

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

(30) "Special district" means a limited purpose local government entity, as described in

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Section 17B-1-103, that operates under, is subject to, and has the powers described in:

- (a) this chapter; or
- (b) (i) this chapter; and
- (ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;
- (B) Chapter 2a, Part 2, Drainage District Act;
- (C) Chapter 2a, Part 3, Fire Protection District Act;
- (D) Chapter 2a, Part 4, Improvement District Act;
- (E) Chapter 2a, Part 5, Irrigation District Act;
- (F) Chapter 2a, Part 6, Metropolitan Water District Act;
- (G) Chapter 2a, Part 7, Mosquito Abatement District Act;
- (H) Chapter 2a, Part 8, Public Transit District Act;
- (I) Chapter 2a, Part 9, Service Area Act;
- (J) Chapter 2a, Part 10, Water Conservancy District Act; or
- (K) Chapter 2a, Part 11, Municipal Services District Act.

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

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

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

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

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

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

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

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

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

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

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

(a) is:

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

(ii) a quasi-municipal corporation; and

(iii) a political subdivision of the state; and

(b) may sue and be sued.

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

(a) acquire, by any lawful means, or lease any real property, personal property, or a groundwater right necessary or convenient to the full exercise of the district's powers;

(b) acquire, by any lawful means, any interest in real property, personal property, or a groundwater right necessary or convenient to the full exercise of the district's powers;

(c) transfer an interest in or dispose of any property or interest described in Subsections (2)(a) and (b);

(d) acquire or construct works, facilities, and improvements necessary or convenient to the full exercise of the district's powers, and operate, control, maintain, and use those works, facilities, and improvements;

(e) borrow money and incur indebtedness for any lawful district purpose;

(f) issue bonds, including refunding bonds:

(i) for any lawful district purpose; and

(ii) as provided in and subject to ~~[Part 11, Local District Bonds]~~ Part 11, Special

District Bonds;

(g) levy and collect property taxes:

(i) for any lawful district purpose or expenditure, including to cover a deficit resulting from tax delinquencies in a preceding year; and

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(ii) as provided in and subject to [~~Part 10, Local District Property Tax Levy~~] Part 10, Special District Property Tax Levy;

(h) as provided in Title 78B, Chapter 6, Part 5, Eminent Domain, acquire by eminent domain property necessary to the exercise of the district's powers;

(i) invest money as provided in Title 51, Chapter 7, State Money Management Act;

(j) (i) impose fees or other charges for commodities, services, or facilities provided by the district, to pay some or all of the district's costs of providing the commodities, services, and facilities, including the costs of:

(A) maintaining and operating the district;

(B) acquiring, purchasing, constructing, improving, or enlarging district facilities;

(C) issuing bonds and paying debt service on district bonds; and

(D) providing a reserve established by the board of trustees; and

(ii) take action the board of trustees considers appropriate and adopt regulations to assure the collection of all fees and charges that the district imposes;

(k) if applicable, charge and collect a fee to pay for the cost of connecting a customer's property to district facilities in order for the district to provide service to the property;

(l) enter into a contract that the [~~local~~] special district board of trustees considers necessary, convenient, or desirable to carry out the district's purposes, including a contract:

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

(ii) to indemnify and save harmless; or

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

(m) purchase supplies, equipment, and materials;

(n) encumber district property upon terms and conditions that the board of trustees considers appropriate;

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

(p) construct and maintain works and establish and maintain facilities, including works or facilities:

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

(A) promptly restores the street or highway, as much as practicable, to its former state of usefulness; and

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(B) does not use the street or highway in a manner that completely or unnecessarily impairs the usefulness of it;

(ii) in, upon, or over any vacant public lands that are or become the property of the state, including school and institutional trust lands, as defined in Section 53C-1-103, if the director of the School and Institutional Trust Lands Administration, acting under Sections 53C-1-102 and 53C-1-303, consents; or

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

(q) perform any act or exercise any power reasonably necessary for the efficient operation of the ~~[local]~~ special district in carrying out its purposes;

(r) (i) except for a ~~[local]~~ special district described in Subsection (2)(r)(ii), designate an assessment area and levy an assessment on land within the assessment area, as provided in Title 11, Chapter 42, Assessment Area Act; or

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

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

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

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

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

(ii) to allow the use of property:

(A) owned by the district; or

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

(u) if the ~~[local]~~ special district receives, as determined by the ~~[local]~~ special district

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board of trustees, adequate monetary or nonmonetary consideration in return:

- (i) provide services or nonmonetary assistance to a nonprofit entity;
- (ii) waive fees required to be paid by a nonprofit entity; or
- (iii) provide monetary assistance to a nonprofit entity, whether from the ~~[local]~~ special

district's own funds or from funds the ~~[local]~~ special district receives from the state or any other source.

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

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

- (i) an excavation and the refilling of an excavation;
- (ii) the relaying of pavement; and
- (iii) the protection of the public during a construction period; and

(b) the governmental entity, whether state, county, or municipal, with jurisdiction over the street or highway:

- (i) may not require the district to pay a license or permit fee or file a bond; and
- (ii) may require the district to pay a reasonable inspection fee.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

(1) For purposes of this title:

(a) the owner of real property shall be:

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

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

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

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

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

(iii) the county, for all other property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) For an election by groundwater right owners described in this title, each owner of a groundwater right is entitled to cast one vote.

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the original:

(I) notice of an impending name change; and

(II) certificate of name change; and

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

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

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

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

(II) a certified copy of the resolution approving the name change; and

(B) submit to the recorder of each other county:

(I) a certified copy of the documents listed in Subsections (4)(c)(i)(A)(I) and (II); and

(II) a certified copy of the resolution approving the name change.

(d) (i) A name change under this Subsection (4) becomes effective upon the lieutenant governor's issuance of a certificate of name change under Section 67-1a-6.7.

(ii) Notwithstanding Subsection (4)(d)(i), the ~~[local]~~ special district may not operate under the new name until the documents listed in Subsection (4)(c) are recorded in the office of the recorder of each county in which the ~~[local]~~ special district is located.

Section 21. Section **17B-1-106** is amended to read:

**17B-1-106. Notice before preparing or amending a long-range plan or acquiring certain property.**

(1) As used in this section: ~~§~~

(a) (i) "Affected entity" means each county, municipality, ~~[local]~~ special district under this title, special service district, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

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(A) whose services or facilities are likely to require expansion or significant modification because of an intended use of land; or

(B) that has filed with the ~~[local]~~ special district a copy of the general or long-range plan of the county, municipality, ~~[local]~~ special district, school district, interlocal cooperation entity, or specified public utility.

(ii) "Affected entity" does not include the ~~[local]~~ special district that is required under this section to provide notice.

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

(2) (a) If a ~~[local]~~ special district under this title located in a county of the first or second class prepares a long-range plan regarding the ~~[local]~~ special district's facilities proposed for the future or amends an already existing long-range plan, the ~~[local]~~ special district shall, before preparing a long-range plan or amendments to an existing long-range plan, provide written notice, as provided in this section, of the ~~[local]~~ special district's intent to prepare a long-range plan or to amend an existing long-range plan.

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

(i) indicate that the ~~[local]~~ special district intends to prepare a long-range plan or to amend a long-range plan, as the case may be;

(ii) describe or provide a map of the geographic area that will be affected by the long-range plan or amendments to a long-range plan;

(iii) be:

(A) sent to each county in whose unincorporated area and each municipality in whose boundaries is located the land on which the proposed long-range plan or amendments to a long-range plan are expected to indicate that the proposed facilities will be located;

(B) sent to each affected entity;

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

(D) sent to each association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality described in Subsection (2)(b)(iii)(A) is a member; and

(E) (I) placed on the Utah Public Notice Website created under Section 63A-16-601, if the ~~[local]~~ special district:

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(Aa) is required under Subsection 52-4-203(3) to use that website to provide public notice of a meeting; or

(Bb) voluntarily chooses to place notice on that website despite not being required to do so under Subsection (2)(b)(iii)(E)(I)(Aa); or

(II) the state planning coordinator appointed under Section 63J-4-401, if the ~~[local]~~ special district does not provide notice on the Utah Public Notice Website under Subsection (2)(b)(iii)(E)(I);

(iv) with respect to the notice to counties and municipalities described in Subsection (2)(b)(iii)(A) and affected entities, invite them to provide information for the ~~[local]~~ special district to consider in the process of preparing, adopting, and implementing the long-range plan or amendments to a long-range plan concerning:

(A) impacts that the use of land proposed in the proposed long-range plan or amendments to a long-range plan may have on the county, municipality, or affected entity; and

(B) uses of land that the county, municipality, or affected entity is planning or considering that may conflict with the proposed long-range plan or amendments to a long-range plan; and

(v) include the address of an Internet website, if the ~~[local]~~ special district has one, and the name and telephone number of an individual where more information can be obtained concerning the ~~[local]~~ special district's proposed long-range plan or amendments to a long-range plan.

(3) (a) Except as provided in Subsection (3)(d), each ~~[local]~~ special district intending to acquire real property in a county of the first or second class for the purpose of expanding the ~~[local]~~ special district's infrastructure or other facilities used for providing the services that the ~~[local]~~ special district is authorized to provide shall provide written notice, as provided in this Subsection (3), of the ~~[local]~~ special district's intent to acquire the property if the intended use of the property is contrary to:

(i) the anticipated use of the property under the county or municipality's general plan; or

(ii) the property's current zoning designation.

(b) Each notice under Subsection (3)(a) shall:

(i) indicate that the ~~[local]~~ special district intends to acquire real property;

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(ii) identify the real property; and

(iii) be sent to:

(A) each county in whose unincorporated area and each municipality in whose boundaries the property is located; and

(B) each affected entity.

(c) A notice under this Subsection (3) is a protected record as provided in Subsection 63G-2-305(8).

(d) (i) The notice requirement of Subsection (3)(a) does not apply if the ~~[local]~~ special district previously provided notice under Subsection (2) identifying the general location within the municipality or unincorporated part of the county where the property to be acquired is located.

(ii) If a ~~[local]~~ special district is not required to comply with the notice requirement of Subsection (3)(a) because of application of Subsection (3)(d)(i), the ~~[local]~~ special district shall provide the notice specified in Subsection (3)(a) as soon as practicable after the ~~[local]~~ special district's acquisition of the real property.

Section 22. Section **17B-1-107** is amended to read:

### **17B-1-107. Recording a release of lien.**

If a ~~[local]~~ special district records a lien upon real property or a groundwater right for an unpaid assessment by the owner and the owner then pays the assessment in full, including, subject to Section 17B-1-902.1, any interest and administrative costs, the ~~[local]~~ special district recording the lien shall record the release of the lien.

Section 23. Section **17B-1-110** is amended to read:

### **17B-1-110. Compliance with nepotism requirements.**

Each ~~[local]~~ special district shall comply with Title 52, Chapter 3, Prohibiting Employment of Relatives.

Section 24. Section **17B-1-111** is amended to read:

### **17B-1-111. Impact fee resolution -- Notice and hearing requirements.**

(1) (a) If a ~~[local]~~ special district wishes to impose impact fees, the board of trustees of the ~~[local]~~ special district shall:

(i) prepare a proposed impact fee resolution that meets the requirements of Title 11, Chapter 36a, Impact Fees Act;

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(ii) make a copy of the impact fee resolution available to the public at least 14 days before the date of the public hearing and hold a public hearing on the proposed impact fee resolution; and

(iii) provide reasonable notice of the public hearing at least 14 days before the date of the hearing.

(b) After the public hearing, the board of trustees may:

(i) adopt the impact fee resolution as proposed;

(ii) amend the impact fee resolution and adopt or reject it as amended; or

(iii) reject the resolution.

(2) A [~~local~~] special district meets the requirements of reasonable notice required by this section if it:

(a) posts notice of the hearing or meeting in at least three public places within the jurisdiction; or

(b) gives actual notice of the hearing or meeting.

(3) The [~~local~~] special district's board of trustees may enact a resolution establishing stricter notice requirements than those required by this section.

(4) (a) Proof that one of the two forms of notice required by this section was given is prima facie evidence that notice was properly given.

(b) If notice given under authority of this section is not challenged within 30 days from the date of the meeting for which the notice was given, the notice is considered adequate and proper.

Section 25. Section **17B-1-113** is amended to read:

### **17B-1-113. Liability insurance.**

(1) Each [~~local~~] special district with an annual operating budget of \$50,000 or more shall obtain liability insurance as considered appropriate by the [~~local~~] special district board.

(2) Each [~~local~~] special district with an annual operating budget of less than \$50,000 is not required to obtain liability insurance, but liability insurance is encouraged, as considered appropriate by the [~~local~~] special district board.

Section 26. Section **17B-1-114** is amended to read:

### **17B-1-114. Special district property taxes on a parity with general taxes.**

Unless otherwise specifically provided by statute, property taxes levied by a [~~local~~]



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special district shall constitute a lien on the property on a parity with and collectible at the same time and in the same manner as general county taxes that are a lien on the property.

Section 27. Section **17B-1-115** is amended to read:

**17B-1-115. Validation of previously created special districts -- Continuation of certain special districts under this chapter -- Providing a previously authorized service.**

(1) Each [~~local~~] special district created before April 30, 2007 under the law in effect at the time of the creation is declared to be validly and legally constituted.

(2) An entity created and operating under the law in effect before April 30, 2007 as a [~~local~~] special district but not as a cemetery maintenance district, drainage district, fire protection district, improvement district, irrigation district, metropolitan water district, mosquito abatement district, public transit district, service area, or water conservancy district shall continue on and after April 30, 2007 as a [~~local~~] special district subject to the provisions of this chapter but not subject to the provisions of [~~Chapter 2a, Provisions Applicable to Different Types of Local Districts~~] Chapter 2a, Provisions Applicable to Different Types of Special Districts.

(3) Nothing in this title may be construed to prohibit or limit a [~~local~~] special district from providing on or after April 30, 2007 a service that it was authorized before that date to provide.

Section 28. Section **17B-1-116** is amended to read:

**17B-1-116. Property exempt from taxation and execution.**

All property and assets of a [~~local~~] special district are exempt from taxation and exempt from execution.

Section 29. Section **17B-1-118** is amended to read:

**17B-1-118. Special district hookup fee -- Preliminary design or site plan from a specified public agency.**

(1) As used in this section:

(a) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a [~~local~~] special district water, sewer, storm water, power, or other utility system.

(b) "Impact fee" has the same meaning as defined in Section 11-36a-102.

(c) "Specified public agency" means:

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- (i) the state;
- (ii) a school district; or
- (iii) a charter school.
- (d) "State" includes any department, division, or agency of the state.

(2) A ~~[local]~~ special district may not impose or collect a hookup fee that exceeds the reasonable cost of installing and inspecting the pipe, line, meter, or appurtenance to connect to the ~~[local]~~ special district water, sewer, storm water, power, or other utility system.

(3) (a) A specified public agency intending to develop its land shall submit a development plan and schedule to each ~~[local]~~ special district from which the specified public agency anticipates the development will receive service:

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

(ii) with sufficient detail to enable the ~~[local]~~ special district to assess:

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

(B) the amount of any hookup fees, or impact fees or substantive equivalent;

(C) any credit against an impact fee; and

(D) the potential for waiving an impact fee.

(b) The ~~[local]~~ special district shall respond to a specified public agency's submission under Subsection (3)(a) with reasonable promptness in order to allow the specified public agency to consider information the ~~[local]~~ special district provides under Subsection (3)(a)(ii) in the process of preparing the budget for the development.

(4) Upon a specified public agency's submission of a development plan and schedule as required in Subsection (3) that complies with the requirements of that subsection, the specified public agency vests in the ~~[local]~~ special district's hookup fees and impact fees in effect on the date of submission.

Section 30. Section **17B-1-119** is amended to read:

### **17B-1-119. Duty to comply with local land use provisions.**

A ~~[local]~~ special district shall comply with Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act, and Title 17, Chapter 27a, County Land Use, Development, and Management Act, as applicable, if a land use authority consults with or

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allows the [local] special district to participate in any way in a land use authority's land use development review or approval process.

Section 31. Section **17B-1-120** is amended to read:

**17B-1-120. Exactions -- Exaction for water interest -- Requirement to offer to original owner property acquired by exaction.**

(1) A [local] special district may impose an exaction on a service received by an applicant, including, subject to Subsection (2), an exaction for a water interest if:

(a) the [local] special district establishes that a legitimate [local] special district interest makes the exaction essential; and

(b) the exaction is roughly proportionate, both in nature and extent, to the impact of the proposed service on the [local] special district.

(2) (a) (i) A [local] special district shall base an exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.

(ii) If requested by a service applicant, the culinary authority shall provide the basis for the culinary water authority's calculations described in Subsection (2)(a)(i).

(b) A [local] special district may not impose an exaction for a water interest if the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public, as determined in accordance with Section 73-1-4.

(3) (a) If a [local] special district plans to dispose of surplus real property that was acquired under this section and has been owned by the [local] special district for less than 15 years, the [local] special district shall offer to reconvey the surplus real property, without receiving additional consideration, first to a person who granted the real property to the [local] special district.

(b) The person described in Subsection (3)(a) shall, within 90 days after the day on which a [local] special district makes an offer under Subsection (3)(a), accept or reject the offer.

(c) If a person rejects an offer under Subsection (3)(b), the [local] special district may sell the real property.

Section 32. Section **17B-1-121** is amended to read:

**17B-1-121. Limit on fees -- Requirement to itemize and account for fees --**

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### Appeals.

(1) A [~~local~~] special district may not impose or collect:

(a) an application fee that exceeds the reasonable cost of processing the application; or

(b) an inspection or review fee that exceeds the reasonable cost of performing an inspection or review.

(2) (a) Upon request by a service applicant who is charged a fee or an owner of residential property upon which a fee is imposed, a [~~local~~] special district shall provide a statement of each itemized fee and calculation method for each fee.

(b) If an applicant who is charged a fee or an owner of residential property upon which a fee is imposed submits a request for a statement of each itemized fee no later than 30 days after the day on which the applicant or owner pays the fee, the [~~local~~] special district shall, no later than 10 days after the day on which the request is received, provide or commit to provide within a specific time:

(i) for each fee, any studies, reports, or methods relied upon by the [~~local~~] special district to create the calculation method described in Subsection (2)(a);

(ii) an accounting of each fee paid;

(iii) how each fee will be distributed by the [~~local~~] special district; and

(iv) information on filing a fee appeal through the process described in Subsection (2)(c).

(c) (i) A [~~local~~] special district shall establish an impartial fee appeal process to determine whether a fee reflects only the reasonable estimated cost of delivering the service for which the fee was paid.

(ii) A party to a fee appeal described in Subsection (2)(c)(i) may petition for judicial review of the [~~local~~] special district's final decision.

(3) A [~~local~~] special district may not impose on or collect from a public agency a fee associated with the public agency's development of the public agency's land other than:

(a) subject to Subsection (1), a hookup fee; or

(b) an impact fee, as defined in Section 11-36a-102 and subject to Section 11-36a-402, for a public facility listed in Subsection 11-36a-102(17)(a), (b), (c), (d), (e), or (g).

Section 33. Section **17B-1-201** is amended to read:

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### 17B-1-201. Definitions.

As used in this part:

(1) "Applicable area" means:

(a) for a county, the unincorporated area of the county that is included within the proposed ~~[local]~~ special district; or

(b) for a municipality, the area of the municipality that is included within the proposed ~~[local]~~ special district.

(2) "Governing body" means:

(a) for a county or municipality, the legislative body of the county or municipality; and

(b) for a ~~[local]~~ special district, the board of trustees of the ~~[local]~~ special district.

(3) "Groundwater right owner petition" means a petition under Subsection 17B-1-203(1)(c).

(4) "Groundwater right owner request" means a request under Section 17B-1-204 that is signed by owners of water rights as provided in Subsection 17B-1-204(2)(b)(ii).

(5) "Initiating ~~[local]~~ special district" means a ~~[local]~~ special district that adopts a resolution proposing the creation of a ~~[local]~~ special district under Subsection 17B-1-203(1)(e).

(6) "Petition" means a petition under Subsection 17B-1-203(1)(a), (b), or (c).

(7) "Property owner petition" means a petition under Subsection 17B-1-203(1)(a).

(8) "Property owner request" means a request under Section 17B-1-204 that is signed by owners of real property as provided in Subsection 17B-1-204(2)(b)(i).

(9) "Registered voter request" means a request under Section 17B-1-204 that is signed by registered voters as provided in Subsection 17B-1-204(2)(b)(iii).

(10) "Registered voter petition" means a petition under Subsection 17B-1-203(1)(b).

(11) "Request" means a request as described in Section 17B-1-204.

(12) "Responsible body" means the governing body of:

(a) the municipality in which the proposed ~~[local]~~ special district is located, if the petition or resolution proposes the creation of a ~~[local]~~ special district located entirely within a single municipality;

(b) the county in which the proposed ~~[local]~~ special district is located, if the petition or resolution proposes the creation of a ~~[local]~~ special district located entirely within a single county and all or part of the proposed ~~[local]~~ special district is located within:

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- (i) the unincorporated part of the county; or
- (ii) more than one municipality within the county;
- (c) if the petition or resolution proposes the creation of a [~~local~~] special district located within more than one county, the county whose boundaries include more of the area of the proposed [~~local~~] special district than is included within the boundaries of any other county; or
- (d) the initiating [~~local~~] special district, if a resolution proposing the creation of a [~~local~~] special district is adopted under Subsection 17B-1-203(1)(e).

(13) "Responsible clerk" means the clerk of the county or the clerk or recorder of the municipality whose legislative body is the responsible body.

Section 34. Section **17B-1-202** is amended to read:

**17B-1-202. Special district may be created -- Services that may be provided -- Limitations.**

- (1) (a) A [~~local~~] special district may be created as provided in this part to provide within its boundaries service consisting of:
- (i) the operation of an airport;
  - (ii) the operation of a cemetery;
  - (iii) fire protection, paramedic, and emergency services, including consolidated 911 and emergency dispatch services;
  - (iv) garbage collection and disposal;
  - (v) health care, including health department or hospital service;
  - (vi) the operation of a library;
  - (vii) abatement or control of mosquitos and other insects;
  - (viii) the operation of parks or recreation facilities or services;
  - (ix) the operation of a sewage system;
  - (x) the construction and maintenance of a right-of-way, including:
    - (A) a curb;
    - (B) a gutter;
    - (C) a sidewalk;
    - (D) a street;
    - (E) a road;
    - (F) a water line;

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- (G) a sewage line;
  - (H) a storm drain;
  - (I) an electricity line;
  - (J) a communications line;
  - (K) a natural gas line; or
  - (L) street lighting;
  - (xi) transportation, including public transit and providing streets and roads;
  - (xii) the operation of a system, or one or more components of a system, for the collection, storage, retention, control, conservation, treatment, supplying, distribution, or reclamation of water, including storm, flood, sewage, irrigation, and culinary water, whether the system is operated on a wholesale or retail level or both;
  - (xiii) in accordance with Subsection (1)(c), the acquisition or assessment of a groundwater right for the development and execution of a groundwater management plan in cooperation with and approved by the state engineer in accordance with Section 73-5-15;
  - (xiv) law enforcement service;
  - (xv) subject to Subsection (1)(b), the underground installation of an electric utility line or the conversion to underground of an existing electric utility line;
  - (xvi) the control or abatement of earth movement or a landslide;
  - (xvii) the operation of animal control services and facilities; or
  - (xviii) an energy efficiency upgrade, a renewable energy system, or electric vehicle charging infrastructure as defined in Section 11-42a-102, in accordance with Title 11, Chapter 42a, Commercial Property Assessed Clean Energy Act.
- (b) Each ~~[local]~~ special district that provides the service of the underground installation of an electric utility line or the conversion to underground of an existing electric utility line shall, in installing or converting the line, provide advance notice to and coordinate with the utility that owns the line.
- (c) A groundwater management plan described in Subsection (1)(a)(xiii) may include the banking of groundwater rights by a ~~[local]~~ special district in a critical management area as defined in Section 73-5-15 following the adoption of a groundwater management plan by the state engineer under Section 73-5-15.
- (i) A ~~[local]~~ special district may manage the groundwater rights it acquires under

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Subsection 17B-1-103(2)(a) or (b) consistent with the provisions of a groundwater management plan described in this Subsection (1)(c).

(ii) A groundwater right held by a ~~[local]~~ special district to satisfy the provisions of a groundwater management plan is not subject to the forfeiture provisions of Section 73-1-4.

(iii) (A) A ~~[local]~~ special district may divest itself of a groundwater right subject to a determination that the groundwater right is not required to facilitate the groundwater management plan described in this Subsection (1)(c).

(B) The groundwater right described in Subsection (1)(c)(iii)(A) is subject to Section 73-1-4 beginning on the date of divestiture.

(iv) Upon a determination by the state engineer that an area is no longer a critical management area as defined in Section 73-5-15, a groundwater right held by the ~~[local]~~ special district is subject to Section 73-1-4.

(v) A ~~[local]~~ special district created in accordance with Subsection (1)(a)(xiii) to develop and execute a groundwater management plan may hold or acquire a right to surface waters that are naturally tributary to the groundwater basin subject to the groundwater management plan if the surface waters are appropriated in accordance with Title 73, Water and Irrigation, and used in accordance with Title 73, Chapter 3b, Groundwater Recharge and Recovery Act.

(2) ~~[For purposes of]~~ As used in this section:

(a) "Operation" means all activities involved in providing the indicated service including acquisition and ownership of property reasonably necessary to provide the indicated service and acquisition, construction, and maintenance of facilities and equipment reasonably necessary to provide the indicated service.

(b) "System" means the aggregate of interrelated components that combine together to provide the indicated service including, for a sewage system, collection and treatment.

(3) (a) A ~~[local]~~ special district may not be created to provide and may not after its creation provide more than four of the services listed in Subsection (1).

(b) Subsection (3)(a) may not be construed to prohibit a ~~[local]~~ special district from providing more than four services if, before April 30, 2007, the ~~[local]~~ special district was authorized to provide those services.

(4) (a) Except as provided in Subsection (4)(b), a ~~[local]~~ special district may not be



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created to provide and may not after its creation provide to an area the same service that may already be provided to that area by another political subdivision, unless the other political subdivision gives its written consent.

(b) For purposes of Subsection (4)(a), a [~~local~~] special district does not provide the same service as another political subdivision if it operates a component of a system that is different from a component operated by another political subdivision but within the same:

- (i) sewage system; or
- (ii) water system.

(5) (a) Except for a [~~local~~] special district in the creation of which an election is not required under Subsection 17B-1-214(3)(d), the area of a [~~local~~] special district may include all or part of the unincorporated area of one or more counties and all or part of one or more municipalities.

(b) The area of a [~~local~~] special district need not be contiguous.

(6) For a [~~local~~] special district created before May 5, 2008, the authority to provide fire protection service also includes the authority to provide:

- (a) paramedic service; and
- (b) emergency service, including hazardous materials response service.

(7) A [~~local~~] special district created before May 11, 2010, authorized to provide the construction and maintenance of curb, gutter, or sidewalk may provide a service described in Subsection (1)(a)(x) on or after May 11, 2010.

(8) A [~~local~~] special district created before May 10, 2011, authorized to provide culinary, irrigation, sewage, or storm water services may provide a service described in Subsection (1)(a)(xii) on or after May 10, 2011.

(9) A [~~local~~] special district may not be created under this chapter for two years after the date on which a [~~local~~] special district is dissolved as provided in Section 17B-1-217 if the [~~local~~] special district proposed for creation:

(a) provides the same or a substantially similar service as the dissolved [~~local~~] special district; and

(b) is located in substantially the same area as the dissolved [~~local~~] special district.

Section 35. Section **17B-1-203** is amended to read:

**17B-1-203. Process to initiate the creation of a special district -- Petition or**

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### resolution.

(1) The process to create a [~~local~~] special district may be initiated by:

(a) unless the proposed [~~local~~] special district is a [~~local~~] special district to acquire or assess a groundwater right under Section 17B-1-202, and subject to Section 17B-1-204, a petition signed by the owners of private real property that:

(i) is located within the proposed [~~local~~] special district;

(ii) covers at least 33% of the total private land area within the proposed [~~local~~] special district as a whole and within each applicable area;

(iii) is equal in value to at least 25% of the value of all private real property within the proposed [~~local~~] special district as a whole and within each applicable area; and

(iv) complies with the requirements of Subsection 17B-1-205(1) and Section 17B-1-208;

(b) subject to Section 17B-1-204, a petition that:

(i) is signed by registered voters residing within the proposed [~~local~~] special district as a whole and within each applicable area, equal in number to at least 33% of the number of votes cast in the proposed [~~local~~] special district as a whole and in each applicable area, respectively, for the office of governor at the last regular general election prior to the filing of the petition; and

(ii) complies with the requirements of Subsection 17B-1-205(1) and Section 17B-1-208;

(c) if the proposed [~~local~~] special district is a [~~local~~] special district to acquire or assess a groundwater right under Section 17B-1-202, and subject to Section 17B-1-204, a petition signed by the owners of groundwater rights that:

(i) are diverted within the proposed [~~local~~] special district;

(ii) cover at least 33% of the total amount of groundwater diverted in accordance with groundwater rights within the proposed [~~local~~] special district as a whole and within each applicable area; and

(iii) comply with the requirements of Subsection 17B-1-205(1) and Section 17B-1-208;

(d) a resolution proposing the creation of a [~~local~~] special district, adopted by the legislative body of each county whose unincorporated area, whether in whole or in part, includes and each municipality whose boundaries include any of the proposed [~~local~~] special

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district; or

(e) a resolution proposing the creation of a [~~local~~] special district, adopted by the board of trustees of an existing [~~local~~] special district whose boundaries completely encompass the proposed [~~local~~] special district, if:

(i) the proposed [~~local~~] special district is being created to provide one or more components of the same service that the initiating [~~local~~] special district is authorized to provide; and

(ii) the initiating [~~local~~] special district is not providing to the area of the proposed [~~local~~] special district any of the components that the proposed [~~local~~] special district is being created to provide.

(2) (a) Each resolution under Subsection (1)(d) or (e) shall:

(i) describe the area proposed to be included in the proposed [~~local~~] special district;

(ii) be accompanied by a map that shows the boundaries of the proposed [~~local~~] special district;

(iii) describe the service proposed to be provided by the proposed [~~local~~] special district;

(iv) if the resolution proposes the creation of a specialized [~~local~~] special district, specify the type of specialized [~~local~~] special district proposed to be created;

(v) explain the anticipated method of paying the costs of providing the proposed service;

(vi) state the estimated average financial impact on a household within the proposed [~~local~~] special district;

(vii) state the number of members that the board of trustees of the proposed [~~local~~] special district will have, consistent with the requirements of Subsection 17B-1-302(4);

(viii) for a proposed basic [~~local~~] special district:

(A) state whether the members of the board of trustees will be elected or appointed or whether some members will be elected and some appointed, as provided in Section 17B-1-1402;

(B) if one or more members will be elected, state the basis upon which each elected member will be elected; and

(C) if applicable, explain how the election or appointment of board members will

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transition from one method to another based on stated milestones or events, as provided in Section 17B-1-1402;

(ix) for a proposed improvement district whose remaining area members or county members, as those terms are defined in Section 17B-2a-404, are to be elected, state that those members will be elected; and

(x) for a proposed service area that is entirely within the unincorporated area of a single county, state whether the initial board of trustees will be:

- (A) the county legislative body;
- (B) appointed as provided in Section 17B-1-304; or
- (C) elected as provided in Section 17B-1-306.

(b) Each county or municipal legislative body adopting a resolution under Subsection (1)(d) shall, on or before the first public hearing under Section 17B-1-210, mail or deliver a copy of the resolution to the responsible body if the county or municipal legislative body's resolution is one of multiple resolutions adopted by multiple county or municipal legislative bodies proposing the creation of the same ~~[local]~~ special district.

Section 36. Section **17B-1-204** is amended to read:

**17B-1-204. Request for service required before filing of petition -- Request requirements.**

(1) A petition may not be filed until after:

(a) a request has been filed with:

(i) the clerk of each county in whose unincorporated area any part of the proposed ~~[local]~~ special district is located; and

(ii) the clerk or recorder of each municipality in which any part of the proposed ~~[local]~~ special district is located; and

(b) each county and municipality with which a request under Subsection (1)(a) is filed:

(i) has adopted a resolution under Subsection 17B-1-212(1) indicating whether it will provide the requested service; or

(ii) is considered to have declined to provide the requested service under Subsection 17B-1-212(2) or (3).

(2) Each request under Subsection (1)(a) shall:

(a) ask the county or municipality to provide the service proposed to be provided by the

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proposed [~~local~~] special district within the applicable area; and

(b) be signed by:

(i) unless the request is a request to create a [~~local~~] special district to acquire or assess a groundwater right under Section 17B-1-202, the owners of private real property that:

(A) is located within the proposed [~~local~~] special district;

(B) covers at least 10% of the total private land area within the applicable area; and

(C) is equal in value to at least 7% of the value of all private real property within the applicable area;

(ii) if the request is a request to create a [~~local~~] special district to acquire or assess a groundwater right under Section 17B-1-202, the owners of groundwater rights that:

(A) are diverted within the proposed [~~local~~] special district; and

(B) cover at least 10% of the amount of groundwater diverted in accordance with groundwater rights within the applicable area; or

(iii) registered voters residing within the applicable area equal in number to at least 10% of the number of votes cast in the applicable area for the office of governor at the last general election prior to the filing of the request.

(3) For purposes of Subsections (1) and (2), an area proposed to be annexed to a municipality in a petition under Section 10-2-403 filed before and still pending at the time of filing of a petition shall be considered to be part of that municipality.

Section 37. Section **17B-1-205** is amended to read:

### **17B-1-205. Petition and request requirements -- Withdrawal of signature.**

(1) Each petition and request shall:

(a) indicate the typed or printed name and current residence address of each property owner, groundwater right owner, or registered voter signing the petition;

(b) (i) if it is a property owner request or petition, indicate the address of the property as to which the owner is signing the request or petition; or

(ii) if it is a groundwater right owner request or petition, indicate the location of the diversion of the groundwater as to which the owner is signing the groundwater right owner request or petition;

(c) describe the entire area of the proposed [~~local~~] special district;

(d) be accompanied by a map showing the boundaries of the entire proposed [~~local~~]

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special district;

(e) specify the service proposed to be provided by the proposed [~~local~~] special district;

(f) if the petition or request proposes the creation of a specialized [~~local~~] special district, specify the type of specialized [~~local~~] special district proposed to be created;

(g) for a proposed basic [~~local~~] special district:

(i) state whether the members of the board of trustees will be elected or appointed or whether some members will be elected and some appointed, as provided in Section 17B-1-1402;

(ii) if one or more members will be elected, state the basis upon which each elected member will be elected; and

(iii) if applicable, explain how the election or appointment of board members will transition from one method to another based on stated milestones or events, as provided in Section 17B-1-1402;

(h) for a proposed improvement district whose remaining area members or county members, as those terms are defined in Section 17B-2a-404, are to be elected, state that those members will be elected; and

(i) for a proposed service area that is entirely within the unincorporated area of a single county, state whether the initial board of trustees will be:

(i) the county legislative body;

(ii) appointed as provided in Section 17B-1-304; or

(iii) elected as provided in Section 17B-1-306;

(j) designate up to five signers of the petition or request as sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each;

(k) if the petition or request is a groundwater right owner petition or request proposing the creation of a [~~local~~] special district to acquire a groundwater right under Section 17B-1-202, explain the anticipated method:

(i) of paying for the groundwater right acquisition; and

(ii) of addressing blowing dust created by the reduced use of water; and

(l) if the petition or request is a groundwater right owner petition or request proposing the creation of a [~~local~~] special district to assess a groundwater right under Section 17B-1-202, explain the anticipated method:

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- (i) of assessing the groundwater right and securing payment of the assessment; and
- (ii) of addressing blowing dust created by the reduced use of water.

(2) A signer of a request or petition may withdraw or, once withdrawn, reinstate the signer's signature at any time before the filing of the request or petition by filing a written withdrawal or reinstatement with:

(a) in the case of a request:

(i) the clerk of the county or the clerk or recorder of the municipality in whose applicable area the signer's property is located, if the request is a property owner request;

(ii) the clerk of the county or the clerk or recorder of the municipality in whose applicable area the signer's groundwater diversion point is located, if the request is a groundwater right owner request; or

(iii) the clerk of the county or the clerk or recorder of the municipality in whose applicable area the signer resides, if the request is a registered voter request; or

(b) in the case of a petition, the responsible clerk.

Section 38. Section **17B-1-207** is amended to read:

### **17B-1-207. Signature on request may be used on petition.**

A signature on a request may be used toward fulfilling the signature requirement of a petition:

(1) if the request notifies the signer in conspicuous language that the signature, unless withdrawn, would also be used for purposes of a petition to create a [~~local~~] special district; and

(2) unless the signer files a written withdrawal of the signature before the petition is filed.

Section 39. Section **17B-1-208** is amended to read:

### **17B-1-208. Additional petition requirements and limitations.**

(1) Each petition shall:

(a) be filed with the responsible clerk;

(b) separately group signatures by county and municipality, so that all signatures of the owners of real property located within or of registered voters residing within each county whose unincorporated area includes and each municipality whose boundaries include part of the proposed [~~local~~] special district are grouped separately; and

(c) state the number of members that the board of trustees of the proposed [~~local~~]

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special district will have, consistent with the requirements of Subsection 17B-1-302(4).

(2) (a) A petition may not propose the creation of a [~~local~~] special district that includes an area located within the unincorporated part of a county or within a municipality if the legislative body of that county or municipality has adopted a resolution under Subsection 17B-1-212(1) indicating that the county or municipality will provide to that area the service proposed to be provided by the proposed [~~local~~] special district.

(b) Subsection (2)(a) does not apply if the county or municipal legislative body is considered to have declined to provide the requested service under Subsection 17B-1-212(3).

(c) Subsection (2)(a) may not be construed to prevent the filing of a petition that proposes the creation of a [~~local~~] special district whose area excludes that part of the unincorporated area of a county or that part of a municipality to which the county or municipality has indicated, in a resolution adopted under Section 17B-1-212, it will provide the requested service.

(3) A petition may not propose the creation of a [~~local~~] special district whose area includes:

(a) some or all of an area described in a previously filed petition that, subject to Subsection 17B-1-202(4)(b):

(i) proposes the creation of a [~~local~~] special district to provide the same service as proposed by the later filed petition; and

(ii) is still pending at the time the later petition is filed; or

(b) some or all of an area within a political subdivision that provides in that area the same service proposed to be provided by the proposed [~~local~~] special district.

(4) A petition may not be filed more than 12 months after a county or municipal legislative body declines to provide the requested service under Subsection 17B-1-212(1) or is considered to have declined to provide the requested service under Subsection 17B-1-212(2) or (3).

Section 40. Section **17B-1-209** is amended to read:

### **17B-1-209. Petition certification -- Amended petition.**

(1) No later than five days after the day on which a petition is filed, the responsible clerk shall mail a copy of the petition to the clerk of each other county and the clerk or recorder of each municipality in which any part of the proposed [~~local~~] special district is located.



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(2) (a) No later than 35 days after the day on which a petition is filed, the clerk of each county whose unincorporated area includes and the clerk or recorder of each municipality whose boundaries include part of the proposed [~~local~~] special district shall:

(i) with the assistance of other county or municipal officers from whom the county clerk or municipal clerk or recorder requests assistance, determine, for the clerk or recorder's respective county or municipality, whether the petition complies with the requirements of Subsection 17B-1-203(1)(a), (b), or (c), as the case may be, and Subsections 17B-1-208(2), (3), and (4); and

(ii) notify the responsible clerk in writing of the clerk or recorder's determination under Subsection (2)(a)(i).

(b) The responsible clerk may rely on the determinations of other county clerks or municipal clerks or recorders under Subsection (2)(a) in making the responsible clerk's determinations and certification or rejection under Subsection (3).

(3) (a) Within 45 days after the filing of a petition, the responsible clerk shall:

(i) determine whether the petition complies with Subsection 17B-1-203(1)(a), (b), or (c), as the case may be, Subsection 17B-1-205(1), and Section 17B-1-208; and

(ii) (A) if the responsible clerk determines that the petition complies with the applicable requirements:

(I) (Aa) certify the petition and deliver the certified petition to the responsible body; and

(Bb) mail or deliver written notification of the certification to the contact sponsor; or

(II) for each petition described in Subsection (3)(b)(i), deliver a copy of the petition to the legislative body of each county whose unincorporated area includes and each municipality whose boundaries include any of the proposed basic [~~local~~] special district, with a notice indicating that the clerk has determined that the petition complies with applicable requirements; or

(B) if the responsible clerk determines that the petition fails to comply with any of the applicable requirements, reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.

(b) (i) A petition for which an election is not required under Subsection 17B-1-214(3) and that proposes the creation of a basic [~~local~~] special district that has within its boundaries

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fewer than one residential dwelling unit per 10 acres of land may not be certified without the approval, by resolution, of the legislative body of each county whose unincorporated area includes and each municipality whose boundaries include any of the proposed [~~local~~] special district.

(ii) Before adopting a resolution giving its approval under Subsection (3)(b)(i), a county or municipal legislative body may hold one or more public hearings on the petition.

(iii) If a petition described in Subsection (3)(b)(i) is approved as provided in that subsection, the responsible clerk shall, within 10 days after its approval:

(A) certify the petition and deliver the certified petition to the responsible body; and

(B) mail or deliver written notification of the certification to the contact sponsor.

(4) Except for a petition described in Subsection (3)(b)(i), if the responsible clerk fails to certify or reject a petition within 45 days after its filing, the petition shall be considered to be certified.

(5) The responsible clerk shall certify or reject petitions in the order in which they are filed.

(6) (a) If the responsible clerk rejects a petition under Subsection (3)(a)(ii)(B), the petition may be amended to correct the deficiencies for which it was rejected and then refiled.

(b) A valid signature on a petition that was rejected under Subsection (3)(a)(ii)(B) may be used toward fulfilling the applicable signature requirement of the petition as amended under Subsection (6)(a).

(c) If a petition is amended and refiled under Subsection (6)(a) after having been rejected by the responsible clerk under Subsection (3)(a)(ii)(B), the amended petition shall be considered as newly filed, and its processing priority shall be determined by the date on which it is refiled.

(7) The responsible clerk and each county clerk and municipal clerk or recorder shall act in good faith in making the determinations under this section.

Section 41. Section **17B-1-210** is amended to read:

### **17B-1-210. Public hearing.**

(1) The legislative body of each county and municipality with which a request is filed or that adopts a resolution under Subsection 17B-1-203(1)(d) and the board of trustees of each [~~local~~] special district that adopts a resolution under Subsection 17B-1-203(1)(e) shall hold a

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public hearing or a set of public hearings, sufficient in number and location to ensure that no substantial group of residents of the proposed [~~local~~] special district need travel an unreasonable distance to attend a public hearing.

(2) Each public hearing under Subsection (1) shall be held:

(a) no later than 45 days after:

(i) for a public hearing on a request, certification of a request under Subsection 17B-1-206(1)(b)(i); or

(ii) for a public hearing on a resolution, adoption of a resolution under Subsection 17B-1-203(1)(d) or (e);

(b) within the proposed [~~local~~] special district;

(c) except as provided in Subsections (6) and (7), within the applicable area; and

(d) for the purpose of:

(i) for a public hearing on a request, allowing public input on:

(A) whether the requested service is needed in the area of the proposed [~~local~~] special district;

(B) whether the service should be provided by the county or municipality or the proposed [~~local~~] special district; and

(C) all other matters relating to the request or the proposed [~~local~~] special district; or

(ii) for a public hearing on a resolution, allowing the public to ask questions of and obtain further information from the governing body holding the hearing regarding the issues contained in or raised by the resolution.

(3) A quorum of each governing body holding a public hearing under this section shall be present throughout each hearing held by that governing body.

(4) Each hearing under this section shall be held on a weekday evening other than a holiday beginning no earlier than 6 p.m.

(5) At the beginning and end of each hearing concerning a resolution, the governing body shall announce the deadline for filing protests and generally explain the protest procedure and requirements.

(6) Two or more county or municipal legislative bodies may jointly hold a hearing or set of hearings required under this section if all the requirements of this section, other than the requirements of Subsection (2)(c), are met as to each hearing.

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(7) Notwithstanding Subsection (2)(c), a governing body may hold a public hearing or set of public hearings outside the applicable area if:

- (a) there is no reasonable place to hold a public hearing within the applicable area; and
- (b) the public hearing or set of public hearings is held as close to the applicable area as reasonably possible.

Section 42. Section **17B-1-211** is amended to read:

### **17B-1-211. Notice of public hearings -- Publication of resolution.**

(1) Before holding a public hearing or set of public hearings under Section 17B-1-210, the legislative body of each county or municipality with which a request is filed or that adopts a resolution under Subsection 17B-1-203(1)(d) and the board of trustees of each [~~local~~] special district that adopts a resolution under Subsection 17B-1-203(1)(e) shall:

(a) (i) in accordance with Subsection (2), post at least one notice per 1,000 population of the applicable area and at places within the area that are most likely to provide actual notice to residents of the area; and

(ii) publish notice on the Utah Public Notice Website created in Section 63A-16-601, for two weeks before the hearing or the first of the set of hearings; or

(b) mail a notice to each registered voter residing within and each owner of real property located within the proposed [~~local~~] special district.

(2) Each notice required under Subsection (1) shall:

(a) if the hearing or set of hearings is concerning a resolution:

(i) contain the entire text or an accurate summary of the resolution; and

(ii) state the deadline for filing a protest against the creation of the proposed [~~local~~] special district;

(b) clearly identify each governing body involved in the hearing or set of hearings;

(c) state the date, time, and place for the hearing or set of hearings and the purposes for the hearing or set of hearings; and

(d) describe or include a map of the entire proposed [~~local~~] special district.

(3) County or municipal legislative bodies may jointly provide the notice required under this section if all the requirements of this section are met as to each notice.

Section 43. Section **17B-1-212** is amended to read:

### **17B-1-212. Resolution indicating whether the requested service will be provided.**

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(1) (a) Within 60 days after the last hearing required under Section 17B-1-210 concerning a request, the legislative body of each county whose unincorporated area includes and the legislative body of each municipality whose boundaries include any part of the proposed [~~local~~] special district shall adopt a resolution indicating whether the county or municipality will provide to the area of the proposed [~~local~~] special district within its boundaries the service proposed to be provided by the proposed [~~local~~] special district.

(b) If a county or municipality adopts a resolution indicating that the county or municipality will provide the service proposed to be provided by the proposed [~~local~~] special district under Subsection (1)(a), the resolution shall include a reasonable timeline for the county or municipality to begin providing the service.

(2) If the legislative body of a county or municipality fails to adopt a resolution within the time provided under Subsection (1), the county or municipal legislative body shall be considered to have declined to provide the service requested and to have consented to the creation of the [~~local~~] special district.

(3) If the county or municipality adopts a resolution under Subsection (1) indicating that it will provide the requested service but does not, within 120 days after the adoption of that resolution, take substantial measures to provide the requested service, the county or municipal legislative body shall be considered to have declined to provide the requested service.

(4) Each county or municipality that adopts a resolution under Subsection (1) indicating that it will provide the requested service:

(a) shall diligently proceed to take all measures necessary to provide the service; and

(b) if the county or municipality fails to timely provide the requested service, the county will be considered to have declined to provide the service and the creation of the [~~local~~] special district may proceed accordingly.

Section 44. Section **17B-1-213** is amended to read:

**17B-1-213. Protest after adoption of resolution -- Adoption of resolution approving creation for certain districts.**

(1) For purposes of this section, "adequate protests" means protests that are:

(a) filed with the county clerk, municipal clerk or recorder, or [~~local~~] special district secretary or clerk, as the case may be, within 60 days after the last public hearing required under Section 17B-1-210; and

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(b) signed by:

(i) the owners of private real property that:

(A) is located within the proposed [~~local~~] special district;

(B) covers at least 25% of the total private land area within the applicable area; and

(C) is equal in value to at least 15% of the value of all private real property within the applicable area; or

(ii) registered voters residing within the applicable area equal in number to at least 25% of the number of votes cast in the applicable area for the office of president of the United States at the most recent election prior to the adoption of the resolution.

(2) An owner may withdraw a protest at any time before the expiration of the 60-day period described in Subsection (1)(a).

(3) If adequate protests are filed, the governing body that adopted a resolution under Subsection 17B-1-203(1)(d) or (e):

(a) may not:

(i) hold or participate in an election under Subsection 17B-1-214(1) with respect to the applicable area;

(ii) take any further action under the protested resolution to create a [~~local~~] special district or include the applicable area in a [~~local~~] special district; or

(iii) for a period of two years, adopt a resolution under Subsection 17B-1-203(1)(d) or (e) proposing the creation of a [~~local~~] special district including substantially the same area as the applicable area and providing the same service as the proposed [~~local~~] special district in the protested resolution; and

(b) shall, within five days after receiving adequate protests, mail or deliver written notification of the adequate protests to the responsible body.

(4) Subsection (3)(a) may not be construed to prevent an election from being held for a proposed [~~local~~] special district whose boundaries do not include an applicable area that is the subject of adequate protests.

(5) (a) If adequate protests are not filed with respect to a resolution proposing the creation of a [~~local~~] special district for which an election is not required under Subsection 17B-1-214(3)(d), (e), (f), or (g), a resolution approving the creation of the [~~local~~] special district shall be adopted by:

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(i) (A) the legislative body of a county whose unincorporated area is included within the proposed [~~local~~] special district; and

(B) the legislative body of a municipality whose area is included within the proposed [~~local~~] special district; or

(ii) the board of trustees of the initiating [~~local~~] special district.

(b) Each resolution adopted under Subsection (5)(a) shall:

(i) describe the area included in the [~~local~~] special district;

(ii) be accompanied by a map that shows the boundaries of the [~~local~~] special district;

(iii) describe the service to be provided by the [~~local~~] special district;

(iv) state the name of the [~~local~~] special district; and

(v) provide a process for the appointment of the members of the initial board of trustees.

Section 45. Section **17B-1-214** is amended to read:

### **17B-1-214. Election -- Exceptions.**

(1) (a) Except as provided in Subsection (3) and in Subsection 17B-1-213(3)(a), an election on the question of whether the [~~local~~] special district should be created shall be held by:

(i) if the proposed [~~local~~] special district is located entirely within a single county, the responsible clerk; or

(ii) except as provided under Subsection (1)(b), if the proposed [~~local~~] special district is located within more than one county, the clerk of each county in which part of the proposed [~~local~~] special district is located, in cooperation with the responsible clerk.

(b) Notwithstanding Subsection (1)(a)(ii), if the proposed [~~local~~] special district is located within more than one county and the only area of a county that is included within the proposed [~~local~~] special district is located within a single municipality, the election for that area shall be held by the municipal clerk or recorder, in cooperation with the responsible clerk.

(2) Each election under Subsection (1) shall be held at the next special or regular general election date that is:

(a) for an election pursuant to a property owner or registered voter petition, more than 45 days after certification of the petition under Subsection 17B-1-209(3)(a); or

(b) for an election pursuant to a resolution, more than 60 days after the latest hearing

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required under Section 17B-1-210.

(3) The election requirement of Subsection (1) does not apply to:

(a) a petition filed under Subsection 17B-1-203(1)(a) if it contains the signatures of the owners of private real property that:

(i) is located within the proposed ~~[local]~~ special district;

(ii) covers at least 67% of the total private land area within the proposed ~~[local]~~ special district as a whole and within each applicable area; and

(iii) is equal in value to at least 50% of the value of all private real property within the proposed ~~[local]~~ special district as a whole and within each applicable area;

(b) a petition filed under Subsection 17B-1-203(1)(b) if it contains the signatures of registered voters residing within the proposed ~~[local]~~ special district as a whole and within each applicable area, equal in number to at least 67% of the number of votes cast in the proposed ~~[local]~~ special district as a whole and in each applicable area, respectively, for the office of governor at the last general election prior to the filing of the petition;

(c) a groundwater right owner petition filed under Subsection 17B-1-203(1)(c) if the petition contains the signatures of the owners of groundwater rights that:

(i) are diverted within the proposed ~~[local]~~ special district; and

(ii) cover at least 67% of the total amount of groundwater diverted in accordance with groundwater rights within the proposed ~~[local]~~ special district as a whole and within each applicable area;

(d) a resolution adopted under Subsection 17B-1-203(1)(d) on or after May 5, 2003, that proposes the creation of a ~~[local]~~ special district to provide fire protection, paramedic, and emergency services or law enforcement service, if the proposed ~~[local]~~ special district:

(i) includes the unincorporated area, whether in whole or in part, of one or more counties; or

(ii) consists of an area that:

(A) has a boundary that is the same as the boundary of the municipality whose legislative body adopts the resolution proposing the creation of the ~~[local]~~ special district;

(B) previously received fire protection, paramedic, and emergency services or law enforcement service from another ~~[local]~~ special district; and

(C) may be withdrawn from the other ~~[local]~~ special district under Section 17B-1-505



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without an election because the withdrawal is pursuant to an agreement under Subsection 17B-1-505(5)(a)(ii)(A) or (5)(b);

(e) a resolution adopted under Subsection 17B-1-203(1)(d) or (e) if the resolution proposes the creation of a ~~[local]~~ special district that has no registered voters within its boundaries;

(f) a resolution adopted under Subsection 17B-1-203(1)(d) on or after May 11, 2010, that proposes the creation of a ~~[local]~~ special district described in Subsection 17B-1-202(1)(a)(xiii); or

(g) a resolution adopted under Section 17B-2a-1105 to create a municipal services district.

(4) (a) If the proposed ~~[local]~~ special district is located in more than one county, the responsible clerk shall coordinate with the clerk of each other county and the clerk or recorder of each municipality involved in an election under Subsection (1) so that the election is held on the same date and in a consistent manner in each jurisdiction.

(b) The clerk of each county and the clerk or recorder of each municipality involved in an election under Subsection (1) shall cooperate with the responsible clerk in holding the election.

(c) Except as otherwise provided in this part, each election under Subsection (1) shall be governed by Title 20A, Election Code.

Section 46. Section **17B-1-215** is amended to read:

**17B-1-215. Notice and plat to lieutenant governor -- Recording requirements -- Certificate of incorporation -- Special district incorporated as specialized special district or basic special district -- Effective date.**

(1) (a) Within the time specified in Subsection (1)(b), the responsible body shall file with the lieutenant governor:

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

(ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

(b) The responsible body shall file the documents listed in Subsection (1)(a) with the lieutenant governor within 10 days after:

(i) the canvass of an election under Section 17B-1-214, if a majority of those voting at

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the election within the proposed [~~local~~] special district as a whole vote in favor of the creation of a [~~local~~] special district;

(ii) certification of a petition as to which the election requirement of Subsection 17B-1-214(1) does not apply because of Subsection 17B-1-214(3)(a), (b), or (c); or

(iii) adoption of a resolution, under Subsection 17B-1-213(5) approving the creation of a [~~local~~] special district for which an election was not required under Subsection 17B-1-214(3)(d), (e), (f), or (g) by the legislative body of each county whose unincorporated area is included within and the legislative body of each municipality whose area is included within the proposed [~~local~~] special district, or by the board of trustees of the initiating [~~local~~] special district.

(2) Upon the lieutenant governor's issuance of a certificate of incorporation under Section 67-1a-6.5, the responsible body shall:

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

(i) the original:

(A) notice of an impending boundary action;

(B) certificate of incorporation; and

(C) approved final local entity plat; and

(ii) if applicable, a certified copy of each resolution adopted under Subsection 17B-1-213(5); or

(b) if the [~~local~~] special district is located within the boundaries of more than a single county:

(i) submit to the recorder of one of those counties:

(A) the original of the documents listed in Subsections (2)(a)(i)(A), (B), and (C); and

(B) if applicable, a certified copy of each resolution adopted under Subsection 17B-1-213(5); and

(ii) submit to the recorder of each other county:

(A) a certified copy of the documents listed in Subsection (2)(a)(i)(A), (B), and (C);

and

(B) if applicable, a certified copy of each resolution adopted under Subsection 17B-1-213(5).

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(3) The area of each [~~local~~] special district consists of:

(a) if an election was held under Section 17B-1-214, the area of the new [~~local~~] special district as approved at the election;

(b) if an election was not required because of Subsection 17B-1-214(3)(a), (b), or (c), the area of the proposed [~~local~~] special district as described in the petition; or

(c) if an election was not required because of Subsection 17B-1-214(3)(d), (e), (f), or (g), the area of the new [~~local~~] special district as described in the resolution adopted under Subsection 17B-1-213(5).

(4) (a) Upon the lieutenant governor's issuance of the certificate of incorporation under Section 67-1a-6.5, the [~~local~~] special district is created and incorporated as:

(i) the type of specialized [~~local~~] special district that was specified in the petition under Subsection 17B-1-203(1)(a), (b), or (c) or resolution under Subsection 17B-1-203(1)(d) or (e), if the petition or resolution proposed the creation of a specialized [~~local~~] special district; or

(ii) a basic [~~local~~] special district, if the petition or resolution did not propose the creation of a specialized [~~local~~] special district.

(b) (i) The effective date of a [~~local~~] special district's incorporation for purposes of assessing property within the [~~local~~] special district is governed by Section 59-2-305.5.

(ii) Until the documents listed in Subsection (2) are recorded in the office of the recorder of each county in which the property is located, a newly incorporated [~~local~~] special district may not:

(A) levy or collect a property tax on property within the [~~local~~] special district;

(B) levy or collect an assessment on property within the [~~local~~] special district; or

(C) charge or collect a fee for service provided to property within the [~~local~~] special district.

Section 47. Section **17B-1-216** is amended to read:

### **17B-1-216. Costs and expenses of creating a special district.**

(1) Except as provided in Subsection (2), each county whose unincorporated area includes and each municipality whose boundaries include some or all of the proposed [~~local~~] special district shall bear their respective costs and expenses associated with the procedure under this part for creating a [~~local~~] special district.

(2) Within a year after its creation, each [~~local~~] special district shall reimburse the costs

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and expenses associated with the preparation, certification, and recording of the approved final local entity plat of the [local] special district and accompanying documents under Section 17B-1-215.

Section 48. Section **17B-1-217** is amended to read:

**17B-1-217. Activity required -- Dissolution -- Conclusive presumption regarding creation and existence.**

(1) A [local] special district that is not engaged in one or more of the following activities, services, or duties is subject to dissolution in accordance with Subsections (5) and (6):

- (a) levying and collecting a tax;
- (b) providing a commodity or service;
- (c) collecting a fee or charging an assessment for a commodity, service, facility, or improvement provided by the [local] special district;
- (d) undertaking planning necessary for the provision of a commodity, service, facility, or improvement as reflected in a written study or report;
- (e) acquiring or maintaining property or an easement necessary for a service, facility, or improvement to be provided by the [local] special district in accordance with a general or master plan adopted by the district;
- (f) constructing, installing, maintaining, owning, or operating infrastructure for the provision of a commodity, service, facility, or improvement; or
- (g) legally incurring debt, contracting, or otherwise being obligated to provide a commodity, service, facility, or improvement within a reasonable period of time.

(2) For a [local] special district created after May 14, 2013, the [local] special district shall file with the state auditor a written certification:

- (a) declaring that the district is engaged in an activity, service, or duty described in Subsection (1);
- (b) identifying the activity in which the [local] special district is engaged; and
- (c) no later than five years after the date on which a [local] special district is created as reflected in the certificate of incorporation issued by the lieutenant governor under Section 67-1a-6.5.

(3) (a) The state auditor shall send a deficiency notice in accordance with Subsection

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(3)(c) if:

(i) a ~~[local]~~ special district fails to deliver a certification in accordance with Subsection (2); or

(ii) the state auditor determines that, subject to Subsection (3)(b), a ~~[local]~~ special district created after January 1, 2005, and before May 15, 2013, is not engaged in an activity, service, or duty required under Subsection (1) within five years after the date on which the ~~[local]~~ special district is created as reflected in the certificate of incorporation issued by the lieutenant governor under Section 67-1a-6.5 or thereafter.

(b) The state auditor shall make a determination described in Subsection (3)(a)(ii) based on:

(i) the ~~[local]~~ special district's failure to file a required annual financial report with the state auditor in accordance with Section 17B-1-639; or

(ii) subject to Subsection (7), other credible information related to Subsection (1).

(c) (i) The state auditor shall send the deficiency notice to the ~~[local]~~ special district and the Utah Association of Special Districts.

(ii) The deficiency notice shall state that the ~~[local]~~ special district is required to file with the state auditor a written certification:

(A) declaring that the district was and continues to be engaged in an activity, service, or duty described in Subsection (1) prior to the date of the deficiency notice; and

(B) identifying the activity, service, or duty in which the ~~[local]~~ special district is engaged.

(4) If within four months of receiving a deficiency notice, a ~~[local]~~ special district fails to file a written certification with the state auditor in accordance with Subsection (2) or (3)(c)(ii), the state auditor shall, in writing:

(a) notify the lieutenant governor that the ~~[local]~~ special district has failed to meet the requirements of this section and specify the reason for the district's failure; and

(b) request that the lieutenant governor dissolve the ~~[local]~~ special district in accordance with Subsections (5) and (6).

(5) If the lieutenant governor receives a request to dissolve a ~~[local]~~ special district from the state auditor in accordance with Subsection (4), the lieutenant governor shall:

(a) issue a certification of dissolution under Section 67-1a-6.5; and

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(b) send a copy of the certification of dissolution to:

(i) the state auditor;

(ii) the State Tax Commission;

(iii) the recorder of the county in which the ~~[local]~~ special district is located, or, if the ~~[local]~~ special district is located in more than one county, the recorder of each county in which the ~~[local]~~ special district is located;

(iv) the last known address of the ~~[local]~~ special district; and

(v) the Utah Association of Special Districts.

(6) A ~~[local]~~ special district identified in a certification of dissolution is dissolved:

(a) upon recordation of the certification by the county recorder; or

(b) if the ~~[local]~~ special district is located within more than one county, upon recordation of the certification by the county recorder of the last county to record.

(7) Notwithstanding any other provision of law, a ~~[local]~~ special district shall be conclusively presumed to have been lawfully created, existing, and active if for two years following the district's creation under Subsection 17B-1-215(4):

(a) the district has:

(i) levied and collected a tax; or

(ii) collected a fee, charge, or assessment for a commodity, service, facility, or improvement provided by the district; and

(b) no challenge has been filed in court to the existence or creation of the district.

Section 49. Section **17B-1-301** is amended to read:

### **17B-1-301. Board of trustees duties and powers.**

(1) (a) Each ~~[local]~~ special district shall be governed by a board of trustees which shall manage and conduct the business and affairs of the district and shall determine all questions of district policy.

(b) All powers of a ~~[local]~~ special district are exercised through the board of trustees.

(2) The board of trustees may:

(a) fix the location of the ~~[local]~~ special district's principal place of business and the location of all offices and departments, if any;

(b) fix the times of meetings of the board of trustees;

(c) select and use an official district seal;

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(d) subject to Subsections (3) and (4), employ employees and agents, or delegate to district officers power to employ employees and agents, for the operation of the [~~local~~] special district and its properties and prescribe or delegate to district officers the power to prescribe the duties, compensation, and terms and conditions of employment of those employees and agents;

(e) require district officers and employees charged with the handling of district funds to provide surety bonds in an amount set by the board or provide a blanket surety bond to cover officers and employees;

(f) contract for or employ professionals to perform work or services for the [~~local~~] special district that cannot satisfactorily be performed by the officers or employees of the district;

(g) through counsel, prosecute on behalf of or defend the [~~local~~] special district in all court actions or other proceedings in which the district is a party or is otherwise involved;

(h) adopt bylaws for the orderly functioning of the board;

(i) adopt and enforce rules and regulations for the orderly operation of the [~~local~~] special district or for carrying out the district's purposes;

(j) prescribe a system of civil service for district employees;

(k) on behalf of the [~~local~~] special district, enter into contracts that the board considers to be for the benefit of the district;

(l) acquire, construct or cause to be constructed, operate, occupy, control, and use buildings, works, or other facilities for carrying out the purposes of the [~~local~~] special district;

(m) on behalf of the [~~local~~] special district, acquire, use, hold, manage, occupy, and possess property necessary to carry out the purposes of the district, dispose of property when the board considers it appropriate, and institute and maintain in the name of the district any action or proceeding to enforce, maintain, protect, or preserve rights or privileges associated with district property;

(n) delegate to a district officer the exercise of a district duty; and

(o) exercise all powers and perform all functions in the operation of the [~~local~~] special district and its properties as are ordinarily exercised by the governing body of a political subdivision of the state and as are necessary to accomplish the purposes of the district.

(3) (a) As used in this Subsection (3), "interim vacancy period" means:

(i) if any member of the [~~local~~] special district board is elected, the period of time that:

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(A) begins on the day on which an election is held to elect a [~~local~~] special district board member; and

(B) ends on the day on which the [~~local~~] special district board member-elect begins the member's term; or

(ii) if any member of the [~~local~~] special district board is appointed, the period of time that:

(A) begins on the day on which an appointing authority posts a notice of vacancy in accordance with Section 17B-1-304; and

(B) ends on the day on which the person who is appointed by the [~~local~~] special district board to fill the vacancy begins the person's term.

(b) (i) The [~~local~~] special district may not hire during an interim vacancy period a manager, a chief executive officer, a chief administrative officer, an executive director, or a similar position to perform executive and administrative duties or functions.

(ii) Notwithstanding Subsection (3)(b)(i):

(A) the [~~local~~] special district may hire an interim manager, a chief executive officer, a chief administrative officer, an executive director, or a similar position during an interim vacancy period; and

(B) the interim manager's, chief executive officer's, chief administrative officer's, or similar position's employment shall terminate once a new manager, chief executive officer, chief administrative officer, or similar position is hired by the new [~~local~~] special district board after the interim vacancy period has ended.

(c) Subsection (3)(b) does not apply if:

(i) all the elected [~~local~~] special district board members who held office on the day of the election for the [~~local~~] special district board members, whose term of office was vacant for the election are re-elected to the [~~local~~] special district board; and

(ii) all the appointed [~~local~~] special district board members who were appointed whose term of appointment was expiring are re-appointed to the [~~local~~] special district board.

(4) A [~~local~~] special district board that hires an interim manager, a chief executive officer, a chief administrative officer, an executive director, or a similar position in accordance with this section may not, on or after May 10, 2011, enter into an employment contract that contains an automatic renewal provision with the interim manager, chief executive officer,



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chief administrative officer, executive director, or similar position.

Section 50. Section **17B-1-302** is amended to read:

### **17B-1-302. Board member qualifications -- Number of board members.**

(1) Except as provided in Section 17B-2a-905, each member of a [~~local~~] special district board of trustees shall be:

- (a) a registered voter at the location of the member's residence; and
- (b) except as otherwise provided in Subsection (2) or (3), a resident within:
  - (i) the boundaries of the [~~local~~] special district; and
  - (ii) if applicable, the boundaries of the division of the [~~local~~] special district from

which the member is elected or appointed.

(2) (a) As used in this Subsection (2):

(i) "Proportional number" means the number of members of a board of trustees that bears, as close as mathematically possible, the same proportion to all members of the board that the number of seasonally occupied homes bears to all residences within the district that receive service from the district.

(ii) "Seasonally occupied home" means a single-family residence:

- (A) that is located within the [~~local~~] special district;
- (B) that receives service from the [~~local~~] special district; and
- (C) whose owner does not reside permanently at the residence but may occupy the

residence on a temporary or seasonal basis.

(b) If over 50% of the residences within a [~~local~~] special district that receive service from the [~~local~~] special district are seasonally occupied homes, the requirement under Subsection (1)(b) is replaced, for a proportional number of members of the board of trustees, with the requirement that the member be an owner of land, or an agent or officer of the owner of land, that:

- (i) receives service from the district; and
- (ii) is located within the [~~local~~] special district and, if applicable, the division from

which the member is elected.

(3) (a) For a board of trustees member in a basic [~~local~~] special district, or in any other type of [~~local~~] special district that is located solely within a county of the fourth, fifth, or sixth class, that has within the district's boundaries fewer than one residential dwelling unit per 10

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acres of land, the requirement under Subsection (1)(b) may be replaced by the requirement that the member be a resident within the boundaries of the ~~[local]~~ special district, or that the member be an owner of land within the ~~[local]~~ special district that receives service from the district or an agent or officer of the owner.

(b) A member of the board of trustees of a service area described in Subsection 17B-2a-905(2)(a) or (3)(a), who is an elected official of the county appointing the individual, is not subject to the requirements described in Subsection (1)(b) if the elected official was elected at large by the voters of the county.

(c) Notwithstanding Subsection (1)(b) and except as provided in Subsection (3)(d), the county legislative body may appoint to the ~~[local]~~ special district board one of the county legislative body's own members, regardless of whether the member resides within the boundaries described in Subsection (1)(b), if:

(i) the county legislative body satisfies the procedures to fill a vacancy described in:

(A) for the appointment of a new board member, Subsections 17B-1-304(2) and (3); or

(B) for an appointment to fill a midterm vacancy, Subsection 20A-1-512(1)(a)(ii) or Subsection 20A-1-512(2);

(ii) fewer qualified candidates timely file to be considered for appointment to the ~~[local]~~ special district board than are necessary to fill the board;

(iii) the county legislative body appoints each of the qualified candidates who timely filed to be considered for appointment to the board; and

(iv) the county legislative body appoints a member of the body to the ~~[local]~~ special district board, in accordance with Subsection 17B-1-304(6) or Subsection 20A-1-512(1)(c), who was:

(A) elected at large by the voters of the county;

(B) elected from a division of the county that includes more than 50% of the geographic area of the ~~[local]~~ special district; or

(C) if the ~~[local]~~ special district is divided into divisions under Section 17B-1-306.5, elected from a division of the county that includes more than 50% of the geographic area of the division of the ~~[local]~~ special district in which there is a board vacancy.

(d) If it is necessary to reconstitute the board of trustees of a ~~[local]~~ special district located solely within a county of the fourth, fifth, or sixth class because the term of a majority

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of the members of the board has expired without new trustees having been elected or appointed as required by law, even if sufficient qualified candidates timely file to be considered for a vacancy on the board, the county legislative body may appoint to the [~~local~~] special district board no more than one of the county legislative body's own members who does not satisfy the requirements of Subsection (1).

(4) (a) Except as otherwise provided by statute, the number of members of each board of trustees of a [~~local~~] special district that has nine or fewer members shall have an odd number of members that is no fewer than three.

(b) If a board of trustees of a [~~local~~] special district has more than nine members, the number of members may be odd or even.

(5) For a newly created [~~local~~] special district, the number of members of the initial board of trustees shall be the number specified:

(a) for a [~~local~~] special district whose creation was initiated by a petition under Subsection 17B-1-203(1)(a), (b), or (c), in the petition; or

(b) for a [~~local~~] special district whose creation was initiated by a resolution under Subsection 17B-1-203(1)(d) or (e), in the resolution.

(6) (a) For an existing [~~local~~] special district, the number of members of the board of trustees may be changed by a two-thirds vote of the board of trustees.

(b) No change in the number of members of a board of trustees under Subsection (6)(a) may:

(i) violate Subsection (4); or

(ii) serve to shorten the term of any member of the board.

Section 51. Section **17B-1-303** is amended to read:

**17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice of board member contact information.**

(1) (a) Except as provided in Subsections (1)(b), (c), (d), and (e), the term of each member of a board of trustees begins at noon on the January 1 following the member's election or appointment.

(b) The term of each member of the initial board of trustees of a newly created [~~local~~] special district begins:

(i) upon appointment, for an appointed member; and

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(ii) upon the member taking the oath of office after the canvass of the election at which the member is elected, for an elected member.

(c) The term of each water conservancy district board member whom the governor appoints in accordance with Subsection 17B-2a-1005(2)(c):

(i) begins on the later of the following:

(A) the date on which the Senate consents to the appointment; or

(B) the expiration date of the prior term; and

(ii) ends on the February 1 that is approximately four years after the date described in Subsection (1)(c)(i)(A) or (B).

(d) The term of a member of a board of trustees whom an appointing authority appoints in accordance with Subsection (5)(b) begins upon the member taking the oath of office.

(e) If the member of the board of trustees fails to assume or qualify for office on January 1 for any reason, the term begins on the date the member assumes or qualifies for office.

(2) (a) (i) Except as provided in Subsection (8), and subject to Subsections (2)(a)(ii) and (iii), the term of each member of a board of trustees is four years, except that approximately half the members of the initial board of trustees, chosen by lot, shall serve a two-year term so that the term of approximately half the board members expires every two years.

(ii) If the terms of members of the initial board of trustees of a newly created [~~local~~] special district do not begin on January 1 because of application of Subsection (1)(b), the terms of those members shall be adjusted as necessary, subject to Subsection (2)(a)(iii), to result in the terms of their successors complying with:

(A) the requirement under Subsection (1)(a) for a term to begin on January 1 following a member's election or appointment; and

(B) the requirement under Subsection (2)(a)(i) that terms be four years.

(iii) If the term of a member of a board of trustees does not begin on January 1 because of the application of Subsection (1)(e), the term is shortened as necessary to result in the term complying with the requirement under Subsection (1)(a) that the successor member's term, regardless of whether the incumbent is the successor, begins at noon on January 1 following the successor member's election or appointment.

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(iv) An adjustment under Subsection (2)(a)(ii) may not add more than a year to or subtract more than a year from a member's term.

(b) Each board of trustees member shall serve until a successor is duly elected or appointed and qualified, unless the member earlier is removed from office or resigns or otherwise leaves office.

(c) If a member of a board of trustees no longer meets the qualifications of Subsection 17B-1-302(1), (2), or (3), or if the member's term expires without a duly elected or appointed successor:

(i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

(ii) the member may continue to serve until a successor is duly elected or appointed and qualified.

(3) (a) (i) Before entering upon the duties of office, each member of a board of trustees shall take the oath of office specified in Utah Constitution, Article IV, Section 10.

(ii) A judge, county clerk, notary public, or the ~~[local]~~ special district clerk may administer an oath of office.

(b) The member of the board of trustees taking the oath of office shall file the oath of office with the clerk of the ~~[local]~~ special district.

(c) The failure of a board of trustees member to take the oath under Subsection (3)(a) does not invalidate any official act of that member.

(4) A board of trustees member may serve any number of terms.

(5) (a) Except as provided in Subsection (6), each midterm vacancy in a board of trustees position is filled in accordance with Section 20A-1-512.

(b) When the number of members of a board of trustees increases in accordance with Subsection 17B-1-302(6), the appointing authority may appoint an individual to fill a new board of trustees position in accordance with Section 17B-1-304 or 20A-1-512.

(6) (a) ~~[For purposes of]~~ As used in this Subsection (6):

(i) "Appointed official" means a person who:

(A) is appointed as a member of a ~~[local]~~ special district board of trustees by a county or municipality that is entitled to appoint a member to the board; and

(B) holds an elected position with the appointing county or municipality.

(ii) "Appointing entity" means the county or municipality that appointed the appointed

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official to the board of trustees.

(b) The board of trustees shall declare a midterm vacancy for the board position held by an appointed official if:

(i) during the appointed official's term on the board of trustees, the appointed official ceases to hold the elected position with the appointing entity; and

(ii) the appointing entity submits a written request to the board to declare the vacancy.

(c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the appointing entity shall appoint another person to fill the remaining unexpired term on the board of trustees.

(7) (a) A member of a board of trustees shall obtain a fidelity bond or obtain theft or crime insurance for the faithful performance of the member's duties, in the amount and with the sureties or with an insurance company that the board of trustees prescribes.

(b) The [~~local~~] special district:

(i) may assist the board of trustees in obtaining a fidelity bond or obtaining theft or crime insurance as a group or for members individually; and

(ii) shall pay the cost of each fidelity bond or insurance coverage required under this Subsection (7).

(8) (a) The lieutenant governor may extend the term of an elected district board member by one year in order to compensate for a change in the election year under Subsection 17B-1-306(14).

(b) When the number of members of a board of trustees increases in accordance with Subsection 17B-1-302(6), to ensure that the term of approximately half of the board members expires every two years in accordance with Subsection (2)(a):

(i) the board shall set shorter terms for approximately half of the new board members, chosen by lot; and

(ii) the initial term of a new board member position may be less than two or four years.

(9) (a) A [~~local~~] special district shall:

(i) post on the Utah Public Notice Website created in Section 63A-16-601 the name, phone number, and email address of each member of the [~~local~~] special district's board of trustees;

(ii) update the information described in Subsection (9)(a)(i) when:

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(A) the membership of the board of trustees changes; or  
(B) a member of the board of trustees' phone number or email address changes; and  
(iii) post any update required under Subsection (9)(a)(ii) within 30 days after the date on which the change requiring the update occurs.

(b) This Subsection (9) applies regardless of whether the county or municipal legislative body also serves as the board of trustees of the [~~local~~] special district.

Section 52. Section **17B-1-304** is amended to read:

### **17B-1-304. Appointment procedures for appointed members.**

(1) The appointing authority may, by resolution, appoint persons to serve as members of a [~~local~~] special district board by following the procedures established by this section.

(2) (a) In any calendar year when appointment of a new [~~local~~] special district board member is required, the appointing authority shall prepare a notice of vacancy that contains:

- (i) the positions that are vacant that shall be filled by appointment;
- (ii) the qualifications required to be appointed to those positions;
- (iii) the procedures for appointment that the governing body will follow in making those appointments; and
- (iv) the person to be contacted and any deadlines that a person shall meet who wishes to be considered for appointment to those positions.

(b) The appointing authority shall:

- (i) post the notice of vacancy in four public places within the [~~local~~] special district at least one month before the deadline for accepting nominees for appointment; and
- (ii) post the notice of vacancy on the Utah Public Notice Website, created in Section 63A-16-601, for five days before the deadline for accepting nominees for appointment.

(c) The appointing authority may bill the [~~local~~] special district for the cost of preparing, printing, and publishing the notice.

(3) (a) After the appointing authority is notified of a vacancy and has satisfied the requirements described in Subsection (2), the appointing authority shall select a person to fill the vacancy from the applicants who meet the qualifications established by law.

(b) The appointing authority shall:

- (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the appointment;

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- (ii) allow any interested persons to be heard; and
- (iii) adopt a resolution appointing a person to the [~~local~~] special district board.

(c) If no candidate for appointment to fill the vacancy receives a majority vote of the appointing authority, the appointing authority shall select the appointee from the two top candidates by lot.

(4) Persons appointed to serve as members of the [~~local~~] special district board serve four-year terms, but may be removed for cause at any time after a hearing by two-thirds vote of the appointing body.

(5) (a) At the end of each board member's term, the position is considered vacant, and, after following the appointment procedures established in this section, the appointing authority may either reappoint the incumbent board member or appoint a new member.

(b) Notwithstanding Subsection (5)(a), a board member may continue to serve until a successor is elected or appointed and qualified in accordance with Subsection 17B-1-303(2)(b).

(6) Notwithstanding any other provision of this section, if the appointing authority appoints one of its own members and that member meets all applicable statutory board member qualifications, the appointing authority need not comply with Subsection (2) or (3).

Section 53. Section **17B-1-305** is amended to read:

### **17B-1-305. Notice of offices to be filled.**

On or before February 1 of each election year in which board members of a [~~local~~] special district are elected, the board of each [~~local~~] special district required to participate in an election that year shall prepare and transmit to the clerk of each county in which any part of the district is located a written notice that:

- (1) designates the offices to be filled at that year's election; and
- (2) identifies the dates for filing a declaration of candidacy for those offices.

Section 54. Section **17B-1-306** is amended to read:

### **17B-1-306. Special district board -- Election procedures.**

(1) Except as provided in Subsection (12), each elected board member shall be selected as provided in this section.

- (2) (a) Each election of a [~~local~~] special district board member shall be held:

- (i) at the same time as the municipal general election or the regular general election, as applicable; and



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(ii) at polling places designated by the [local] special district board in consultation with the county clerk for each county in which the [local] special district is located, which polling places shall coincide with municipal general election or regular general election polling places, as applicable, whenever feasible.

(b) The [local] special district board, in consultation with the county clerk, may consolidate two or more polling places to enable voters from more than one district to vote at one consolidated polling place.

(c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one polling place per division of the district, designated by the district board.

(ii) Each polling place designated by an irrigation district board under Subsection (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection (2)(a)(ii).

(3) The clerk of each [local] special district with a board member position to be filled at the next municipal general election or regular general election, as applicable, shall provide notice of:

(a) each elective position of the [local] special district to be filled at the next municipal general election or regular general election, as applicable;

(b) the constitutional and statutory qualifications for each position; and

(c) the dates and times for filing a declaration of candidacy.

(4) The clerk of the [local] special district shall publish the notice described in Subsection (3):

(a) by posting the notice on the Utah Public Notice Website created in Section 63A-16-601, for 10 days before the first day for filing a declaration of candidacy;

(b) by posting the notice in at least five public places within the [local] special district at least 10 days before the first day for filing a declaration of candidacy; and

(c) if the [local] special district has a website, on the [local] special district's website for 10 days before the first day for filing a declaration of candidacy.

(5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective [local] special district board position, an individual shall file a declaration of candidacy in person with an official designated by the [local] special district within the candidate filing

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period for the applicable election year in which the election for the [~~local~~] special district board is held and:

(i) during the [~~local~~] special district's standard office hours, if the standard office hours provide at least three consecutive office hours each day during the candidate filing period that is not a holiday or weekend; or

(ii) if the standard office hours of a [~~local~~] special district do not provide at least three consecutive office hours each day, a three-hour consecutive time period each day designated by the [~~local~~] special district during the candidate filing period that is not a holiday or weekend.

(b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the filing time shall be extended until the close of normal office hours on the following regular business day.

(c) Subject to Subsection (5)(f), an individual may designate an agent to file a declaration of candidacy with the official designated by the [~~local~~] special district if:

(i) the individual is located outside of the state during the entire filing period;

(ii) the designated agent appears in person before the official designated by the [~~local~~] special district; and

(iii) the individual communicates with the official designated by the [~~local~~] special district using an electronic device that allows the individual and official to see and hear each other.

(d) (i) Before the filing officer may accept any declaration of candidacy from an individual, the filing officer shall:

(A) read to the individual the constitutional and statutory qualification requirements for the office that the individual is seeking; and

(B) require the individual to state whether the individual meets those requirements.

(ii) If the individual does not meet the qualification requirements for the office, the filing officer may not accept the individual's declaration of candidacy.

(iii) If it appears that the individual meets the requirements of candidacy, the filing officer shall accept the individual's declaration of candidacy.

(e) The declaration of candidacy shall be in substantially the following form:

"I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street) \_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, state of Utah, (Zip

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Code) \_\_\_\_\_, (Telephone Number, if any) \_\_\_\_\_; that I meet the qualifications for the office of board of trustees member for \_\_\_\_\_ (state the name of the [local] special district); that I am a candidate for that office to be voted upon at the next election; and that, if filing via a designated agent, I will be out of the state of Utah during the entire candidate filing period, and I hereby request that my name be printed upon the official ballot for that election.

(Signed) \_\_\_\_\_

Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

(Signed) \_\_\_\_\_

(Clerk or Notary Public)".

(f) An agent designated under Subsection (5)(c) may not sign the form described in Subsection (5)(e).

(g) Each individual wishing to become a valid write-in candidate for an elective [local] special district board position is governed by Section 20A-9-601.

(h) If at least one individual does not file a declaration of candidacy as required by this section, an individual shall be appointed to fill that board position in accordance with the appointment provisions of Section 20A-1-512.

(i) If only one candidate files a declaration of candidacy and there is no write-in candidate who complies with Section 20A-9-601, the board, in accordance with Section 20A-1-206, may:

(i) consider the candidate to be elected to the position; and

(ii) cancel the election.

(6) (a) A primary election may be held if:

(i) the election is authorized by the [local] special district board; and

(ii) the number of candidates for a particular local board position or office exceeds twice the number of persons needed to fill that position or office.

(b) The primary election shall be conducted:

(i) on the same date as the municipal primary election or the regular primary election, as applicable; and

(ii) according to the procedures for primary elections provided under Title 20A,

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Election Code.

(7) (a) Except as provided in Subsection (7)(c), within one business day after the deadline for filing a declaration of candidacy, the ~~[local]~~ special district clerk shall certify the candidate names to the clerk of each county in which the ~~[local]~~ special district is located.

(b) (i) Except as provided in Subsection (7)(c) and in accordance with Section 20A-6-305, the clerk of each county in which the ~~[local]~~ special district is located and the ~~[local]~~ special district clerk shall coordinate the placement of the name of each candidate for ~~[local]~~ special district office in the nonpartisan section of the ballot with the appropriate election officer.

(ii) If consolidation of the ~~[local]~~ special district election ballot with the municipal general election ballot or the regular general election ballot, as applicable, is not feasible, the ~~[local]~~ special district board of trustees, in consultation with the county clerk, shall provide for a separate ~~[local]~~ special district election ballot to be administered by poll workers at polling places designated under Subsection (2).

(c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

(ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall prescribe the form of the ballot for each board member election.

(B) Each ballot for an election of an irrigation district board member shall be in a nonpartisan format.

(C) The name of each candidate shall be placed on the ballot in the order specified under Section 20A-6-305.

(8) (a) Each voter at an election for a board of trustees member of a ~~[local]~~ special district shall:

(i) be a registered voter within the district, except for an election of:

(A) an irrigation district board of trustees member; or

(B) a basic ~~[local]~~ special district board of trustees member who is elected by property owners; and

(ii) meet the requirements to vote established by the district.

(b) Each voter may vote for as many candidates as there are offices to be filled.

(c) The candidates who receive the highest number of votes are elected.

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(9) Except as otherwise provided by this section, the election of [~~local~~] special district board members is governed by Title 20A, Election Code.

(10) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a [~~local~~] special district board shall serve a four-year term, beginning at noon on the January 1 after the person's election.

(b) A person elected shall be sworn in as soon as practical after January 1.

(11) (a) Except as provided in Subsection (11)(b), each [~~local~~] special district shall reimburse the county or municipality holding an election under this section for the costs of the election attributable to that [~~local~~] special district.

(b) Each irrigation district shall bear the district's own costs of each election the district holds under this section.

(12) This section does not apply to an improvement district that provides electric or gas service.

(13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A, Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.

(14) (a) As used in this Subsection (14), "board" means:

(i) a [~~local~~] special district board; or

(ii) the administrative control board of a special service district that has elected members on the board.

(b) A board may hold elections for membership on the board at a regular general election instead of a municipal general election if the board submits an application to the lieutenant governor that:

(i) requests permission to hold elections for membership on the board at a regular general election instead of a municipal general election; and

(ii) indicates that holding elections at the time of the regular general election is beneficial, based on potential cost savings, a potential increase in voter turnout, or another material reason.

(c) Upon receipt of an application described in Subsection (14)(b), the lieutenant governor may approve the application if the lieutenant governor concludes that holding the elections at the regular general election is beneficial based on the criteria described in Subsection (14)(b)(ii).

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(d) If the lieutenant governor approves a board's application described in this section:

(i) all future elections for membership on the board shall be held at the time of the regular general election; and

(ii) the board may not hold elections at the time of a municipal general election unless the board receives permission from the lieutenant governor to hold all future elections for membership on the board at a municipal general election instead of a regular general election, under the same procedure, and by applying the same criteria, described in this Subsection (14).

(15) (a) This Subsection (15) applies to a ~~[local]~~ special district if:

(i) the ~~[local]~~ special district's board members are elected by the owners of real property, as provided in Subsection 17B-1-1402(1)(b); and

(ii) the ~~[local]~~ special district was created before January 1, 2020.

(b) The board of a ~~[local]~~ special district described in Subsection (15)(a) may conduct an election:

(i) to fill a board member position that expires at the end of the term for that board member's position; and

(ii) notwithstanding Subsection 20A-1-512(1)(a)(i), to fill a vacancy in an unexpired term of a board member.

(c) An election under Subsection (15)(b) may be conducted as determined by the ~~[local]~~ special district board, subject to Subsection (15)(d).

(d) (i) The ~~[local]~~ special district board shall provide to property owners eligible to vote at the ~~[local]~~ special district election:

(A) notice of the election; and

(B) a form to nominate an eligible individual to be elected as a board member.

(ii) (A) The ~~[local]~~ special district board may establish a deadline for a property owner to submit a nomination form.

(B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days after the board provides the notice and nomination form under Subsection (15)(d)(i).

(iii) (A) After the deadline for submitting nomination forms, the ~~[local]~~ special district board shall provide a ballot to all property owners eligible to vote at the ~~[local]~~ special district election.

(B) A ~~[local]~~ special district board shall allow at least five days for ballots to be

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returned.

(iv) A [~~local~~] special district board shall certify the results of an election under this Subsection (15) during an open meeting of the board.

Section 55. Section **17B-1-306.5** is amended to read:

### **17B-1-306.5. Dividing a special district into divisions.**

(1) Subject to Subsection (3), the board of trustees of a [~~local~~] special district that has elected board members may, upon a vote of two-thirds of the members of the board, divide the [~~local~~] special district, or the portion of the [~~local~~] special district represented by elected board of trustees members, into divisions so that some or all of the elected members of the board of trustees may be elected by division rather than at large.

(2) Subject to Subsection (3), the appointing authority of a [~~local~~] special district that has appointed board members may, upon a vote of two-thirds of the members of the appointing authority, divide the [~~local~~] special district, or the portion of the [~~local~~] special district represented by appointed board members, into divisions so that some or all of the appointed members of the board of trustees may be appointed by division rather than at large.

(3) Before dividing a [~~local~~] special district into divisions or before changing the boundaries of divisions already established, the board of trustees under Subsection (1), or the appointing authority, under Subsection (2), shall:

(a) prepare a proposal that describes the boundaries of the proposed divisions; and  
(b) hold a public hearing at which any interested person may appear and speak for or against the proposal.

(4) (a) The board of trustees or the appointing authority shall review the division boundaries at least every 10 years.

(b) Except for changes in the divisions necessitated by annexations to or withdrawals from the [~~local~~] special district, the boundaries of divisions established under Subsection (1) or (2) may not be changed more often than every five years.

(c) Changes to the boundaries of divisions already established under Subsection (1) or (2) are not subject to the two-thirds vote requirement of Subsection (1) or (2).

Section 56. Section **17B-1-307** is amended to read:

**17B-1-307. Annual compensation -- Per diem compensation -- Participation in group insurance plan -- Reimbursement of expenses.**

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(1) (a) Except as provided in Subsection 17B-1-308(1)(e), a member of a board of trustees may receive compensation for service on the board, as determined by the board of trustees.

(b) The amount of compensation under this Subsection (1) may not exceed \$5,000 per year.

(c) (i) As determined by the board of trustees, a member of the board of trustees may participate in a group insurance plan provided to employees of the ~~[local]~~ special district on the same basis as employees of the ~~[local]~~ special district.

(ii) The amount that the ~~[local]~~ special district pays to provide a member with coverage under a group insurance plan shall be included as part of the member's compensation for purposes of Subsection (1)(b).

(d) The amount that a ~~[local]~~ special district pays employer-matching employment taxes, if a member of the board of trustees is treated as an employee for federal tax purposes, does not constitute compensation under Subsection (1).

(2) In addition to the compensation provided under Subsection (1), the board of trustees may elect to allow a member to receive per diem and travel expenses for up to 12 meetings or activities per year in accordance with rules adopted by the board of trustees or Section 11-55-103.

Section 57. Section **17B-1-308** is amended to read:

**17B-1-308. Boards of trustees composed of county or municipal legislative body members.**

(1) If a county or municipal legislative body also serves as the board of trustees of a ~~[local]~~ special district:

(a) the board of trustees shall hold district meetings and keep district minutes, accounts, and other records separate from those of the county or municipality;

(b) subject to Subsection (2), the board of trustees may use, respectively, existing county or municipal facilities and personnel for district purposes;

(c) notwithstanding Subsections 17B-1-303(1) and (2), the term of office of each board of trustees member coincides with the member's term as a county or municipal legislative body member;

(d) each board of trustees member represents the district at large; and



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(e) board members may not receive compensation for service as board members in addition to compensation the board members receive as members of a county or municipal legislative body.

(2) The county or municipal legislative body, as the case may be, shall charge the ~~[local]~~ special district, and the ~~[local]~~ special district shall pay to the county or municipality, a reasonable amount for:

(a) the county or municipal facilities that the district uses; and

(b) except for services that the county or municipal legislative body members render, the services that the county or municipality renders to the ~~[local]~~ special district.

Section 58. Section **17B-1-310** is amended to read:

### **17B-1-310. Quorum of board of trustees -- Meetings of the board.**

(1) (a) (i) Except as provided in Subsection (1)(b), a majority of the board of trustees constitutes a quorum for the transaction of board business, and action by a majority of a quorum constitutes action of the board.

(ii) Except as otherwise required by law, an otherwise valid action of the board is not made invalid because of the method chosen by the board to take or memorialize the action.

(b) (i) Subject to Subsection (1)(b)(ii), a board may adopt bylaws or other rules that require more than a majority to constitute a quorum or that require action by more than a majority of a quorum to constitute action by the board.

(ii) A board with five or more members may not adopt bylaws or rules that require a vote of more than two-thirds of the board to constitute board action except for a board action to dispose of real property owned by the ~~[local]~~ special district.

(2) The board of trustees shall hold such regular and special meetings as the board determines at a location that the board determines.

(3) (a) Each meeting of the board of trustees shall comply with Title 52, Chapter 4, Open and Public Meetings Act.

(b) Subject to Subsection (3)(c), a board of trustees shall:

(i) adopt rules of order and procedure to govern a public meeting of the board of trustees;

(ii) conduct a public meeting in accordance with the rules of order and procedure described in Subsection (3)(b)(i); and

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(iii) make the rules of order and procedure described in Subsection (3)(b)(i) available to the public:

(A) at each meeting of the board of trustees; and

(B) on the [local] special district's public website, if available.

(c) Subsection (3)(b) does not affect the board of trustees' duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

Section 59. Section **17B-1-311** is amended to read:

### **17B-1-311. Board member prohibited from district employment -- Exception.**

(1) No elected or appointed member of the board of trustees of a [local] special district may, while serving on the board, be employed by the district, whether as an employee or under a contract.

(2) No person employed by a [local] special district, whether as an employee or under a contract, may serve on the board of that [local] special district.

(3) A [local] special district is not in violation of a prohibition described in Subsection (1) or (2) if the [local] special district:

(a) treats a member of a board of trustees as an employee for income tax purposes; and

(b) complies with the compensation limits of Section 17B-1-307 for purposes of that member.

(4) This section does not apply to a [local] special district if:

(a) fewer than 3,000 people in the state live within 40 miles of the [local] special district's boundaries or primary place of employment, measured over all weather public roads; and

(b) with respect to the employment of a board of trustees member under Subsection (1):

(i) the job opening has had reasonable public notice; and

(ii) the person employed is the best qualified candidate for the position.

(5) This section does not apply to a board of trustees of a large public transit district as described in Chapter 2a, Part 8, Public Transit District Act.

Section 60. Section **17B-1-312** is amended to read:

### **17B-1-312. Training for board members.**

(1) (a) Each member of a board of trustees of a [local] special district shall, within one

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year after taking office, complete the training described in Subsection (2).

(b) For the purposes of Subsection (1)(a), a member of a board of trustees of a [~~local~~] special district takes office each time the member is elected or appointed to a new term, including an appointment to fill a midterm vacancy in accordance with Subsection 17B-1-303(5) or (6).

(2) In conjunction with the Utah Association of Special Districts, the state auditor shall:

(a) develop a training curriculum for the members of [~~local~~] special district boards;

(b) with the assistance of other state offices and departments the state auditor considers appropriate and at times and locations established by the state auditor, carry out the training of members of [~~local~~] special district boards; and

(c) ensure that any training required under this Subsection (2) complies with Title 63G, Chapter 22, State Training and Certification Requirements.

(3) (a) A [~~local~~] special district board of trustees may compensate each member of the board for each day of training described in Subsection (2) that the member completes, in accordance with Section 11-55-103.

(b) The compensation authorized under Subsection (3)(a) is in addition to all other amounts of compensation and expense reimbursement authorized under this chapter.

(c) A board of trustees may not pay compensation under Subsection (3)(a) to any board member more than once per year.

(4) The state auditor shall issue a certificate of completion to each board member that completes the training described in Subsection (2).

Section 61. Section **17B-1-313** is amended to read:

**17B-1-313. Publication of notice of board resolution or action -- Contest period -- No contest after contest period.**

(1) After the board of trustees of a [~~local~~] special district adopts a resolution or takes other action on behalf of the district, the board may provide for the publication of a notice of the resolution or other action.

(2) Each notice under Subsection (1) shall:

(a) include, as the case may be:

(i) the language of the resolution or a summary of the resolution; or

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(ii) a description of the action taken by the board;

(b) state that:

(i) any person in interest may file an action in district court to contest the regularity, formality, or legality of the resolution or action within 30 days after the date of publication; and

(ii) if the resolution or action is not contested by filing an action in district court within the 30-day period, no one may contest the regularity, formality, or legality of the resolution or action after the expiration of the 30-day period; and

(c) be posted on the Utah Public Notice Website created in Section 63A-16-601.

(3) For a period of 30 days after the date of the publication, any person in interest may contest the regularity, formality, or legality of the resolution or other action by filing an action in district court.

(4) After the expiration of the 30-day period under Subsection (3), no one may contest the regularity, formality, or legality of the resolution or action for any cause.

Section 62. Section **17B-1-314** is amended to read:

### **17B-1-314. Compelling attendance at board meetings.**

The board of trustees of a [~~local~~] special district may:

(1) compel the attendance of its own members at its meetings; and

(2) provide penalties it considers necessary for the failure to attend.

Section 63. Section **17B-1-401** is amended to read:

### **17B-1-401. Definitions.**

[~~For purposes of~~] As used in this part:

(1) "Applicable area" means:

(a) for a county, the unincorporated area of the county that is included within the area proposed for annexation; or

(b) for a municipality, the area of the municipality that is included within the area proposed for annexation.

(2) "Retail" means, with respect to a service provided by a municipality or [~~local~~] special district, that the service is provided directly to the ultimate user.

(3) "Wholesale" means, with respect to a service provided by a [~~local~~] special district, that the service is not provided directly to the ultimate user but is provided to a retail provider.

Section 64. Section **17B-1-402** is amended to read:

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### **17B-1-402. Annexation of area outside special district.**

(1) An area outside the boundaries of a [~~local~~] special district may be annexed to the [~~local~~] special district, as provided in this part, in order to provide to the area a service that the [~~local~~] special district provides.

(2) The area proposed to be annexed:

(a) may consist of one or more noncontiguous areas; and

(b) need not be adjacent to the boundaries of the proposed annexing [~~local~~] special district.

(3) With respect to a [~~local~~] special district in the creation of which an election was not required under Subsection 17B-1-214(3)(d):

(a) an unincorporated area of a county may not be annexed to the [~~local~~] special district unless, after annexation, at least a majority of the unincorporated area of the county will be included in the [~~local~~] special district; and

(b) the annexation of any part of an area within a municipality shall include all of the area within the municipality.

(4) A [~~local~~] special district may not annex an area located within a project area described in a project area plan adopted by the military installation development authority under Title 63H, Chapter 1, Military Installation Development Authority Act, without the authority's approval.

Section 65. Section **17B-1-403** is amended to read:

### **17B-1-403. Initiation of annexation process -- Petition and resolution.**

(1) Except as provided in Sections 17B-1-415, 17B-1-416, and 17B-1-417, the process to annex an area to a [~~local~~] special district may be initiated by:

(a) (i) for a district whose board of trustees is elected by electors based on the acre-feet of water allotted to the land owned by the elector and subject to Subsection (2), a petition signed by the owners of all of the acre-feet of water allotted to the land proposed for annexation; or

(ii) for all other districts:

(A) a petition signed by:

(I) the owners of private real property that:

(Aa) is located within the area proposed to be annexed;

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(Bb) covers at least 10% of the total private land area within the entire area proposed to be annexed and within each applicable area; and

(Cc) is equal in assessed value to at least 10% of the assessed value of all private real property within the entire area proposed to be annexed and within each applicable area; or

(II) the owner of all the publicly owned real property, if all the real property within the area proposed for annexation is owned by a public entity other than the federal government; or

(B) a petition signed by registered voters residing within the entire area proposed to be annexed and within each applicable area equal in number to at least 10% of the number of votes cast within the entire area proposed to be annexed and within each applicable area, respectively, for the office of governor at the last regular general election before the filing of the petition;

(b) a resolution adopted by the legislative body of each county whose unincorporated area includes and each municipality whose boundaries include any of the area proposed to be annexed; or

(c) a resolution adopted by the board of trustees of the proposed annexing [~~local~~] special district if, for at least 12 consecutive months immediately preceding adoption of the resolution, the [~~local~~] special district has provided:

(i) retail service to the area; or

(ii) a wholesale service to a provider of the same service that has provided that service on a retail basis to the area.

(2) If an association representing all acre-feet of water allotted to the land that is proposed to be annexed to a [~~local~~] special district signs a petition under Subsection (1)(a)(i), pursuant to a proper exercise of authority as provided in the bylaws or other rules governing the association, the petition shall be considered to have been signed by the owners of all of the acre-feet of water allotted to the land proposed for annexation, even though less than all of the owners within the association consented to the association signing the petition.

(3) Each petition and resolution under Subsection (1) shall:

(a) describe the area proposed to be annexed; and

(b) be accompanied by a map of the boundaries of the area proposed to be annexed.

(4) The legislative body of each county and municipality that adopts a resolution under Subsection (1)(b) shall, within five days after adopting the resolution, mail or deliver a copy of

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the resolution to the board of trustees of the proposed annexing [~~local~~] special district.

Section 66. Section **17B-1-404** is amended to read:

### **17B-1-404. Petition requirements.**

(1) Each petition under Subsection 17B-1-403(1)(a) shall:

(a) indicate the typed or printed name and current residence address of each person signing the petition;

(b) separately group signatures by county and municipality, so that all signatures of the owners of real property located within or of registered voters residing within each county whose unincorporated area includes and each municipality whose boundaries include part of the area proposed for annexation are grouped separately;

(c) if it is a petition under Subsection 17B-1-403(1)(a)(i) or (ii)(A), indicate the address of the property as to which the owner is signing the petition;

(d) designate up to three signers of the petition as sponsors, one of whom shall be designated the contact sponsor, with the mailing address and telephone number of each;

(e) be filed with the board of trustees of the proposed annexing [~~local~~] special district; and

(f) for a petition under Subsection 17B-1-403(1)(a)(i), state the proposed method of supplying water to the area proposed to be annexed.

(2) By submitting a written withdrawal or reinstatement with the board of trustees of the proposed annexing [~~local~~] special district, a signer of a petition may withdraw, or once withdrawn, reinstate the signer's signature at any time:

(a) before the public hearing under Section 17B-1-409 is held; or

(b) if a hearing is not held because of Subsection 17B-1-413(1) or because no hearing is requested under Subsection 17B-1-413(2)(a)(ii)(B), until 20 days after the [~~local~~] special district provides notice under Subsection 17B-1-413(2)(a)(i).

Section 67. Section **17B-1-405** is amended to read:

### **17B-1-405. Petition certification.**

(1) Within 30 days after the filing of a petition under Subsection 17B-1-403(1)(a)(i) or (ii) or within the time that the [~~local~~] special district and each petition sponsor designate by written agreement, the board of trustees of the proposed annexing [~~local~~] special district shall:

(a) with the assistance of officers of the county in which the area proposed to be

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annexed is located from whom the board requests assistance, determine whether the petition meets the requirements of Subsection 17B-1-403(1)(a)(i) or (ii), as the case may be, Subsection 17B-1-403(3), and Subsection 17B-1-404(1); and

(b) (i) if the board determines that the petition complies with the requirements, certify the petition and mail or deliver written notification of the certification to the contact sponsor; or

(ii) if the board determines that the petition fails to comply with any of the requirements, reject the petition and mail or deliver written notification of the rejection and the reasons for the rejection to the contact sponsor.

(2) (a) If the board rejects a petition under Subsection (1)(b)(ii), the petition may be amended to correct the deficiencies for which it was rejected and then refiled.

(b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be used toward fulfilling the applicable signature requirement of the petition as amended under Subsection (2)(a).

(3) The board shall process an amended petition filed under Subsection (2)(a) in the same manner as an original petition under Subsection (1).

Section 68. Section **17B-1-406** is amended to read:

### **17B-1-406. Notice to county and municipality -- Exception.**

(1) Except as provided in Subsection (2), within 10 days after certifying a petition under Subsection 17B-1-405(1)(b) the board of trustees of the proposed annexing [~~local~~] special district shall mail or deliver a written notice of the proposed annexation, with a copy of the certification and a copy of the petition, to the legislative body of each:

(a) county in whose unincorporated area any part of the area proposed for annexation is located; and

(b) municipality in which any part of the area proposed for annexation is located.

(2) The board is not required to send a notice under Subsection (1) to:

(a) a county or municipality that does not provide the service proposed to be provided by the [~~local~~] special district; or

(b) a county or municipality whose legislative body has adopted an ordinance or resolution waiving the notice requirement as to:

(i) the proposed annexing [~~local~~] special district; or



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(ii) the service that the proposed annexing ~~[local]~~ special district provides.

(3) For purposes of this section, an area proposed to be annexed to a municipality in a petition under Section 10-2-403 filed before and still pending at the time of the filing of a petition under Subsection 17B-1-403(1)(a) and an area included within a municipality's annexation policy plan under Section 10-2-401.5 shall be considered to be part of that municipality.

Section 69. Section **17B-1-407** is amended to read:

**17B-1-407. Notice of intent to consider providing service -- Public hearing requirements.**

(1) (a) If the legislative body of a county or municipality whose applicable area is proposed to be annexed to a ~~[local]~~ special district in a petition under Subsection 17B-1-403(1)(a) intends to consider having the county or municipality, respectively, provide to the applicable area the service that the proposed annexing ~~[local]~~ special district provides, the legislative body shall, within 30 days after receiving the notice under Subsection 17B-1-406(1), mail or deliver a written notice to the board of trustees of the proposed annexing ~~[local]~~ special district indicating that intent.

(b) (i) A notice of intent under Subsection (1)(a) suspends the ~~[local]~~ special district's annexation proceeding as to the applicable area of the county or municipality that submits the notice of intent until the county or municipality:

(A) adopts a resolution under Subsection 17B-1-408(1) declining to provide the service proposed to be provided by the proposed annexing ~~[local]~~ special district; or

(B) is considered under Subsection 17B-1-408(2) or (3) to have declined to provide the service.

(ii) The suspension of an annexation proceeding under Subsection (1)(b)(i) as to an applicable area does not prevent the ~~[local]~~ special district from continuing to pursue the annexation proceeding with respect to other applicable areas for which no notice of intent was submitted.

(c) If a legislative body does not mail or deliver a notice of intent within the time required under Subsection (1)(a), the legislative body shall be considered to have declined to provide the service.

(2) Each legislative body that mails or delivers a notice under Subsection (1)(a) shall

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hold a public hearing or a set of public hearings, sufficient in number and location to ensure that no substantial group of residents of the area proposed for annexation need travel an unreasonable distance to attend a public hearing.

(3) Each public hearing under Subsection (2) shall be held:

(a) no later than 45 days after the legislative body sends notice under Subsection (1);

(b) except as provided in Subsections (6) and (7), within the applicable area; and

(c) for the purpose of allowing public input on:

(i) whether the service is needed in the area proposed for annexation;

(ii) whether the service should be provided by the county or municipality or the proposed annexing ~~[local]~~ special district; and

(iii) all other matters relating to the issue of providing the service or the proposed annexation.

(4) A quorum of the legislative body of each county or municipal legislative body holding a public hearing under this section shall be present throughout each hearing held by that county or municipal legislative body.

(5) Each hearing under this section shall be held on a weekday evening other than a holiday beginning no earlier than 6 p.m.

(6) Two or more county or municipal legislative bodies may jointly hold a hearing or set of hearings required under this section if all the requirements of this section, other than the requirements of Subsection (3)(b), are met as to each hearing.

(7) Notwithstanding Subsection (3)(b), a county or municipal legislative body may hold a public hearing or set of public hearings outside the applicable area if:

(a) there is no reasonable place to hold a public hearing within the applicable area; and

(b) the public hearing or set of public hearings is held as close to the applicable area as reasonably possible.

(8) Before holding a public hearing or set of public hearings under this section, the legislative body of each county or municipality that receives a request for service shall provide notice of the hearing or set of hearings as provided in Section 17B-1-211.

Section 70. Section **17B-1-408** is amended to read:

**17B-1-408. Resolution indicating whether the requested service will be provided.**

(1) Within 30 days after the last hearing required under Section 17B-1-407 is held, the

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legislative body of each county and municipality that sent a notice of intent under Subsection 17B-1-407(1) shall adopt a resolution indicating whether the county or municipality will provide to the area proposed for annexation within its boundaries the service proposed to be provided by the proposed annexing [~~local~~] special district.

(2) If the county or municipal legislative body fails to adopt a resolution within the time provided under Subsection (1), the county or municipality shall be considered to have declined to provide the service.

(3) If a county or municipal legislative body adopts a resolution under Subsection (1) indicating that the county or municipality will provide the service but the county or municipality does not, within 120 days after the adoption of that resolution, take substantial measures to provide the service, the county or municipality shall be considered to have declined to provide the service.

(4) Each county or municipality whose legislative body adopts a resolution under Subsection (1) indicating that the county or municipality will provide the service shall diligently proceed to take all measures necessary to provide the service.

(5) If a county or municipal legislative body adopts a resolution under Subsection (1) indicating that the county or municipality will provide the service and the county or municipality takes substantial measures within the time provided in Subsection (3) to provide the service, the [~~local~~] special district's annexation proceeding as to the applicable area of that county or municipality is terminated and that applicable area is considered deleted from the area proposed to be annexed in a petition under Subsection 17B-1-403(1)(a).

Section 71. Section **17B-1-409** is amended to read:

### **17B-1-409. Public hearing on proposed annexation.**

(1) Except as provided in Sections 17B-1-413 and 17B-1-415, the board of trustees of each [~~local~~] special district that certifies a petition that was filed under Subsection 17B-1-403(1)(a)(ii)(A) or (B), receives a resolution adopted under Subsection 17B-1-403(1)(b), or adopts a resolution under Subsection 17B-1-403(1)(c) shall hold a public hearing on the proposed annexation and provide notice of the hearing as provided in Section 17B-1-410.

(2) Each public hearing under Subsection (1) shall be held:

(a) within 45 days after:

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(i) if no notice to a county or municipal legislative body is required under Section 17B-1-406, petition certification under Section 17B-1-405; or

(ii) if notice is required under Section 17B-1-406, but no notice of intent is submitted by the deadline:

(A) expiration of the deadline under Subsection 17B-1-407(1) to submit a notice of intent; or

(B) termination of a suspension of the annexation proceeding under Subsection 17B-1-407(1)(b);

(b) (i) for a [~~local~~] special district located entirely within a single county:

(A) within or as close as practicable to the area proposed to be annexed; or

(B) at the [~~local~~] special district office; or

(ii) for a [~~local~~] special district located in more than one county:

(A) (I) within the county in which the area proposed to be annexed is located; and

(II) within or as close as practicable to the area proposed to be annexed; or

(B) if the [~~local~~] special district office is reasonably accessible to all residents within the area proposed to be annexed, at the [~~local~~] special district office;

(c) on a weekday evening other than a holiday beginning no earlier than 6 p.m.; and

(d) for the purpose of allowing:

(i) the public to ask questions and obtain further information about the proposed annexation and issues raised by it; and

(ii) any interested person to address the board regarding the proposed annexation.

(3) A quorum of the board of trustees of the proposed annexing [~~local~~] special district shall be present throughout each public hearing held under this section.

(4) (a) After holding a public hearing under this section or, if no hearing is held because of application of Subsection 17B-1-413(2)(a)(ii), after expiration of the time under Subsection 17B-1-413(2)(a)(ii)(B) for requesting a hearing, the board of trustees may by resolution deny the annexation and terminate the annexation procedure if:

(i) for a proposed annexation initiated by a petition under Subsection 17B-1-403(1)(a)(i) or (ii), the board determines that:

(A) it is not feasible for the [~~local~~] special district to provide service to the area proposed to be annexed; or

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(B) annexing the area proposed to be annexed would be inequitable to the owners of real property or residents already within the [~~local~~] special district; or

(ii) for a proposed annexation initiated by resolution under Subsection 17B-1-403(1)(b) or (c), the board determines not to pursue annexation.

(b) In each resolution adopted under Subsection (4)(a), the board shall set forth its reasons for denying the annexation.

Section 72. Section **17B-1-410** is amended to read:

### **17B-1-410. Notice of public hearing.**

(1) Before holding a public hearing required under Section 17B-1-409, the board of trustees of each proposed annexing [~~local~~] special district shall:

(a) mail notice of the public hearing and the proposed annexation to:

(i) if the [~~local~~] special district is funded predominantly by revenues from a property tax, each owner of private real property located within the area proposed to be annexed, as shown upon the county assessment roll last equalized as of the previous December 31; or

(ii) if the [~~local~~] special district is not funded predominantly by revenues from a property tax, each registered voter residing within the area proposed to be annexed, as determined by the voter registration list maintained by the county clerk as of a date selected by the board of trustees that is at least 20 but not more than 60 days before the public hearing; and

(b) post notice of the public hearing and the proposed annexation in at least four conspicuous places within the area proposed to be annexed, no less than 10 and no more than 30 days before the public hearing.

(2) Each notice required under Subsection (1) shall:

(a) describe the area proposed to be annexed;

(b) identify the proposed annexing [~~local~~] special district;

(c) state the date, time, and location of the public hearing;

(d) provide a [~~local~~] special district telephone number where additional information about the proposed annexation may be obtained;

(e) specify the estimated financial impact, in terms of taxes and fees, upon the typical resident and upon the typical property owner within the area proposed to be annexed if the proposed annexation is completed; and

(f) except for a proposed annexation under a petition that meets the requirements of

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Subsection 17B-1-413(1), explain that property owners and registered voters within the area proposed to be annexed may protest the annexation by filing a written protest with the ~~[local]~~ special district board of trustees within 30 days after the public hearing.

Section 73. Section **17B-1-411** is amended to read:

### **17B-1-411. Modifications to area proposed for annexation -- Limitations.**

(1) (a) Subject to Subsections (2), (3), (4), and (5), a board of trustees may, within 30 days after the public hearing under Section 17B-1-409, or, if no public hearing is held, within 30 days after the board provides notice under Subsection 17B-1-413(2)(a)(i), modify the area proposed for annexation to include land not previously included in that area or to exclude land from that area if the modification enhances the feasibility of the proposed annexation.

(b) A modification under Subsection (1)(a) may consist of the exclusion of all the land within an applicable area if:

- (i) the entire area proposed to be annexed consists of more than that applicable area;
- (ii) sufficient protests under Section 17B-1-412 are filed with respect to that applicable area that an election would have been required under Subsection 17B-1-412(3) if that applicable area were the entire area proposed to be annexed; and
- (iii) the other requirements of Subsection (1)(a) are met.

(2) A board of trustees may not add property under Subsection (1) to the area proposed for annexation without the consent of the owner of that property.

(3) Except as provided in Subsection (1)(b), a modification under Subsection (1) may not avoid the requirement for an election under Subsection 17B-1-412(3) if, before the modification, the election was required because of protests filed under Section 17B-1-412.

(4) If the annexation is proposed by a petition under Subsection 17B-1-403(1)(a)(ii)(A) or (B), a modification may not be made unless the requirements of Subsection 17B-1-403(1)(a)(ii)(A) or (B) are met after the modification as to the area proposed to be annexed.

(5) If the petition meets the requirements of Subsection 17B-1-413(1) before a modification under this section but fails to meet those requirements after modification:

- (a) the ~~[local]~~ special district board shall give notice as provided in Section 17B-1-410 and hold a public hearing as provided in Section 17B-1-409 on the proposed annexation; and
- (b) the petition shall be considered in all respects as one that does not meet the

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requirements of Subsection 17B-1-413(1).

Section 74. Section **17B-1-412** is amended to read:

### **17B-1-412. Protests -- Election.**

(1) (a) An owner of private real property located within or a registered voter residing within an area proposed to be annexed may protest an annexation by filing a written protest with the board of trustees of the proposed annexing [~~local~~] special district, except:

(i) as provided in Section 17B-1-413;

(ii) for an annexation under Section 17B-1-415; and

(iii) for an annexation proposed by a [~~local~~] special district that receives sales and use tax funds from the counties, cities, and towns within the [~~local~~] special district that impose a sales and use tax under Section 59-12-2213.

(b) A protest of a boundary adjustment is not governed by this section but is governed by Section 17B-1-417.

(2) Each protest under Subsection (1)(a) shall be filed within 30 days after the date of the public hearing under Section 17B-1-409.

(3) (a) Except as provided in Subsection (4), the [~~local~~] special district shall hold an election on the proposed annexation if:

(i) timely protests are filed by:

(A) the owners of private real property that:

(I) is located within the area proposed to be annexed;

(II) covers at least 10% of the total private land area within the entire area proposed to be annexed and within each applicable area; and

(III) is equal in assessed value to at least 10% of the assessed value of all private real property within the entire area proposed to be annexed and within each applicable area; or

(B) registered voters residing within the entire area proposed to be annexed and within each applicable area equal in number to at least 10% of the number of votes cast within the entire area proposed for annexation and within each applicable area, respectively, for the office of governor at the last regular general election before the filing of the petition; or

(ii) the proposed annexing [~~local~~] special district is one that receives sales and use tax funds from the counties, cities, and towns within the [~~local~~] special district that impose a sales and use tax under Section 59-12-2213.

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(b) (i) At each election held under Subsection (3)(a)(ii), the ballot question shall be phrased to indicate that a voter's casting a vote for or against the annexation includes also a vote for or against the imposition of the sales and use tax as provided in Section 59-12-2213.

(ii) Except as otherwise provided in this part, each election under Subsection (3)(a) shall be governed by Title 20A, Election Code.

(c) If a majority of registered voters residing within the area proposed to be annexed and voting on the proposal vote:

(i) in favor of annexation, the board of trustees shall, subject to Subsections 17B-1-414(1)(b), (2), and (3), complete the annexation by adopting a resolution approving annexation of the area; or

(ii) against annexation, the annexation process is terminated, the board may not adopt a resolution approving annexation of the area, and the area proposed to be annexed may not for two years be the subject of an effort under this part to annex to the same ~~[local]~~ special district.

(4) If sufficient protests are filed under this section to require an election for a proposed annexation to which the protest provisions of this section are applicable, a board of trustees may, notwithstanding Subsection (3), adopt a resolution rejecting the annexation and terminating the annexation process without holding an election.

Section 75. Section **17B-1-413** is amended to read:

**17B-1-413. Hearing, notice, and protest provisions do not apply for certain petitions.**

(1) Section 17B-1-412 does not apply, and, except as provided in Subsection (2)(a), Sections 17B-1-409 and 17B-1-410 do not apply:

(a) if the process to annex an area to a ~~[local]~~ special district was initiated by:

(i) a petition under Subsection 17B-1-403(1)(a)(i);

(ii) a petition under Subsection 17B-1-403(1)(a)(ii)(A) that was signed by the owners of private real property that:

(A) is located within the area proposed to be annexed;

(B) covers at least 75% of the total private land area within the entire area proposed to be annexed and within each applicable area; and

(C) is equal in assessed value to at least 75% of the assessed value of all private real property within the entire area proposed to be annexed and within each applicable area; or



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(iii) a petition under Subsection 17B-1-403(1)(a)(ii)(B) that was signed by registered voters residing within the entire area proposed to be annexed and within each applicable area equal in number to at least 75% of the number of votes cast within the entire area proposed to be annexed and within each applicable area, respectively, for the office of governor at the last regular general election before the filing of the petition;

(b) to an annexation under Section 17B-1-415; or

(c) to a boundary adjustment under Section 17B-1-417.

(2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under Section 17B-1-405, the ~~[local]~~ special district board:

(i) shall provide notice of the proposed annexation as provided in Subsection (2)(b); and

(ii) (A) may, in the board's discretion, hold a public hearing as provided in Section 17B-1-409 after giving notice of the public hearing as provided in Subsection (2)(b); and

(B) shall, after giving notice of the public hearing as provided in Subsection (2)(b), hold a public hearing as provided in Section 17B-1-409 if a written request to do so is submitted, within 20 days after the ~~[local]~~ special district provides notice under Subsection (2)(a)(i), to the ~~[local]~~ special district board by an owner of property that is located within or a registered voter residing within the area proposed to be annexed who did not sign the annexation petition.

(b) The notice required under Subsections (2)(a)(i) and (ii) shall:

(i) be given:

(A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition certification; or

(II) for a notice of a public hearing under Subsection (2)(a)(ii), at least 10 but not more than 30 days before the public hearing; and

(B) by:

(I) posting written notice at the ~~[local]~~ special district's principal office and in one or more other locations within or proximate to the area proposed to be annexed as are reasonable under the circumstances, considering the number of parcels included in that area, the size of the area, the population of the area, and the contiguousness of the area; and

(II) providing written notice:

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(Aa) to at least one newspaper of general circulation, if there is one, within the area proposed to be annexed or to a local media correspondent; and

(Bb) on the Utah Public Notice Website created in Section 63A-16-601; and

(ii) contain a brief explanation of the proposed annexation and include the name of the ~~[local]~~ special district, the service provided by the ~~[local]~~ special district, a description or map of the area proposed to be annexed, a ~~[local]~~ special district telephone number where additional information about the proposed annexation may be obtained, and, for a notice under Subsection (2)(a)(i), an explanation of the right of a property owner or registered voter to request a public hearing as provided in Subsection (2)(a)(ii)(B).

(c) A notice under Subsection (2)(a)(i) may be combined with the notice that is required for a public hearing under Subsection (2)(a)(ii)(A).

Section 76. Section **17B-1-414** is amended to read:

**17B-1-414. Resolution approving an annexation -- Filing of notice and plat with lieutenant governor -- Recording requirements -- Effective date.**

(1) (a) Subject to Subsection (1)(b), the ~~[local]~~ special district board shall adopt a resolution approving the annexation of the area proposed to be annexed or rejecting the proposed annexation within 90 days after:

(i) expiration of the protest period under Subsection 17B-1-412(2), if sufficient protests to require an election are not filed;

(ii) for a petition that meets the requirements of Subsection 17B-1-413(1):

(A) a public hearing under Section 17B-1-409 is held, if the board chooses or is required to hold a public hearing under Subsection 17B-1-413(2)(a)(ii); or

(B) expiration of the time for submitting a request for public hearing under Subsection 17B-1-413(2)(a)(ii)(B), if no request is submitted and the board chooses not to hold a public hearing.

(b) If the ~~[local]~~ special district has entered into an agreement with the United States that requires the consent of the United States for an annexation of territory to the district, a resolution approving annexation under this part may not be adopted until the written consent of the United States is obtained and filed with the board of trustees.

(2) (a) (i) Within the time specified under Subsection (2)(a)(ii), the board shall file with the lieutenant governor:

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(A) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3) and, if applicable, Subsection (2)(b); and

(B) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

(ii) The board shall file the documents listed in Subsection (2)(a)(i) with the lieutenant governor:

(A) within 30 days after adoption of a resolution under Subsection (1), Subsection 17B-1-412(3)(c)(i), or Section 17B-1-415; and

(B) as soon as practicable after receiving the notice under Subsection 10-2-425(2) of a municipal annexation that causes an automatic annexation to a ~~[local]~~ special district under Section 17B-1-416.

(b) For an automatic annexation to a ~~[local]~~ special district under Section 17B-1-416, the notice of an impending boundary action required under Subsection (2)(a) shall state that an area outside the boundaries of the ~~[local]~~ special district is being automatically annexed to the ~~[local]~~ special district under Section 17B-1-416 because of a municipal annexation under Title 10, Chapter 2, Part 4, Annexation.

(c) Upon the lieutenant governor's issuance of a certificate of annexation under Section 67-1a-6.5, the board shall:

(i) if the annexed area is located within the boundary of a single county, submit to the recorder of that county:

(A) the original:

(I) notice of an impending boundary action;

(II) certificate of annexation; and

(III) approved final local entity plat; and

(B) a certified copy of the annexation resolution; or

(ii) if the annexed area is located within the boundaries of more than a single county:

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

(I) the original of the documents listed in Subsections (2)(c)(i)(A)(I), (II), and (III); and

(II) a certified copy of the annexation resolution; and

(B) submit to the recorder of each other county:

(I) a certified copy of the documents listed in Subsection (2)(c)(i)(A)(I), (II), and (III);

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and

(II) a certified copy of the annexation resolution.

(3) (a) As used in this Subsection (3), "fire district annexation" means an annexation under this part of an area located in a county of the first class to a ~~[local]~~ special district:

(i) created to provide fire protection, paramedic, and emergency services; and

(ii) in the creation of which an election was not required because of Subsection 17B-1-214(3)(d).

(b) An annexation under this part is complete and becomes effective:

(i) (A) on July 1 for a fire district annexation, if the lieutenant governor issues the certificate of annexation under Section 67-1a-6.5 from January 1 through June 30; or

(B) on January 1 for a fire district annexation, if the lieutenant governor issues the certificate of annexation under Section 67-1a-6.5 from July 1 through December 31; or

(ii) upon the lieutenant governor's issuance of the certificate of annexation under Section 67-1a-6.5, for any other annexation.

(c) (i) The effective date of a ~~[local]~~ special district annexation for purposes of assessing property within the annexed area is governed by Section 59-2-305.5.

(ii) Until the documents listed in Subsection (2)(c) are recorded in the office of the recorder of each county in which the property is located, a ~~[local]~~ special district may not:

(A) levy or collect a property tax on property within the annexed area;

(B) levy or collect an assessment on property within the annexed area; or

(C) charge or collect a fee for service provided to property within the annexed area.

(iii) Subsection (3)(c)(ii)(C):

(A) may not be construed to limit a ~~[local]~~ special district's ability before annexation to charge and collect a fee for service provided to property that is outside the ~~[local]~~ special district's boundary; and

(B) does not apply until 60 days after the effective date, under Subsection (3)(b), of the ~~[local]~~ special district's annexation, with respect to a fee that the ~~[local]~~ special district was charging for service provided to property within the annexed area immediately before the area was annexed to the ~~[local]~~ special district.

Section 77. Section **17B-1-415** is amended to read:

**17B-1-415. Annexation of wholesale district through expansion of retail provider**

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### -- Annexation of a special district that provides transportation services.

(1) (a) A ~~[local]~~ special district that provides a wholesale service may adopt a resolution approving the annexation of an area outside the ~~[local]~~ special district's boundaries if:

(i) the area is annexed by or otherwise added to, or is added to the retail service area of, a municipality or another ~~[local]~~ special district that:

(A) acquires the wholesale service from the ~~[local]~~ special district and provides it as a retail service;

(B) is, before the annexation or other addition, located at least partly within the ~~[local]~~ special district; and

(C) after the annexation or other addition will provide to the annexed or added area the same retail service that the ~~[local]~~ special district provides as a wholesale service to the municipality or other ~~[local]~~ special district; and

(ii) except as provided in Subsection (2), no part of the area is within the boundaries of another ~~[local]~~ special district that provides the same wholesale service as the proposed annexing ~~[local]~~ special district.

(b) For purposes of this section:

(i) a ~~[local]~~ special district providing public transportation service shall be considered to be providing a wholesale service; and

(ii) a municipality included within the boundaries of the ~~[local]~~ special district providing public transportation service shall be considered to be acquiring that wholesale service from the ~~[local]~~ special district and providing it as a retail service and to be providing that retail service after the annexation or other addition to the annexed or added area, even though the municipality does not in fact provide that service.

(2) Notwithstanding Subsection (1)(a)(ii), an area outside the boundaries of a ~~[local]~~ special district providing a wholesale service and located partly or entirely within the boundaries of another ~~[local]~~ special district that provides the same wholesale service may be annexed to the ~~[local]~~ special district if:

(a) the conditions under Subsection (1)(a)(i) are present; and

(b) the proposed annexing ~~[local]~~ special district and the other ~~[local]~~ special district follow the same procedure as is required for a boundary adjustment under Section 17B-1-417,

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including both district boards adopting a resolution approving the annexation of the area to the proposed annexing [~~local~~] special district and the withdrawal of that area from the other district.

(3) A [~~local~~] special district that provides transportation services may adopt a resolution approving the annexation of the area outside of the [~~local~~] special district's boundaries if:

(a) the area is within a county that has levied a sales and use tax under Section 59-12-2216; and

(b) the county legislative body has adopted a resolution approving the annexation of the areas outside of the [~~local~~] special district.

(4) Upon the adoption of an annexation resolution under this section, the board of the annexing [~~local~~] special district shall comply with the requirements of Subsection 17B-1-414(2), and the lieutenant governor shall issue a certificate of annexation and send a copy of notice as provided in Section 67-1a-6.5.

(5) Subsections 17B-1-414(2) and (3) apply to an annexation under this section.

Section 78. Section **17B-1-416** is amended to read:

**17B-1-416. Automatic annexation to a district providing fire protection, paramedic, and emergency services or law enforcement service.**

(1) An area outside the boundaries of a [~~local~~] special district that is annexed to a municipality or added to a municipality by a boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, is automatically annexed to the [~~local~~] special district if:

(a) the [~~local~~] special district provides:

(i) fire protection, paramedic, and emergency services; or

(ii) law enforcement service;

(b) an election for the creation of the [~~local~~] special district was not required because of Subsection 17B-1-214(3)(d); and

(c) before the municipal annexation or boundary adjustment, the entire municipality that is annexing the area or adding the area by boundary adjustment was included within the [~~local~~] special district.

(2) The effective date of an annexation under this section is governed by Subsection 17B-1-414(3)(b).

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Section 79. Section **17B-1-417** is amended to read:

**17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution adjusting boundaries -- Filing of notice and plat with the lieutenant governor -- Recording requirements -- Effective date.**

(1) As used in this section, "affected area" means the area located within the boundaries of one ~~[local]~~ special district that will be removed from that ~~[local]~~ special district and included within the boundaries of another ~~[local]~~ special district because of a boundary adjustment under this section.

(2) The boards of trustees of two or more ~~[local]~~ special districts having a common boundary and providing the same service on the same wholesale or retail basis may adjust their common boundary as provided in this section.

(3) (a) The board of trustees of each ~~[local]~~ special district intending to adjust a boundary that is common with another ~~[local]~~ special district shall:

(i) adopt a resolution indicating the board's intent to adjust a common boundary;

(ii) hold a public hearing on the proposed boundary adjustment no less than 60 days after the adoption of the resolution under Subsection (3)(a)(i); and

(iii) (A) post notice:

(I) in at least four conspicuous places within the ~~[local]~~ special district at least two weeks before the public hearing; and

(II) on the Utah Public Notice Website created in Section 63A-16-601, for two weeks;  
or

(B) mail a notice to each owner of property located within the affected area and to each registered voter residing within the affected area.

(b) The notice required under Subsection (3)(a)(iii) shall:

(i) state that the board of trustees of the ~~[local]~~ special district has adopted a resolution indicating the board's intent to adjust a boundary that the ~~[local]~~ special district has in common with another ~~[local]~~ special district that provides the same service as the ~~[local]~~ special district;

(ii) describe the affected area;

(iii) state the date, time, and location of the public hearing required under Subsection (3)(a)(ii);

(iv) provide a ~~[local]~~ special district telephone number where additional information

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about the proposed boundary adjustment may be obtained;

(v) explain the financial and service impacts of the boundary adjustment on property owners or residents within the affected area; and

(vi) state in conspicuous and plain terms that the board of trustees may approve the adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii), written protests to the adjustment are filed with the board by:

(A) the owners of private real property that:

(I) is located within the affected area;

(II) covers at least 50% of the total private land area within the affected area; and

(III) is equal in assessed value to at least 50% of the assessed value of all private real property within the affected area; or

(B) registered voters residing within the affected area equal in number to at least 50% of the votes cast in the affected area for the office of governor at the last regular general election before the filing of the protests.

(c) The boards of trustees of the ~~[local]~~ special districts whose boundaries are being adjusted may jointly:

(i) post or mail the notice required under Subsection (3)(a)(iii); and

(ii) hold the public hearing required under Subsection (3)(a)(ii).

(4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees may adopt a resolution approving the adjustment of the common boundary unless, at or before the public hearing, written protests to the boundary adjustment have been filed with the board by:

(a) the owners of private real property that:

(i) is located within the affected area;

(ii) covers at least 50% of the total private land area within the affected area; and

(iii) is equal in assessed value to at least 50% of the assessed value of all private real property within the affected area; or

(b) registered voters residing within the affected area equal in number to at least 50% of the votes cast in the affected area for the office of governor at the last regular general election before the filing of the protests.

(5) A resolution adopted under Subsection (4) does not take effect until the board of



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each [~~local~~] special district whose boundaries are being adjusted has adopted a resolution under Subsection (4).

(6) The board of the [~~local~~] special district whose boundaries are being adjusted to include the affected area shall:

(a) within 30 days after the resolutions take effect under Subsection (5), file with the lieutenant governor:

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

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

(b) upon the lieutenant governor's issuance of a certificate of boundary adjustment under Section 67-1a-6.5:

(i) if the affected area is located within the boundary of a single county, submit to the recorder of that county:

(A) the original:

(I) notice of an impending boundary action;

(II) certificate of boundary adjustment; and

(III) approved final local entity plat; and

(B) a certified copy of each resolution adopted under Subsection (4); or

(ii) if the affected area is located within the boundaries of more than a single county:

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

(I) the original of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III); and

(II) a certified copy of each resolution adopted under Subsection (4); and

(B) submit to the recorder of each other county:

(I) a certified copy of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III);

and

(II) a certified copy of each resolution adopted under Subsection (4).

(7) (a) Upon the lieutenant governor's issuance of a certificate of boundary adjustment under Section 67-1a-6.5, the affected area is annexed to the [~~local~~] special district whose boundaries are being adjusted to include the affected area, and the affected area is withdrawn from the [~~local~~] special district whose boundaries are being adjusted to exclude the affected area.

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(b) (i) The effective date of a boundary adjustment under this section for purposes of assessing property within the affected area is governed by Section 59-2-305.5.

(ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the recorder of the county in which the property is located, a ~~[local]~~ special district in whose boundary an affected area is included because of a boundary adjustment under this section may not:

- (A) levy or collect a property tax on property within the affected area;
  - (B) levy or collect an assessment on property within the affected area; or
  - (C) charge or collect a fee for service provided to property within the affected area.
- (iii) Subsection (7)(b)(ii)(C):

(A) may not be construed to limit a ~~[local]~~ special district's ability before a boundary adjustment to charge and collect a fee for service provided to property that is outside the ~~[local]~~ special district's boundary; and

(B) does not apply until 60 days after the effective date, under Subsection (7)(a), of the ~~[local]~~ special district's boundary adjustment, with respect to a fee that the ~~[local]~~ special district was charging for service provided to property within the area affected by the boundary adjustment immediately before the boundary adjustment.

Section 80. Section **17B-1-418** is amended to read:

### **17B-1-418. Annexed area subject to fees and taxes.**

When an annexation under Section 17B-1-414 or 17B-1-415 or a boundary adjustment under Section 17B-1-417 is complete, the annexed area or the area affected by the boundary adjustment shall be subject to user fees imposed by and property, sales, and other taxes levied by or for the benefit of the ~~[local]~~ special district.

Section 81. Section **17B-1-501** is amended to read:

### **17B-1-501. Definition.**

As used in this part, "receiving entity" means the entity that will, after the withdrawal of an area from a ~~[local]~~ special district, provide to the withdrawn area the service that the ~~[local]~~ special district previously provided to the area.

Section 82. Section **17B-1-502** is amended to read:

**17B-1-502. Withdrawal of area from special district -- Automatic withdrawal in certain circumstances.**

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(1) (a) An area within the boundaries of a ~~[local]~~ special district may be withdrawn from the ~~[local]~~ special district only as provided in this part or, if applicable, as provided in Chapter 2a, Part 11, Municipal Services District Act.

(b) Except as provided in Subsections (2) and (3), the inclusion of an area of a ~~[local]~~ special district within a municipality because of a municipal incorporation under Title 10, Chapter 2a, Municipal Incorporation, or a municipal annexation or boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the process of withdrawing that area from the ~~[local]~~ special district.

(2) (a) An area within the boundaries of a ~~[local]~~ special district is automatically withdrawn from the ~~[local]~~ special district by the annexation of the area to a municipality or the adding of the area to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, if:

(i) the ~~[local]~~ special district provides:

(A) fire protection, paramedic, and emergency services; or

(B) law enforcement service;

(ii) an election for the creation of the ~~[local]~~ special district was not required because of Subsection 17B-1-214(3)(d) or (g); and

(iii) before annexation or boundary adjustment, the boundaries of the ~~[local]~~ special district do not include any of the annexing municipality.

(b) The effective date of a withdrawal under this Subsection (2) is governed by Subsection 17B-1-512(2)(b).

(3) (a) Except as provided in Subsection (3)(c) or (d), an area within the boundaries of a ~~[local]~~ special district located in a county of the first class is automatically withdrawn from the ~~[local]~~ special district by the incorporation of a municipality whose boundaries include the area if:

(i) the ~~[local]~~ special district provides municipal services, as defined in Section 17B-2a-1102, excluding fire protection, paramedic, emergency, and law enforcement services;

(ii) an election for the creation of the ~~[local]~~ special district was not required because of Subsection 17B-1-214(3) (g); and

(iii) the legislative body of the newly incorporated municipality:

(A) for a city or town incorporated under Title 10, Chapter 2a, Part 4, Incorporation of

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Metro Townships and Unincorporated Islands in a County of the First Class on and after May 12, 2015, complies with the feasibility study requirements of Section 17B-2a-1110;

(B) adopts a resolution no later than 180 days after the effective date of incorporation approving the withdrawal that includes the legal description of the area to be withdrawn; and

(C) delivers a copy of the resolution to the board of trustees of the [~~local~~] special district.

(b) The effective date of a withdrawal under this Subsection (3) is governed by Subsection 17B-1-512(2)(a).

(c) Section 17B-1-505 shall govern the withdrawal of an incorporated area within a county of the first class if:

(i) the [~~local~~] special district from which the area is withdrawn provides:

(A) fire protection, paramedic, and emergency services;

(B) law enforcement service; or

(C) municipal services, as defined in Section 17B-2a-1102;

(ii) an election for the creation of the [~~local~~] special district was not required under Subsection 17B-1-214(3)(d) or (g); and

(iii) for a [~~local~~] special district that provides municipal services, as defined in Section 17B-2a-1102, excluding fire protection, paramedic, emergency, and law enforcement services, the 180-day period described in Subsection (3)(a)(iii)(B) is expired.

(d) An area may not be withdrawn from a [~~local~~] special district that provides municipal services, as defined in Section 17B-2a-1102, excluding fire protection, paramedic, emergency, and law enforcement services, if:

(i) the area is incorporated as a metro township; and

(ii) at the election to incorporate as a metro township, the residents of the area chose to be included in a municipal services district.

Section 83. Section **17B-1-503** is amended to read:

### **17B-1-503. Withdrawal or boundary adjustment with municipal approval.**

(1) A municipality and a [~~local~~] special district whose boundaries adjoin or overlap may adjust the boundary of the [~~local~~] special district to include more or less of the municipality, including the expansion area identified in the annexation policy plan adopted by the municipality under Section 10-2-401.5, in the [~~local~~] special district by following the same

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procedural requirements as set forth in Section 17B-1-417 for boundary adjustments between adjoining ~~[local]~~ special districts.

(2) (a) Notwithstanding any other provision of this title, a municipality annexing all or part of an unincorporated island or peninsula under Title 10, Chapter 2, Classification, Boundaries, Consolidation, and Dissolution of Municipalities, that overlaps a municipal services district organized under Chapter 2a, Part 11, Municipal Services District Act, may petition to withdraw the area from the municipal services district in accordance with this Subsection (2).

(b) For a valid withdrawal described in Subsection (2)(a):

(i) the annexation petition under Section 10-2-403 or a separate consent, signed by owners of at least 60% of the total private land area, shall state that the signers request the area to be withdrawn from the municipal services district; and

(ii) the legislative body of the municipality shall adopt a resolution, which may be the resolution adopted in accordance with Subsection 10-2-418(5)(a), stating the municipal legislative body's intent to withdraw the area from the municipal services district.

(c) The board of trustees of the municipal services district shall consider the municipality's petition to withdraw the area from the municipal services district within 90 days after the day on which the municipal services district receives the petition.

(d) The board of trustees of the municipal services district:

(i) may hold a public hearing in accordance with the notice and public hearing provisions of Section 17B-1-508;

(ii) shall consider information that includes any factual data presented by the municipality and any owner of private real property who signed a petition or other form of consent described in Subsection (2)(b)(i); and

(iii) identify in writing the information upon which the board of trustees relies in approving or rejecting the withdrawal.

(e) The board of trustees of the municipal services district shall approve the withdrawal, effective upon the annexation of the area into the municipality or, if the municipality has already annexed the area, as soon as possible in the reasonable course of events, if the board of trustees makes a finding that:

(i) (A) the loss of revenue to the municipal services district due to a withdrawal of the

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area will be offset by savings associated with no longer providing municipal-type services to the area; or

(B) if the loss of revenue will not be offset by savings resulting from no longer providing municipal-type services to the area, the municipality agreeing to terms and conditions, which may include terms and conditions described in Subsection 17B-1-510(5), can mitigate or eliminate the loss of revenue;

(ii) the annexation petition under Section 10-2-403, or a separate petition meeting the same signature requirements, states that the signers request the area to be withdrawn from the municipal services district; or

(iii) the following have consented in writing to the withdrawal:

(A) owners of more than 60% of the total private land area; or

(B) owners of private land equal in assessed value to more than 60% of the assessed value of all private real property within the area proposed for withdrawal have consented in writing to the withdrawal.

(f) If the board of trustees of the municipal services district does not make any of the findings described in Subsection (2)(e), the board of trustees may approve or reject the withdrawal based upon information upon which the board of trustees relies and that the board of trustees identifies in writing.

(g) (i) If a municipality annexes an island or a part of an island before May 14, 2019, the legislative body of the municipality may initiate the withdrawal of the area from the municipal services district by adopting a resolution that:

(A) requests that the area be withdrawn from the municipal services district; and

(B) a final local entity plat accompanies, identifying the area proposed to be withdrawn from the municipal services district.

(ii) (A) Upon receipt of the resolution and except as provided in Subsection (2)(g)(ii)(B), the board of trustees of the municipal services district shall approve the withdrawal.

(B) The board of trustees of the municipal services district may reject the withdrawal if the rejection is based upon a good faith finding that lost revenues due to the withdrawal will exceed expected cost savings resulting from no longer serving the area.

(h) (i) Based upon a finding described in Subsection (e) or (f):

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(A) the board of trustees of the municipal services district shall adopt a resolution approving the withdrawal; and

(B) the chair of the board shall sign a notice of impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3).

(ii) The annexing municipality shall deliver the following to the lieutenant governor:

(A) the resolution and notice of impending boundary action described in Subsection (2)(g)(i);

(B) a copy of an approved final local entity plat as defined in Section 67-1a-6.5; and

(C) any other documentation required by law.

(i) (i) Once the lieutenant governor has issued an applicable certificate as defined in Section 67-1a-6.5, the municipality shall deliver the certificate, the resolution and notice of impending boundary action described in Subsection (2)(h)(i), the final local entity plat as defined in Section 67-1a-6.5, and any other document required by law, to the recorder of the county in which the area is located.

(ii) After the municipality makes the delivery described in Subsection (2)(i)(i), the area, for all purposes, is no longer part of the municipal services district.

(j) The annexing municipality and the municipal services district may enter into an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, stating:

(i) the municipality's and the district's duties and responsibilities in conducting a withdrawal under this Subsection (2); and

(ii) any other matter respecting an unincorporated island that the municipality surrounds on all sides.

(3) After a boundary adjustment under Subsection (1) or a withdrawal under Subsection (2) is complete:

(a) the [~~local~~] special district shall, without interruption, provide the same service to any area added to the [~~local~~] special district as provided to other areas within the [~~local~~] special district; and

(b) the municipality shall, without interruption, provide the same service that the [~~local~~] special district previously provided to any area withdrawn from the [~~local~~] special district.

(4) No area within a municipality may be added to the area of a [~~local~~] special district

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under this section if the area is part of a [~~local~~] special district that provides the same wholesale or retail service as the first [~~local~~] special district.

Section 84. Section **17B-1-504** is amended to read:

### **17B-1-504. Initiation of withdrawal process -- Notice of petition.**

(1) Except as provided in Section 17B-1-505, the process to withdraw an area from a [~~local~~] special district may be initiated:

(a) for a [~~local~~] special district funded predominantly by revenues from property taxes or service charges other than those based upon acre-feet of water:

(i) by a petition signed by the owners of private real property that:

(A) is located within the area proposed to be withdrawn;

(B) covers at least 51% of the total private land within the area proposed to be withdrawn; and

(C) is equal in taxable value to at least 51% of the taxable value of all private real property within the area proposed to be withdrawn;

(ii) by a petition signed by registered voters residing within the area proposed to be withdrawn equal in number to at least 67% of the number of votes cast in the same area for the office of governor at the last regular general election before the filing of the petition;

(iii) by a resolution adopted by the board of trustees of the [~~local~~] special district in which the area proposed to be withdrawn is located, which:

(A) states the reasons for withdrawal; and

(B) is accompanied by a general description of the area proposed to be withdrawn; or

(iv) by a resolution to file a petition with the [~~local~~] special district to withdraw from the [~~local~~] special district all or a specified portion of the area within a municipality or county, adopted by the governing body of a municipality that has within its boundaries an area located within the boundaries of a [~~local~~] special district, or by the governing body of a county that has within its boundaries an area located within the boundaries of a [~~local~~] special district that is located in more than one county, which petition of the governing body shall be filed with the board of trustees only if a written request to petition the board of trustees to withdraw an area from the [~~local~~] special district has been filed with the governing body of the municipality, or county, and the request has been signed by registered voters residing within the boundaries of the area proposed for withdrawal equal in number to at least 51% of the number of votes cast in



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the same area for the office of governor at the last regular general election before the filing of the petition;

(b) for a [~~local~~] special district whose board of trustees is elected by electors based on the acre-feet of water allotted to the land owned by the elector:

(i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or

(ii) by a petition signed by the owners of at least 67% of the acre-feet of water allotted to the land proposed to be withdrawn; or

(c) for a [~~local~~] special district funded predominantly by revenues other than property taxes, service charges, or assessments based upon an allotment of acre-feet of water:

(i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or

(ii) by a petition signed by the registered voters residing within the entire area proposed to be withdrawn, which area shall be comprised of an entire unincorporated area within the [~~local~~] special district or an entire municipality within a [~~local~~] special district, or a combination thereof, equal in number to at least 67% of the number of votes cast within the entire area proposed to be withdrawn for the office of governor at the last regular general election before the filing of the petition.

(2) Prior to soliciting any signatures on a petition under Subsection (1), the sponsors of the petition shall:

(a) notify the [~~local~~] special district board with which the petition is intended to be filed that the sponsors will be soliciting signatures for a petition; and

(b) mail a copy of the petition to the [~~local~~] special district board.

Section 85. Section **17B-1-505** is amended to read:

**17B-1-505. Withdrawal of municipality from certain districts providing fire protection, paramedic, and emergency services or law enforcement service or municipal services.**

(1) As used in this section, "first responder district" means a [~~local~~] special district, other than a municipal services district, that provides:

(a) fire protection, paramedic, and emergency services; or

(b) law enforcement service.

(2) This section applies to the withdrawal of a municipality that is entirely within the boundary of a first responder district or municipal services district that was created without the

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necessity of an election because of Subsection 17B-1-214(3)(d) or (g).

(3) (a) The process to withdraw a municipality from a first responder district or municipal services district may be initiated by a resolution adopted by the legislative body of the municipality, subject to Subsection (3)(b).

(b) The legislative body of a municipality that is within a municipal services district may not adopt a resolution under Subsection (3)(a) to withdraw from the municipal services district unless the municipality has conducted a feasibility study in accordance with Section 17B-2a-1110.

(c) Within 10 days after adopting a resolution under Subsection (3)(a), the municipal legislative body shall submit to the board of trustees of the first responder district or municipal services district written notice of the adoption of the resolution, accompanied by a copy of the resolution.

(4) If a resolution is adopted under Subsection (3)(a) by the legislative body of a municipality within a municipal services district, the municipal legislative body shall hold an election at the next municipal general election that is more than 60 days after adoption of the resolution on the question of whether the municipality should withdraw from the municipal services district.

(5) (a) A municipality shall be withdrawn from a first responder district if:

(i) the legislative body of the municipality adopts a resolution initiating the withdrawal under Subsection (3)(a); and

(ii) (A) whether before or after the effective date of this section, the municipality and first responder district agree in writing to the withdrawal; or

(B) except as provided in Subsection (5)(b) and subject to Subsection (6), the voters of the municipality approve the withdrawal at an election held for that purpose.

(b) An election under Subsection (5)(a)(ii)(B) is not required if, after a feasibility study is conducted under Section 17B-1-505.5 and a public hearing is held under Subsection 17B-1-505.5(14), the municipality and first responder district agree in writing to the withdrawal.

(6) An election under Subsection (5)(a)(ii)(B) may not be held unless:

(a) a feasibility study is conducted under Section 17B-1-505.5; and

(b) (i) the feasibility study concludes that the withdrawal is functionally and financially

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feasible for the municipality and the first responder district; or

(ii) (A) the feasibility study concludes that the withdrawal would be functionally and financially feasible for the municipality and the first responder district if conditions specified in the feasibility study are met; and

(B) the legislative body of the municipality adopts a resolution irrevocably committing the municipality to satisfying the conditions specified in the feasibility study, if the withdrawal is approved by the municipality's voters.

(7) If a majority of those voting on the question of withdrawal at an election held under Subsection (4) or (5)(a)(ii)(B) vote in favor of withdrawal, the municipality shall be withdrawn from the ~~[local]~~ special district.

(8) (a) Within 10 days after the canvass of an election at which a withdrawal under this section is submitted to voters, the municipal legislative body shall send written notice to the board of the first responder district or municipal services district from which the municipality is proposed to withdraw.

(b) Each notice under Subsection (8)(a) shall:

(i) state the results of the withdrawal election; and

(ii) if the withdrawal was approved by voters, be accompanied by a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

(9) The effective date of a withdrawal under this section is governed by Subsection 17B-1-512(2)(a).

Section 86. Section **17B-1-505.5** is amended to read:

**17B-1-505.5. Feasibility study for a municipality's withdrawal from a special district providing fire protection, paramedic, and emergency services or law enforcement service.**

(1) As used in this section:

(a) "Feasibility consultant" means a person with expertise in:

(i) the processes and economics of local government; and

(ii) the economics of providing fire protection, paramedic, and emergency services or law enforcement service.

(b) "Feasibility study" means a study to determine the functional and financial feasibility of a municipality's withdrawal from a first responder ~~[local]~~ special district.

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(c) "First responder district" means a ~~local~~ special district, other than a municipal services district, that provides:

- (i) fire protection, paramedic, and emergency services; or
- (ii) law enforcement service.

(d) "Withdrawing municipality" means a municipality whose legislative body has adopted a resolution under Subsection 17B-1-505(3)(a) to initiate the process of the municipality's withdrawal from a first responder district.

(2) This section applies and a feasibility study shall be conducted, as provided in this section, if:

(a) the legislative body of a municipality has adopted a resolution under Subsection 17B-1-505(3)(a) to initiate the process of the municipality's withdrawal from a first responder district;

(b) the municipality and first responder district have not agreed in writing to the withdrawal; and

(c) a feasibility study is a condition under Subsection 17B-1-505(6)(a) for an election to be held approving the withdrawal.

(3) (a) As provided in this Subsection (3), the withdrawing municipality and first responder district shall choose and engage a feasibility consultant to conduct a feasibility study.

(b) The withdrawing municipality and first responder district shall jointly choose and engage a feasibility consultant according to applicable municipal or ~~local~~ special district procurement procedures.

(c) (i) If the withdrawing municipality and first responder district cannot agree on and have not engaged a feasibility consultant under Subsection (3)(b) within 45 days after the legislative body of the withdrawing municipality submits written notice to the first responder district under Subsection 17B-1-505(3)(c), the withdrawing municipality and first responder district shall, as provided in this Subsection (3)(c), choose a feasibility consultant from a list of at least eight feasibility consultants provided by the Utah Association of Certified Public Accountants.

(ii) A list of feasibility consultants under Subsection (3)(c)(i) may not include a feasibility consultant that has had a contract to provide services to the withdrawing municipality or first responder district at any time during the two-year period immediately

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preceding the date the list is provided under Subsection (3)(c)(i).

(iii) (A) Beginning with the first responder district, the first responder district and withdrawing municipality shall alternately eliminate one feasibility consultant each from the list of feasibility consultants until one feasibility consultant remains.

(B) Within five days after receiving the list of consultants from the Utah Association of Certified Public Accountants, the first responder district shall make the first elimination of a feasibility consultant from the list and notify the withdrawing municipality in writing of the elimination.

(C) After the first elimination of a feasibility consultant from the list, the withdrawing municipality and first responder district shall each, within three days after receiving the written notification of the preceding elimination, notify the other in writing of the elimination of a feasibility consultant from the list.

(d) If a withdrawing municipality and first responder district do not engage a feasibility consultant under Subsection (3)(b), the withdrawing municipality and first responder district shall engage the feasibility consultant that has not been eliminated from the list at the completion of the process described in Subsection (3)(c).

(4) A feasibility consultant that conducts a feasibility study under this section shall be independent of and unaffiliated with the withdrawing municipality and first responder district.

(5) In conducting a feasibility study under this section, the feasibility consultant shall consider:

- (a) population and population density within the withdrawing municipality;
- (b) current and five-year projections of demographics and economic base in the withdrawing municipality, including household size and income, commercial and industrial development, and public facilities;
- (c) projected growth in the withdrawing municipality during the next five years;
- (d) subject to Subsection (6)(a), the present and five-year projections of the cost, including overhead, of providing the same service in the withdrawing municipality as is provided by the first responder district, including:
  - (i) the estimated cost if the first responder district continues to provide service; and
  - (ii) the estimated cost if the withdrawing municipality provides service;
- (e) subject to Subsection (6)(a), the present and five-year projections of the cost,

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including overhead, of the first responder district providing service with:

- (i) the municipality included in the first responder district's service area; and
- (ii) the withdrawing municipality excluded from the first responder district's service area;
- (f) a projection of any new taxes per household that may be levied within the withdrawing municipality within five years after the withdrawal;
- (g) the fiscal impact that the withdrawing municipality's withdrawal has on other municipalities and unincorporated areas served by the first responder district, including any rate increase that may become necessary to maintain required coverage ratios for the first responder district's debt;
- (h) the physical and other assets that will be required by the withdrawing municipality to provide, without interruption or diminution of service, the same service that is being provided by the first responder district;
- (i) the physical and other assets that will no longer be required by the first responder district to continue to provide the current level of service to the remainder of the first responder district, excluding the withdrawing municipality, and could be transferred to the withdrawing municipality;
- (j) subject to Subsection (6)(b), a fair and equitable allocation of the first responder district's assets between the first responder district and the withdrawing municipality, effective upon the withdrawal of the withdrawing municipality from the first responder district;
- (k) a fair and equitable allocation of the debts, liabilities, and obligations of the first responder district and any local building authority of the first responder district, between the withdrawing municipality and the remaining first responder district, taking into consideration:
  - (i) any requirement to maintain the excludability of interest from the income of the holder of the debt, liability, or obligation for federal income tax purposes; and
  - (ii) any first responder district assets that have been purchased with the proceeds of bonds issued by the first responder district that the first responder district will retain and any of those assets that will be transferred to the withdrawing municipality;
- (l) the number and classification of first responder district employees who will no longer be required to serve the remaining portions of the first responder district after the withdrawing municipality withdraws from the first responder district, including the dollar

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amount of the wages, salaries, and benefits attributable to the employees and the estimated cost associated with termination of the employees if the withdrawing municipality does not employ the employees;

(m) maintaining as a base, for a period of three years after withdrawal, the existing schedule of pay and benefits for first responder district employees who are transferred to the employment of the withdrawing municipality; and

(n) any other factor that the feasibility consultant considers relevant to the question of the withdrawing municipality's withdrawal from the first responder district.

(6) (a) For purposes of Subsections (5)(d) and (e):

(i) the feasibility consultant shall assume a level and quality of service to be provided in the future to the withdrawing municipality that fairly and reasonably approximates the level and quality of service that the first responder district provides to the withdrawing municipality at the time of the feasibility study;

(ii) in determining the present value cost of a service that the first responder district provides, the feasibility consultant shall consider:

(A) the cost to the withdrawing municipality of providing the service for the first five years after the withdrawal; and

(B) the first responder district's present and five-year projected cost of providing the same service within the withdrawing municipality; and

(iii) the feasibility consultant shall consider inflation and anticipated growth in calculating the cost of providing service.

(b) The feasibility consultant may not consider an allocation of first responder district assets or a transfer of first responder district employees to the extent that the allocation or transfer would impair the first responder district's ability to continue to provide the current level of service to the remainder of the first responder district without the withdrawing municipality, unless the first responder district consents to the allocation or transfer.

(7) A feasibility consultant may retain an architect, engineer, or other professional, as the feasibility consultant considers prudent and as provided in the agreement with the withdrawing municipality and first responder district, to assist the feasibility consultant to conduct a feasibility study.

(8) The withdrawing municipality and first responder district shall require the

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feasibility consultant to:

(a) complete the feasibility study within a time established by the withdrawing municipality and first responder district;

(b) prepare and submit a written report communicating the results of the feasibility study, including a one-page summary of the results; and

(c) attend all public hearings relating to the feasibility study under Subsection (14).

(9) A written report of the results of a feasibility study under this section shall:

(a) contain a recommendation concerning whether a withdrawing municipality's withdrawal from a first responder district is functionally and financially feasible for both the first responder district and the withdrawing municipality; and

(b) include any conditions the feasibility consultant determines need to be satisfied in order to make the withdrawal functionally and financially feasible, including:

(i) first responder district assets and liabilities to be allocated to the withdrawing municipality; and

(ii) (A) first responder district employees to become employees of the withdrawing municipality; and

(B) sick leave, vacation, and other accrued benefits and obligations relating to the first responder district employees that the withdrawing municipality needs to assume.

(10) The withdrawing municipality and first responder district shall equally share the feasibility consultant's fees and costs, as specified in the agreement between the withdrawing municipality and first responder district and the feasibility consultant.

(11) (a) Upon completion of the feasibility study and preparation of a written report, the feasibility consultant shall deliver a copy of the report to the withdrawing municipality and first responder district.

(b) (i) A withdrawing municipality or first responder district that disagrees with any aspect of a feasibility study report may, within 20 business days after receiving a copy of the report under Subsection (11)(a), submit to the feasibility consultant a written objection detailing the disagreement.

(ii) (A) A withdrawing municipality that submits a written objection under Subsection (11)(b)(i) shall simultaneously deliver a copy of the objection to the first responder district.

(B) A first responder district that submits a written objection under Subsection



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(11)(b)(i) shall simultaneously deliver a copy of the objection to the withdrawing municipality.

(iii) A withdrawing municipality or first responder district may, within 10 business days after receiving an objection under Subsection (11)(b)(ii), submit to the feasibility consultant a written response to the objection.

(iv) (A) A withdrawing municipality that submits a response under Subsection (11)(b)(iii) shall simultaneously deliver a copy of the response to the first responder district.

(B) A first responder district that submits a response under Subsection (11)(b)(iii) shall simultaneously deliver a copy of the response to the withdrawing municipality.

(v) If an objection is filed under Subsection (11)(b)(i), the feasibility consultant shall, within 20 business days after the expiration of the deadline under Subsection (11)(b)(iii) for submitting a response to an objection:

(A) modify the feasibility study report or explain in writing why the feasibility consultant is not modifying the feasibility study report; and

(B) deliver the modified feasibility study report or written explanation to the withdrawing municipality and first responder ~~[local]~~ special district.

(12) Within seven days after the expiration of the deadline under Subsection (11)(b)(i) for submitting an objection or, if an objection is submitted, within seven days after receiving a modified feasibility study report or written explanation under Subsection (11)(b)(v), but at least 30 days before a public hearing under Subsection (14), the withdrawing municipality shall:

(a) make a copy of the report available to the public at the primary office of the withdrawing municipality; and

(b) if the withdrawing municipality has a website, post a copy of the report on the municipality's website.

(13) A feasibility study report or, if a feasibility study report is modified under Subsection (11), a modified feasibility study report may not be challenged unless the basis of the challenge is that the report results from collusion or fraud.

(14) (a) Following the expiration of the deadline under Subsection (11)(b)(i) for submitting an objection, or, if an objection is submitted under Subsection (11)(b)(i), following the withdrawing municipality's receipt of the modified feasibility study report or written explanation under Subsection (11)(b)(v), the legislative body of the withdrawing municipality shall, at the legislative body's next regular meeting, schedule at least one public hearing to be

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held:

- (i) within the following 60 days; and
- (ii) for the purpose of allowing:
  - (A) the feasibility consultant to present the results of the feasibility study; and
  - (B) the public to become informed about the feasibility study results, to ask the feasibility consultant questions about the feasibility study, and to express the public's views about the proposed withdrawal.

(b) At a public hearing under Subsection (14)(a), the legislative body of the withdrawing municipality shall:

- (i) provide a copy of the feasibility study for public review; and
- (ii) allow the public to:
  - (A) ask the feasibility consultant questions about the feasibility study; and
  - (B) express the public's views about the withdrawing municipality's proposed withdrawal from the first responder district.

(15) (a) The clerk or recorder of the withdrawing municipality shall publish notice of a hearing under Subsection (14) on the Utah Public Notice Website created in Section 63A-16-601, for three consecutive weeks immediately before the public hearing.

(b) A notice under Subsection (15)(a) shall state:

- (i) the date, time, and location of the public hearing; and
- (ii) that a copy of the feasibility study report may be obtained, free of charge, at the office of the withdrawing municipality or on the withdrawing municipality's website.

(16) Unless the withdrawing municipality and first responder district agree otherwise, conditions that a feasibility study report indicates are necessary to be met for a withdrawal to be functionally and financially feasible for the withdrawing municipality and first responder district are binding on the withdrawing municipality and first responder district if the withdrawal occurs.

Section 87. Section **17B-1-506** is amended to read:

**17B-1-506. Withdrawal petition requirements.**

(1) Each petition under Section 17B-1-504 shall:

- (a) indicate the typed or printed name and current address of each owner of acre-feet of water, property owner, registered voter, or authorized representative of the governing body

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signing the petition;

(b) separately group signatures by municipality and, in the case of unincorporated areas, by county;

(c) if it is a petition signed by the owners of land, the assessment of which is based on acre-feet of water, indicate the address of the property and the property tax identification parcel number of the property as to which the owner is signing the request;

(d) designate up to three signers of the petition as sponsors, or in the case of a petition filed under Subsection 17B-1-504(1)(a)(iv), designate a governmental representative as a sponsor, and in each case, designate one sponsor as the contact sponsor with the mailing address and telephone number of each;

(e) state the reasons for withdrawal; and

(f) when the petition is filed with the ~~[local]~~ special district board of trustees, be accompanied by a map generally depicting the boundaries of the area proposed to be withdrawn and a legal description of the area proposed to be withdrawn.

(2) (a) The ~~[local]~~ special district may prepare an itemized list of expenses, other than attorney expenses, that will necessarily be incurred by the ~~[local]~~ special district in the withdrawal proceeding. The itemized list of expenses may be submitted to the contact sponsor. If the list of expenses is submitted to the contact sponsor within 21 days after receipt of the petition, the contact sponsor on behalf of the petitioners shall be required to pay the expenses to the ~~[local]~~ special district within 90 days of receipt. Until funds to cover the expenses are delivered to the ~~[local]~~ special district, the district will have no obligation to proceed with the withdrawal and the time limits on the district stated in this part will be tolled. If the expenses are not paid within the 90 days, or within 90 days from the conclusion of any arbitration under Subsection (2)(b), the petition requesting the withdrawal shall be considered to have been withdrawn.

(b) If there is no agreement between the board of trustees of the ~~[local]~~ special district and the contact sponsor on the amount of expenses that will necessarily be incurred by the ~~[local]~~ special district in the withdrawal proceeding, either the board of trustees or the contact sponsor may submit the matter to binding arbitration in accordance with Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act; provided that, if the parties cannot agree upon an arbitrator and the rules and procedures that will control the arbitration, either party may pursue

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arbitration under Title 78B, Chapter 11, Utah Uniform Arbitration Act.

(3) A signer of a petition may withdraw or, once withdrawn, reinstate the signer's signature at any time before the public hearing under Section 17B-1-508 by submitting a written withdrawal or reinstatement with the board of trustees of the ~~[local]~~ special district in which the area proposed to be withdrawn is located.

(4) If it reasonably appears that, if the withdrawal which is the subject of a petition filed under Subsection 17B-1-504(1)(a)(i) or (ii) is granted, it will be necessary for a municipality to provide to the withdrawn area the service previously supplied by the ~~[local]~~ special district, the board of trustees of the ~~[local]~~ special district may, within 21 days after receiving the petition, notify the contact sponsor in writing that, before it will be considered by the board of trustees, the petition shall be presented to and approved by the governing body of the municipality as provided in Subsection 17B-1-504(1)(a)(iv) before it will be considered by the ~~[local]~~ special district board of trustees. If the notice is timely given to the contact sponsor, the petition shall be considered to have been withdrawn until the municipality files a petition with the ~~[local]~~ special district under Subsection 17B-1-504(1)(a)(iv).

(5) (a) After receiving the notice required by Subsection 17B-1-504(2), unless specifically allowed by law, a public entity may not make expenditures from public funds to support or oppose the gathering of signatures on a petition for withdrawal.

(b) Nothing in this section prohibits a public entity from providing factual information and analysis regarding a withdrawal petition to the public, so long as the information grants equal access to both the opponents and proponents of the petition for withdrawal.

(c) Nothing in this section prohibits a public official from speaking, campaigning, contributing personal money, or otherwise exercising the public official's constitutional rights.

Section 88. Section **17B-1-507** is amended to read:

### **17B-1-507. Withdrawal petition certification -- Amended petition.**

(1) Within 30 days after the filing of a petition under Sections 17B-1-504 and 17B-1-506, the board of trustees of the ~~[local]~~ special district in which the area proposed to be withdrawn is located shall:

(a) with the assistance of officers of the county in which the area proposed to be withdrawn is located, determine whether the petition meets the requirements of Sections 17B-1-504 and 17B-1-506; and

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(b) (i) if the petition complies with the requirements set forth in Sections 17B-1-504 and 17B-1-506, certify the petition and mail or deliver written notification of the certification to the contact sponsor; or

(ii) if the petition fails to comply with any of the requirements set forth in Sections 17B-1-504 and 17B-1-506, reject the petition as insufficient and mail or deliver written notification of the rejection and the reasons for the rejection to the contact sponsor.

(2) (a) If the board rejects the petition under Subsection (1)(b)(ii), the petition may be amended to correct the deficiencies for which it was rejected and then refiled within 60 days after notice of the rejection.

(b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be used toward fulfilling the applicable signature requirement for an amended petition refiled under Subsection (2)(a).

(3) The board of trustees shall process an amended petition refiled under Subsection (2)(a) in the same manner as an original petition under Subsection (1). If an amended petition is rejected for failure to comply with the requirements of Sections 17B-1-504 and 17B-1-506, the board of trustees shall issue a final rejection of the petition for insufficiency and mail or deliver written notice of the final rejection to the contact sponsor.

(4) (a) A signer of a petition for which there has been a final rejection under Subsection (3) for insufficiency may seek judicial review of the board of trustees' final decision to reject the petition as insufficient.

(b) Judicial review under Subsection (4)(a) shall be initiated by filing an action in state district court in the county in which a majority of the area proposed to be withdrawn is located.

(c) The court in which an action is filed under this Subsection (4) may not overturn the board of trustees' decision to reject the petition unless the court finds that:

(i) the board of trustees' decision was arbitrary or capricious; or

(ii) the petition materially complies with the requirements set forth in Sections 17B-1-504 and 17B-1-506.

(d) The court may award costs and expenses of an action under this section, including reasonable attorney fees, to the prevailing party.

Section 89. Section **17B-1-508** is amended to read:

**17B-1-508. Public hearing -- Quorum of board required to be present.**

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(1) A public hearing on the proposed withdrawal shall be held by the board of trustees of a ~~[local]~~ special district that:

(a) certifies a petition under Subsection 17B-1-507(1)(b)(i) unless the petition was signed by all of the owners of private land within the area proposed to be withdrawn or all of the registered voters residing within the area proposed to be withdrawn; or

(b) adopts a resolution under Subsection 17B-1-504(1)(a)(iii) unless another ~~[local]~~ special district provides to the area proposed to be withdrawn the same retail or wholesale service as provided by the ~~[local]~~ special district that adopted the resolution.

(2) The public hearing required by Subsection (1) for a petition certified by the board of trustees of a ~~[local]~~ special district under Subsection 17B-1-507(1)(b)(i), other than a petition filed in accordance with Subsection 17B-1-504(1)(a)(iv), may be held as an agenda item of a meeting of the board of trustees of the ~~[local]~~ special district without complying with the requirements of Subsection (3)(b), (3)(c), or Section 17B-1-509.

(3) Except as provided in Subsection (2), the public hearing required by Subsection (1) shall be held:

(a) no later than 90 days after:

(i) certification of the petition under Subsection 17B-1-507(1)(b)(i); or

(ii) adoption of a resolution under Subsection 17B-1-504(1)(a)(iii);

(b) (i) for a ~~[local]~~ special district located entirely within a single county:

(A) within or as close as practicable to the area proposed to be withdrawn; or

(B) at the ~~[local]~~ special district office; or

(ii) for a ~~[local]~~ special district located in more than one county:

(A) (I) within the county in which the area proposed to be withdrawn is located; and

(II) within or as close as practicable to the area proposed to be withdrawn; or

(B) if the ~~[local]~~ special district office is reasonably accessible to all residents within the area proposed to be annexed, at the ~~[local]~~ special district office;

(c) on a weekday evening other than a holiday beginning no earlier than 6:00 p.m.; and

(d) for the purpose of allowing:

(i) the public to ask questions and obtain further information about the proposed withdrawal and issues raised by it; and

(ii) any interested person to address the board of trustees concerning the proposed

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withdrawal.

(4) A quorum of the board of trustees of the [~~local~~] special district shall be present throughout the public hearing provided for under this section.

(5) A public hearing under this section may be postponed or continued to a new time, date, and place without further notice by a resolution of the board of trustees adopted at the public hearing held at the time, date, and place specified in the published notice; provided, however, that the public hearing may not be postponed or continued to a date later than 15 days after the 90-day period under Subsection (3).

Section 90. Section **17B-1-509** is amended to read:

### **17B-1-509. Notice of hearing and withdrawal.**

(1) Unless it is held as an agenda item of a meeting of the board of trustees of a [~~local~~] special district as allowed by Subsection 17B-1-508(2), before holding a public hearing under Section 17B-1-508, the board of trustees of the [~~local~~] special district shall:

(a) mail notice of the public hearing and of the proposed withdrawal to:

(i) if the [~~local~~] special district is funded predominantly by revenues from a property tax, each owner of private real property located within the area proposed to be withdrawn, as shown upon the county assessment roll last equalized as of the previous December 31;

(ii) if the [~~local~~] special district is funded by fees based upon an allotment of acre-feet of water, each owner of private real property with an allotment of water located within the area proposed to be withdrawn, as shown upon the district's records; or

(iii) if the [~~local~~] special ~~district~~ district is not funded predominantly by revenues from a property tax or fees based upon an allotment of acre-feet of water, each registered voter residing within the area proposed to be withdrawn, as determined by the voter registration list maintained by the county clerk as of a date selected by the board of trustees that is at least 20 but not more than 60 days before the public hearing; and

(b) post notice of the public hearing and of the proposed withdrawal in at least four conspicuous places within the area proposed to be withdrawn, no less than five nor more than 30 days before the public hearing.

(2) Each notice required under Subsection (1) shall:

(a) describe the area proposed to be withdrawn;

(b) identify the [~~local~~] special district in which the area proposed to be withdrawn is

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located;

(c) state the date, time, and location of the public hearing;

(d) state that the petition or resolution may be examined during specified times and at a specified place in the [~~local~~] special district; and

(e) state that any person interested in presenting comments or other information for or against the petition or resolution may:

(i) prior to the hearing, submit relevant comments and other information in writing to the board of trustees at a specified address in the [~~local~~] special district; or

(ii) at the hearing, present relevant comments and other information in writing and may also present comments and information orally.

Section 91. Section **17B-1-510** is amended to read:

**17B-1-510. Resolution approving or rejecting withdrawal -- Criteria for approval or rejection -- Terms and conditions.**

(1) (a) No later than 90 days after the public hearing under Section 17B-1-508, or, if no hearing is held, within 90 days after the filing of a petition under Section 17B-1-504, the board of trustees of the [~~local~~] special district in which the area proposed to be withdrawn is located shall adopt a resolution:

(i) approving the withdrawal of some or all of the area from the [~~local~~] special district;

or

(ii) rejecting the withdrawal.

(b) Each resolution approving a withdrawal shall:

(i) include a legal description of the area proposed to be withdrawn;

(ii) state the effective date of the withdrawal; and

(iii) set forth the terms and conditions under Subsection (5), if any, of the withdrawal.

(c) Each resolution rejecting a withdrawal shall include a detailed explanation of the board of trustees' reasons for the rejection.

(2) Unless denial of the petition is required under Subsection (3), the board of trustees shall adopt a resolution approving the withdrawal of some or all of the area from the [~~local~~] special district if the board of trustees determines that:

(a) the area to be withdrawn does not and will not require the service that the [~~local~~] special district provides;



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(b) the ~~[local]~~ special district will not be able to provide service to the area to be withdrawn for the reasonably foreseeable future; or

(c) the area to be withdrawn has obtained the same service that is provided by the ~~[local]~~ special district or a commitment to provide the same service that is provided by the ~~[local]~~ special district from another source.

(3) The board of trustees shall adopt a resolution denying the withdrawal if it determines that the proposed withdrawal would:

(a) result in a breach or default by the ~~[local]~~ special district under:

(i) any of its notes, bonds, or other debt or revenue obligations;

(ii) any of its agreements with entities which have insured, guaranteed, or otherwise credit-enhanced any debt or revenue obligations of the ~~[local]~~ special district; or

(iii) any of its agreements with the United States or any agency of the United States; provided, however, that, if the ~~[local]~~ special district has entered into an agreement with the United States that requires the consent of the United States for a withdrawal of territory from the district, a withdrawal under this part may occur if the written consent of the United States is obtained and filed with the board of trustees;

(b) adversely affect the ability of the ~~[local]~~ special district to make any payments or perform any other material obligations under:

(i) any of its agreements with the United States or any agency of the United States;

(ii) any of its notes, bonds, or other debt or revenue obligations; or

(iii) any of its agreements with entities which have insured, guaranteed, or otherwise credit-enhanced any debt or revenue obligations of the ~~[local]~~ special district;

(c) result in the reduction or withdrawal of any rating on an outstanding note, bond, or other debt or revenue obligation of the ~~[local]~~ special district;

(d) create an island or peninsula of nondistrict territory within the ~~[local]~~ special district or of district territory within nondistrict territory that has a material adverse affect on the ~~[local]~~ special district's ability to provide service or materially increases the cost of providing service to the remainder of the ~~[local]~~ special district;

(e) materially impair the operations of the remaining ~~[local]~~ special district; or

(f) require the ~~[local]~~ special district to materially increase the fees it charges or property taxes or other taxes it levies in order to provide to the remainder of the district the

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same level and quality of service that was provided before the withdrawal.

(4) In determining whether the withdrawal would have any of the results described in Subsection (3), the board of trustees may consider the cumulative impact that multiple withdrawals over a specified period of time would have on the ~~[local]~~ special district.

(5) (a) Despite the presence of one or more of the conditions listed in Subsection (3), the board of trustees may approve a resolution withdrawing an area from the ~~[local]~~ special district imposing terms or conditions that mitigate or eliminate the conditions listed in Subsection (3), including:

(i) a requirement that the owners of property located within the area proposed to be withdrawn or residents within that area pay their proportionate share of any outstanding district bond or other obligation as determined pursuant to Subsection (5)(b);

(ii) a requirement that the owners of property located within the area proposed to be withdrawn or residents within that area make one or more payments in lieu of taxes, fees, or assessments;

(iii) a requirement that the board of trustees and the receiving entity agree to reasonable payment and other terms in accordance with Subsections (5)(f) through (g) regarding the transfer to the receiving entity of district assets that the district used before withdrawal to provide service to the withdrawn area but no longer needs because of the withdrawal; provided that, if those district assets are allocated in accordance with Subsections (5)(f) through (g), the district shall immediately transfer to the receiving entity on the effective date of the withdrawal, all title to and possession of district assets allocated to the receiving entity; or

(iv) any other reasonable requirement considered to be necessary by the board of trustees.

(b) Other than as provided for in Subsection 17B-1-511(2), and except as provided in Subsection (5)(e), in determining the proportionate share of outstanding bonded indebtedness or other obligations under Subsection (5)(a)(i) and for purposes of determining the allocation and transfer of district assets under Subsection (5)(a)(iii), the board of trustees and the receiving entity, or in cases where there is no receiving entity, the board and the sponsors of the petition shall:

(i) engage engineering and accounting consultants chosen by the procedure provided in Subsection (5)(d); provided however, that if the withdrawn area is not receiving service, an

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engineering consultant need not be engaged; and

(ii) require the engineering and accounting consultants engaged under Subsection (5)(b)(i) to communicate in writing to the board of trustees and the receiving entity, or in cases where there is no receiving entity, the board and the sponsors of the petition the information required by Subsections (5)(f) through (h).

(c) For purposes of this Subsection (5):

(i) "accounting consultant" means a certified public accountant or a firm of certified public accountants with the expertise necessary to make the determinations required under Subsection (5)(h); and

(ii) "engineering consultant" means a person or firm that has the expertise in the engineering aspects of the type of system by which the withdrawn area is receiving service that is necessary to make the determination required under Subsections (5)(f) and (g).

(d) (i) Unless the board of trustees and the receiving entity, or in cases where there is no receiving entity, the board and the sponsors of the petition agree on an engineering consultant and an accounting consultant, each consultant shall be chosen from a list of consultants provided by the Consulting Engineers Council of Utah and the Utah Association of Certified Public Accountants, respectively, as provided in this Subsection (5)(d).

(ii) A list under Subsection (5)(d)(i) may not include a consultant who has had a contract for services with the district or the receiving entity during the two-year period immediately before the list is provided to the ~~local~~ special district.

(iii) Within 20 days of receiving the lists described in Subsection (5)(d)(i), the board of trustees shall eliminate the name of one engineering consultant from the list of engineering consultants and the name of one accounting consultant from the list of accounting consultants and shall notify the receiving entity, or in cases where there is no receiving entity, the sponsors of the petition in writing of the eliminations.

(iv) Within three days of receiving notification under Subsection (5)(d), the receiving entity, or in cases where there is no receiving entity, the sponsors of the petition shall eliminate another name of an engineering consultant from the list of engineering consultants and another name of an accounting consultant from the list of accounting consultants and shall notify the board of trustees in writing of the eliminations.

(v) The board of trustees and the receiving entity, or in cases where there is no

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receiving entity, the board and the sponsors of the petition shall continue to alternate between them, each eliminating the name of one engineering consultant from the list of engineering consultants and the name of one accounting consultant from the list of accounting consultants and providing written notification of the eliminations within three days of receiving notification of the previous notification, until the name of only one engineering consultant remains on the list of engineering consultants and the name of only one accounting consultant remains on the list of accounting consultants.

(e) The requirement under Subsection (5)(b) to engage engineering and accounting consultants does not apply if the board of trustees and the receiving entity, or in cases where there is no receiving entity, the board and the sponsors of the petition agree on the allocations that are the engineering consultant's responsibility under Subsection (5)(f) or the determinations that are the accounting consultant's responsibility under Subsection (5)(h); provided however, that if engineering and accounting consultants are engaged, the district and the receiving entity, or in cases where there is no receiving entity, the district and the sponsors of the petition shall equally share the cost of the engineering and accounting consultants.

(f) (i) The engineering consultant shall allocate the district assets between the district and the receiving entity as provided in this Subsection (5)(f).

(ii) The engineering consultant shall allocate:

(A) to the district those assets reasonably needed by the district to provide to the area of the district remaining after withdrawal the kind, level, and quality of service that was provided before withdrawal; and

(B) to the receiving entity those assets reasonably needed by the receiving entity to provide to the withdrawn area the kind and quality of service that was provided before withdrawal.

(iii) If the engineering consultant determines that both the ~~[local]~~ special district and the receiving entity reasonably need a district asset to provide to their respective areas the kind and quality of service provided before withdrawal, the engineering consultant shall:

(A) allocate the asset between the ~~[local]~~ special district and the receiving entity according to their relative needs, if the asset is reasonably susceptible of division; or

(B) allocate the asset to the ~~[local]~~ special district, if the asset is not reasonably susceptible of division.

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(g) All district assets remaining after application of Subsection (5)(f) shall be allocated to the ~~[local]~~ special district.

(h) (i) The accounting consultant shall determine the withdrawn area's proportionate share of any redemption premium and the principal of and interest on:

(A) the ~~[local]~~ special district's revenue bonds that were outstanding at the time the petition was filed;

(B) the ~~[local]~~ special district's general obligation bonds that were outstanding at the time the petition was filed; and

(C) the ~~[local]~~ special ~~district~~ district's general obligation bonds that:

(I) were outstanding at the time the petition was filed; and

(II) are treated as revenue bonds under Subsection (5)(i); and

(D) the district's bonds that were issued prior to the date the petition was filed to refund the district's revenue bonds, general obligation bonds, or general obligation bonds treated as revenue bonds.

(ii) For purposes of Subsection (5)(h)(i), the withdrawn area's proportionate share of redemption premium, principal, and interest shall be the amount that bears the same relationship to the total redemption premium, principal, and interest for the entire district that the average annual gross revenues from the withdrawn area during the three most recent complete fiscal years before the filing of the petition bears to the average annual gross revenues from the entire district for the same period.

(i) For purposes of Subsection (5)(h)(i), a district general obligation bond shall be treated as a revenue bond if:

(i) the bond is outstanding on the date the petition was filed; and

(ii) the principal of and interest on the bond, as of the date the petition was filed, had been paid entirely from ~~[local]~~ special district revenues and not from a levy of ad valorem tax.

(j) (i) Before the board of trustees of the ~~[local]~~ special district files a resolution approving a withdrawal, the receiving entity, or in cases where there is no receiving entity, the sponsors of the petition shall irrevocably deposit government obligations, as defined in Subsection 11-27-2(6), into an escrow trust fund the principal of and interest on which are sufficient to provide for the timely payment of the amount determined by the accounting consultant under Subsection (5)(h) or in an amount mutually agreeable to the board of trustees

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of the [~~local~~] special district and the receiving entity, or in cases where there is no receiving entity, the board and the sponsors of the petition. Notwithstanding Subsection 17B-1-512(1), the board of trustees may not be required to file a resolution approving a withdrawal until the requirements for establishing and funding an escrow trust fund in this Subsection (5)(j)(i) have been met; provided that, if the escrow trust fund has not been established and funded within 180 days after the board of trustees passes a resolution approving a withdrawal, the resolution approving the withdrawal shall be void.

(ii) Concurrently with the creation of the escrow, the receiving entity, or in cases where there is no receiving entity, the sponsors of the petition shall provide to the board of trustees of the [~~local~~] special district:

(A) a written opinion of an attorney experienced in the tax-exempt status of municipal bonds stating that the establishment and use of the escrow to pay the proportionate share of the district's outstanding revenue bonds and general obligation bonds that are treated as revenue bonds will not adversely affect the tax-exempt status of the bonds; and

(B) a written opinion of an independent certified public accountant verifying that the principal of and interest on the deposited government obligations are sufficient to provide for the payment of the withdrawn area's proportionate share of the bonds as provided in Subsection (5)(h).

(iii) The receiving entity, or in cases where there is no receiving entity, the sponsors of the petition shall bear all expenses of the escrow and the redemption of the bonds.

(iv) The receiving entity may issue bonds under Title 11, Chapter 14, Local Government Bonding Act, and Title 11, Chapter 27, Utah Refunding Bond Act, to fund the escrow.

(6) A requirement imposed by the board of trustees as a condition to withdrawal under Subsection (5) shall, in addition to being expressed in the resolution, be reduced to a duly authorized and executed written agreement between the parties to the withdrawal.

(7) An area that is the subject of a withdrawal petition under Section 17B-1-504 that results in a board of trustees resolution denying the proposed withdrawal may not be the subject of another withdrawal petition under Section 17B-1-504 for two years after the date of the board of trustees resolution denying the withdrawal.

Section 92. Section **17B-1-511** is amended to read:

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### **17B-1-511. Continuation of tax levy after withdrawal to pay for proportionate share of district bonds.**

(1) Other than as provided in Subsection (2), and unless an escrow trust fund is established and funded pursuant to Subsection 17B-1-510(5)(j), property within the withdrawn area shall continue after withdrawal to be taxable by the ~~[local]~~ special district:

(a) for the purpose of paying the withdrawn area's just proportion of the ~~[local]~~ special district's general obligation bonds or lease obligations payable from property taxes with respect to lease revenue bonds issued by a local building authority on behalf of the ~~[local]~~ special district, other than those bonds treated as revenue bonds under Subsection 17B-1-510(5)(i), until the bonded indebtedness has been satisfied; and

(b) to the extent and for the years necessary to generate sufficient revenue that, when combined with the revenues from the district remaining after withdrawal, is sufficient to provide for the payment of principal and interest on the district's general obligation bonds that are treated as revenue bonds under Subsection 17B-1-510(5)(i).

(2) For a ~~[local]~~ special district funded predominately by revenues other than property taxes, service charges, or assessments based upon an allotment of acre-feet of water, property within the withdrawn area shall continue to be taxable by the ~~[local]~~ special district for purposes of paying the withdrawn area's proportionate share of bonded indebtedness or judgments against the ~~[local]~~ special district incurred prior to the date the petition was filed.

(3) Except as provided in Subsections (1) and (2), upon withdrawal, the withdrawing area is relieved of all other taxes, assessments, and charges levied by the district, including taxes and charges for the payment of revenue bonds and maintenance and operation cost of the ~~[local]~~ special district.

Section 93. Section **17B-1-512** is amended to read:

### **17B-1-512. Filing of notice and plat -- Recording requirements -- Contest period -- Judicial review.**

(1) (a) Within the time specified in Subsection (1)(b), the board of trustees shall file with the lieutenant governor:

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

(ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

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(b) The board of trustees shall file the documents listed in Subsection (1)(a):

(i) within 10 days after adopting a resolution approving a withdrawal under Section 17B-1-510;

(ii) on or before January 31 of the year following the board of trustees' receipt of a notice or copy described in Subsection (1)(c), if the board of trustees receives the notice or copy between July 1 and December 31; or

(iii) on or before the July 31 following the board of trustees' receipt of a notice or copy described in Subsection (1)(c), if the board of trustees receives the notice or copy between January 1 and June 30.

(c) The board of trustees shall comply with the requirements described in Subsection (1)(b)(ii) or (iii) after:

(i) receiving:

(A) a notice under Subsection 10-2-425(2) of an automatic withdrawal under Subsection 17B-1-502(2);

(B) a copy of the municipal legislative body's resolution approving an automatic withdrawal under Subsection 17B-1-502(3)(a); or

(C) notice of a withdrawal of a municipality from a [~~local~~] special district under Section 17B-1-502; or

(ii) entering into an agreement with a municipality under Subsection 17B-1-505(5)(a)(ii)(A) or (5)(b).

(d) Upon the lieutenant governor's issuance of a certificate of withdrawal under Section 67-1a-6.5, the board shall:

(i) if the withdrawn area is located within the boundary of a single county, submit to the recorder of that county:

(A) the original:

(I) notice of an impending boundary action;

(II) certificate of withdrawal; and

(III) approved final local entity plat; and

(B) if applicable, a certified copy of the resolution or notice referred to in Subsection (1)(b); or

(ii) if the withdrawn area is located within the boundaries of more than a single county,



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submit:

(A) the original of the documents listed in Subsections (1)(d)(i)(A)(I), (II), and (III) and, if applicable, a certified copy of the resolution or notice referred to in Subsection (1)(b) to one of those counties; and

(B) a certified copy of the documents listed in Subsections (1)(d)(i)(A)(I), (II), and (III) and a certified copy of the resolution or notice referred to in Subsection (1)(b) to each other county.

(2) (a) Upon the lieutenant governor's issuance of the certificate of withdrawal under Section 67-1a-6.5 for a withdrawal under Section 17B-1-510, for an automatic withdrawal under Subsection 17B-1-502(3), or for the withdrawal of a municipality from a ~~[local]~~ special district under Section 17B-1-505, the withdrawal shall be effective, subject to the conditions of the withdrawal resolution, if applicable.

(b) An automatic withdrawal under Subsection 17B-1-502(3) shall be effective upon the lieutenant governor's issuance of a certificate of withdrawal under Section 67-1a-6.5.

(3) (a) The ~~[local]~~ special district may provide for the publication of any resolution approving or denying the withdrawal of an area:

- (i) in a newspaper of general circulation in the area proposed for withdrawal; and
- (ii) as required in Section 45-1-101.

(b) In lieu of publishing the entire resolution, the ~~[local]~~ special district may publish a notice of withdrawal or denial of withdrawal, containing:

- (i) the name of the ~~[local]~~ special district;
- (ii) a description of the area proposed for withdrawal;
- (iii) a brief explanation of the grounds on which the board of trustees determined to approve or deny the withdrawal; and
- (iv) the times and place where a copy of the resolution may be examined, which shall be at the place of business of the ~~[local]~~ special district, identified in the notice, during regular business hours of the ~~[local]~~ special district as described in the notice and for a period of at least 30 days after the publication of the notice.

(4) Any sponsor of the petition or receiving entity may contest the board's decision to deny a withdrawal of an area from the ~~[local]~~ special district by submitting a request, within 60 days after the resolution is adopted under Section 17B-1-510, to the board of trustees,

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suggesting terms or conditions to mitigate or eliminate the conditions upon which the board of trustees based its decision to deny the withdrawal.

(5) Within 60 days after the request under Subsection (4) is submitted to the board of trustees, the board may consider the suggestions for mitigation and adopt a resolution approving or denying the request in the same manner as provided in Section 17B-1-510 with respect to the original resolution denying the withdrawal and file a notice of the action as provided in Subsection (1).

(6) (a) Any person in interest may seek judicial review of:

- (i) the board of trustees' decision to withdraw an area from the [~~local~~] special district;
- (ii) the terms and conditions of a withdrawal; or
- (iii) the board's decision to deny a withdrawal.

(b) Judicial review under this Subsection (6) shall be initiated by filing an action in the district court in the county in which a majority of the area proposed to be withdrawn is located:

(i) if the resolution approving or denying the withdrawal is published under Subsection (3), within 60 days after the publication or after the board of trustees' denial of the request under Subsection (5);

(ii) if the resolution is not published pursuant to Subsection (3), within 60 days after the resolution approving or denying the withdrawal is adopted; or

(iii) if a request is submitted to the board of trustees of a [~~local~~] special district under Subsection (4), and the board adopts a resolution under Subsection (5), within 60 days after the board adopts a resolution under Subsection (5) unless the resolution is published under Subsection (3), in which event the action shall be filed within 60 days after the publication.

(c) A court in which an action is filed under this Subsection (6) may not overturn, in whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

- (i) the court finds the board of trustees' decision to be arbitrary or capricious; or
- (ii) the court finds that the board materially failed to follow the procedures set forth in this part.

(d) A court may award costs and expenses of an action under this section, including reasonable attorney fees, to the prevailing party.

(7) After the applicable contest period under Subsection (4) or (6), no person may contest the board of trustees' approval or denial of withdrawal for any cause.

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Section 94. Section **17B-1-513** is amended to read:

### **17B-1-513. Termination of terms of trustees representing withdrawn areas.**

(1) Except as provided in Subsection (4), on the effective date of withdrawal of an area from a ~~[local]~~ special district, any trustee residing in the withdrawn area shall cease to be a member of the board of trustees of the ~~[local]~~ special district.

(2) Except as provided in Subsection (4), if the ~~[local]~~ special district has been divided into divisions for the purpose of electing or appointing trustees and the area withdrawn from a district constitutes all or substantially all of the area in a division of the ~~[local]~~ special district that is represented by a member of the board of trustees, on the effective date of the withdrawal, the trustee representing the division shall cease to be a member of the board of trustees of the ~~[local]~~ special district.

(3) In the event of a vacancy on the board of trustees as a result of an area being withdrawn from the ~~[local]~~ special district:

(a) the board of trustees shall reduce the number of trustees of the ~~[local]~~ special district as provided by law; or

(b) the trustee vacancy shall be filled as provided by law.

(4) Subsections (1) and (2) apply only to a trustee who is required by law to be a resident of the ~~[local]~~ special district or of a particular division within the ~~[local]~~ special district.

Section 95. Section **17B-1-601** is amended to read:

### **Part 6. Fiscal Procedures for Special Districts**

#### **17B-1-601. Definitions.**

As used in this part:

(1) "Appropriation" means an allocation of money by the board of trustees for a specific purpose.

(2) "Budget" means a plan of financial operations for a fiscal year which embodies estimates of proposed expenditures for given purposes and the proposed means of financing them, and may refer to the budget of a particular fund for which a budget is required by law or it may refer collectively to the budgets for all such funds.

(3) "Budget officer" means the person appointed by the ~~[local]~~ special district board of trustees to prepare the budget for the district.

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- (4) "Budget year" means the fiscal year for which a budget is prepared.
- (5) "Calendar year entity" means a ~~[local]~~ special district whose fiscal year begins January 1 and ends December 31 of each calendar year as described in Section 17B-1-602.
- (6) "Current year" means the fiscal year in which a budget is prepared and adopted, which is the fiscal year next preceding the budget year.
- (7) "Deficit" has the meaning given under generally accepted accounting principles as reflected in the Uniform Accounting Manual for ~~[Local]~~ Special Districts.
- (8) "Estimated revenue" means the amount of revenue estimated to be received from all sources during the budget year in each fund for which a budget is being prepared.
- (9) "Financial officer" means the official under Section 17B-1-642.
- (10) "Fiscal year" means the annual period for accounting for fiscal operations in each district.
- (11) "Fiscal year entity" means a ~~[local]~~ special district whose fiscal year begins July 1 of each year and ends on June 30 of the following year as described in Section 17B-1-602.
- (12) "Fund" has the meaning given under generally accepted accounting principles as reflected in the Uniform Accounting Manual for ~~[Local]~~ Special Districts.
- (13) "Fund balance" has the meaning given under generally accepted accounting principles as reflected in the Uniform Accounting Manual for ~~[Local]~~ Special Districts.
- (14) "General fund" is as defined by the Governmental Accounting Standards Board as reflected in the Uniform Accounting Manual for All Local Governments prepared by the Office of the Utah State Auditor.
- (15) "Governmental funds" means the general fund, special revenue fund, debt service fund, and capital projects fund of a ~~[local]~~ special district.
- (16) "Interfund loan" means a loan of cash from one fund to another, subject to future repayment.
- (17) "Last completed fiscal year" means the fiscal year next preceding the current fiscal year.
- ~~[(18) "Local district general fund" means the general fund used by a local district.]~~
- ~~[(19)]~~ (18) "Proprietary funds" means enterprise funds and the internal service funds of a ~~[local]~~ special district.
- ~~[(20)]~~ (19) "Public funds" means any money or payment collected or received by an

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officer or employee of a [~~local~~] special district acting in an official capacity and includes money or payment to the officer or employee for services or goods provided by the district, or the officer or employee while acting within the scope of employment or duty.

[~~(21)~~] (20) "Retained earnings" has the meaning given under generally accepted accounting principles as reflected in the Uniform Accounting Manual for [~~Local~~] Special Districts.

(21) "Special district general fund" means the general fund used by a special district.

(22) "Special fund" means any [~~local~~] special district fund other than the [~~local~~] special district's general fund.

Section 96. Section **17B-1-602** is amended to read:

### **17B-1-602. Fiscal year.**

The fiscal year of each [~~local~~] special district shall be, as determined by the board of trustees:

- (1) the calendar year; or
- (2) the period from July 1 to the following June 30.

Section 97. Section **17B-1-603** is amended to read:

### **17B-1-603. Uniform accounting system.**

The accounting records of each [~~local~~] special district shall be established and maintained, and financial statements prepared from those records, in conformance with generally accepted accounting principles promulgated from time to time by authoritative bodies in the United States.

Section 98. Section **17B-1-604** is amended to read:

### **17B-1-604. Funds and account groups maintained.**

Each district shall maintain, according to its own accounting needs, some or all of the funds and account groups in its system of accounts, as prescribed in the Uniform Accounting Manual for [~~Local~~] Special Districts.

Section 99. Section **17B-1-605** is amended to read:

### **17B-1-605. Budget required for certain funds -- Capital projects fund.**

(1) The budget officer of each [~~local~~] special district shall prepare for each budget year a budget for each of the following funds:

- (a) the General Fund;

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(b) special revenue funds;  
(c) debt service funds;  
(d) capital projects funds;  
(e) proprietary funds, in accordance with Section 17B-1-629;  
(f) if the [~~local~~] special district has a local fund, as defined in Section 53-2a-602, the local fund; and

(g) any other fund or funds for which a budget is required by the uniform system of budgeting, accounting, and reporting.

(2) (a) Major capital improvements financed by general obligation bonds, capital grants, or interfund transfers shall use a capital projects fund budget unless the improvements financed are to be used for proprietary type activities.

(b) The [~~local~~] special district shall prepare a separate budget for the term of the projects as well as the annual budget required under Subsection (1).

Section 100. Section **17B-1-606** is amended to read:

### **17B-1-606. Total of revenues to equal expenditures.**

(1) The budget for each fund under Section 17B-1-605 shall provide a financial plan for the budget year.

(2) Each budget shall specify in tabular form:

(a) estimates of all anticipated revenues, classified by the account titles prescribed in the Uniform Accounting Manual for [~~Local~~] Special Districts; and

(b) all appropriations for expenditures, classified by the account titles prescribed in the Uniform Accounting Manual for [~~Local~~] Special Districts.

(3) The total of the anticipated revenues shall equal the total of appropriated expenditures.

Section 101. Section **17B-1-607** is amended to read:

### **17B-1-607. Tentative budget to be prepared -- Review by governing body.**

(1) On or before the first regularly scheduled meeting of the board of trustees in November for a calendar year entity and May for a fiscal year entity, the budget officer of each [~~local~~] special district shall prepare for the ensuing year, in a format prescribed by the state auditor, and file with the board of trustees a tentative budget for each fund for which a budget is required.

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(2) (a) Each tentative budget under Subsection (1) shall provide in tabular form:

- (i) actual revenues and expenditures for the last completed fiscal year;
- (ii) estimated total revenues and expenditures for the current fiscal year; and
- (iii) the budget officer's estimates of revenues and expenditures for the budget year.

(b) The budget officer shall estimate the amount of revenue available to serve the needs of each fund, estimate the portion to be derived from all sources other than general property taxes, and estimate the portion that shall be derived from general property taxes.

(3) The tentative budget, when filed by the budget officer with the board of trustees, shall contain the estimates of expenditures together with specific work programs and any other supporting data required by this part or requested by the board.

(4) The board of trustees shall review, consider, and tentatively adopt the tentative budget in any regular meeting or special meeting called for that purpose and may amend or revise the tentative budget in any manner that the board considers advisable prior to public hearings, but no appropriation required for debt retirement and interest or reduction of any existing deficits under Section 17B-1-613, or otherwise required by law, may be reduced below the minimums so required.

(5) When a new district is created, the board of trustees shall:

- (a) prepare a budget covering the period from the date of incorporation to the end of the fiscal year;
- (b) substantially comply with all other provisions of this part with respect to notices and hearings; and
- (c) pass the budget as soon after incorporation as feasible.

Section 102. Section **17B-1-608** is amended to read:

### **17B-1-608. Tentative budget and data -- Public records.**

(1) The tentative budget adopted by the board of trustees and all supporting schedules and data are public records.

(2) At least seven days before adopting a final budget in a public meeting, the ~~[local]~~ special district shall:

- (a) make the tentative budget available for public inspection at the ~~[local]~~ special district's principal place of business during regular business hours;
- (b) if the ~~[local]~~ special district has a website, publish the tentative budget on the

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[local] special district's website; and

(c) in accordance with Section 63A-16-601, do one of the following:

(i) publish the tentative budget on the Utah Public Notice Website; or

(ii) publish on the Utah Public Notice Website a link to a website on which the tentative budget is published.

Section 103. Section **17B-1-609** is amended to read:

### **17B-1-609. Hearing to consider adoption -- Notice.**

(1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

(a) establish the time and place of a public hearing to consider its adoption; and

(b) except as provided in Subsection (6), order that notice of the hearing:

(i) be posted in three public places within the district; and

(ii) be published at least seven days before the hearing on the Utah Public Notice Website created in Section 63A-16-601.

(2) If the budget hearing is held in conjunction with a tax increase hearing, the notice required in Subsection (1)(b):

(a) may be combined with the notice required under Section 59-2-919; and

(b) shall be published in accordance with the advertisement provisions of Section 59-2-919.

(3) If the budget hearing is to be held in conjunction with a fee increase hearing, the notice required in Subsection (1)(b):

(a) may be combined with the notice required under Section 17B-1-643; and

(b) shall be published or mailed in accordance with the notice provisions of Section 17B-1-643.

(4) Proof that notice was given in accordance with Subsection (1)(b), (2), (3), or (6) is prima facie evidence that notice was properly given.

(5) If a notice required under Subsection (1)(b), (2), (3), or (6) is not challenged within 30 days after the day on which the hearing is held, the notice is adequate and proper.

(6) A board of trustees of a [local] special district with an annual operating budget of less than \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:

(a) mailing a written notice, postage prepaid, to each voter in the [local] special district; and



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(b) posting the notice in three public places within the district.

Section 104. Section **17B-1-612** is amended to read:

### **17B-1-612. Accumulated fund balances -- Limitations -- Excess balances --**

#### **Unanticipated excess of revenues -- Reserves for capital projects.**

(1) (a) A [~~local~~] special district may accumulate retained earnings or fund balances, as appropriate, in any fund.

(b) For the general fund only, a [~~local~~] special district may only use an accumulated fund balance to:

(i) provide working capital to finance expenditures from the beginning of the budget year until general property taxes or other applicable revenues are collected, subject to

Subsection (1)(c);

(ii) provide a resource to meet emergency expenditures under Section 17B-1-623; and

(iii) cover a pending year-end excess of expenditures over revenues from an unavoidable shortfall in revenues, subject to Subsection (1)(d).

(c) Subsection (1)(b)(i) does not authorize a [~~local~~] special district to appropriate a fund balance for budgeting purposes, except as provided in Subsection (4).

(d) Subsection (1)(b)(iii) does not authorize a [~~local~~] special district to appropriate a fund balance to avoid an operating deficit during a budget year except:

(i) as provided under Subsection (4); or

(ii) for emergency purposes under Section 17B-1-623.

(2) (a) Except as provided in Subsection (2)(b), the accumulation of a fund balance in the general fund may not exceed the most recently adopted general fund budget, plus 100% of the current year's property tax.

(b) Notwithstanding Subsection (2)(a), a [~~local~~] special district may accumulate in the general fund mineral lease revenue that the [~~local~~] special district receives from the United States under the Mineral Lands Leasing Act, 30 U.S.C. Sec. 181 et seq., through a distribution under:

(i) Title 35A, Chapter 8, Part 3, Community Impact Fund Act; or

(ii) Title 59, Chapter 21, Mineral Lease Funds.

(3) If the fund balance at the close of any fiscal year exceeds the amount permitted under Subsection (2), the district shall appropriate the excess in accordance with Section

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17B-1-613.

(4) A [~~local~~] special district may utilize any fund balance in excess of 5% of the total revenues of the general fund for budget purposes.

(5) (a) Within a capital projects fund, the board of trustees may, in any budget year, appropriate from estimated revenue or fund balance to a reserve for capital projects for the purpose of financing future specific capital projects, including new construction, capital repairs, replacement, and maintenance, under a formal long-range capital plan that the board of trustees adopts.

(b) A [~~local~~] special district may allow a reserve amount under Subsection (5)(a) to accumulate from year to year until the accumulated total is sufficient to permit economical expenditure for the specified purposes.

(c) A [~~local~~] special district may disburse from a reserve account under Subsection (5)(a) only by a budget appropriation that the [~~local~~] special district adopts in accordance with this part.

(d) A [~~local~~] special district shall ensure that the expenditures from the appropriation budget accounts described in this Subsection (5) conform to all requirements of this part relating to execution and control of budgets.

Section 105. Section **17B-1-613** is amended to read:

**17B-1-613. Appropriations not to exceed estimated expendable revenue --  
Appropriations for existing deficits.**

(1) The board of trustees of a [~~local~~] special district may not make any appropriation in the final budget of any fund in excess of the estimated expendable revenue for the budget year of the fund.

(2) If there is a deficit fund balance in a fund at the close of the last completed fiscal year, the board of trustees of a [~~local~~] special district shall include an item of appropriation for the deficit in the current budget of the fund equal to:

(a) at least 5% of the total revenue of the fund in the last completed fiscal year; or

(b) if the deficit is equal to less than 5% of the total revenue of the fund in the last completed fiscal year, the entire amount of the deficit.

(3) The provisions of this section do not require a [~~local~~] special district to add revenue to a fund that is used for debt service of a limited obligation, unless the revenue is pledged

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toward the limited obligation.

Section 106. Section **17B-1-614** is amended to read:

### **17B-1-614. Adoption of final budget -- Certification and filing.**

(1) The board of trustees of each [~~local~~] special district shall by resolution adopt a budget for the ensuing fiscal year for each fund for which a budget is required under this part prior to the beginning of the fiscal year, except as provided in Sections 59-2-919 through 59-2-923.

(2) The [~~local~~] special district's budget officer shall certify a copy of the final budget for each fund and file it with the state auditor within 30 days after adoption.

Section 107. Section **17B-1-615** is amended to read:

### **17B-1-615. Budgets in effect for budget year.**

(1) Upon final adoption, each budget shall be in effect for the budget year, subject to amendment as provided in this part.

(2) A certified copy of the adopted budgets shall be filed in the special district office and shall be available to the public during regular business hours.

Section 108. Section **17B-1-617** is amended to read:

### **17B-1-617. Fund expenditures -- Budget officer's duties.**

(1) The budget officer of each [~~local~~] special district shall require all expenditures within each fund to conform with the fund budget.

(2) No appropriation may be encumbered and no expenditure may be made against any fund appropriation unless there is sufficient unencumbered balance in the fund's appropriation, except in cases of emergency as provided in Section 17B-1-623.

Section 109. Section **17B-1-618** is amended to read:

### **17B-1-618. Purchasing procedures.**

All purchases or encumbrances by a [~~local~~] special district shall be made or incurred according to the purchasing procedures established for each district by the district's rulemaking authority, as that term is defined in Section 63G-6a-103, and only on an order or approval of the person or persons duly authorized.

Section 110. Section **17B-1-619** is amended to read:

**17B-1-619. Expenditures or encumbrances in excess of appropriations prohibited -- Processing claims.**

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(1) A [~~local~~] special district may not make or incur expenditures or encumbrances in excess of total appropriations in the budget as adopted or as subsequently amended.

(2) An obligation contracted by any officer in excess of total appropriations in the budget is not enforceable against the district.

(3) No check or warrant to cover a claim against an appropriation may be drawn until the claim has been processed as provided by this part.

Section 111. Section **17B-1-620** is amended to read:

### **17B-1-620. Transfer of appropriation balance between accounts in same fund.**

(1) The board of trustees of each [~~local~~] special district shall establish policies for the transfer of any unencumbered or unexpended appropriation balance or portion of the balance from one account in a fund to another account within the same fund, subject to Subsection (2).

(2) An appropriation for debt retirement and interest, reduction of deficit, or other appropriation required by law or covenant may not be reduced below the minimums required.

Section 112. Section **17B-1-621** is amended to read:

### **17B-1-621. Review of individual governmental fund budgets -- Hearing.**

(1) The board of trustees of a [~~local~~] special district may, at any time during the budget year, review the individual budgets of the governmental funds for the purpose of determining if the total of any of them should be increased.

(2) If the board of trustees decides that the budget total of one or more of these funds should be increased, it shall follow the procedures established in Sections 17B-1-609 and 17B-1-610 for holding a public hearing.

Section 113. Section **17B-1-623** is amended to read:

### **17B-1-623. Emergency expenditures.**

The board of trustees of a [~~local~~] special district may, by resolution, amend a budget and authorize an expenditure of money that results in a deficit in the district's general fund balance if:

(1) the board determines that:

(a) an emergency exists; and

(b) the expenditure is reasonably necessary to meet the emergency; and

(2) the expenditure is used to meet the emergency.

Section 114. Section **17B-1-626** is amended to read:

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### **17B-1-626. Loans by one fund to another.**

(1) Subject to this section, restrictions imposed by bond covenants, restrictions in Section 53-2a-605, or other controlling regulations, the board of trustees of a ~~local~~ special district may authorize an interfund loan from one fund to another.

(2) An interfund loan under Subsection (1) shall be in writing and specify the terms and conditions of the loan, including the:

- (a) effective date of the loan;
  - (b) name of the fund loaning the money;
  - (c) name of the fund receiving the money;
  - (d) amount of the loan;
  - (e) subject to Subsection (3), term of and repayment schedule for the loan;
  - (f) subject to Subsection (4), interest rate of the loan;
  - (g) method of calculating interest applicable to the loan;
  - (h) procedures for:
    - (i) applying interest to the loan; and
    - (ii) paying interest on the loan; and
  - (i) other terms and conditions the board of trustees determines applicable.
- (3) The term and repayment schedule specified under Subsection (2)(e) may not exceed 10 years.

(4) (a) In determining the interest rate of the loan specified under Subsection (2)(f), the board of trustees shall apply an interest rate that reflects the rate of potential gain had the funds been deposited or invested in a comparable investment.

(b) Notwithstanding Subsection (4)(a), the interest rate of the loan specified under Subsection (2)(f):

(i) if the term of the loan under Subsection (2)(e) is one year or less, may not be less than the rate offered by the Public Treasurers' Investment Fund that was created for public funds transferred to the state treasurer in accordance with Section 51-7-5; or

(ii) if the term of the loan under Subsection (2)(e) is more than one year, may not be less than the greater of the rate offered by:

(A) the Public Treasurers' Investment Fund that was created for public funds transferred to the state treasurer in accordance with Section 51-7-5; or

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(B) a United States Treasury note of a comparable term.

(5) (a) For an interfund loan under Subsection (1), the board of trustees shall:

(i) hold a public hearing;

(ii) prepare a written notice of the date, time, place, and purpose of the hearing, and the proposed terms and conditions of the interfund loan under Subsection (2);

(iii) provide notice of the public hearing in the same manner as required under Section 17B-1-609 as if the hearing were a budget hearing; and

(iv) authorize the interfund loan by resolution in a public meeting.

(b) The notice and hearing requirements in Subsection (5)(a) are satisfied if the interfund loan is included in an original budget or in a subsequent budget amendment previously approved by the board of trustees for the current fiscal year.

(6) Subsections (2) through (5) do not apply to an interfund loan if the interfund loan is:

(a) a loan from the [~~local~~] special district general fund to any other fund of the [~~local~~] special district; or

(b) a short-term advance from the [~~local~~] special district's cash and investment pool to individual funds that are repaid by the end of the fiscal year.

Section 115. Section **17B-1-627** is amended to read:

**17B-1-627. Property tax levy -- Time for setting -- Computation of total levy -- Apportionment of proceeds -- Maximum levy.**

(1) The board of trustees of each [~~local~~] special district authorized to levy a property tax, at a regular meeting or special meeting called for that purpose, shall, by resolution, set the real and personal property tax rate for various district purposes by the date set under Section 59-2-912, but the rate may be set at an appropriate later date in accordance with Sections 59-2-919 through 59-2-923.

(2) In its computation of the total levy, the board of trustees shall determine the requirements of each fund for which property taxes are to be levied and shall specify in its resolution adopting the tax rate the amount apportioned to each fund.

(3) The proceeds of the levy apportioned for general fund purposes shall be credited as revenue in the general fund.

(4) The proceeds of the levy apportioned for special fund purposes shall be credited to

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the appropriate accounts in the applicable special funds.

(5) The combined levies for each district for all purposes in any year, excluding the retirement of general obligation bonds and the payment of any interest on the bonds, and any taxes expressly authorized by law to be levied in addition, may not exceed the limit enumerated by the laws governing each district.

Section 116. Section **17B-1-629** is amended to read:

### **17B-1-629. Operating and capital budgets.**

(1) (a) As used in this section, "operating and capital budget" means a plan of financial operation for a proprietary or other required special fund, embodying estimates of operating resources and expenses and other outlays for a fiscal year.

(b) Except as otherwise expressly provided, the reference to "budget" or "budgets" and the procedures and controls relating to them in other sections of this part do not apply or refer to the "operating and capital budgets" provided for in this section.

(2) On or before the time the board of trustees adopts budgets for the governmental funds under Section 17B-1-605, it shall adopt for the ensuing year an operating and capital budget for each proprietary fund and shall adopt the type of budget for other special funds which is required by the Uniform Accounting Manual for [~~Local~~] Special Districts.

(3) Operating and capital budgets shall be adopted and administered in the following manner:

(a) (i) On or before the first regularly scheduled meeting of the board of trustees, in November for calendar year entities and May for fiscal year entities, the budget officer shall prepare for the ensuing fiscal year, and file with the board of trustees, a tentative operating and capital budget for each proprietary fund and for other required special funds, together with specific work programs and any other supporting data required by the board.

(ii) If, within any proprietary fund, allocations or transfers that are not reasonable allocations of costs between funds are included in a tentative budget, a written notice of the date, time, place, and purpose of the hearing shall be mailed to utility fund customers at least seven days before the hearing.

(iii) The purpose portion of the notice required under Subsection (3)(a)(ii) shall identify:

(A) the enterprise utility fund from which money is being transferred;

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(B) the amount being transferred; and

(C) the fund to which the money is being transferred.

(b) (i) The board of trustees shall review and consider the tentative budgets at any regular meeting or special meeting called for that purpose.

(ii) The board of trustees may make any changes in the tentative budgets that it considers advisable.

(c) Budgets for proprietary or other required special funds shall comply with the public hearing requirements established in Sections 17B-1-609 and 17B-1-610.

(d) (i) The board of trustees shall adopt an operating and capital budget for each proprietary fund for the ensuing fiscal year before the beginning of each fiscal year, except as provided in Sections 59-2-919 through 59-2-923.

(ii) A copy of the budget as finally adopted for each proprietary fund shall be certified by the budget officer and filed by the officer in the district office and shall be available to the public during regular business hours.

(iii) A copy of the budget shall also be filed with the state auditor within 30 days after adoption.

(e) (i) Upon final adoption, the operating and capital budget is in effect for the budget year, subject to later amendment.

(ii) During the budget year, the board of trustees may, in any regular meeting or special meeting called for that purpose, review any one or more of the operating and capital budgets for the purpose of determining if the total of any of them should be increased.

(iii) If the board of trustees decides that the budget total of one or more of these proprietary funds should be increased, the board shall follow the procedures established in Section 17B-1-630.

(f) Expenditures from operating and capital budgets shall conform to the requirements relating to budgets specified in Sections 17B-1-617 through 17B-1-620.

Section 117. Section **17B-1-631** is amended to read:

### **17B-1-631. District clerk -- Meetings and records.**

(1) The board of trustees of each ~~[local]~~ special district shall appoint a district clerk.

(2) If required, the clerk may be chosen from among the members of the board of trustees, except the chair.



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(3) The district clerk or other appointed person shall attend the meetings and keep a record of the proceedings of the board of trustees.

Section 118. Section **17B-1-632** is amended to read:

### **17B-1-632. District clerk -- Bookkeeping duties.**

The district clerk or other designated person not performing treasurer duties shall maintain the financial records for each fund of the [~~local~~] special district and all related subsidiary records, including a list of the outstanding bonds, their purpose, amount, terms, date, and place payable.

Section 119. Section **17B-1-633** is amended to read:

### **17B-1-633. District treasurer -- Duties generally.**

(1) (a) The board of trustees of each [~~local~~] special district shall appoint a district treasurer.

(b) (i) If required, the treasurer may be chosen from among the members of the board of trustees, except that the board chair may not be district treasurer.

(ii) The district clerk may not also be the district treasurer.

(2) The district treasurer is custodian of all money, bonds, or other securities of the district.

(3) The district treasurer shall:

(a) determine the cash requirements of the district and provide for the deposit and investment of all money by following the procedures and requirements of Title 51, Chapter 7, State Money Management Act;

(b) receive all public funds and money payable to the district within three business days after collection, including all taxes, licenses, fines, and intergovernmental revenue;

(c) keep an accurate detailed account of all money received under Subsection (3)(b) in the manner provided in this part and as directed by the district's board of trustees by resolution; and

(d) collect all special taxes and assessments as provided by law and ordinance.

Section 120. Section **17B-1-635** is amended to read:

### **17B-1-635. Duties with respect to issuance of checks.**

(1) The district clerk or other designated person not performing treasurer duties shall prepare the necessary checks after having determined that:

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(a) the claim was authorized by:

(i) the board of trustees; or

(ii) the [~~local~~] special district financial officer, if the financial officer is not the clerk, in accordance with Section 17B-1-642;

(b) the claim does not overexpend the appropriate departmental budget established by the board of trustees; and

(c) the expenditure was approved in advance by the board of trustees or its designee.

(2) (a) (i) The treasurer or any other person appointed by the board of trustees shall sign all checks.

(ii) The person maintaining the financial records may not sign any single signature check.

(b) In a [~~local~~] special district with an expenditure budget of less than \$50,000 per year, a member of the board of trustees shall also sign all checks.

(c) Before affixing a signature, the treasurer or other designated person shall determine that a sufficient amount is on deposit in the appropriate bank account of the district to honor the check.

Section 121. Section **17B-1-639** is amended to read:

### **17B-1-639. Annual financial reports -- Audit reports.**

(1) Within 180 days after the close of each fiscal year, the district shall prepare an annual financial report in conformity with generally accepted accounting principles as prescribed in the Uniform Accounting Manual for [~~Local~~] Special Districts.

(2) The requirement under Subsection (1) to prepare an annual financial report may be satisfied by presentation of the audit report furnished by the auditor.

(3) Copies of the annual financial report or the audit report furnished by the auditor shall be filed with the state auditor and shall be filed as a public document in the district office.

Section 122. Section **17B-1-640** is amended to read:

### **17B-1-640. Audits required.**

(1) An audit of each [~~local~~] special district is required to be performed in conformity with Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

(2) The board of trustees shall appoint an auditor for the purpose of complying with the

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requirements of this section and with Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

Section 123. Section **17B-1-641** is amended to read:

### **17B-1-641. Special district may expand uniform procedures -- Limitation.**

(1) Subject to Subsection (2), a [~~local~~] special district may expand the uniform accounting, budgeting, and reporting procedure prescribed in the Uniform Accounting Manual for [~~Local~~] Special Districts prepared by the state auditor under Subsection 67-3-1(16), to better serve the needs of the district.

(2) A [~~local~~] special district may not deviate from or alter the basic prescribed classification systems for the identity of funds and accounts set forth in the Uniform Accounting Manual for [~~Local~~] Special Districts.

Section 124. Section **17B-1-642** is amended to read:

### **17B-1-642. Approval of district expenditures.**

(1) The board of trustees of each [~~local~~] special district shall approve all expenditures of the district except as otherwise provided in this section.

(2) The board of trustees may authorize the district manager or other official approved by the board to act as the financial officer for the purpose of approving:

(a) payroll checks, if the checks are prepared in accordance with a schedule approved by the board; and

(b) routine expenditures, such as utility bills, payroll-related expenses, supplies, and materials.

(3) Notwithstanding Subsection (2), the board of trustees shall, at least quarterly, review all expenditures authorized by the financial officer.

(4) The board of trustees shall set a maximum sum over which all purchases may not be made without the board's approval.

Section 125. Section **17B-1-643** is amended to read:

### **17B-1-643. Imposing or increasing a fee for service provided by special district.**

(1) (a) Before imposing a new fee or increasing an existing fee for a service provided by a [~~local~~] special district, each [~~local~~] special district board of trustees shall first hold a public hearing at which:

(i) the [~~local~~] special district shall demonstrate its need to impose or increase the fee;

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and

(ii) any interested person may speak for or against the proposal to impose a fee or to increase an existing fee.

(b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning no earlier than 6 p.m.

(c) A public hearing required under this Subsection (1) may be combined with a public hearing on a tentative budget required under Section 17B-1-610.

(d) Except to the extent that this section imposes more stringent notice requirements, the [local] special district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act, in holding the public hearing under Subsection (1)(a).

(2) (a) Each [local] special district board shall give notice of a hearing under Subsection (1) as provided in Subsections (2)(b) and (c) or Subsection (2)(d).

(b) The [local] special district board shall:

(i) post the notice required under Subsection (2)(a) on the Utah Public Notice Website, created in Section 63A-16-601; and

(ii) post at least one of the notices required under Subsection (2)(a) per 1,000 population within the [local] special district, at places within the [local] special district that are most likely to provide actual notice to residents within the [local] special district, subject to a maximum of 10 notices.

(c) The notice described in Subsection (2)(b) shall state that the [local] special district board intends to impose or increase a fee for a service provided by the [local] special district and will hold a public hearing on a certain day, time, and place fixed in the notice, which shall be not less than seven days after the day the first notice is published, for the purpose of hearing comments regarding the proposed imposition or increase of a fee and to explain the reasons for the proposed imposition or increase.

(d) (i) In lieu of providing notice under Subsection (2)(b), the [local] special district board of trustees may give the notice required under Subsection (2)(a) by mailing the notice to those within the district who:

(A) will be charged the fee for a district service, if the fee is being imposed for the first time; or

(B) are being charged a fee, if the fee is proposed to be increased.

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(ii) Each notice under Subsection (2)(d)(i) shall comply with Subsection (2)(c).

(iii) A notice under Subsection (2)(d)(i) may accompany a district bill for an existing fee.

(e) If the hearing required under this section is combined with the public hearing required under Section 17B-1-610, the notice required under this Subsection (2):

(i) may be combined with the notice required under Section 17B-1-609; and

(ii) shall be posted or mailed in accordance with the notice provisions of this section.

(f) Proof that notice was given as provided in Subsection (2)(b) or (d) is prima facie evidence that notice was properly given.

(g) If no challenge is made to the notice given of a hearing required by Subsection (1) within 30 days after the date of the hearing, the notice is considered adequate and proper.

(3) After holding a public hearing under Subsection (1), a [~~local~~] special district board may:

(a) impose the new fee or increase the existing fee as proposed;

(b) adjust the amount of the proposed new fee or the increase of the existing fee and then impose the new fee or increase the existing fee as adjusted; or

(c) decline to impose the new fee or increase the existing fee.

(4) This section applies to each new fee imposed and each increase of an existing fee that occurs on or after July 1, 1998.

(5) (a) This section does not apply to an impact fee.

(b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a, Impact Fees Act.

Section 126. Section **17B-1-644** is amended to read:

### **17B-1-644. Definitions -- Electronic payments -- Fee.**

(1) As used in this section:

(a) "Electronic payment" means the payment of money to a [~~local~~] special district by electronic means, including by means of a credit card, charge card, debit card, prepaid or stored value card or similar device, or automatic clearinghouse transaction.

(b) "Electronic payment fee" means an amount of money to defray the discount fee, processing fee, or other fee charged by a credit card company or processing agent to process an electronic payment.

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(c) "Processing agent" means a bank, transaction clearinghouse, or other third party that charges a fee to process an electronic payment.

(2) A ~~[local]~~ special district may accept an electronic payment for the payment of funds which the ~~[local]~~ special district could have received through another payment method.

(3) A ~~[local]~~ special district that accepts an electronic payment may charge an electronic payment fee.

Section 127. Section **17B-1-645** is amended to read:

### **17B-1-645. Residential fee credit.**

(1) A ~~[local]~~ special district may create a fee structure under this title that permits:

(a) a home owner or residential tenant to file for a fee credit for a fee charged by the ~~[local]~~ special district, if the credit is based on:

(i) the home owner's annual income; or

(ii) the residential tenant's annual income; or

(b) an owner of federally subsidized housing to file for a credit for a fee charged by the ~~[local]~~ special district.

(2) If a ~~[local]~~ special district permits a person to file for a fee credit under Subsection (1)(a), the ~~[local]~~ special district shall make the credit available to:

(a) a home owner; and

(b) a residential tenant.

Section 128. Section **17B-1-701** is amended to read:

## **Part 7. Special District Budgets and Audit Reports**

### **17B-1-701. Definitions.**

As used in this part:

(1) "Audit reports" means the reports of any independent audit of the district performed by:

(a) an independent auditor as required by Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;

(b) the state auditor; or

(c) the legislative auditor.

(2) "Board" means the ~~[local]~~ special district board of trustees.

(3) "Budget" means a plan of financial operations for a fiscal year that includes:

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(a) estimates of proposed expenditures for given purposes and the proposed means of financing them;

(b) the source and amount of estimated revenue for the district for the fiscal year;

(c) fund balance in each fund at the beginning of the fiscal year and the projected fund balance for each fund at the end of the fiscal year; and

(d) capital projects or budgets for proposed construction or improvement to capital facilities within the district.

(4) "Constituent entity" means any county, city, or town that levies property taxes within the boundaries of the district.

(5) (a) "Customer agencies" means those governmental entities, except school districts, institutions of higher education, and federal government agencies that purchase or obtain services from the ~~[local]~~ special district.

(b) "Customer agencies" for purposes of state agencies means the state auditor.

Section 129. Section **17B-1-702** is amended to read:

### **17B-1-702. Special districts to submit budgets.**

(1) (a) Except as provided in Subsection (1)(b), within 30 days after it is approved by the board, and at least 30 days before the board adopts a final budget, the board of each ~~[local]~~ special district with an annual budget of \$50,000 or more shall send a copy of its tentative budget and notice of the time and place for its budget hearing to:

(i) each of its constituent entities that has in writing requested a copy; and

(ii) to each of its customer agencies that has in writing requested a copy.

(b) Within 30 days after it is approved by the board, and at least 30 days before the board adopts a final budget, the board of trustees of a large public transit district as defined in Section 17B-2a-802 shall send a copy of its tentative budget and notice of the time and place for its budget hearing to:

(i) each of its constituent entities;

(ii) each of its customer agencies that has in writing requested a copy;

(iii) the governor; and

(iv) the Legislature.

(c) The ~~[local]~~ special district shall include with the tentative budget a signature sheet that includes:

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(i) language that the constituent entity or customer agency received the tentative budget and has no objection to it; and

(ii) a place for the chairperson or other designee of the constituent entity or customer agency to sign.

(2) Each constituent entity and each customer agency that receives the tentative budget shall review the tentative budget submitted by the district and either:

(a) sign the signature sheet and return it to the district; or

(b) attend the budget hearing or other meeting scheduled by the district to discuss the objections to the proposed budget.

(3) (a) If any constituent entity or customer agency that received the tentative budget has not returned the signature sheet to the ~~[local]~~ special district within 15 calendar days after the tentative budget was mailed, the ~~[local]~~ special district shall send a written notice of the budget hearing to each constituent entity or customer agency that did not return a signature sheet and invite them to attend that hearing.

(b) If requested to do so by any constituent entity or customer agency, the ~~[local]~~ special district shall schedule a meeting to discuss the budget with the constituent entities and customer agencies.

(c) At the budget hearing, the ~~[local]~~ special district board shall:

(i) explain its budget and answer any questions about it;

(ii) specifically address any questions or objections raised by the constituent entity, customer agency, or those attending the meeting; and

(iii) seek to resolve the objections.

(4) Nothing in this part prevents a ~~[local]~~ special district board from approving or implementing a budget over any or all constituent entity's or customer agency's protests, objections, or failure to respond.

Section 130. Section **17B-1-703** is amended to read:

### **17B-1-703. Special districts to submit audit reports.**

(1) (a) Except as provided in Subsection (1)(b), within 30 days after it is presented to the board, the board of each ~~[local]~~ special district with an annual budget of \$50,000 or more shall send a copy of any audit report to:

(i) each of its constituent entities that has in writing requested a copy; and



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(ii) each of its customer agencies that has in writing requested a copy.

(b) Within 30 days after it is presented to the board, the board of a large public transit district as defined in Section 17B-2a-802 shall send a copy of its annual audit report to:

(i) each of its constituent entities; and

(ii) each of its customer agencies that has in writing requested a copy.

(2) Each constituent entity and each customer agency that received the audit report shall review the audit report submitted by the district and, if necessary, request a meeting with the district board to discuss the audit report.

(3) At the meeting, the [~~local~~] special district board shall:

(a) answer any questions about the audit report; and

(b) discuss their plans to implement suggestions made by the auditor.

Section 131. Section **17B-1-801** is amended to read:

### **Part 8. Special District Personnel Management**

#### **17B-1-801. Establishment of special district merit system.**

(1) A merit system of personnel administration for the [~~local~~] special districts of the state, their departments, offices, and agencies, except as otherwise specifically provided, is established.

(2) This part does not apply to a [~~local~~] special district with annual revenues less than \$50,000.

Section 132. Section **17B-1-802** is amended to read:

#### **17B-1-802. Review of personnel policies.**

Each [~~local~~] special district that has full or part-time employees shall annually review its personnel policies to ensure that they conform to the requirements of state and federal law.

Section 133. Section **17B-1-803** is amended to read:

#### **17B-1-803. Merit principles.**

A [~~local~~] special district may establish a personnel system administered in a manner that will provide for the effective implementation of merit principles that provide for:

(1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

(2) providing equitable and adequate compensation;

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- (3) training employees as needed to assure high-quality performance;
- (4) retaining employees on the basis of the adequacy of their performance, and separation of employees whose inadequate performance cannot be corrected;
- (5) fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religion, sex, national origin, political affiliation, age, or disability, and with proper regard for their privacy and constitutional rights as citizens;
- (6) providing information to employees regarding their political rights and prohibited practices under the Hatch Political Activities Act, 5 U.S.C. Sec. 1501 through 1508 et seq.; and
- (7) providing a formal procedure for processing the appeals and grievances of employees without discrimination, coercion, restraint, or reprisal.

Section 134. Section **17B-1-804** is amended to read:

### **17B-1-804. Compliance with Labor Code requirements.**

Each [~~local~~] special district shall comply with the requirements of Section 34-32-1.1.

Section 135. Section **17B-1-805** is amended to read:

### **17B-1-805. Human resource management requirement.**

- (1) As used in this section:
  - (a) "Governing body" means the same as that term is defined in Section 17B-1-201.
  - (b) "Human resource management duties" means the exercise of human resource management functions and responsibilities, including:
    - (i) complying with federal and state employment law;
    - (ii) administering compensation and benefits; and
    - (iii) ensuring employee safety.
  - (c) "Human resource management training" means a program designed to instruct an individual on the performance of human resource management duties.
- (2) If a [~~local~~] special district has full or part-time employees, the governing body shall:
  - (a) adopt human resource management policies;
  - (b) assign human resource management duties to one of the district's employees or another person; and
  - (c) ensure that the employee or person assigned under Subsection (2)(b) receives human resource management training.

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Section 136. Section **17B-1-901** is amended to read:

### **17B-1-901. Providing and billing for multiple commodities, services, or facilities -- Suspending service to a delinquent customer.**

(1) If a ~~[local]~~ special district provides more than one commodity, service, or facility, the district may bill for the fees and charges for all commodities, services, and facilities in a single bill.

(2) Regardless of the number of commodities, services, or facilities furnished by a ~~[local]~~ special district, the ~~[local]~~ special district may suspend furnishing any commodity, service, or facility to a customer if the customer fails to pay all fees and charges when due.

(3) (a) Notwithstanding Subsection (2) and except as provided in Subsection (3)(b), a ~~[local]~~ special district may not suspend furnishing any commodity, service, or facility to a customer if discontinuance of the service is requested by a private third party, including an individual, a private business, or a nonprofit organization, that is not the customer.

(b) (i) An owner of land or the owner's agent may request that service be temporarily discontinued for maintenance-related activities.

(ii) An owner of land or the owner's agent may not request temporary discontinuance of service under Subsection (3)(b)(i) if the request is for the purpose of debt collection, eviction, or any other unlawful purpose.

Section 137. Section **17B-1-902** is amended to read:

### **17B-1-902. Lien for past due service fees -- Notice -- Partial payment allocation.**

(1) (a) A ~~[local]~~ special district may hold a lien on a customer's property for past due fees for commodities, services, or facilities that the district has provided to the customer's property by certifying, subject to Subsection (3), to the treasurer of the county in which the customer's property is located the amount of past due fees, including, subject to Section 17B-1-902.1, applicable interest and administrative costs.

(b) (i) Upon certification under Subsection (1)(a), the past due fees, and if applicable, interest and administrative costs, become a political subdivision lien that is a nonrecurring tax notice charge, as those terms are defined in Section 11-60-102, on the customer's property to which the commodities, services, or facilities were provided in accordance with Title 11, Chapter 60, Political Subdivision Lien Authority.

(ii) A lien described in this Subsection (1) has the same priority as, but is separate and

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distinct from, a property tax lien.

(2) (a) If a [~~local~~] special district certifies past due fees under Subsection (1)(a), the treasurer of the county shall provide a notice, in accordance with this Subsection (2), to the owner of the property for which the [~~local~~] special district has incurred the past due fees.

(b) In providing the notice required in Subsection (2)(a), the treasurer of the county shall:

(i) include the amount of past due fees that a [~~local~~] special district has certified on or before July 15 of the current year;

(ii) provide contact information, including a phone number, for the property owner to contact the [~~local~~] special district to obtain more information regarding the amount described in Subsection (2)(b)(i); and

(iii) notify the property owner that:

(A) if the amount described in Subsection (2)(b)(i) is not paid in full by September 15 of the current year, any unpaid amount will be included on the property tax notice required by Section 59-2-1317; and

(B) the failure to pay the amount described in Subsection (2)(b)(i) has resulted in a lien on the property in accordance with Subsection (1)(b).

(c) The treasurer of the county shall provide the notice required by this Subsection (2) to a property owner on or before August 1.

(3) (a) If a [~~local~~] special district certifies an unpaid amount in accordance with Subsection (1)(a), the county treasurer shall include the unpaid amount on a property tax notice issued in accordance with Section 59-2-1317.

(b) If an unpaid fee, administrative cost, or interest is included on a property tax notice in accordance with Subsection (3)(a), the county treasurer shall on the property tax notice:

(i) clearly state that the unpaid fee, administrative cost, or interest is for a service provided by the [~~local~~] special district; and

(ii) itemize the unpaid fee, administrative cost, or interest separate from any other tax, fee, interest, or penalty that is included on the property tax notice in accordance with Section 59-2-1317.

(4) A lien under Subsection (1) is not valid if the [~~local~~] special district makes certification under Subsection (1)(a) after the filing for record of a document conveying title of

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the customer's property to a new owner.

(5) Nothing in this section may be construed to:

(a) waive or release the customer's obligation to pay fees that the district has imposed;

(b) preclude the certification of a lien under Subsection (1) with respect to past due fees for commodities, services, or facilities provided after the date that title to the property is transferred to a new owner; or

(c) nullify or terminate a valid lien.

(6) After all amounts owing under a lien established as provided in this section have been paid, the ~~[local]~~ special district shall file for record in the county recorder's office a release of the lien.

Section 138. Section **17B-1-902.1** is amended to read:

### **17B-1-902.1. Interest -- Collection of administrative costs.**

(1) (a) A ~~[local]~~ special district may charge interest on a past due fee or past due charge.

(b) If a ~~[local]~~ special district charges interest as described in Subsection (1)(b), the ~~[local]~~ special district shall calculate the interest rate for a calendar year:

(i) based on the federal short-term rate determined by the secretary of the treasury under Section 6621, Internal Revenue Code, in effect for the preceding fourth calendar quarter; and

(ii) as simple interest at the rate of eighteen percentage points above the federal short-term rate.

(c) If a ~~[local]~~ special district charges interest on a past due fee collected by the ~~[local]~~ special district, regardless of whether the fee is certified, the ~~[local]~~ special district may charge the interest monthly but may not compound the interest more frequently than annually.

(2) (a) A ~~[local]~~ special district may charge and collect only one of the following:

(i) a one-time penalty charge not to exceed 8% for a past-due fee; or

(ii) an administrative cost for some or all of the following:

(A) the collection cost of a past due fee or charge;

(B) reasonable attorney fees actually incurred for collection and foreclosure costs, if applicable; and

(C) any other cost.

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(b) A [~~local~~] special district may not charge interest on an administrative cost.

Section 139. Section **17B-1-903** is amended to read:

**17B-1-903. Authority to require written application for water or sewer service and to terminate for failure to pay -- Limitations.**

(1) A [~~local~~] special district that owns or controls a system for furnishing water or providing sewer service or both may:

(a) before furnishing water or providing sewer service to a property, require the property owner or an authorized agent to submit a written application, signed by the owner or an authorized agent, agreeing to pay for all water furnished or sewer service provided to the property, whether occupied by the owner or by a tenant or other occupant, according to the rules and regulations adopted by the [~~local~~] special district; and

(b) if a customer fails to pay for water furnished or sewer service provided to the customer's property, discontinue furnishing water or providing sewer service to the property until all amounts for water furnished or sewer service provided are paid, subject to Subsection (2).

(2) Unless a valid lien has been established as provided in Section 17B-1-902, has not been satisfied, and has not been terminated by a sale as provided in Section 17B-1-902, a [~~local~~] special district may not:

(a) use a customer's failure to pay for water furnished or sewer service provided to the customer's property as a basis for not furnishing water or providing sewer service to the property after ownership of the property is transferred to a subsequent owner; or

(b) require an owner to pay for water that was furnished or sewer service that was provided to the property before the owner's ownership.

Section 140. Section **17B-1-904** is amended to read:

**17B-1-904. Collection of service fees.**

(1) As used in this section:

(a) "Collection costs" means an amount, not to exceed \$20, to reimburse a [~~local~~] special district for expenses associated with its efforts to collect past due service fees from a customer.

(b) "Customer" means the owner of real property to which a [~~local~~] special district has provided a service for which the [~~local~~] special district charges a service fee.

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(c) "Damages" means an amount equal to the greater of:

(i) \$100; and

(ii) triple the past due service fees.

(d) "Default date" means the date on which payment for service fees becomes past due.

(e) "Past due service fees" means service fees that on or after the default date have not been paid.

(f) "Prelitigation damages" means an amount that is equal to the greater of:

(i) \$50; and

(ii) triple the past due service fees.

(g) "Service fee" means an amount charged by a ~~[local]~~ special district to a customer for a service, including furnishing water, providing sewer service, and providing garbage collection service, that the district provides to the customer's property.

(2) A customer is liable to a ~~[local]~~ special district for past due service fees and collection costs if:

(a) the customer has not paid service fees before the default date;

(b) the ~~[local]~~ special district mails the customer notice as provided in Subsection (4);  
and

(c) the past due service fees remain unpaid 15 days after the ~~[local]~~ special district has mailed notice.

(3) If a customer has not paid the ~~[local]~~ special district the past due service fees and collection costs within 30 days after the ~~[local]~~ special district mails notice, the ~~[local]~~ special district may make an offer to the customer that the ~~[local]~~ special district will forego filing a civil action under Subsection (5) if the customer pays the ~~[local]~~ special district an amount that:

(a) consists of the past due service fees, collection costs, prelitigation damages, and, if the ~~[local]~~ special district retains an attorney to recover the past due service fees, a reasonable attorney fee not to exceed \$50; and

(b) if the customer's property is residential, may not exceed \$100.

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

(i) be in writing;

(ii) be mailed to the customer by the United States mail, postage prepaid;

(iii) notify the customer that:

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(A) if the past due service fees are not paid within 15 days after the day on which the [local] special district mailed notice, the customer is liable for the past due service fees and collection costs; and

(B) the [local] special district may file civil action if the customer does not pay to the [local] special district the past due service fees and collection costs within 30 calendar days from the day on which the [local] special district mailed notice; and

(iv) be in substantially the following form:

Date: \_\_\_\_\_

To: \_\_\_\_\_

Service address: \_\_\_\_\_

Account or invoice number(s): \_\_\_\_\_

Date(s) of service: \_\_\_\_\_

Amount past due: \_\_\_\_\_

You are hereby notified that water or sewer service fees (or both) owed by you are in default. In accordance with Section 17B-1-902, Utah Code Annotated, if you do not pay the past due amount within 15 days from the day on which this notice was mailed to you, you are liable for the past due amount together with collection costs of \$20.

You are further notified that if you do not pay the past due amount and the \$20 collection costs within 30 calendar days from the day on which this notice was mailed to you, an appropriate civil legal action may be filed against you for the past due amount, interest, court costs, attorney fees, and damages in an amount equal to the greater of \$100 or triple the past due amounts, but the combined total of all these amounts may not exceed \$200 if your property is residential.

(Signed) \_\_\_\_\_

Name of [local] special district \_\_\_\_\_

Address of [local] special district \_\_\_\_\_

Telephone number of [local] special district \_\_\_\_\_

(b) Written notice under this section is conclusively presumed to have been given if the notice is:

(i) properly deposited in the United States mail, postage prepaid, by certified or registered mail, return receipt requested; and



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(ii) addressed to the customer at the customer's:

(A) address as it appears in the records of the [local] special district; or

(B) last-known address.

(5) (a) A [local] special district may file a civil action against the customer if the customer fails to pay the past due service fees and collection costs within 30 calendar days from the date on which the [local] special district mailed notice under Subsection (2)(b).

(b) (i) In a civil action under this Subsection (5), a customer is liable to the [local] special district for an amount that:

(A) consists of past due service fees, collection costs, interest, court costs, a reasonable attorney fee, and damages; and

(B) if the customer's property is residential, may not exceed \$200.

(ii) Notwithstanding Subsection (5)(b)(i), a court may, upon a finding of good cause, waive interest, court costs, the attorney fee, and damages, or any combination of them.

(c) If a [local] special district files a civil action under this Subsection (5) before 31 calendar days after the day on which the [local] special district mailed notice under Subsection (2)(b), a customer may not be held liable for an amount in excess of past due service fees.

(d) A [local] special district may not file a civil action under this Subsection (5) unless the customer has failed to pay the past due service fees and collection costs within 30 days from the day on which the [local] special district mailed notice under Subsection (2)(b).

(6) (a) All amounts charged or collected as prelitigation damages or as damages shall be paid to and be the property of the [local] special district that furnished water or provided sewer service and may not be retained by a person who is not that [local] special district.

(b) A [local] special district may not contract for a person to retain any amounts charged or collected as prelitigation damages or as damages.

(7) This section may not be construed to limit a [local] special district from obtaining relief to which it may be entitled under other applicable statute or cause of action.

Section 141. Section **17B-1-905** is amended to read:

### **17B-1-905. Right of entry on premises of water user.**

A person authorized by a [local] special district that provides a service from a water system or sewer system may enter upon a premise furnished with or provided that water service or sewer service to:

## **HB0022S01 compared with HB0022**

- (1) examine an apparatus related to or used by the water system or sewer system;
- (2) examine the amount of water used or wastewater discharged by the water system or sewer system and the manner of use or discharge; or
- (3) make a necessary shutoff for vacancy, delinquency, or a violation of a ~~[local]~~ special district rule or regulation relating to the water service or sewer service.

Section 142. Section **17B-1-906** is amended to read:

### **17B-1-906. Extraterritorial supply of surplus.**

If a ~~[local]~~ special district runs a surplus product or surplus capacity of a service that the ~~[local]~~ special district is authorized to provide under Section 17B-1-202, the ~~[local]~~ special district may sell or deliver the product or service to others beyond the ~~[local]~~ special district boundaries.

Section 143. Section **17B-1-1001** is amended to read:

### **Part 10. Special District Property Tax Levy**

#### **17B-1-1001. Provisions applicable to property tax levy.**

(1) Each ~~[local]~~ special district that levies and collects property taxes shall levy and collect them according to the provisions of Title 59, Chapter 2, Property Tax Act.

(2) As used in this section:

(a) "Appointed board of trustees" means a board of trustees of a ~~[local]~~ special district that includes a member who is appointed to the board of trustees in accordance with Section 17B-1-304, Subsection 17B-1-303(5), Subsection 17B-1-306(5)(h), or any of the applicable provisions in ~~[Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local Districts]~~ Title 17B, Chapter 2a, Provisions Applicable to Different Types of Special Districts.

(b) "Elected board of trustees" means a board of trustees of a ~~[local]~~ special district that consists entirely of members who are elected to the board of trustees in accordance with Subsection (4), Section 17B-1-306, or any of the applicable provisions in ~~[Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local Districts]~~ Title 17B, Chapter 2a, Provisions Applicable to Different Types of Special Districts.

(3) (a) For a taxable year beginning on or after January 1, 2018, a ~~[local]~~ special district may not levy or collect property tax revenue that exceeds the certified tax rate unless:

(i) to the extent that the revenue from the property tax was pledged before January 1, 2018, the ~~[local]~~ special district pledges the property tax revenue to pay for bonds or other

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obligations of the ~~[local]~~ special district; or

(ii) the proposed tax or increase in the property tax rate has been approved by:

(A) an elected board of trustees;

(B) subject to Subsection (3)(b), an appointed board of trustees;

(C) a majority of the registered voters within the ~~[local]~~ special district who vote in an election held for that purpose on a date specified in Section 20A-1-204;

(D) the legislative body of the appointing authority; or

(E) the legislative body of:

(I) a majority of the municipalities partially or completely included within the boundary of the specified ~~[local]~~ special district; or

(II) the county in which the specified ~~[local]~~ special district is located, if the county has some or all of its unincorporated area included within the boundary of the specified ~~[local]~~ special district.

(b) For a ~~[local]~~ special district with an appointed board of trustees, each appointed member of the board of trustees shall comply with the trustee reporting requirements described in Section 17B-1-1003 before the ~~[local]~~ special district may impose a property tax levy that exceeds the certified tax rate.

(4) (a) Notwithstanding provisions to the contrary in ~~[Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local Districts]~~ Title 17B, Chapter 2a, Provisions Applicable to Different Types of Special Districts, and subject to Subsection (4)(b), members of the board of trustees of a ~~[local]~~ special district shall be elected, if:

(i) two-thirds of all members of the board of trustees of the ~~[local]~~ special district vote in favor of changing to an elected board of trustees; and

(ii) the legislative body of each municipality or county that appoints a member to the board of trustees adopts a resolution approving the change to an elected board of trustees.

(b) A change to an elected board of trustees under Subsection (4)(a) may not shorten the term of any member of the board of trustees serving at the time of the change.

(5) Subsections (2), (3), and (4) do not apply to:

(a) Title 17B, Chapter 2a, Part 6, Metropolitan Water District Act;

(b) Title 17B, Chapter 2a, Part 10, Water Conservancy District Act; or

(c) a ~~[local]~~ special district in which:

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(i) the board of trustees consists solely of:

(A) land owners or the land owners' agents; or

(B) as described in Subsection 17B-1-302(3), land owners or the land owners' agents or officers; and

(ii) there are no residents within the [~~local~~] special district at the time a property tax is levied.

Section 144. Section **17B-1-1002** is amended to read:

### **17B-1-1002. Limit on special district property tax levy -- Exclusions.**

(1) The rate at which a [~~local~~] special district levies a property tax for district operation and maintenance expenses on the taxable value of taxable property within the district may not exceed:

(a) .0008, for a basic [~~local~~] special district;

(b) .0004, for a cemetery maintenance district;

(c) .0004, for a drainage district;

(d) .0008, for a fire protection district;

(e) .0008, for an improvement district;

(f) .0005, for a metropolitan water district;

(g) .0004, for a mosquito abatement district;

(h) .0004, for a public transit district;

(i) (i) .0023, for a service area that:

(A) is located in a county of the first or second class; and

(B) (I) provides fire protection, paramedic, and emergency services; or

(II) subject to Subsection (3), provides law enforcement services; or

(ii) .0014, for each other service area;

(j) the rates provided in Section 17B-2a-1006, for a water conservancy district; or

(k) .0008 for a municipal services district.

(2) Property taxes levied by a [~~local~~] special district are excluded from the limit applicable to that district under Subsection (1) if the taxes are:

(a) levied under Section 17B-1-1103 by a [~~local~~] special district, other than a water conservancy district, to pay principal of and interest on general obligation bonds issued by the district;

## HB0022S01 compared with HB0022

(b) levied to pay debt and interest owed to the United States; or

(c) levied to pay assessments or other amounts due to a water users association or other public cooperative or private entity from which the district procures water.

(3) A service area described in Subsection (1)(i)(B)(II) may not collect a tax described in Subsection (1)(i)(i) if a municipality or a county having a right to appoint a member to the board of trustees of the service area under Subsection 17B-2a-905(2) assesses on or after November 30 in the year in which the tax is first collected and each subsequent year that the tax is collected:

(a) a generally assessed fee imposed under Section 17B-1-643 for law enforcement services; or

(b) any other generally assessed fee for law enforcement services.

Section 145. Section **17B-1-1003** is amended to read:

### **17B-1-1003. Trustee reporting requirement.**

(1) As used in this section:

(a) "Appointed board of trustees" means a board of trustees of a ~~[local]~~ special district that includes a member who is appointed to the board of trustees in accordance with Section 17B-1-304, Subsection 17B-1-303(5), Subsection 17B-1-306(5)(h), or any of the applicable provisions in ~~[Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local Districts]~~ Title 17B, Chapter 2a, Provisions Applicable to Different Types of Special Districts.

(b) "Legislative entity" means:

(i) the member's appointing authority, if the appointing authority is a legislative body;

or

(ii) the member's nominating entity, if the appointing authority is not a legislative body.

(c) (i) "Member" means an individual who is appointed to a board of trustees for a ~~[local]~~ special district in accordance with Section 17B-1-304, Subsection 17B-1-303(5), Subsection 17B-1-306(5)(h), or any of the applicable provisions in ~~[Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local Districts]~~ Title 17B, Chapter 2a, Provisions Applicable to Different Types of Special Districts.

(ii) "Member" includes a member of the board of trustees who holds an elected position with a municipality, county, or another ~~[local]~~ special district that is partially or completely included within the boundaries of the ~~[local]~~ special district.

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(d) "Nominating entity" means the legislative body that submits nominees for appointment to the board of trustees to an appointing authority.

(e) "Property tax increase" means a property tax levy that exceeds the certified tax rate for the taxable year.

(2) (a) If a [~~local~~] special district board of trustees adopts a tentative budget that includes a property tax increase, each member shall report to the member's legislative entity on the property tax increase.

(b) (i) The [~~local~~] special district shall request that each of the legislative entities that appoint or nominate a member to the [~~local~~] special district's board of trustees hear the report required by Subsection (2)(a) at a public meeting of each legislative entity.

(ii) The request to make a report may be made by:

(A) the member appointed or nominated by the legislative entity; or

(B) another member of the board of trustees.

(c) The member appointed or nominated by the legislative entity shall make the report required by Subsection (2)(a) at a public meeting that:

(i) complies with Title 52, Chapter 4, Open and Public Meetings Act;

(ii) includes the report as a separate agenda item; and

(iii) is held within 40 days after the day on which the legislative entity receives a request to hear the report.

(d) (i) If the legislative entity does not have a scheduled meeting within 40 days after the day on which the legislative entity receives a request to hear the report required by Subsection (2)(a), the legislative entity shall schedule a meeting for that purpose.

(ii) If the legislative entity fails to hear the report at a public meeting that meets the criteria described in Subsection (2)(c), the trustee reporting requirements under this section shall be considered satisfied.

(3) (a) A report on a property tax increase at a legislative entity's public meeting shall include:

(i) a statement that the [~~local~~] special district intends to levy a property tax at a rate that exceeds the certified tax rate for the taxable year;

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

## **HB0022S01 compared with HB0022**

(iii) the approximate percentage increase in ad valorem tax revenue for the [~~local~~] special district based on the proposed property tax increase; and

(iv) any other information requested by the legislative entity.

(b) The legislative entity shall allow time during the meeting for comment from the legislative entity and members of the public on the property tax increase.

(4) (a) If more than one member is appointed to the board of trustees by the same legislative entity, a majority of the members appointed or nominated by the legislative entity shall be present to provide the report required by Subsection (2) and described in Subsection (3).

(b) The chair of the board of trustees shall appoint another member of the board of trustees to provide the report described in Subsection (3) to the legislative entity if:

(i) the member appointed or nominated by the legislative entity is unable or unwilling to provide the report at a public meeting that meets the requirements of Subsection (3)(a); and

(ii) the absence of the member appointed or nominated by the legislative entity results in:

(A) no member who was appointed or nominated by the legislative entity being present to provide the report; or

(B) an inability to comply with Subsection (4)(a).

(5) A [~~local~~] special district board of trustees may approve a property tax increase only after the conditions of this section have been satisfied or considered satisfied for each member of the board of trustees.

Section 146. Section **17B-1-1101** is amended to read:

### **Part 11. Special District Bonds**

#### **17B-1-1101. Provisions applicable to a special district's issuance of bonds.**

Subject to the provisions of this part:

(1) each [~~local~~] special district that issues bonds shall:

(a) issue them as provided in, as applicable:

(i) Title 11, Chapter 14, Local Government Bonding Act; or

(ii) Title 11, Chapter 42, Assessment Area Act; and

(b) receive the benefits of Title 11, Chapter 30, Utah Bond Validation Act; and

(2) each [~~local~~] special district that issues refunding bonds shall issue them as provided

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in Title 11, Chapter 27, Utah Refunding Bond Act.

Section 147. Section **17B-1-1102** is amended to read:

### **17B-1-1102. General obligation bonds.**

(1) Except as provided in Subsections (3) and (7), if a district intends to issue general obligation bonds, the district shall first obtain the approval of district voters for issuance of the bonds at an election held for that purpose as provided in Title 11, Chapter 14, Local Government Bonding Act.

(2) General obligation bonds shall be secured by a pledge of the full faith and credit of the district, subject to, for a water conservancy district, the property tax levy limits of Section 17B-2a-1006.

(3) A district may issue refunding general obligation bonds, as provided in Title 11, Chapter 27, Utah Refunding Bond Act, without obtaining voter approval.

(4) (a) A [~~local~~] special district may not issue general obligation bonds if the issuance of the bonds will cause the outstanding principal amount of all of the district's general obligation bonds to exceed the amount that results from multiplying the fair market value of the taxable property within the district, as determined under Subsection 11-14-301(3)(b), by a number that is:

- (i) .05, for a basic [~~local~~] special district, except as provided in Subsection (7);
- (ii) .004, for a cemetery maintenance district;
- (iii) .002, for a drainage district;
- (iv) .004, for a fire protection district;
- (v) .024, for an improvement district;
- (vi) .1, for an irrigation district;
- (vii) .1, for a metropolitan water district;
- (viii) .0004, for a mosquito abatement district;
- (ix) .03, for a public transit district;
- (x) .12, for a service area; or
- (xi) .05 for a municipal services district.

(b) Bonds or other obligations of a [~~local~~] special district that are not general obligation bonds are not included in the limit stated in Subsection (4)(a).

(5) A district may not be considered to be a municipal corporation for purposes of the



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debt limitation of the Utah Constitution, Article XIV, Section 4.

(6) Bonds issued by an administrative or legal entity created under Title 11, Chapter 13, Interlocal Cooperation Act, may not be considered to be bonds of a [~~local~~] special district that participates in the agreement creating the administrative or legal entity.

(7) (a) As used in this Subsection (7), "property owner district" means a [~~local~~] special district whose board members are elected by property owners, as provided in Subsection 17B-1-1402(1)(b).

(b) A property owner district may issue a general obligation bond with the consent of:

- (i) the owners of all property within the district; and
- (ii) all registered voters, if any, within the boundary of the district.

(c) A property owner district may use proceeds from a bond issued under this Subsection (7) to fund:

- (i) the acquisition and construction of a system or improvement authorized in the district's creation resolution; and
- (ii) a connection outside the boundary of the district between systems or improvements within the boundary of the district.

(d) The consent under Subsection (7)(b) is sufficient for any requirement necessary for the issuance of a general obligation bond.

(e) A general obligation bond issued under this Subsection (7):

- (i) shall mature no later than 40 years after the date of issuance; and
- (ii) is not subject to the limit under Subsection (4)(a)(i).

(f) (i) A property owner district may not issue a general obligation bond under this Subsection (7) if the issuance will cause the outstanding principal amount of all the district's general obligation bonds to exceed one-half of the market value of all real property within the district.

(ii) Market value under Subsection (7)(f)(i) shall:

(A) be based on the value that the real property will have after all improvements financed by the general obligation bonds are constructed; and

(B) be determined by appraisal by an appraiser who is a member of the Appraisal Institute.

(g) With respect to a general obligation bond issued under this Subsection (7), the

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board of a property owner district may, by resolution, delegate to one or more officers of the district, the authority to:

- (i) approve the final interest rate, price, principal amount, maturity, redemption features, and other terms of the bond;
- (ii) approve and execute a document relating to the issuance of the bond; and
- (iii) approve a contract related to the acquisition and construction of an improvement, facility, or property to be financed with proceeds from the bond.

(h) (i) A person may commence a lawsuit or other proceeding to contest the legality of the issuance of a general obligation bond issued under this Subsection (7) or any provision relating to the security or payment of the bond if the lawsuit or other proceeding is commenced within 30 days after the publication of:

- (A) the resolution authorizing the issuance of the general obligation bond; or
- (B) a notice of the bond issuance containing substantially the items required under Subsection 11-14-316(2).

(ii) Following the period described in Subsection (7)(h)(i), no person may bring a lawsuit or other proceeding to contest for any reason the regularity, formality, or legality of a general obligation bond issued under this Subsection (7).

(i) (i) A property owner district that charges and collects an impact fee or other fee on real property at the time the real property is sold may proportionally pay down a general obligation bond issued under this Subsection (7) from the money collected from the impact fee or other fee.

(ii) A property owner district that proportionally pays down a general obligation bond under Subsection (7)(i)(i) shall reduce the property tax rate on the parcel of real property on which the district charged and collected an impact fee or other charge, to reflect the amount of outstanding principal of a general obligation bond issued under this Subsection (7) that was paid down and is attributable to that parcel.

(j) If a property owner fails to pay a property tax that the property owner district imposes in connection with a general obligation bond issued under this Subsection (7), the district may impose a property tax penalty at an annual rate of .07, in addition to any other penalty allowed by law.

Section 148. Section **17B-1-1103** is amended to read:

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### **17B-1-1103. Levy to pay for general obligation bonds.**

(1) (a) If a district has issued general obligation bonds, or expects to have debt service payments due on general obligation bonds during the current year, the district's board of trustees may make an annual levy of ad valorem property taxes in order to:

- (i) pay the principal of and interest on the general obligation bonds;
- (ii) establish a sinking fund for defaults and future debt service on the general obligation bonds; and
- (iii) establish a reserve to secure payment of the general obligation bonds.

(b) A levy under Subsection (1)(a) is:

- (i) for a water conservancy district, subject to the limit stated in Section 17B-2a-1006;

and

- (ii) for each other ~~[local]~~ special district, without limitation as to rate or amount.

(2) (a) Each district that levies a tax under Subsection (1) shall:

- (i) levy the tax as a separate and special levy for the specific purposes stated in

Subsection (1); and

(ii) apply the proceeds from the levy solely for the purpose of paying the principal of and interest on the general obligation bonds, even though the proceeds may be used to establish or replenish a sinking fund under Subsection (1)(a)(ii) or a reserve under Subsection (1)(a)(iii).

(b) A levy under Subsection (2)(a) is not subject to a priority in favor of a district obligation in existence at the time the bonds were issued.

Section 149. Section **17B-1-1104** is amended to read:

### **17B-1-1104. Pledge of revenues to pay for bonds.**

Bonds may be payable from and secured by the pledge of all or any specified part of:

(1) the revenues to be derived by the special district from providing its services and from the operation of its facilities and other properties;

(2) sales and use taxes, property taxes, and other taxes;

(3) federal, state, or local grants;

(4) in the case of special assessment bonds, the special assessments pledged to repay the special assessment bonds; and

(5) other money legally available to the district.

Section 150. Section **17B-1-1105** is amended to read:

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**17B-1-1105. Revenue bonds -- Requirement to impose rates and charges to cover revenue bonds -- Authority to make agreements and covenants to provide for bond repayment.**

(1) A [~~local~~] special district intending to issue revenue bonds may, but is not required to, submit to district voters for their approval the issuance of the revenue bonds at an election held for that purpose as provided in Title 11, Chapter 14, Local Government Bonding Act.

(2) Each [~~local~~] special district that has issued revenue bonds shall impose rates and charges for the services or commodities it provides fully sufficient, along with other sources of district revenues, to carry out all undertakings of the district with respect to its revenue bonds.

(3) A [~~local~~] special district that issues revenue bonds may:

(a) agree to pay operation and maintenance expenses of the district from the proceeds of the ad valorem taxes authorized in Subsection 17B-1-103(2)(g); and

(b) for the benefit of bondholders, enter into covenants that:

(i) are permitted by Title 11, Chapter 14, Local Government Bonding Act; and

(ii) provide for other pertinent matters that the board of trustees considers proper to assure the marketability of the bonds.

Section 151. Section **17B-1-1107** is amended to read:

**17B-1-1107. Ratification of previously issued bonds and previously entered contracts.**

All bonds issued or contracts entered into by a [~~local~~] special district before April 30, 2007 are ratified, validated, and confirmed and declared to be valid and legally binding obligations of the district in accordance with their terms.

Section 152. Section **17B-1-1201** is amended to read:

### **Part 12. Special District Validation Proceedings**

#### **17B-1-1201. Definitions.**

As used in this part:

(1) "Eligible function" means:

(a) a power conferred on a [~~local~~] special district under this title;

(b) a tax or assessment levied by a [~~local~~] special district;

(c) an act or proceeding that a [~~local~~] special district:

(i) has taken; or

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(ii) contemplates taking; or

(d) a district contract, whether already executed or to be executed in the future, including a contract for the acquisition, construction, maintenance, or operation of works for the district.

(2) "Validation order" means a court order adjudicating the validity of an eligible function.

(3) "Validation petition" means a petition requesting a validation order.

(4) "Validation proceedings" means judicial proceedings occurring in district court pursuant to a validation petition.

Section 153. Section **17B-1-1202** is amended to read:

### **17B-1-1202. Authority to file a validation petition -- Petition requirements -- Amending or supplementing a validation petition.**

(1) The board of trustees of a [~~local~~] special district may at any time file a validation petition.

(2) Each validation petition shall:

(a) describe the eligible function for which a validation order is sought;

(b) set forth:

(i) the facts upon which the validity of the eligible function is founded; and

(ii) any other information or allegations necessary to a determination of the validation petition;

(c) be verified by the chair of the board of trustees; and

(d) be filed in the district court of the county in which the district's principal office is located.

(3) A [~~local~~] special district may amend or supplement a validation petition:

(a) at any time before the hearing under Section 17B-1-1203; or

(b) after the hearing under Section 17B-1-1203, with permission of the court.

Section 154. Section **17B-1-1204** is amended to read:

### **17B-1-1204. Notice of the hearing on a validation petition -- Amended or supplemented validation petition.**

(1) Upon the entry of an order under Section 17B-1-1203 setting a hearing on a validation petition, the [~~local~~] special district that filed the petition shall post notice:

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(a) on the Utah Public Notice Website created in Section 63A-16-601, for three weeks immediately before the hearing; and

(b) in the ~~local~~ special district's principal office at least 21 days before the date set for the hearing.

(2) Each notice under Subsection (1) shall:

(a) state the date, time, and place of the hearing on the validation petition;

(b) include a general description of the contents of the validation petition; and

(c) if applicable, state the location where a complete copy of a contract that is the subject of the validation petition may be examined.

(3) If a district amends or supplements a validation petition under Subsection 17B-1-1202(3) after publishing and posting notice as required under Subsection (1), the district is not required to publish or post notice again unless required by the court.

Section 155. Section **17B-1-1207** is amended to read:

**17B-1-1207. Findings, conclusions, and judgment -- Costs -- Effect of judgment -- Appeal.**

(1) After the hearing under Section 17B-1-1203 on a validation petition, the district court shall:

(a) make and enter written findings of fact and conclusions of law; and

(b) render a judgment as warranted.

(2) A district court may apportion costs among the parties as the court determines appropriate.

(3) A district court judgment adjudicating matters raised by a validation petition:

(a) is binding and conclusive as to the ~~local~~ special district and all other parties to the validation proceedings; and

(b) constitutes a permanent injunction against any action or proceeding to contest any matter adjudicated in the validation proceedings.

(4) (a) Each appeal of a final judgment in validation proceedings shall be filed with the Supreme Court.

(b) An appeal of a final judgment in validation proceedings may be filed only by a party to the validation proceedings.

(c) The appellate court hearing an appeal under this section shall expedite the hearing

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of the appeal.

Section 156. Section **17B-1-1301** is amended to read:

### **Part 13. Dissolution of a Special District**

#### **17B-1-1301. Definitions.**

For purposes of this part:

(1) "Active" means, with respect to a [~~local~~] special district, that the district is not inactive.

(2) "Administrative body" means:

(a) if the [~~local~~] special district proposed to be dissolved has a duly constituted board of trustees in sufficient numbers to form a quorum, the board of trustees; or

(b) except as provided in Subsection (2)(a):

(i) for a [~~local~~] special district located entirely within a single municipality, the legislative body of that municipality;

(ii) for a [~~local~~] special district located in multiple municipalities within the same county or at least partly within the unincorporated area of a county, the legislative body of that county; or

(iii) for a [~~local~~] special district located within multiple counties, the legislative body of the county whose boundaries include more of the [~~local~~] special district than is included within the boundaries of any other county.

(3) "Clerk" means:

(a) the board of trustees if the board is also the administrative body under Subsection (2)(a);

(b) the clerk or recorder of the municipality whose legislative body is the administrative body under Subsection (2)(b)(i); or

(c) the clerk of the county whose legislative body is the administrative body under Subsection (2)(b)(ii) or (iii).

(4) "Inactive" means, with respect to a [~~local~~] special district, that during the preceding three years the district has not:

(a) provided any service or otherwise operated;

(b) received property taxes or user or other fees; and

(c) expended any funds.

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Section 157. Section **17B-1-1302** is amended to read:

### **17B-1-1302. Special district dissolution.**

A ~~[local]~~ special district may be dissolved as provided in this part.

Section 158. Section **17B-1-1303** is amended to read:

### **17B-1-1303. Initiation of dissolution process.**

The process to dissolve a ~~[local]~~ special district may be initiated by:

(1) for an inactive ~~[local]~~ special district:

(a) (i) for a ~~[local]~~ special district whose board of trustees is elected by electors based on the acre-feet of water allotted to the land owned by the elector, a petition signed by the owners of 25% of the acre-feet of water allotted to the land within the ~~[local]~~ special district; or

(ii) for all other districts:

(A) a petition signed by the owners of private real property that:

(I) is located within the ~~[local]~~ special district proposed to be dissolved;

(II) covers at least 25% of the private land area within the ~~[local]~~ special district; and

(III) is equal in assessed value to at least 25% of the assessed value of all private real property within the ~~[local]~~ special district; or

(B) a petition signed by registered voters residing within the ~~[local]~~ special district proposed to be dissolved equal in number to at least 25% of the number of votes cast in the district for the office of governor at the last regular general election before the filing of the petition; or

(b) a resolution adopted by the administrative body; and

(2) for an active ~~[local]~~ special district, a petition signed by:

(a) for a ~~[local]~~ special district whose board of trustees is elected by electors based on the acre-feet of water allotted to the land owned by the elector, the owners of 33% of the acre-feet of water allotted to the land within the ~~[local]~~ special district;

(b) for a ~~[local]~~ special district created to acquire or assess a groundwater right for the development and execution of a groundwater management plan in coordination with the state engineer in accordance with Section 73-5-15, the owners of groundwater rights that:

(i) are diverted within the district; and

(ii) cover at least 33% of the total amount of groundwater diverted in accordance with the groundwater rights within the district as a whole; or



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(c) for all other districts:

(i) the owners of private real property that:

(A) is located within the [~~local~~] special district proposed to be dissolved;

(B) covers at least 33% of the private land area within the [~~local~~] special district; and

(C) is equal in assessed value to at least 25% of the assessed value of all private real property within the [~~local~~] special district; or

(ii) 33% of registered voters residing within the [~~local~~] special district proposed to be dissolved.

Section 159. Section **17B-1-1304** is amended to read:

### **17B-1-1304. Petition requirements.**

(1) Each petition under Subsection 17B-1-1303(1)(a) or (2) shall:

(a) indicate the typed or printed name and current residence address of each owner of acre-feet of water, property owner, or registered voter signing the petition;

(b) if it is a petition signed by the owners of acre-feet of water or property owners, indicate the address of the property as to which the owner is signing;

(c) designate up to three signers of the petition as sponsors, one of whom shall be designated the contact sponsor, with the mailing address and telephone number of each; and

(d) be filed with the clerk.

(2) A signer of a petition to dissolve a [~~local~~] special district may withdraw, or, once withdrawn, reinstate the signer's signature at any time until 30 days after the public hearing under Section 17B-1-1306.

Section 160. Section **17B-1-1305** is amended to read:

### **17B-1-1305. Petition certification.**

(1) Within 30 days after the filing of a petition under Subsection 17B-1-1303(1)(a) or (2), the clerk shall:

(a) with the assistance of officers of the county in which the [~~local~~] special district is located from whom the clerk requests assistance, determine whether the petition meets the requirements of Section 17B-1-1303 and Subsection 17B-1-1304(1); and

(b) (i) if the clerk determines that the petition complies with the requirements, certify the petition and mail or deliver written notification of the certification to the contact sponsor; or

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(ii) if the clerk determines that the petition fails to comply with any of the requirements, reject the petition and mail or deliver written notification of the rejection and the reasons for the rejection to the contact sponsor.

(2) (a) If the clerk rejects a petition under Subsection (1)(b)(ii), the petition may be amended to correct the deficiencies for which it was rejected and then refiled.

(b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be used toward fulfilling the applicable signature requirement of the petition as amended under Subsection (2)(a).

(3) The clerk shall process an amended petition filed under Subsection (2)(a) in the same manner as an original petition under Subsection (1).

Section 161. Section **17B-1-1306** is amended to read:

### **17B-1-1306. Public hearing.**

(1) For each petition certified under Section 17B-1-1305 and each resolution that an administrative body adopts under Subsection 17B-1-1303(1)(b), the administrative body shall hold a public hearing on the proposed dissolution.

(2) The administrative body shall hold a public hearing under Subsection (1):

(a) no later than 45 days after certification of the petition under Section 17B-1-1305 or adoption of a resolution under Subsection 17B-1-1303(1)(b), as the case may be;

(b) within the ~~[local]~~ special district proposed to be dissolved;

(c) on a weekday evening other than a holiday beginning no earlier than 6 p.m.; and

(d) for the purpose of allowing:

(i) the administrative body to explain the process the administrative body will follow to study and prepare the proposed dissolution;

(ii) the public to ask questions and obtain further information about the proposed dissolution and issues raised by it; and

(iii) any interested person to address the administrative body concerning the proposed dissolution.

(3) A quorum of the administrative body shall be present throughout each public hearing under this section.

Section 162. Section **17B-1-1307** is amended to read:

### **17B-1-1307. Notice of public hearing and of dissolution.**

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(1) Before holding a public hearing required under Section 17B-1-1306, the administrative body shall:

(a) post notice of the public hearing and of the proposed dissolution:

(i) on the Utah Public Notice Website created in Section 63A-16-601, for 30 days before the public hearing; and

(ii) in at least four conspicuous places within the [~~local~~] special district proposed to be dissolved, no less than five and no more than 30 days before the public hearing; or

(b) mail a notice to each owner of property located within the [~~local~~] special district and to each registered voter residing within the [~~local~~] special district.

(2) Each notice required under Subsection (1) shall:

(a) identify the [~~local~~] special district proposed to be dissolved and the service it was created to provide; and

(b) state the date, time, and location of the public hearing.

Section 163. Section **17B-1-1308** is amended to read:

**17B-1-1308. Second public hearing -- Dissolution resolution -- Limitations on dissolution.**

(1) (a) Within 180 days after the day on which the administrative body holds the public hearing described in Section 17B-1-1306, the administrative body shall hold a second public hearing to:

(i) publicly explain the result of the study and preparation described in Subsection 17B-1-1306(2)(d)(i);

(ii) describe whether the proposed dissolution meets each criterion described in Subsection (2); and

(iii) adopt a resolution in accordance with Subsection (1)(b) or (c).

(b) Subject to Subsection (2), after a proposed dissolution petition has been certified under Section 17B-1-1305, the administrative body shall adopt a resolution:

(i) certifying that the proposed dissolution satisfies the criteria described in Subsection (2); and

(ii) (A) for an inactive [~~local~~] special district, approving the dissolution of the [~~local~~] special district; or

(B) for an active [~~local~~] special district, initiating the dissolution election described in

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Section 17B-1-1309.

(c) Subject to Subsection (2), for a proposed dissolution of an inactive district that an administrative body initiates by adopting a resolution under Subsection 17B-1-1303(1)(b), the administrative body may adopt a resolution:

(i) certifying that the proposed dissolution satisfies the criteria described in Subsection (2); and

(ii) approving the dissolution of the inactive ~~[local]~~ special district.

(2) The administrative body may not adopt a resolution under Subsection (1) unless:

(a) any outstanding debt of the ~~[local]~~ special district is:

(i) satisfied and discharged in connection with the dissolution; or

(ii) assumed by another governmental entity with the consent of all the holders of that debt and all the holders of other debts of the ~~[local]~~ special district;

(b) for a ~~[local]~~ special district that has provided service during the preceding three years or undertaken planning or other activity preparatory to providing service:

(i) another entity has committed to:

(A) provide the same service to the area being served or proposed to be served by the ~~[local]~~ special district; and

(B) purchase, at fair market value, the assets of the ~~[local]~~ special district that are required to provide the service; and

(ii) all who are to receive the service have consented to the service being provided by the other entity; and

(c) all outstanding contracts to which the ~~[local]~~ special district is a party are resolved through mutual termination or the assignment of the ~~[local]~~ special district's rights, duties, privileges, and responsibilities to another entity with the consent of the other parties to the contract.

Section 164. Section **17B-1-1309** is amended to read:

### **17B-1-1309. Election to dissolve an active special district.**

(1) When an administrative body adopts a resolution to initiate a dissolution election under Subsection 17B-1-1308(1)(b)(ii), an election shall be held on the question of whether the ~~[local]~~ special district should be dissolved by:

(a) if the ~~[local]~~ special district proposed to be dissolved is located entirely within a

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single county, the ~~[local]~~ special district clerk, in cooperation with the county clerk; or

(b) if the ~~[local]~~ special district proposed to be dissolved is located within more than one county, in cooperation with the ~~[local]~~ special district clerk:

(i) the clerk of each county where part of the ~~[local]~~ special district is located in more than one municipality or in an unincorporated area within the same county;

(ii) the clerk or recorder of each municipality where part of the ~~[local]~~ special district is not located in another municipality or in an unincorporated area within the same county; and

(iii) the clerk of each county where part of the ~~[local]~~ special district is located only in an unincorporated area within the county.

(2) Each election under Subsection (1) shall be held at the next special or regular general election that is more than 60 days after the day on which the administrative body adopts a resolution in accordance with Section 17B-1-1308.

(3) (a) If the ~~[local]~~ special district proposed to be dissolved is located in more than one county, the ~~[local]~~ special district clerk shall coordinate with the officials described in Subsection (1)(b) to ensure that the election is held on the same date and in a consistent manner in each jurisdiction.

(b) The clerk of each county and the clerk or recorder of each municipality involved in an election under Subsection (1) shall cooperate with the ~~[local]~~ special district clerk in holding the election.

(4) If the ~~[local]~~ special district proposed to be dissolved is an irrigation district under Title 17B, Chapter 2a, Part 5, Irrigation District Act:

(a) the electors shall consist of the landowners whose land has allotments of water through the district; and

(b) each elector may cast one vote for each acre-foot or fraction of an acre-foot of water allotted to the land the elector owns within the district.

(5) If the ~~[local]~~ special district proposed to be dissolved is a district created to acquire or assess a groundwater right for the development and execution of a groundwater management plan in accordance with Section 73-5-15:

(a) the electors shall consist of the owners of groundwater rights within the district; and

(b) each elector may cast one vote for each acre-foot or fraction of an acre-foot of groundwater that is within the district and reflected in the elector's water right.

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(6) If the ~~[local]~~ special district proposed to be dissolved is a basic ~~[local]~~ special district, except for a district described in Subsection (5), and if the area of the basic ~~[local]~~ special district contains less than one residential unit per 50 acres of land at the time of the filing of a petition described in Subsection 17B-1-1303(2):

(a) the electors shall consist of the owners of privately owned real property within a basic ~~[local]~~ special district under ~~[Title 17B, Chapter 1, Part 14, Basic Local District]~~ Title 17B, Chapter 1, Part 14, Basic Special District; and

(b) each elector may cast one vote for each acre or fraction of an acre of land that the elector owns within the district.

(7) Except as otherwise provided in this part, Title 20A, Election Code, governs each election under Subsection (1).

Section 165. Section **17B-1-1310** is amended to read:

### **17B-1-1310. Notice to lieutenant governor -- Recording requirements --**

#### **Distribution of remaining assets.**

(1) The administrative body, shall file with the lieutenant governor a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3):

(a) within 30 days after the day on which the administrative body adopts a resolution approving the dissolution of an inactive ~~[local]~~ special district; or

(b) within 30 days after the day on which a majority of the voters within an active ~~[local]~~ special district approve the dissolution of the ~~[local]~~ special district in an election described in Subsection 17B-1-1309(2).

(2) Upon the lieutenant governor's issuance of a certificate of dissolution under Section 67-1a-6.5, the administrative body shall:

(a) if the ~~[local]~~ special district was located within the boundary of a single county, submit to the recorder of that county:

(i) the original:

(A) notice of an impending boundary action; and

(B) certificate of dissolution; and

(ii) a certified copy of the resolution that the administrative body adopts under Subsection 17B-1-1308(1); or

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(b) if the ~~[local]~~ special district was located within the boundaries of more than a single county:

(i) submit to the recorder of one of those counties:

(A) the original notice of an impending boundary action and certificate of dissolution;

and

(B) if applicable, a certified copy of the resolution that the administrative body adopts under Subsection 17B-1-1308(1); and

(ii) submit to the recorder of each other county:

(A) a certified copy of the notice of an impending boundary action and certificate of dissolution; and

(B) if applicable, a certified copy of the resolution that the administrative body adopts under Subsection 17B-1-1308(1).

(3) Upon the lieutenant governor's issuance of the certificate of dissolution under Section 67-1a-6.5, the ~~[local]~~ special district is dissolved.

(4) (a) After the dissolution of a ~~[local]~~ special district under this part, the administrative body shall use any assets of the ~~[local]~~ special district remaining after paying all debts and other obligations of the ~~[local]~~ special district to pay costs associated with the dissolution process.

(b) If the administrative body is not the board of trustees of the dissolved ~~[local]~~ special district, the administrative body shall pay any costs of the dissolution process remaining after exhausting the remaining assets of the ~~[local]~~ special district as described in Subsection (4)(a).

(c) If the administrative body is the board of trustees of the dissolved ~~[local]~~ special district, each entity that has committed to provide a service that the dissolved ~~[local]~~ special district previously provided, as described in Subsection 17B-1-1308(2)(b), shall pay, in the same proportion that the services the entity commits to provide bear to all of the services the ~~[local]~~ special district provided, any costs of the dissolution process remaining after exhausting the remaining assets of the dissolved ~~[local]~~ special ~~district~~ district described in Subsection (4)(a).

(5) (a) The administrative body shall distribute any assets of the ~~[local]~~ special district that remain after the payment of debts, obligations, and costs under Subsection (4) in the following order of priority:

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(i) if there is a readily identifiable connection between the remaining assets and a financial burden borne by the real property owners in the dissolved ~~[local]~~ special district, proportionately to those real property owners;

(ii) if there is a readily identifiable connection between the remaining assets and a financial burden borne by the recipients of a service that the dissolved ~~[local]~~ special district provided, proportionately to those recipients; and

(iii) subject to Subsection (6), to each entity that has committed to provide a service that the dissolved ~~[local]~~ special district previously provided, as described in Subsection 17B-1-1309(1)(b)(ii), in the same proportion that the services the entity commits to provide bear to all of the services the ~~[local]~~ special district provided.

(6) An entity that receives cash reserves of the dissolved ~~[local]~~ special district under Subsection (5)(a)(iii) may not use the cash reserves:

(a) in any way other than for the purpose the ~~[local]~~ special district originally intended; or

(b) in any area other than within the area that the dissolved ~~[local]~~ special district previously served.

Section 166. Section **17B-1-1401** is amended to read:

### **Part 14. Basic Special District**

#### **17B-1-1401. Status of and provisions applicable to a basic special district.**

A basic ~~[local]~~ special district:

(1) operates under, is subject to, and has the powers set forth in this chapter; and

(2) is not subject to ~~[Chapter 2a, Provisions Applicable to Different Types of Local Districts]~~ Chapter 2a, Provisions Applicable to Different Types of Special Districts.

Section 167. Section **17B-1-1402** is amended to read:

#### **17B-1-1402. Board of trustees of a basic special district.**

(1) As specified in a petition under Subsection 17B-1-203(1)(a) or (b) or a resolution under Subsection 17B-1-203(1)(d) or (e), and except as provided in Subsection (2), the members of a board of trustees of a basic ~~[local]~~ special district may be:

(a) (i) elected by registered voters; or

(ii) appointed by the responsible body, as defined in Section 17B-1-201; or

(b) if the area of the ~~[local]~~ special district contains less than one residential dwelling



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unit per 50 acres of land at the time the resolution is adopted or the petition is filed, elected by the owners of real property within the ~~[local]~~ special district based on:

- (i) the amount of acreage owned by property owners;
- (ii) the assessed value of property owned by property owners; or
- (iii) water rights:
  - (A) relating to the real property within the ~~[local]~~ special district;
  - (B) that the real property owner:
    - (I) owns; or
    - (II) has transferred to the ~~[local]~~ special district.

(2) As specified in a groundwater right owner petition under Subsection 17B-1-203(1)(c) or a resolution under Subsection 17B-1-203(1)(d) or (e), the members of a board of trustees of a basic ~~[local]~~ special district created to manage groundwater rights the district acquires or assesses under Section 17B-1-202 shall be:

- (a) subject to Section 17B-1-104.5, elected by the owners of groundwater rights that are diverted within the ~~[local]~~ special district;
  - (b) appointed by the responsible body, as defined in Section 17B-1-201; or
  - (c) elected or appointed as provided in Subsection (3).
- (3) A petition under Subsection 17B-1-203(1)(a) or (b) and a resolution under Subsection 17B-1-203(1)(d) or (e) may provide for a transition from one or more methods of election or appointment under Subsection (1) or (2) to one or more other methods of election or appointment based upon milestones or events that the petition or resolution identifies.

Section 168. Section **17B-1-1403** is amended to read:

### **17B-1-1403. Prohibition against creating new basic special districts.**

A person may not create a basic ~~[local]~~ special district on or after May 12, 2020.

Section 169. Section **17B-2a-102** is amended to read:

## **CHAPTER 2a. PROVISIONS APPLICABLE TO DIFFERENT TYPES OF SPECIAL DISTRICTS**

### **17B-2a-102. Provisions applicable to cemetery maintenance districts.**

- (1) Each cemetery maintenance district is governed by and has the powers stated in:
  - (a) this part; and
  - (b) ~~[Chapter 1, Provisions Applicable to All Local Districts]~~ Chapter 1, Provisions

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### Applicable to All Special Districts.

(2) This part applies only to cemetery maintenance districts.

(3) A cemetery maintenance district is not subject to the provisions of any other part of this chapter.

(4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in this part, the provision in this part governs.

(5) A cemetery maintenance district shall comply with the applicable provisions of Title 8, Cemeteries.

Section 170. Section **17B-2a-104** is amended to read:

#### **17B-2a-104. Cemetery maintenance district bonding authority.**

A cemetery maintenance district may issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~] Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district.

Section 171. Section **17B-2a-203** is amended to read:

#### **17B-2a-203. Provisions applicable to drainage districts.**

(1) Each drainage district is governed by and has the powers stated in:

(a) this part; and

(b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions

### Applicable to All Special Districts.

(2) This part applies only to drainage districts.

(3) A drainage district is not subject to the provisions of any other part of this chapter.

(4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in this part, the provision in this part governs.

Section 172. Section **17B-2a-205** is amended to read:

#### **17B-2a-205. Additional drainage district powers.**

In addition to the powers conferred on a drainage district under Section 17B-1-103, a drainage district may:

(1) enter upon land for the purpose of examining the land or making a survey;

(2) locate a necessary drainage canal with any necessary branches on land that the

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district's board of trustees considers best;

(3) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]  
Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;

(4) after the payment or tender of compensation allowed, go upon land to construct proposed works, and thereafter enter upon that land to maintain or repair the works;

(5) appropriate water for useful and beneficial purposes;

(6) regulate and control, for the benefit of landholders within the district, all water developed, appropriated, or owned by the district;

(7) appropriate, use, purchase, develop, sell, and convey water and water rights in the same manner and for the same use and purposes as a private person;

(8) widen, straighten, deepen, enlarge, or remove any obstruction or rubbish from any watercourse, whether inside or outside the district; and

(9) if necessary, straighten a watercourse by cutting a new channel upon land not already containing the watercourse, subject to the landowner receiving compensation for the land occupied by the new channel and for any damages, as provided under the law of eminent domain.

Section 173. Section **17B-2a-209** is amended to read:

**17B-2a-209. State land treated the same as private land -- Consent needed to affect school and institutional trust land -- Owner of state land has same rights as owner of private land.**

(1) Subject to Subsection (2), a drainage district may treat state land the same as private land with respect to the drainage of land for agricultural purposes.

(2) A drainage district may not affect school or institutional trust land under this part or [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, without the consent of the director of the School and Institutional Trust Lands Administration acting in accordance with Sections 53C-1-102 and 53C-1-303.

(3) The state and each person holding unpatented state land under entries or contracts of purchase from the state have all the rights, privileges, and benefits under this part and [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, that a private owner of that land would have.

Section 174. Section **17B-2a-303** is amended to read:

## **HB0022S01 compared with HB0022**

### **17B-2a-303. Provisions applicable to fire protection districts.**

(1) Each fire protection district is governed by and has the powers stated in:

(a) this part; and

(b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts.

(2) This part applies only to fire protection districts.

(3) A fire protection district is not subject to the provisions of any other part of this chapter.

(4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in this part, the provision in this part governs.

Section 175. Section **17B-2a-304** is amended to read:

### **17B-2a-304. Additional fire protection district power.**

In addition to the powers conferred on a fire protection district under Section 17B-1-103, a fire protection district may issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~] Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district.

Section 176. Section **17B-2a-402** is amended to read:

### **17B-2a-402. Provisions applicable to improvement districts.**

(1) Each improvement district is governed by and has the powers stated in:

(a) this part; and

(b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts.

(2) This part applies only to improvement districts.

(3) An improvement district is not subject to the provisions of any other part of this chapter.

(4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in this part, the provision in this part governs.

Section 177. Section **17B-2a-403** is amended to read:

### **17B-2a-403. Additional improvement district powers.**

## **HB0022S01 compared with HB0022**

(1) In addition to the powers conferred on an improvement district under Section 17B-1-103, an improvement district may:

(a) acquire through construction, purchase, gift, or condemnation, or any combination of these methods, and operate all or any part of a system for:

- (i) the supply, treatment, and distribution of water;
- (ii) the collection, treatment, and disposition of sewage;
- (iii) the collection, retention, and disposition of storm and flood waters;
- (iv) the generation, distribution, and sale of electricity, subject to Section 17B-2a-406;

and

(v) the transmission of natural or manufactured gas if:

(A) the system is connected to a gas plant, as defined in Section 54-2-1, of a gas corporation, as defined in Section 54-2-1, that is regulated under Section 54-4-1;

(B) the system is to be used to facilitate gas utility service within the district; and

(C) the gas utility service was not available within the district before the acquisition of the system;

(b) issue bonds in accordance with [~~Chapter 1, Part 11, Local District Bonds~~] Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the improvement district;

(c) appropriate or acquire water or water rights inside or outside the improvement district's boundaries;

(d) sell water or other services to consumers residing outside the improvement district's boundaries;

(e) enter into a contract with a gas corporation that is regulated under Section 54-4-1 to:

(i) provide for the operation or maintenance of all or part of a system for the transmission of natural or manufactured gas; or

(ii) lease or sell all or a portion of a system described in Subsection (1)(e)(i) to a gas corporation;

(f) enter into a contract with a person for:

- (i) the purchase or sale of water or electricity;
- (ii) the use of any facility owned by the person; or
- (iii) the purpose of handling the person's industrial and commercial waste and sewage;

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(g) require pretreatment of industrial and commercial waste and sewage; and

(h) impose a penalty or surcharge against a public entity or other person with which the improvement district has entered into a contract for the construction, acquisition, or operation of all or a part of a system for the collection, treatment, and disposal of sewage, if the public entity or other person fails to comply with the provisions of the contract.

(2) The new gas utility service under Subsection (1)(a)(v)(B) shall be provided by a gas corporation regulated under Section 54-4-1 and not by the district.

(3) An improvement district may not begin to provide sewer service to an area where sewer service is already provided by an existing sewage collection system operated by a municipality or other political subdivision unless the municipality or other political subdivision gives its written consent.

(4) An improvement district authorized to operate all or any part of a system for the collection, treatment, or disposition of sewage may acquire, construct, or operate a resource recovery project in accordance with Section 19-6-508.

Section 178. Section ~~{17B-2a-502}~~ 17B-2a-407 is enacted to read:

**17B-2a-407. Nonfunctioning improvement district -- Replacing board of trustees.**

(1) As used in this section:

(a) "Non-functioning improvement district" means an improvement district:

(i) for which the lieutenant governor issues a certificate of incorporation on or after July 1, 2022, but before October 15, 2023;

(ii) for which the legislative body of a county elected to be the board of trustees of the district under Subsection 17B-2a-404(3)(a); and

(iii) (A) for which the responsible body has not, within 100 days after the day on which the lieutenant governor issued the certificate of incorporation described in Subsection (1)(a)(i), complied with the recording requirements described in Subsection 17B-1-215(2); or

(B) whose board of trustees has not, within 100 days after the day on which the lieutenant governor issued the certificate of incorporation described in Subsection (1)(a)(i), held a meeting as the board of trustees of the improvement district, that was noticed and held in accordance with the requirements of Title 52, Chapter 4, Open and Public Meetings Act.

(b) "Non-functioning improvement district" does not include an improvement district that has emerged from non-functioning status under Subsection (6)(c)(ii).

## **HB0022S01 compared with HB0022**

(2) (a) The board of trustees of a non-functioning improvement district may not, after the 100-day period described in Subsection (1)(a)(ii)(A), take any action as the board of trustees or on behalf of the non-functioning improvement district.

(b) Any action taken in violation of Subsection (2)(a) is void.

(3) (a) An owner of land located within the boundaries of a non-functioning improvement district may file with the lieutenant governor a request to replace the board of trustees with a new board of trustees.

(b) A new board of trustees described in Subsection (3)(a) shall comprise three individuals who are:

(i) owners of land located within the boundaries of the improvement district; or

(ii) agents of owners of land located within the boundaries of the improvement district.

(4) A request described in Subsection (3) shall include:

(a) the name and mailing address of the land owner who files the request;

(b) the name of the improvement district;

(c) a copy of the certificate of incorporation for the improvement district;

(d) written consent to the request from each owner of land located within the boundaries of the improvement district; and

(e) the names and mailing addresses of three individuals who will serve as the board of trustees of the improvement district until a new board of trustees is organized under Subsection (9).

(5) Within 14 days after the day on which the lieutenant governor receives a request described in Subsections (3) and (4), the lieutenant governor shall:

(a) determine whether:

(i) the district is a non-functioning improvement district;

(ii) the request complies with Subsection (4); and

(b) if the lieutenant governor determines that the requirements described in Subsection (5)(a) are met, grant the request by issuing a certificate of replacement described in Subsection (6).

(6) A certificate of replacement shall:

(a) state the name of the improvement district;

(b) reference the certificate of incorporation for the improvement district;

## **HB0022S01 compared with HB0022**

(c) declare that, upon issuance of the certificate:

(i) the existing board of trustees for the improvement district is dissolved and replaced by an interim board of trustees consisting of the three individuals described in Subsection (4)(e); and

(ii) the improvement district is removed from nonfunctioning status and is, beginning at that point in time, a functioning improvement district.

(7) The interim board of trustees described in Subsection (6)(c)(i) shall record, in the recorder's office for a county in which all or a portion of the improvement district exists:

(a) the original of the certificate of replacement; and

(b) the original or a copy of:

(i) the items described in Subsections 17B-1-215(2)(a)(i)(A), (B), and (C); and

(ii) if applicable, a copy of each resolution adopted under Subsection 17B-1-213(5).

(8) Until a new board of trustees is organized under Subsection (9):

(a) the interim board of trustees has the full authority of a board of trustees of an improvement district; and

(b) a majority of the owners of land in the improvement district:

(i) may appoint an individual described in Subsection (3)(b) to fill a vacancy on the interim board of trustees; and

(ii) shall file written notification of the appointment of an individual described in Subsection (8)(b)(i) with the lieutenant governor.

(9) Within 90 days after the day on which at least 20 persons own land within the improvement district, the interim board of trustees described in Subsection (6)(c)(i) shall dissolve and be replaced by a board of trustees described in Subsections 17B-1-302(1) through (3)(a), except that:

(a) the board of trustees shall comprise three members, appointed by the lieutenant governor, who are owners of property in the district, agents of an owner of property in the district, or residents of the district;

(b) Subsections 17B-1-302(3)(c) through (6) and Section 17B-2a-404 do not apply to the improvement district; and

(c) a member of the legislative body of the county may not serve as a member of the board of trustees.



## HB0022S01 compared with HB0022

Section 179. Section 17B-2a-502 is amended to read:

### **17B-2a-502. Provisions applicable to irrigation districts.**

(1) Each irrigation district is governed by and has the powers stated in:

(a) this part; and

(b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions

Applicable to All Special Districts.

(2) This part applies only to irrigation districts.

(3) An irrigation district is not subject to the provisions of any other part of this chapter.

(4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in this part, the provision in this part governs.

Section ~~{179}~~180. Section **17B-2a-503** is amended to read:

### **17B-2a-503. Additional irrigation district powers -- No authority to levy property tax.**

(1) In addition to the powers conferred on an irrigation district under Section 17B-1-103, an irrigation district may:

(a) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~] Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;

(b) purchase stock of an irrigation, canal, or reservoir company;

(c) enter upon any land in the district to make a survey and to locate and construct a canal and any necessary lateral;

(d) convey water rights or other district property to the United States as partial or full consideration under a contract with the United States;

(e) pursuant to a contract with the United States, lease or rent water to private land, an entryman, or a municipality in the neighborhood of the district;

(f) if authorized under a contract with the United States, collect money on behalf of the United States in connection with a federal reclamation project and assume the incident duties and liabilities;

(g) acquire water from inside or outside the state;

(h) subject to Subsection (2), lease, rent, or sell water not needed by the owners of land

## HB0022S01 compared with HB0022

within the district:

(i) to a municipality, corporation, association, or individual inside or outside the district;

(ii) for irrigation or any other beneficial use; and

(iii) at a price and on terms that the board considers appropriate; and

(i) repair a break in a reservoir or canal or remedy any other district disaster.

(2) (a) The term of a lease or rental agreement under Subsection (1)(h) may not exceed five years.

(b) A vested or prescriptive right to the use of water may not attach to the land because of a lease or rental of water under Subsection (1)(h).

(3) Notwithstanding Subsection 17B-1-103(2)(g), an irrigation district may not levy a property tax.

Section ~~180~~181. Section **17B-2a-602** is amended to read:

### **17B-2a-602. Provisions applicable to metropolitan water districts.**

(1) Each metropolitan water district is governed by and has the powers stated in:

(a) this part; and

(b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts.

(2) This part applies only to metropolitan water districts.

(3) A metropolitan water district is not subject to the provisions of any other part of this chapter.

(4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in this part, the provision in this part governs.

(5) Before September 30, 2019, a metropolitan water district shall submit a written report to the Revenue and Taxation Interim Committee that describes, for the metropolitan water district's fiscal year that ended in 2018, the percentage and amount of revenue in the metropolitan water district from:

(a) property taxes;

(b) water rates; and

(c) all other sources.

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Section ~~{181}~~182. Section **17B-2a-603** is amended to read:

### **17B-2a-603. Additional metropolitan water district powers.**

In addition to the powers conferred on a metropolitan water district under Section 17B-1-103, a metropolitan water district may:

- (1) acquire or lease any real or personal property or acquire any interest in real or personal property, as provided in Subsections 17B-1-103(2)(a) and (b), whether inside or outside the district or inside or outside the state;
- (2) encumber real or personal property or an interest in real or personal property that the district owns;
- (3) acquire or construct works, facilities, and improvements, as provided in Subsection 17B-1-103(2)(d), whether inside or outside the district or inside or outside the state;
- (4) acquire water, works, water rights, and sources of water necessary or convenient to the full exercise of the district's powers, whether the water, works, water rights, or sources of water are inside or outside the district or inside or outside the state, and encumber, transfer an interest in, or dispose of water, works, water rights, and sources of water;
- (5) develop, store, and transport water;
- (6) provide, sell, lease, and deliver water inside or outside the district for any lawful beneficial use;
- (7) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~] Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district; and
- (8) subscribe for, purchase, lease, or otherwise acquire stock in a canal company, irrigation company, water company, or water users association, for the purpose of acquiring the right to use water or water infrastructure.

Section ~~{182}~~183. Section **17B-2a-702** is amended to read:

### **17B-2a-702. Provisions applicable to mosquito abatement districts.**

- (1) Each mosquito abatement district is governed by and has the powers stated in:
  - (a) this part; and
  - (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts.
- (2) This part applies only to mosquito abatement districts.
- (3) A mosquito abatement district is not subject to the provisions of any other part of

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this chapter.

(4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in this part, the provision in this part governs.

Section ~~{183}~~184. Section **17B-2a-703** is amended to read:

### **17B-2a-703. Additional mosquito abatement district powers.**

In addition to the powers conferred on a mosquito abatement district under Section 17B-1-103, a mosquito abatement district may:

- (1) take all necessary and proper steps for the extermination of mosquitos, flies, crickets, grasshoppers, and other insects:
  - (a) within the district; or
  - (b) outside the district, if lands inside the district are benefitted;
- (2) abate as nuisances all stagnant pools of water and other breeding places for mosquitos, flies, crickets, grasshoppers, or other insects anywhere inside or outside the state from which mosquitos migrate into the district;
- (3) enter upon territory referred to in Subsections (1) and (2) in order to inspect and examine the territory and to remove from the territory, without notice, stagnant water or other breeding places for mosquitos, flies, crickets, grasshoppers, or other insects;
- (4) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~] Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;
- (5) make a contract to indemnify or compensate an owner of land or other property for injury or damage that the exercise of district powers necessarily causes or arising out of the use, taking, or damage of property for a district purpose; and
- (6) in addition to the accumulated fund balance allowed under Section 17B-1-612, establish a reserve fund, not to exceed the greater of 25% of the district's annual operating budget or \$50,000, to pay for extraordinary abatement measures, including a vector-borne public health emergency.

Section ~~{184}~~185. Section **17B-2a-802** is amended to read:

### **17B-2a-802. Definitions.**

As used in this part:

- (1) "Affordable housing" means housing occupied or reserved for occupancy by

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households that meet certain gross household income requirements based on the area median income for households of the same size.

(a) "Affordable housing" may include housing occupied or reserved for occupancy by households that meet specific area median income targets or ranges of area median income targets.

(b) "Affordable housing" does not include housing occupied or reserved for occupancy by households with gross household incomes that are more than 60% of the area median income for households of the same size.

(2) "Appointing entity" means the person, county, unincorporated area of a county, or municipality appointing a member to a public transit district board of trustees.

(3) (a) "Chief executive officer" means a person appointed by the board of trustees of a small public transit district to serve as chief executive officer.

(b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities defined in Sections 17B-2a-810 and 17B-2a-811 and includes all rights, duties, and responsibilities assigned to the general manager but prescribed by the board of trustees to be fulfilled by the chief executive officer.

(4) "Council of governments" means a decision-making body in each county composed of membership including the county governing body and the mayors of each municipality in the county.

(5) "Department" means the Department of Transportation created in Section 72-1-201.

(6) "Executive director" means a person appointed by the board of trustees of a large public transit district to serve as executive director.

(7) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

(8) "Fixed guideway capital development" means the same as that term is defined in Section 72-1-102.

(9) (a) "General manager" means a person appointed by the board of trustees of a small public transit district to serve as general manager.

(b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees of a small public transit district.

(10) "Large public transit district" means a public transit district that provides public

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transit to an area that includes:

(a) more than 65% of the population of the state based on the most recent official census or census estimate of the United States Census Bureau; and

(b) two or more counties.

(11) (a) "Locally elected public official" means a person who holds an elected position with a county or municipality.

(b) "Locally elected public official" does not include a person who holds an elected position if the elected position is not with a county or municipality.

(12) "Metropolitan planning organization" means the same as that term is defined in Section 72-1-208.5.

(13) "Multicounty district" means a public transit district located in more than one county.

(14) "Operator" means a public entity or other person engaged in the transportation of passengers for hire.

(15) (a) "Public transit" means regular, continuing, shared-ride, surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income.

(b) "Public transit" does not include transportation services provided by:

(i) chartered bus;

(ii) sightseeing bus;

(iii) taxi;

(iv) school bus service;

(v) courtesy shuttle service for patrons of one or more specific establishments; or

(vi) intra-terminal or intra-facility shuttle services.

(16) "Public transit district" means a [~~local~~] special district that provides public transit services.

(17) "Small public transit district" means any public transit district that is not a large public transit district.

(18) "Station area plan" means a plan developed and adopted by a municipality in accordance with Section 10-9a-403.1.

(19) "Transit facility" means a transit vehicle, transit station, depot, passenger loading

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or unloading zone, parking lot, or other facility:

- (a) leased by or operated by or on behalf of a public transit district; and
- (b) related to the public transit services provided by the district, including:
  - (i) railway or other right-of-way;
  - (ii) railway line; and
  - (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by a transit vehicle.

(20) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle operated as public transportation by a public transit district.

(21) "Transit-oriented development" means a mixed use residential or commercial area that is designed to maximize access to public transit and includes the development of land owned by a large public transit district.

(22) "Transit-supportive development" means a mixed use residential or commercial area that is designed to maximize access to public transit and does not include the development of land owned by a large public transit district.

Section ~~185~~ 186. Section **17B-2a-803** is amended to read:

### **17B-2a-803. Provisions applicable to public transit districts.**

(1) (a) Each public transit district is governed by and has the powers stated in:

- (i) this part; and
- (ii) except as provided in Subsection (1)(b), [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts.

(b) (i) Except for Sections 17B-1-301, 17B-1-311, and 17B-1-313, the following provisions do not apply to public transit districts:

- (A) Chapter 1, Part 3, Board of Trustees; and
- (B) Section 17B-2a-905.

(ii) A public transit district is not subject to [~~Chapter 1, Part 6, Fiscal Procedures for Local Districts~~] Chapter 1, Part 6, Fiscal Procedures for Special Districts.

(2) This part applies only to public transit districts.

(3) A public transit district is not subject to the provisions of any other part of this chapter.

(4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~

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~~Local Districts]~~ Chapter 1, Provisions Applicable to All Special Districts, and a provision in this part, the provision in this part governs.

(5) The provisions of Subsection 53-3-202(3)(b) do not apply to a motor vehicle owned in whole or in part by a public transit district.

Section ~~186~~187. Section **17B-2a-804** is amended to read:

### **17B-2a-804. Additional public transit district powers.**

(1) In addition to the powers conferred on a public transit district under Section 17B-1-103, a public transit district may:

(a) provide a public transit system for the transportation of passengers and their incidental baggage;

(b) notwithstanding Subsection 17B-1-103(2)(g) and subject to Section 17B-2a-817, levy and collect property taxes only for the purpose of paying:

(i) principal and interest of bonded indebtedness of the public transit district; or

(ii) a final judgment against the public transit district if:

(A) the amount of the judgment exceeds the amount of any collectable insurance or indemnity policy; and

(B) the district is required by a final court order to levy a tax to pay the judgment;

(c) insure against:

(i) loss of revenues from damage to or destruction of some or all of a public transit system from any cause;

(ii) public liability;

(iii) property damage; or

(iv) any other type of event, act, or omission;

(d) subject to Section 72-1-202 pertaining to fixed guideway capital development within a large public transit district, acquire, contract for, lease, construct, own, operate, control, or use:

(i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal, parking lot, or any other facility necessary or convenient for public transit service; or

(ii) any structure necessary for access by persons and vehicles;

(e) (i) hire, lease, or contract for the supplying or management of a facility, operation, equipment, service, employee, or management staff of an operator; and



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(ii) provide for a sublease or subcontract by the operator upon terms that are in the public interest;

(f) operate feeder bus lines and other feeder or ridesharing services as necessary;

(g) accept a grant, contribution, or loan, directly through the sale of securities or equipment trust certificates or otherwise, from the United States, or from a department, instrumentality, or agency of the United States;

(h) study and plan transit facilities in accordance with any legislation passed by Congress;

(i) cooperate with and enter into an agreement with the state or an agency of the state or otherwise contract to finance to establish transit facilities and equipment or to study or plan transit facilities;

(j) subject to Subsection 17B-2a-808.1(5), issue bonds as provided in and subject to ~~[Chapter 1, Part 11, Local District Bonds]~~ Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;

(k) from bond proceeds or any other available funds, reimburse the state or an agency of the state for an advance or contribution from the state or state agency;

(l) do anything necessary to avail itself of any aid, assistance, or cooperation available under federal law, including complying with labor standards and making arrangements for employees required by the United States or a department, instrumentality, or agency of the United States;

(m) sell or lease property;

(n) except as provided in Subsection (2)(b), assist in or operate transit-oriented or transit-supportive developments;

(o) subject to Subsections (2) and (3), establish, finance, participate as a limited partner or member in a development with limited liabilities in accordance with Subsection (1)(p), construct, improve, maintain, or operate transit facilities, equipment, and, in accordance with Subsection (3), transit-oriented developments or transit-supportive developments; and

(p) subject to the restrictions and requirements in Subsections (2) and (3), assist in a transit-oriented development or a transit-supportive development in connection with project area development as defined in Section 17C-1-102 by:

(i) investing in a project as a limited partner or a member, with limited liabilities; or

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(ii) subordinating an ownership interest in real property owned by the public transit district.

(2) (a) A public transit district may only assist in the development of areas under Subsection (1)(p) that have been approved by the board of trustees, and in the manners described in Subsection (1)(p).

(b) A public transit district may not invest in a transit-oriented development or transit-supportive development as a limited partner or other limited liability entity under the provisions of Subsection (1)(p)(i), unless the partners, developer, or other investor in the entity, makes an equity contribution equal to no less than 25% of the appraised value of the property to be contributed by the public transit district.

(c) (i) For transit-oriented development projects, a public transit district shall adopt transit-oriented development policies and guidelines that include provisions on affordable housing.

(ii) For transit-supportive development projects, a public transit district shall work with the metropolitan planning organization and city and county governments where the project is located to collaboratively seek to create joint plans for the areas within one-half mile of transit stations, including plans for affordable housing.

(d) A current board member of a public transit district to which the board member is appointed may not have any interest in the transactions engaged in by the public transit district pursuant to Subsection (1)(p)(i) or (ii), except as may be required by the board member's fiduciary duty as a board member.

(3) For any transit-oriented development or transit-supportive development authorized in this section, the public transit district shall:

(a) perform a cost-benefit analysis of the monetary investment and expenditures of the development, including effect on:

- (i) service and ridership;
- (ii) regional plans made by the metropolitan planning agency;
- (iii) the local economy;
- (iv) the environment and air quality;
- (v) affordable housing; and
- (vi) integration with other modes of transportation;

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(b) provide evidence to the public of a quantifiable positive return on investment, including improvements to public transit service; and

(c) coordinate with the Department of Transportation in accordance with Section 72-1-202 pertaining to fixed guideway capital development and associated parking facilities within a station area plan for a transit oriented development within a large public transit district.

(4) For any fixed guideway capital development project with oversight by the Department of Transportation as described in Section 72-1-202, a large public transit district shall coordinate with the Department of Transportation in all aspects of the project, including planning, project development, outreach, programming, environmental studies and impact statements, impacts on public transit operations, and construction.

(5) A public transit district may participate in a transit-oriented development only if:

(a) for a transit-oriented development involving a municipality:

(i) the relevant municipality has developed and adopted a station area plan; and

(ii) the municipality is in compliance with Sections 10-9a-403 and 10-9a-408 regarding the inclusion of moderate income housing in the general plan and the required reporting requirements; or

(b) for a transit-oriented development involving property in an unincorporated area of a county, the county is in compliance with Sections 17-27a-403 and 17-27a-408 regarding inclusion of moderate income housing in the general plan and required reporting requirements.

(6) A public transit district may be funded from any combination of federal, state, local, or private funds.

(7) A public transit district may not acquire property by eminent domain.

Section ~~187~~188. Section **17B-2a-817** is amended to read:

### **17B-2a-817. Voter approval required for property tax levy.**

Notwithstanding the provisions of Section 17B-1-1001 and in addition to a property tax under Section 17B-1-1103 to pay general obligation bonds of the district, a public transit district may levy a property tax, as provided in and subject to [~~Chapter 1, Part 10, Local District Property Tax Levy~~] Chapter 1, Part 10, Special District Property Tax Levy, if:

(1) the district first submits the proposal to levy the property tax to voters within the district; and

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(2) a majority of voters within the district voting on the proposal vote in favor of the tax at an election held for that purpose on a date specified in Section 20A-1-204.

Section ~~{188}~~189. Section **17B-2a-902** is amended to read:

### **17B-2a-902. Provisions applicable to service areas.**

(1) Each service area is governed by and has the powers stated in:

(a) this part; and

(b) except as provided in Subsection (5), [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts.

(2) This part applies only to service areas.

(3) A service area is not subject to the provisions of any other part of this chapter.

(4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in this part, the provision in this part governs.

(5) (a) Except as provided in Subsection (5)(b), on or after December 31, 2012, a service area may not charge or collect a fee under Section 17B-1-643 for:

(i) law enforcement services;

(ii) fire protection services;

(iii) 911 ambulance or paramedic services as defined in Section 26-8a-102 that are provided under a contract in accordance with Section 26-8a-405.2; or

(iv) emergency services.

(b) Subsection (5)(a) does not apply to:

(i) a fee charged or collected on an individual basis rather than a general basis;

(ii) a non-911 service as defined in Section 26-8a-102 that is provided under a contract in accordance with Section 26-8a-405.2;

(iii) an impact fee charged or collected for a public safety facility as defined in Section 11-36a-102; or

(iv) a service area that includes within the boundary of the service area a county of the fifth or sixth class.

Section ~~{189}~~190. Section **17B-2a-903** is amended to read:

**17B-2a-903. Additional service area powers -- Property tax limitation for service area providing law enforcement service.**

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(1) In addition to the powers conferred on a service area under Section 17B-1-103, a service area:

(a) may issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~] Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;

(b) that, until April 30, 2007, was a regional service area, may provide park, recreation, or parkway services, or any combination of those services; and

(c) may, with the consent of the county in which the service area is located, provide planning and zoning service.

(2) A service area that provides law enforcement service may not levy a property tax or increase its certified tax rate, as defined in Section 59-2-924, without the prior approval of:

(a) (i) the legislative body of each municipality that is partly or entirely within the boundary of the service area; and

(ii) the legislative body of the county with an unincorporated area within the boundary of the service area; or

(b) (i) a majority of the legislative bodies of all municipalities that are partly or entirely within the boundary of the service area; and

(ii) two-thirds of the legislative body of the county with an unincorporated area within the boundary of the service area.

Section ~~190~~ 191. Section **17B-2a-904** is amended to read:

**17B-2a-904. Regional service areas to become service areas -- Change from regional service area to service area not to affect rights, obligations, board makeup, or property of former regional service area.**

(1) Each regional service area, created and operating under the law in effect before April 30, 2007, becomes on that date a service area, governed by and subject to [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and this part.

(2) The change of an entity from a regional service area to a service area under Subsection (1) does not affect:

(a) the entity's basic structure and operations or its nature as a body corporate and politic and a political subdivision of the state;

(b) the ability of the entity to provide the service that the entity:

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- (i) was authorized to provide before the change; and
- (ii) provided before the change;
- (c) the validity of the actions taken, bonds issued, or contracts or other obligations entered into by the entity before the change;
- (d) the ability of the entity to continue to impose and collect taxes, fees, and other charges for the service it provides;
- (e) the makeup of the board of trustees;
- (f) the entity's ownership of property acquired before the change; or
- (g) any other powers, rights, or obligations that the entity had before the change, except as modified by this part.

Section ~~{191}~~ 192. Section **17B-2a-907** is amended to read:

### **17B-2a-907. Adding a new service within a service area.**

A service area may begin to provide within the boundaries of the service area a service that it had not previously provided by using the procedures set forth in [~~Chapter 1, Part 2, Creation of a Local District~~] Chapter 1, Part 2, Creation of ~~{a}~~ Special District, for the creation of a service area as though a new service area were being created to provide that service.

Section ~~{192}~~ 193. Section **17B-2a-1003** is amended to read:

### **17B-2a-1003. Provisions applicable to water conservancy districts.**

- (1) Each water conservancy district is governed by and has the powers stated in:
  - (a) this part; and
  - (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts.
- (2) This part applies only to water conservancy districts.
- (3) A water conservancy district is not subject to the provisions of any other part of this chapter.
- (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in this part, the provision in this part governs.
- (5) Before September 30, 2019, a water conservancy district shall submit a written report to the Revenue and Taxation Interim Committee that describes, for the water conservancy district's fiscal year that ended in 2018, the percentage and amount of revenue in

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the water conservancy district from:

- (a) property taxes;
- (b) water rates; and
- (c) all other sources.

Section ~~{193}~~194. Section **17B-2a-1004** is amended to read:

**17B-2a-1004. Additional water conservancy district powers -- Limitations on water conservancy districts.**

(1) In addition to the powers conferred on a water conservancy district under Section 17B-1-103, a water conservancy district may:

(a) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]  
Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;

(b) acquire or lease any real or personal property or acquire any interest in real or personal property, as provided in Subsections 17B-1-103(2)(a) and (b), whether inside or outside the district;

(c) acquire or construct works, facilities, or improvements, as provided in Subsection 17B-1-103(2)(d), whether inside or outside the district;

(d) acquire water, works, water rights, and sources of water necessary or convenient to the full exercise of the district's powers, whether the water, works, water rights, or sources of water are inside or outside the district, and encumber, sell, lease, transfer an interest in, or dispose of water, works, water rights, and sources of water;

(e) fix rates and terms for the sale, lease, or other disposal of water;

(f) acquire rights to the use of water from works constructed or operated by the district or constructed or operated pursuant to a contract to which the district is a party, and sell rights to the use of water from those works;

(g) levy assessments against lands within the district to which water is allotted on the basis of:

(i) a uniform district-wide value per acre foot of irrigation water; or

(ii) a uniform unit-wide value per acre foot of irrigation water, if the board divides the district into units and fixes a different value per acre foot of water in the respective units;

(h) fix rates for the sale, lease, or other disposal of water, other than irrigation water, at rates that are equitable, though not necessarily equal or uniform, for like classes of service;

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(i) adopt and modify plans and specifications for the works for which the district was organized;

(j) investigate and promote water conservation and development;

(k) appropriate and otherwise acquire water and water rights inside or outside the state;

(l) develop, store, treat, and transport water;

(m) acquire stock in canal companies, water companies, and water users associations;

(n) acquire, construct, operate, or maintain works for the irrigation of land;

(o) subject to Subsection (2), sell water and water services to individual customers and charge sufficient rates for the water and water services supplied;

(p) own property for district purposes within the boundaries of a municipality; and

(q) coordinate water resource planning among public entities.

(2) (a) A water conservancy district and another political subdivision of the state may contract with each other, and a water conservancy district may contract with one or more public entities and private persons, for:

(i) the joint operation or use of works owned by any party to the contract; or

(ii) the sale, purchase, lease, exchange, or loan of water, water rights, works, or related services.

(b) An agreement under Subsection (2)(a) may provide for the joint use of works owned by one of the contracting parties if the agreement provides for reasonable compensation.

(c) A statutory requirement that a district supply water to its own residents on a priority basis does not apply to a contract under Subsection (2)(a).

(d) An agreement under Subsection (2)(a) may include terms that the parties determine, including:

(i) a term of years specified by the contract;

(ii) a requirement that the purchasing party make specified payments, without regard to actual taking or use;

(iii) a requirement that the purchasing party pay user charges, charges for the availability of water or water facilities, or other charges for capital costs, debt service, operating and maintenance costs, and the maintenance of reasonable reserves, whether or not the related water, water rights, or facilities are acquired, completed, operable, or operating, and notwithstanding the suspension, interruption, interference, reduction, or curtailment of water or



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services for any reason;

(iv) provisions for one or more parties to acquire an undivided ownership interest in, or a contractual right to the capacity, output, or services of, joint water facilities, and establishing:

(A) the methods for financing the costs of acquisition, construction, and operation of the joint facilities;

(B) the method for allocating the costs of acquisition, construction, and operation of the facilities among the parties consistent with their respective interests in or rights to the facilities;

(C) a management committee comprised of representatives of the parties, which may be responsible for the acquisition, construction, and operation of the facilities as the parties determine; and

(D) the remedies upon a default by any party in the performance of its obligations under the contract, which may include a provision obligating or enabling the other parties to succeed to all or a portion of the ownership interest or contractual rights and obligations of the defaulting party; and

(v) provisions that a purchasing party make payments from:

(A) general or other funds of the purchasing party;

(B) the proceeds of assessments levied under this part;

(C) the proceeds of impact fees imposed by any party under Title 11, Chapter 36a, Impact Fees Act;

(D) revenues from the operation of the water system of a party receiving water or services under the contract;

(E) proceeds of any revenue-sharing arrangement between the parties, including amounts payable as a percentage of revenues or net revenues of the water system of a party receiving water or services under the contract; and

(F) any combination of the sources of payment listed in Subsections (2)(d)(v)(A) through (E).

(3) (a) A water conservancy district may enter into a contract with another state or a political subdivision of another state for the joint construction, operation, or ownership of a water facility.

(b) Water from any source in the state may be appropriated and used for beneficial

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purposes within another state only as provided in Title 73, Chapter 3a, Water Exports.

(4) (a) Except as provided in Subsection (4)(b), a water conservancy district may not sell water to a customer located within a municipality for domestic or culinary use without the consent of the municipality.

(b) Subsection (4)(a) does not apply if:

(i) the property of a customer to whom a water conservancy district sells water was, at the time the district began selling water to the customer, within an unincorporated area of a county; and

(ii) after the district begins selling water to the customer, the property becomes part of a municipality through municipal incorporation or annexation.

(5) A water conservancy district may not carry or transport water in transmountain diversion if title to the water was acquired by a municipality by eminent domain.

(6) A water conservancy district may not be required to obtain a franchise for the acquisition, ownership, operation, or maintenance of property.

(7) A water conservancy district may not acquire by eminent domain title to or beneficial use of vested water rights for transmountain diversion.

Section ~~{194}~~195. Section **17B-2a-1007** is amended to read:

### **17B-2a-1007. Contract assessments.**

(1) As used in this section:

(a) "Assessed land" means:

(i) for a contract assessment under a water contract with a private water user, the land owned by the private water user that receives the beneficial use of water under the water contract; or

(ii) for a contract assessment under a water contract with a public water user, the land within the boundaries of the public water user that is within the boundaries of the water conservancy district and that receives the beneficial use of water under the water contract.

(b) "Contract assessment" means an assessment levied as provided in this section by a water conservancy district on assessed land.

(c) "Governing body" means:

(i) for a county, city, or town, the legislative body of the county, city, or town;

(ii) for a ~~[local]~~ special district, the board of trustees of the ~~[local]~~ special district;

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(iii) for a special service district:

(A) the legislative body of the county, city, or town that established the special service district, if no administrative control board has been appointed under Section 17D-1-301; or

(B) the administrative control board of the special service district, if an administrative control board has been appointed under Section 17D-1-301; and

(iv) for any other political subdivision of the state, the person or body with authority to govern the affairs of the political subdivision.

(d) "Petitioner" means a private petitioner or a public petitioner.

(e) "Private petitioner" means an owner of land within a water conservancy district who submits a petition to a water conservancy district under Subsection (3) to enter into a water contract with the district.

(f) "Private water user" means an owner of land within a water conservancy district who enters into a water contract with the district.

(g) "Public petitioner" means a political subdivision of the state:

(i) whose territory is partly or entirely within the boundaries of a water conservancy district; and

(ii) that submits a petition to a water conservancy district under Subsection (3) to enter into a water contract with the district.

(h) "Public water user" means a political subdivision of the state:

(i) whose territory is partly or entirely within the boundaries of a water conservancy district; and

(ii) that enters into a water contract with the district.

(i) "Water contract" means a contract between a water conservancy district and a private water user or a public water user under which the water user purchases, leases, or otherwise acquires the beneficial use of water from the water conservancy district for the benefit of:

(i) land owned by the private water user; or

(ii) land within the public water user's boundaries that is also within the boundaries of the water conservancy district.

(j) "Water user" means a private water user or a public water user.

(2) A water conservancy district may levy a contract assessment as provided in this

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section.

(3) (a) The governing body of a public petitioner may authorize its chief executive officer to submit a written petition on behalf of the public petitioner to a water conservancy district requesting to enter into a water contract.

(b) A private petitioner may submit a written petition to a water conservancy district requesting to enter into a water contract.

(c) Each petition under this Subsection (3) shall include:

- (i) the petitioner's name;
- (ii) the quantity of water the petitioner desires to purchase or otherwise acquire;
- (iii) a description of the land upon which the water will be used;
- (iv) the price to be paid for the water;
- (v) the amount of any service, turnout, connection, distribution system, or other charge to be paid;
- (vi) whether payment will be made in cash or annual installments;
- (vii) a provision requiring the contract assessment to become a lien on the land for which the water is petitioned and is to be allotted; and
- (viii) an agreement that the petitioner is bound by the provisions of this part and the rules and regulations of the water conservancy district board of trustees.

(4) (a) If the board of a water conservancy district desires to consider a petition submitted by a petitioner under Subsection (3), the board shall:

(i) post notice of the petition and of the hearing required under Subsection (4)(a)(ii) on the Utah Public Notice Website, created in Section 63A-16-601, for at least two successive weeks immediately before the date of the hearing; and

(ii) hold a public hearing on the petition.

(b) Each notice under Subsection (4)(a)(i) shall:

(i) state that a petition has been filed and that the district is considering levying a contract assessment; and

(ii) give the date, time, and place of the hearing required under Subsection (4)(a)(ii).

(c) (i) At each hearing required under Subsection (4)(a)(ii), the board of trustees of the water conservancy district shall:

(A) allow any interested person to appear and explain why the petition should not be

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granted; and

(B) consider each written objection to the granting of the petition that the board receives before or at the hearing.

(ii) The board of trustees may adjourn and reconvene the hearing as the board considers appropriate.

(d) (i) Any interested person may file with the board of the water conservancy district, at or before the hearing under Subsection (4)(a)(ii), a written objection to the district's granting a petition.

(ii) Each person who fails to submit a written objection within the time provided under Subsection (4)(d)(i) is considered to have consented to the district's granting the petition and levying a contract assessment.

(5) After holding a public hearing as required under Subsection (4)(a)(ii), the board of trustees of a water conservancy district may:

(a) deny the petition; or

(b) grant the petition, if the board considers granting the petition to be in the best interests of the district.

(6) The board of a water conservancy district that grants a petition under this section may:

(a) make an allotment of water for the benefit of assessed land;

(b) authorize any necessary construction to provide for the use of water upon the terms and conditions stated in the water contract;

(c) divide the district into units and fix a different rate for water purchased or otherwise acquired and for other charges within each unit, if the rates and charges are equitable, although not equal and uniform, for similar classes of services throughout the district; and

(d) levy a contract assessment on assessed land.

(7) (a) The board of trustees of each water conservancy district that levies a contract assessment under this section shall:

(i) cause a certified copy of the resolution, ordinance, or order levying the assessment to be recorded in the office of the recorder of each county in which assessed land is located; and

(ii) on or before July 1 of each year after levying the contract assessment, certify to the

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auditor of each county in which assessed land is located the amount of the contract assessment.

(b) Upon the recording of the resolution, ordinance, or order, in accordance with Subsection (7)(a)(i):

(i) the contract assessment associated with allotting water to the assessed land under the water contract becomes a political subdivision lien, as that term is defined in Section 11-60-102, on the assessed land, in accordance with Title 11, Chapter 60, Political Subdivision Lien Authority, as of the effective date of the resolution, ordinance, or order; and

(ii) (A) the board of trustees of the water conservancy district shall certify the amount of the assessment to the county treasurer; and

(B) the county treasurer shall include the certified amount on the property tax notice required by Section 59-2-1317 for that year.

(c) (i) Each county in which assessed land is located shall collect the contract assessment in the same manner as taxes levied by the county.

(ii) If the amount of a contract assessment levied under this section is not paid in full in a given year:

(A) by September 15, the governing body of the water conservancy district that levies the contract assessment shall certify any unpaid amount to the treasurer of the county in which the property is located; and

(B) the county treasurer shall include the certified amount on the property tax notice required by Section 59-2-1317 for that year.

(8) (a) The board of trustees of each water conservancy district that levies a contract assessment under this section shall:

(i) hold a public hearing, before August 8 of each year in which a contract assessment is levied, to hear and consider objections filed under Subsection (8)(b); and

(ii) post a notice:

(A) on the Utah Public Notice Website, created in Section 63A-16-601, for at least the two consecutive weeks before the public hearing; and

(B) that contains a general description of the assessed land, the amount of the contract assessment, and the time and place of the public hearing under Subsection (8)(a)(i).

(b) An owner of assessed land within the water conservancy district who believes that the contract assessment on the owner's land is excessive, erroneous, or illegal may, before the

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hearing under Subsection (8)(a)(i), file with the board of trustees a verified, written objection to the assessment, stating the grounds for the objection.

(c) (i) At each hearing under Subsection (8)(a)(i), the board of trustees shall hear and consider the evidence and arguments supporting each objection.

(ii) After hearing and considering the evidence and arguments supporting an objection, the board of trustees:

(A) shall enter a written order, stating its decision; and

(B) may modify the assessment.

(d) (i) An owner of assessed land may file a petition in district court seeking review of a board of trustees' order under Subsection (8)(c)(ii)(A).

(ii) Each petition under Subsection (8)(d)(i) shall:

(A) be filed within 30 days after the board enters its written order;

(B) state specifically the part of the board's order for which review is sought; and

(C) be accompanied by a bond with good and sufficient security in an amount not exceeding \$200, as determined by the court clerk.

(iii) If more than one owner of assessed land seeks review, the court may, upon a showing that the reviews may be consolidated without injury to anyone's interests, consolidate the reviews and hear them together.

(iv) The court shall act as quickly as possible after a petition is filed.

(v) A court may not disturb a board of trustees' order unless the court finds that the contract assessment on the petitioner's assessed land is manifestly disproportionate to assessments imposed upon other land in the district.

(e) If no petition under Subsection (8)(d) is timely filed, the contract assessment is conclusively considered to have been made in proportion to the benefits conferred on the land in the district.

(9) Each resolution, ordinance, or order under which a water conservancy district levied a Class B, Class C, or Class D assessment before April 30, 2007, under the law in effect at the time of the levy is validated, ratified, and confirmed, and a water conservancy district may continue to levy the assessment according to the terms of the resolution, ordinance, or order.

(10) A contract assessment is not a levy of an ad valorem property tax and is not

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subject to the limits stated in Section 17B-2a-1006.

Section 196. Section 17B-2a-1102 is amended to read:

### **17B-2a-1102. Definitions.**

As used in this part:

- (1) "Municipal services" means one or more of the services identified in Section 17-34-1, 17-36-3, or 17B-1-202.
- (2) "Metro township" means:
  - (a) a metro township for which the electors at an election under Section 10-2a-404 chose a metro township that is included in a municipal services district; or
  - (b) a metro township that subsequently joins a municipal services district.

~~Section 195~~197. Section 17B-2a-1104 is amended to read:

### **17B-2a-1104. Additional municipal services district powers.**

In addition to the powers conferred on a municipal services district under Section 17B-1-103, a municipal services district may:

- (1) notwithstanding Subsection 17B-1-202(3), provide no more than six municipal services;
- (2) assist a municipality or a county located within a municipal services district by providing staffing and administrative services, including:
  - (a) human resources staffing and services;
  - (b) finance and budgeting staffing and services; and
  - (c) information technology staffing and services; and
- (3) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]  
Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district.

~~Section 196~~198. Section 17B-2a-1106 is amended to read:

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

- (1) Notwithstanding any other provision of law regarding the membership of a [~~local~~]  
special district board of trustees, the initial board of trustees of a municipal services district shall consist of the county legislative body.
- (2) (a) If, after the initial creation of a municipal services district, an area within the district is incorporated as a municipality as defined in Section 10-1-104 and the area is not withdrawn from the district in accordance with Section 17B-1-502 or 17B-1-505, or an area



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within the municipality is annexed into the municipal services district in accordance with Section 17B-2a-1103, the district's board of trustees shall be as follows:

- (i) subject to Subsection (2)(b), a member of that municipality's governing body;
  - (ii) one member of the county council of the county in which the municipal services district is located; and
  - (iii) the total number of board members is not required to be an odd number.
- (b) A member described in Subsection (2)(a)(i) shall be:
- (i) for a municipality other than a metro township, designated by the municipal legislative body; and
  - (ii) for a metro township, the mayor of the metro township or, during any period of time when the mayor is absent, unable, or refuses to act, the mayor pro tempore that the metro township council elects in accordance with Subsection 10-3b-503(4).
- (3) For a board of trustees described in Subsection (2), each board member's vote is weighted using the proportion of the municipal services district population that resides:
- (a) for each member described in Subsection (2)(a)(i), within that member's municipality; and
  - (b) for the member described in Subsection (2)(a)(ii), within the unincorporated county.
- (4) The board may adopt a resolution providing for future board members to be appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.
- (5) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of trustees may adopt a resolution to determine the internal governance of the board.
- (6) The municipal services district and the county may enter into an agreement for the provision of legal services to the municipal services district.

Section ~~{197}~~199. Section **17C-1-102** is amended to read:

### **17C-1-102. Definitions.**

As used in this title:

- (1) "Active project area" means a project area that has not been dissolved in accordance with Section 17C-1-702.
- (2) "Adjusted tax increment" means the percentage of tax increment, if less than 100%, that an agency is authorized to receive:

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(a) for a pre-July 1, 1993, project area plan, under Section 17C-1-403, excluding tax increment under Subsection 17C-1-403(3);

(b) for a post-June 30, 1993, project area plan, under Section 17C-1-404, excluding tax increment under Section 17C-1-406;

(c) under a project area budget approved by a taxing entity committee; or

(d) under an interlocal agreement that authorizes the agency to receive a taxing entity's tax increment.

(3) "Affordable housing" means housing owned or occupied by a low or moderate income family, as determined by resolution of the agency.

(4) "Agency" or "community reinvestment agency" means a separate body corporate and politic, created under Section 17C-1-201.5 or as a redevelopment agency or community development and renewal agency under previous law:

(a) that is a political subdivision of the state;

(b) that is created to undertake or promote project area development as provided in this title; and

(c) whose geographic boundaries are coterminous with:

(i) for an agency created by a county, the unincorporated area of the county; and

(ii) for an agency created by a municipality, the boundaries of the municipality.

(5) "Agency funds" means money that an agency collects or receives for agency operations, implementing a project area plan or an implementation plan as defined in Section 17C-1-1001, or other agency purposes, including:

(a) project area funds;

(b) income, proceeds, revenue, or property derived from or held in connection with the agency's undertaking and implementation of project area development or agency-wide project development as defined in Section 17C-1-1001;

(c) a contribution, loan, grant, or other financial assistance from any public or private source;

(d) project area incremental revenue as defined in Section 17C-1-1001; or

(e) property tax revenue as defined in Section 17C-1-1001.

(6) "Annual income" means the same as that term is defined in regulations of the United States Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as

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amended or as superseded by replacement regulations.

(7) "Assessment roll" means the same as that term is defined in Section 59-2-102.

(8) "Base taxable value" means, unless otherwise adjusted in accordance with provisions of this title, a property's taxable value as shown upon the assessment roll last equalized during the base year.

(9) "Base year" means, except as provided in Subsection 17C-1-402(4)(c), the year during which the assessment roll is last equalized:

(a) for a pre-July 1, 1993, urban renewal or economic development project area plan, before the project area plan's effective date;

(b) for a post-June 30, 1993, urban renewal or economic development project area plan, or a community reinvestment project area plan that is subject to a taxing entity committee:

(i) before the date on which the taxing entity committee approves the project area budget; or

(ii) if taxing entity committee approval is not required for the project area budget, before the date on which the community legislative body adopts the project area plan;

(c) for a project on an inactive airport site, after the later of:

(i) the date on which the inactive airport site is sold for remediation and development; or

(ii) the date on which the airport that operated on the inactive airport site ceased operations; or

(d) for a community development project area plan or a community reinvestment project area plan that is subject to an interlocal agreement, as described in the interlocal agreement.

(10) "Basic levy" means the portion of a school district's tax levy constituting the minimum basic levy under Section 59-2-902.

(11) "Board" means the governing body of an agency, as described in Section 17C-1-203.

(12) "Budget hearing" means the public hearing on a proposed project area budget required under Subsection 17C-2-201(2)(d) for an urban renewal project area budget, Subsection 17C-3-201(2)(d) for an economic development project area budget, or Subsection

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17C-5-302(2)(e) for a community reinvestment project area budget.

(13) "Closed military base" means land within a former military base that the Defense Base Closure and Realignment Commission has voted to close or realign when that action has been sustained by the president of the United States and Congress.

(14) "Combined incremental value" means the combined total of all incremental values from all project areas, except project areas that contain some or all of a military installation or inactive industrial site, within the agency's boundaries under project area plans and project area budgets at the time that a project area budget for a new project area is being considered.

(15) "Community" means a county or municipality.

(16) "Community development project area plan" means a project area plan adopted under Chapter 4, Part 1, Community Development Project Area Plan.

(17) "Community legislative body" means the legislative body of the community that created the agency.

(18) "Community reinvestment project area plan" means a project area plan adopted under Chapter 5, Part 1, Community Reinvestment Project Area Plan.

(19) "Contest" means to file a written complaint in the district court of the county in which the agency is located.

(20) "Development impediment" means a condition of an area that meets the requirements described in Section 17C-2-303 for an urban renewal project area or Section 17C-5-405 for a community reinvestment project area.

(21) "Development impediment hearing" means a public hearing regarding whether a development impediment exists within a proposed:

(a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section 17C-2-302; or

(b) community reinvestment project area under Section 17C-5-404.

(22) "Development impediment study" means a study to determine whether a development impediment exists within a survey area as described in Section 17C-2-301 for an urban renewal project area or Section 17C-5-403 for a community reinvestment project area.

(23) "Economic development project area plan" means a project area plan adopted under Chapter 3, Part 1, Economic Development Project Area Plan.

(24) "Fair share ratio" means the ratio derived by:

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(a) for a municipality, comparing the percentage of all housing units within the municipality that are publicly subsidized income targeted housing units to the percentage of all housing units within the county in which the municipality is located that are publicly subsidized income targeted housing units; or

(b) for the unincorporated part of a county, comparing the percentage of all housing units within the unincorporated county that are publicly subsidized income targeted housing units to the percentage of all housing units within the whole county that are publicly subsidized income targeted housing units.

(25) "Family" means the same as that term is defined in regulations of the United States Department of Housing and Urban Development, 24 C.F.R. Section 5.403, as amended or as superseded by replacement regulations.

(26) "Greenfield" means land not developed beyond agricultural, range, or forestry use.

(27) "Hazardous waste" means any substance defined, regulated, or listed as a hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant, or toxic substance, or identified as hazardous to human health or the environment, under state or federal law or regulation.

(28) "Housing allocation" means project area funds allocated for housing under Section 17C-2-203, 17C-3-202, or 17C-5-307 for the purposes described in Section 17C-1-412.

(29) "Housing fund" means a fund created by an agency for purposes described in Section 17C-1-411 or 17C-1-412 that is comprised of:

(a) project area funds, project area incremental revenue as defined in Section 17C-1-1001, or property tax revenue as defined in Section 17C-1-1001 allocated for the purposes described in Section 17C-1-411; or

(b) an agency's housing allocation.

(30) (a) "Inactive airport site" means land that:

(i) consists of at least 100 acres;

(ii) is occupied by an airport:

(A) (I) that is no longer in operation as an airport; or

(II) (Aa) that is scheduled to be decommissioned; and

(Bb) for which a replacement commercial service airport is under construction; and

(B) that is owned or was formerly owned and operated by a public entity; and

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(iii) requires remediation because:

(A) of the presence of hazardous waste or solid waste; or

(B) the site lacks sufficient public infrastructure and facilities, including public roads, electric service, water system, and sewer system, needed to support development of the site.

(b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land described in Subsection (30)(a).

(31) (a) "Inactive industrial site" means land that:

(i) consists of at least 1,000 acres;

(ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial facility; and

(iii) requires remediation because of the presence of hazardous waste or solid waste.

(b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land described in Subsection (31)(a).

(32) "Income targeted housing" means housing that is owned or occupied by a family whose annual income is at or below 80% of the median annual income for a family within the county in which the housing is located.

(33) "Incremental value" means a figure derived by multiplying the marginal value of the property located within a project area on which tax increment is collected by a number that represents the adjusted tax increment from that project area that is paid to the agency.

(34) "Loan fund board" means the Olene Walker Housing Loan Fund Board, established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.

(35) (a) "Local government building" means a building owned and operated by a community for the primary purpose of providing one or more primary community functions, including:

(i) a fire station;

(ii) a police station;

(iii) a city hall; or

(iv) a court or other judicial building.

(b) "Local government building" does not include a building the primary purpose of which is cultural or recreational in nature.

(36) "Major transit investment corridor" means the same as that term is defined in

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Section 10-9a-103.

(37) "Marginal value" means the difference between actual taxable value and base taxable value.

(38) "Military installation project area" means a project area or a portion of a project area located within a federal military installation ordered closed by the federal Defense Base Realignment and Closure Commission.

(39) "Municipality" means a city, town, or metro township as defined in Section 10-2a-403.

(40) "Participant" means one or more persons that enter into a participation agreement with an agency.

(41) "Participation agreement" means a written agreement between a person and an agency that:

(a) includes a description of:

(i) the project area development that the person will undertake;

(ii) the amount of project area funds the person may receive; and

(iii) the terms and conditions under which the person may receive project area funds;

and

(b) is approved by resolution of the board.

(42) "Plan hearing" means the public hearing on a proposed project area plan required under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan, Subsection 17C-3-102(1)(d) for an economic development project area plan, Subsection 17C-4-102(1)(d) for a community development project area plan, or Subsection 17C-5-104(3)(e) for a community reinvestment project area plan.

(43) "Post-June 30, 1993, project area plan" means a project area plan adopted on or after July 1, 1993, and before May 10, 2016, whether or not amended subsequent to the project area plan's adoption.

(44) "Pre-July 1, 1993, project area plan" means a project area plan adopted before July 1, 1993, whether or not amended subsequent to the project area plan's adoption.

(45) "Private," with respect to real property, means property not owned by a public entity or any other governmental entity.

(46) "Project area" means the geographic area described in a project area plan within

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which the project area development described in the project area plan takes place or is proposed to take place.

(47) "Project area budget" means a multiyear projection of annual or cumulative revenues and expenses and other fiscal matters pertaining to a project area prepared in accordance with:

- (a) for an urban renewal project area, Section 17C-2-201;
- (b) for an economic development project area, Section 17C-3-201;
- (c) for a community development project area, Section 17C-4-204; or
- (d) for a community reinvestment project area, Section 17C-5-302.

(48) "Project area development" means activity within a project area that, as determined by the board, encourages, promotes, or provides development or redevelopment for the purpose of implementing a project area plan, including:

- (a) promoting, creating, or retaining public or private jobs within the state or a community;
- (b) providing office, manufacturing, warehousing, distribution, parking, or other facilities or improvements;
- (c) planning, designing, demolishing, clearing, constructing, rehabilitating, or remediating environmental issues;
- (d) providing residential, commercial, industrial, public, or other structures or spaces, including recreational and other facilities incidental or appurtenant to the structures or spaces;
- (e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating existing structures;
- (f) providing open space, including streets or other public grounds or space around buildings;
- (g) providing public or private buildings, infrastructure, structures, or improvements;
- (h) relocating a business;
- (i) improving public or private recreation areas or other public grounds;
- (j) eliminating a development impediment or the causes of a development impediment;
- (k) redevelopment as defined under the law in effect before May 1, 2006; or
- (l) any activity described in this Subsection (48) outside of a project area that the board determines to be a benefit to the project area.



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(49) "Project area funds" means tax increment or sales and use tax revenue that an agency receives under a project area budget adopted by a taxing entity committee or an interlocal agreement.

(50) "Project area funds collection period" means the period of time that:

(a) begins the day on which the first payment of project area funds is distributed to an agency under a project area budget approved by a taxing entity committee or an interlocal agreement; and

(b) ends the day on which the last payment of project area funds is distributed to an agency under a project area budget approved by a taxing entity committee or an interlocal agreement.

(51) "Project area plan" means an urban renewal project area plan, an economic development project area plan, a community development project area plan, or a community reinvestment project area plan that, after the project area plan's effective date, guides and controls the project area development.

(52) (a) "Property tax" means each levy on an ad valorem basis on tangible or intangible personal or real property.

(b) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4, Privilege Tax.

(53) "Public entity" means:

(a) the United States, including an agency of the United States;

(b) the state, including any of the state's departments or agencies; or

(c) a political subdivision of the state, including a county, municipality, school district, ~~local~~ special district, special service district, community reinvestment agency, or interlocal cooperation entity.

(54) "Publicly owned infrastructure and improvements" means water, sewer, storm drainage, electrical, natural gas, telecommunication, or other similar systems and lines, streets, roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation facilities, or other facilities, infrastructure, and improvements benefitting the public and to be publicly owned or publicly maintained or operated.

(55) "Record property owner" or "record owner of property" means the owner of real property, as shown on the records of the county in which the property is located, to whom the

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property's tax notice is sent.

(56) "Sales and use tax revenue" means revenue that is:

(a) generated from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act;  
and

(b) distributed to a taxing entity in accordance with Sections 59-12-204 and 59-12-205.

(57) "Superfund site":

(a) means an area included in the National Priorities List under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

(b) includes an area formerly included in the National Priorities List, as described in Subsection (57)(a), but removed from the list following remediation that leaves on site the waste that caused the area to be included in the National Priorities List.

(58) "Survey area" means a geographic area designated for study by a survey area resolution to determine whether:

(a) one or more project areas within the survey area are feasible; or

(b) a development impediment exists within the survey area.

(59) "Survey area resolution" means a resolution adopted by a board that designates a survey area.

(60) "Taxable value" means:

(a) the taxable value of all real property a county assessor assesses in accordance with Title 59, Chapter 2, Part 3, County Assessment, for the current year;

(b) the taxable value of all real and personal property the commission assesses in accordance with Title 59, Chapter 2, Part 2, Assessment of Property, for the current year; and

(c) the year end taxable value of all personal property a county assessor assesses in accordance with Title 59, Chapter 2, Part 3, County Assessment, contained on the prior year's tax rolls of the taxing entity.

(61) (a) "Tax increment" means the difference between:

(i) the amount of property tax revenue generated each tax year by a taxing entity from the area within a project area designated in the project area plan as the area from which tax increment is to be collected, using the current assessed value of the property and each taxing entity's current certified tax rate as defined in Section 59-2-924; and

(ii) the amount of property tax revenue that would be generated from that same area

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using the base taxable value of the property and each taxing entity's current certified tax rate as defined in Section 59-2-924.

(b) "Tax increment" does not include taxes levied and collected under Section 59-2-1602 on or after January 1, 1994, upon the taxable property in the project area unless:

(i) the project area plan was adopted before May 4, 1993, whether or not the project area plan was subsequently amended; and

(ii) the taxes were pledged to support bond indebtedness or other contractual obligations of the agency.

(62) "Taxing entity" means a public entity that:

(a) levies a tax on property located within a project area; or

(b) imposes a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.

(63) "Taxing entity committee" means a committee representing the interests of taxing entities, created in accordance with Section 17C-1-402.

(64) "Unincorporated" means not within a municipality.

(65) "Urban renewal project area plan" means a project area plan adopted under Chapter 2, Part 1, Urban Renewal Project Area Plan.

Section ~~{198}~~200. Section **17C-1-409** is amended to read:

### **17C-1-409. Allowable uses of agency funds.**

(1) (a) An agency may use agency funds:

(i) for any purpose authorized under this title;

(ii) for administrative, overhead, legal, or other operating expenses of the agency, including consultant fees and expenses under Subsection 17C-2-102(1)(b)(ii)(B) or funding for a business resource center;

(iii) subject to Section 11-41-103, to pay for, including financing or refinancing, all or part of:

(A) project area development in a project area, including environmental remediation activities occurring before or after adoption of the project area plan;

(B) housing-related expenditures, projects, or programs as described in Section 17C-1-411 or 17C-1-412;

(C) an incentive or other consideration paid to a participant under a participation agreement;

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(D) subject to Subsections (1)(c) and (4), the value of the land for and the cost of the installation and construction of any publicly owned building, facility, structure, landscaping, or other improvement within the project area from which the project area funds are collected; or

(E) the cost of the installation of publicly owned infrastructure and improvements outside the project area from which the project area funds are collected if the board and the community legislative body determine by resolution that the publicly owned infrastructure and improvements benefit the project area;

(iv) in an urban renewal project area that includes some or all of an inactive industrial site and subject to Subsection (1)(e), to reimburse the Department of Transportation created under Section 72-1-201, or a public transit district created under [~~Title 17B, Chapter 2a, Part 8, Public Transit District Act~~] Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts, for the cost of:

(A) construction of a public road, bridge, or overpass;

(B) relocation of a railroad track within the urban renewal project area; or

(C) relocation of a railroad facility within the urban renewal project area;

(v) subject to Subsection (5), to transfer funds to a community that created the agency;

or

(vi) subject to Subsection (1)(f), for agency-wide project development under Part 10, Agency Taxing Authority.

(b) The determination of the board and the community legislative body under Subsection (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.

(c) An agency may not use project area funds received from a taxing entity for the purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal project area plan, an economic development project area plan, or a community reinvestment project area plan without the community legislative body's consent.

(d) (i) Subject to Subsection (1)(d)(ii), an agency may loan project area funds from a project area fund to another project area fund if:

(A) the board approves; and

(B) the community legislative body approves.

(ii) An agency may not loan project area funds under Subsection (1)(d)(i) unless the projections for agency funds are sufficient to repay the loan amount.

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(iii) A loan described in Subsection (1)(d) is not subject to Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties, or Title 17B, Chapter 1, Part 6, Fiscal Procedures for ~~Local~~ Special Districts.

(e) Before an agency may pay any tax increment or sales tax revenue under Subsection (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the reimbursement with:

- (i) the Department of Transportation; or
- (ii) a public transit district.

(f) Before an agency may use project area funds for agency-wide project development, as defined in Section 17C-1-1001, the agency shall obtain the consent of the taxing entity committee or each taxing entity party to an interlocal agreement with the agency.

(2) (a) Sales and use tax revenue that an agency receives from a taxing entity is not subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Retail Facility Incentive Payments Act.

(b) An agency may use sales and use tax revenue that the agency receives under an interlocal agreement under Section 17C-4-201 or 17C-5-204 for the uses authorized in the interlocal agreement.

(3) (a) An agency may contract with the community that created the agency or another public entity to use agency funds to reimburse the cost of items authorized by this title to be paid by the agency that are paid by the community or other public entity.

(b) If land is acquired or the cost of an improvement is paid by another public entity and the land or improvement is leased to the community, an agency may contract with and make reimbursement from agency funds to the community.

(4) Notwithstanding any other provision of this title, an agency may not use project area funds, project area incremental revenue as defined in Section 17C-1-1001, or property tax revenue as defined in Section 17C-1-1001, to construct a local government building unless the taxing entity committee or each taxing entity party to an interlocal agreement with the agency consents.

(5) For the purpose of offsetting the community's annual local contribution to the Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in

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a calendar year to a community under Subsections (1)(a)(v), 17C-1-411(1)(d), and 17C-1-412(1)(a)(x) may not exceed the community's annual local contribution as defined in Subsection 59-12-205(5).

Section ~~{199}~~201. Section **17D-1-102** is amended to read:

### **17D-1-102. Definitions.**

As used in this chapter:

(1) "Adequate protests" means written protests timely filed by:

(a) the owners of private real property that:

(i) is located within the applicable area;

(ii) covers at least 25% of the total private land area within the applicable area; and

(iii) is equal in value to at least 15% of the value of all private real property within the applicable area; or

(b) registered voters residing within the applicable area equal in number to at least 25% of the number of votes cast in the applicable area for the office of president of the United States at the most recent election prior to the adoption of the resolution or filing of the petition.

(2) "Applicable area" means:

(a) for a proposal to create a special service district, the area included within the proposed special service district;

(b) for a proposal to annex an area to an existing special service district, the area proposed to be annexed;

(c) for a proposal to add a service to the service or services provided by a special service district, the area included within the special service district; and

(d) for a proposal to consolidate special service districts, the area included within each special service district proposed to be consolidated.

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

(4) "General obligation bond":

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

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(i) levied:

(A) by the county or municipality that created the special service district that issues the bond; and

(B) on taxable property within the special service district; and

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

(b) does not include:

(i) a short-term bond;

(ii) a tax and revenue anticipation bond; or

(iii) a special assessment bond.

(5) "Governing body" means:

(a) the legislative body of the county or municipality that creates the special service district, to the extent that the county or municipal legislative body has not delegated authority to an administrative control board created under Section 17D-1-301; or

(b) the administrative control board of the special service district, to the extent that the county or municipal legislative body has delegated authority to an administrative control board created under Section 17D-1-301.

(6) "Guaranteed bonds" means bonds:

(a) issued by a special service district; and

(b) the debt service of which is guaranteed by one or more taxpayers owning property within the special service district.

~~[(7) "Local district" has the same meaning as defined in Section 17B-1-102.]~~

~~[(8)]~~ (7) "Revenue bond":

(a) means a bond payable from designated taxes or other revenues other than the ad valorem property taxes of the county or municipality that created the special service district; and

(b) does not include:

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

(ii) a tax and revenue anticipation bond; or

(iii) a special assessment bond.

~~[(9)]~~ (8) "Special assessment" means an assessment levied against property to pay all

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or a portion of the costs of making improvements that benefit the property.

~~[(10)]~~ (9) "Special assessment bond" means a bond payable from special assessments.

(10) "Special district" has the same meaning as that term is defined in Section 17B-1-102.

(11) "Special service district" means a limited purpose local government entity, as described in Section 17D-1-103, that:

(a) is created under authority of the Utah Constitution Article XI, Section 7; and

(b) operates under, is subject to, and has the powers set forth in this chapter.

(12) "Tax and revenue anticipation bond" means a bond:

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

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

Section ~~{200}~~202. Section **17D-1-103** is amended to read:

**17D-1-103. Special service district status, powers, and duties -- Registration as a limited purpose entity -- Limitation on districts providing jail service.**

(1) A special service district:

(a) is:

(i) a body corporate and politic with perpetual succession, separate and distinct from the county or municipality that creates it;

(ii) a quasi-municipal corporation; and

(iii) a political subdivision of the state; and

(b) may sue and be sued.

(2) A special service district may:

(a) exercise the power of eminent domain possessed by the county or municipality that creates the special service district;

(b) enter into a contract that the governing authority considers desirable to carry out special service district functions, including a contract:

(i) with the United States or an agency of the United States, the state, an institution of higher education, a county, a municipality, a school district, a ~~[local]~~ special district, another special service district, or any other political subdivision of the state; or



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(ii) that includes provisions concerning the use, operation, and maintenance of special service district facilities and the collection of fees or charges with respect to commodities, services, or facilities that the district provides;

(c) acquire or construct facilities;

(d) acquire real or personal property, or an interest in real or personal property, including water and water rights, whether by purchase, lease, gift, devise, bequest, or otherwise, and whether the property is located inside or outside the special service district, and own, hold, improve, use, finance, or otherwise deal in and with the property or property right;

(e) sell, convey, lease, exchange, transfer, or otherwise dispose of all or any part of the special service district's property or assets, including water and water rights;

(f) mortgage, pledge, or otherwise encumber all or any part of the special service district's property or assets, including water and water rights;

(g) enter into a contract with respect to the use, operation, or maintenance of all or any part of the special service district's property or assets, including water and water rights;

(h) accept a government grant or loan and comply with the conditions of the grant or loan;

(i) use an officer, employee, property, equipment, office, or facility of the county or municipality that created the special service district, subject to reimbursement as provided in Subsection (4);

(j) employ one or more officers, employees, or agents, including one or more engineers, accountants, attorneys, or financial consultants, and establish their compensation;

(k) designate an assessment area and levy an assessment as provided in Title 11, Chapter 42, Assessment Area Act;

(l) contract with a franchised, certificated public utility for the construction and operation of an electrical service distribution system within the special service district;

(m) borrow money and incur indebtedness;

(n) as provided in Part 5, Special Service District Bonds, issue bonds for the purpose of acquiring, constructing, and equipping any of the facilities required for the services the special service district is authorized to provide, including:

(i) bonds payable in whole or in part from taxes levied on the taxable property in the special service district;

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(ii) bonds payable from revenues derived from the operation of revenue-producing facilities of the special service district;

(iii) bonds payable from both taxes and revenues;

(iv) guaranteed bonds, payable in whole or in part from taxes levied on the taxable property in the special service district;

(v) tax anticipation notes;

(vi) bond anticipation notes;

(vii) refunding bonds;

(viii) special assessment bonds; and

(ix) bonds payable in whole or in part from mineral lease payments as provided in Section 11-14-308;

(o) except as provided in Subsection (5), impose fees or charges or both for commodities, services, or facilities that the special service district provides;

(p) provide to an area outside the special service district's boundary, whether inside or outside the state, a service that the special service district is authorized to provide within its boundary, if the governing body makes a finding that there is a public benefit to providing the service to the area outside the special service district's boundary;

(q) provide other services that the governing body determines will more effectively carry out the purposes of the special service district; and

(r) adopt an official seal for the special service district.

(3) (a) Each special service district shall register and maintain the special service district's registration as a limited purpose entity, in accordance with Section 67-1a-15.

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

(4) Each special service district that uses an officer, employee, property, equipment, office, or facility of the county or municipality that created the special service district shall reimburse the county or municipality a reasonable amount for what the special service district uses.

(5) (a) A special service district that provides jail service as provided in Subsection 17D-1-201(10) may not impose a fee or charge for the service it provides.

(b) Subsection (5)(a) may not be construed to limit a special service district that

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provides jail service from:

- (i) entering into a contract with the federal government, the state, or a political subdivision of the state to provide jail service for compensation; or
- (ii) receiving compensation for jail service it provides under a contract described in Subsection (5)(b)(i).

Section ~~{201}~~203. Section **17D-1-106** is amended to read:

### **17D-1-106. Special service districts subject to other provisions.**

(1) A special service district is, to the same extent as if it were a ~~[local]~~ special district, subject to and governed by:

(a) (i) Sections 17B-1-105, 17B-1-107, 17B-1-108, 17B-1-110, 17B-1-111, 17B-1-113, 17B-1-116, 17B-1-118, 17B-1-119, 17B-1-120, 17B-1-121, 17B-1-304, 17B-1-307, 17B-1-310, 17B-1-311, 17B-1-312, 17B-1-313, and 17B-1-314; and

(ii) Sections 17B-1-305 and 17B-1-306, to the extent that a county legislative body or a municipal legislative body, as applicable, has delegated authority to an administrative control board with elected members, under Section 17D-1-301.

(b) Subsections:

(i) 17B-1-301(3) and (4); and

(ii) 17B-1-303(1), (2)(a) and (b), (3), (4), (5), (6), (7), and (9);

(c) Section 20A-1-512;

(d) ~~[Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts]~~ Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts;

(e) ~~[Title 17B, Chapter 1, Part 7, Local District Budgets and Audit Reports]~~ Title 17B, Chapter 1, Part 7, Special District Budgets and Audit Reports;

(f) ~~[Title 17B, Chapter 1, Part 8, Local District Personnel Management]~~ Title 17B, Chapter 1, Part 8, Special District Personnel Management; and

(g) Title 17B, Chapter 1, Part 9, Collection of Service Fees and Charges.

(2) For purposes of applying the provisions listed in Subsection (1) to a special service district, each reference in those provisions to the ~~[local]~~ special district board of trustees means the governing body.

Section ~~{202}~~204. Section **17D-1-202** is amended to read:

### **17D-1-202. Limitations on the creation of a special service district.**

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(1) Subject to Subsection (2), the boundary of a proposed special service district may include all or part of the area within the boundary of the county or municipality that creates the special service district.

(2) (a) The boundary of a proposed special service district may not include an area included within the boundary of an existing special service district that provides the same service that the proposed special service district is proposed to provide.

(b) The boundary of a proposed special service district may not include an area included within the boundary of an existing ~~[local]~~ special district that provides the same service that the proposed special service district is proposed to provide, unless the ~~[local]~~ special district consents.

(c) A proposed special service district may not include land that will not be benefitted by the service that the special service district is proposed to provide, unless the owner of the nonbenefitted land consents to the inclusion.

(d) A county may not create a special service district that includes some or all of the area within a municipality unless the legislative body of that municipality adopts a resolution or ordinance consenting to the inclusion.

(3) All areas included within a special service district need not be contiguous.

Section ~~{203}~~205. Section **17D-1-303** is amended to read:

### **17D-1-303. Election or appointment of administrative control board members.**

(1) Except as provided in Subsection (5), a county or municipal legislative body that creates an administrative control board may provide for board members to be elected or appointed, or for some members to be elected and some appointed.

(2) Except as provided in Subsection (3), each member of an administrative control board shall be elected or appointed as provided for the election or appointment, respectively, of a member of a board of trustees of a ~~[local]~~ special district under Title 17B, Chapter 1, Part 3, Board of Trustees.

(3) A municipality or improvement district under Title 17B, Chapter 2a, Part 4, Improvement District Act, may appoint one member to represent it on an administrative control board created for a special service district if:

- (a) the special service district was created by a county;
- (b) the municipality or improvement district:

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- (i) provides the same service as the special service district; or
- (ii) provided the same service as the special service district:
  - (A) prior to the creation of the special service district, if all or part of the municipality or improvement district was then included in the special service district; or
  - (B) prior to all or part of the municipality or improvement district being annexed into the special service district; and
  - (c) the special service district includes some or all of the area included within the municipality or improvement district.

(4) An institution of higher education for which a special service district provides commodities, services, or facilities may appoint the number of members of an administrative control board of that special service district that are equal in number to at least 1/3 of the total number of board members.

(5) With respect to an administrative control board created for a special service district created by a county of the first class to provide jail service as provided in Subsection 17D-1-201(10), the county legislative body shall appoint:

- (a) three members from a list of at least six recommendations from the county sheriff;
- (b) three members from a list of at least six recommendations from municipalities within the county; and
- (c) three members from a list of at least six recommendations from the county executive.

Section ~~{204}~~206. Section **17D-1-305** is amended to read:

### **17D-1-305. Compensation for administrative control board members.**

An administrative control board member may receive compensation and reimbursement of expenses as provided in Section 17B-1-307 to the same extent as if the member were a member of a board of trustees of a [~~local~~] special district.

Section ~~{205}~~207. Section **17D-1-401** is amended to read:

### **17D-1-401. Annexing an area or adding a service to an existing special service district.**

(1) Except as provided in Subsections (3) and (4), a county or municipal legislative body acting as the governing body of the special service district may, as provided in this part:

- (a) annex an area to an existing special service district to provide to that area a service

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that the special service district is authorized to provide;

(b) add a service under Section 17D-1-201 within the area of an existing special service district that the special service district is not already authorized to provide; or

(c) both annex an area under Subsection (1)(a) and add a service under Subsection (1)(b).

(2) Except for Section 17D-1-209, the provisions of Part 2, Creating a Special Service District, apply to and govern the process of annexing an area to an existing special service district or adding a service that the special service district is not already authorized to provide, to the same extent as if the annexation or addition were the creation of a special service district.

(3) A county or municipal legislative body may not:

(a) annex an area to an existing special service district if a ~~[local]~~ special district provides to that area the same service that the special service district is proposed to provide to the area, unless the ~~[local]~~ special district consents to the annexation; or

(b) add a service within the area of an existing special service district if a ~~[local]~~ special district provides to that area the same service that is proposed to be added, unless the ~~[local]~~ special district consents to the addition.

(4) A county or municipal legislative body may not annex an area to an existing special service district or add a service within the area of an existing special service district if the creation of a special service district including that area or providing that service would not be allowed under Part 2, Creating a Special Service District.

(5) A county or municipal legislative body may not annex an area to an existing special service district or add a service within the area of an existing special service district if the area is located within a project area described in a project area plan adopted by the military installation development authority under Title 63H, Chapter 1, Military Installation Development Authority Act, unless the county or municipal legislative body has first obtained the authority's approval.

Section ~~206~~ 208. Section **17D-1-601** is amended to read:

**17D-1-601. Adoption of a resolution to approve withdrawal, dissolution, discontinuance of a service, or reorganization.**

Subject to and as provided in this part, the legislative body of the county or municipality that created a special service district may by resolution:

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(1) approve the withdrawal of an area from the special service district if the legislative body determines that the area should not or cannot be provided the service that the special service district provides;

(2) approve the dissolution of the special service district if the legislative body determines that the special service district is no longer needed for the purposes for which it was created;

(3) discontinue a service that the special service district provides; or

(4) reorganize the special service district as a ~~[local]~~ special district.

Section ~~{207}~~209. Section **17D-1-603** is amended to read:

### **17D-1-603. Notice and plat to lieutenant governor -- Recording requirements.**

(1) If a county or municipal legislative body adopts a resolution approving the withdrawal of an area from a special service district, the dissolution of a special service district, or the reorganization of a special service district as a ~~[local]~~ special district, the county or municipal legislative body, as the case may be, shall:

(a) within 30 days after adopting the resolution, file with the lieutenant governor:

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

(ii) in the case of a withdrawal, a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

(b) upon the lieutenant governor's issuance of a certificate of withdrawal, dissolution, or incorporation, as the case may be, under Section 67-1a-6.5, submit to the recorder of the county in which the special service district is located:

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

(ii) the original certificate of withdrawal or dissolution, as the case may be;

(iii) in the case of a withdrawal, the original approved final local entity plat; and

(iv) a certified copy of the resolution approving the withdrawal, dissolution, or incorporation.

(2) (a) Upon the lieutenant governor's issuance of the certificate of withdrawal under Section 67-1a-6.5, the area to be withdrawn that is the subject of the legislative body's resolution is withdrawn from the special service district.

(b) Upon the lieutenant governor's issuance of the certificate of dissolution under

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Section 67-1a-6.5, the special service district is dissolved.

(3) (a) Upon the lieutenant governor's issuance of a certificate of incorporation as provided in Section 67-1a-6.5, the special service district is:

(i) reorganized and incorporated as a ~~[local]~~ special district subject to the provisions of ~~[Title 17B, Chapter 1, Provisions Applicable to All Local Districts]~~ Title 17B, Chapter 1, Provisions Applicable to All Special Districts;

(ii) subject to Subsection (3)(b), if the special service district is reorganized as a ~~[local]~~ special district described in and subject to ~~[Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local Districts]~~ Title 17B, Chapter 2a, Provisions Applicable to Different Types of Special Districts, the applicable part of that chapter; and

(iii) no longer a special service district.

(b) A special service district reorganized as a ~~[local]~~ special district is a basic ~~[local]~~ special district as provided in ~~[Title 17B, Chapter 1, Part 14, Basic Local District]~~ Title 17B, Chapter 1, Part 14, Basic Special District, unless the resolution adopted in accordance with Subsection 17D-1-604(5):

(i) specifies that the reorganized ~~[local]~~ special district is a different type of ~~[local]~~ special district other than a basic ~~[local]~~ special district; and

(ii) states the type of that ~~[local]~~ special district, including the governing part in ~~[Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local Districts]~~ Title 17B, Chapter 2a, Provisions Applicable to Different Types of Special Districts.

Section ~~208~~ 210. Section **17D-1-604** is amended to read:

### **17D-1-604. Reorganization as a special district.**

(1) The legislative body of a county or municipality that has created a special service district may reorganize the special service district as a ~~[local]~~ special district in accordance with this section.

(2) The process to reorganize a special service district as a ~~[local]~~ special district is initiated if the legislative body of the county or municipality that originally created the special service district adopts a resolution that:

(a) indicates the legislative body's intent to reorganize the special service district as a ~~[local]~~ special district; and

(b) complies with the requirements of Subsection (3).



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(3) A resolution to initiate reorganization described in Subsection (2) shall:

(a) state the name of the special service district that is proposed to be reorganized as a ~~[local]~~ special district;

(b) generally describe the boundaries of the special service district, whether or not those boundaries coincide with the boundaries of the creating county or municipality; and

(c) specify each service that the special service district is authorized to provide.

(4) After adopting the resolution described in Subsection (3), the legislative body of the county or municipality that created the special service district shall hold a public hearing following the notice requirements of Section 17D-1-205 applicable to the creation of a special service district, with changes as appropriate for the reorganization of the special service district as a ~~[local]~~ special district.

(5) (a) At or following the public hearing, the county or municipal legislative body shall:

(i) subject to Subsection (5)(b), adopt a resolution approving the reorganization of the special service district as a ~~[local]~~ special district; or

(ii) abandon the reorganization.

(b) A resolution approving reorganization shall:

(i) state the name of the special service district that is being reorganized as a ~~[local]~~ special district;

(ii) state the name of the ~~[local]~~ special district in accordance with Subsection (7);

(iii) subject to Subsection (5)(c), describe the boundaries of the ~~[local]~~ special district;

(iv) subject to Subsection (8)(a), specify the service or services to be provided by the ~~[local]~~ special district;

(v) state:

(A) whether the ~~[local]~~ special district is a different type of ~~[local]~~ special district other than a basic ~~[local]~~ special district; and

(B) if the reorganized ~~[local]~~ special district is not a basic ~~[local]~~ special district, the type of ~~[local]~~ special district, including the governing part in ~~[Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local Districts]~~ Title 17B, Chapter 2a, Provisions Applicable to Different Types of Special Districts;

(vi) state whether the ~~[local]~~ special district is to be governed by an appointed or an

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elected board of trustees, or a combination of appointed and elected trustees, in accordance with Title 17B, Chapter 1, Part 3, Board of Trustees;

(vii) state whether an administrative control board established for the special service district that is being reorganized as a ~~[local]~~ special district will serve as the first board of trustees of the ~~[local]~~ special district; and

(viii) contain additional provisions as necessary.

(c) The boundaries of the ~~[local]~~ special district shall reflect the boundaries of the reorganized special service district.

(6) A county may not reorganize a special service district as a ~~[local]~~ special district to include some or all of the area within a municipality unless the legislative body of the municipality adopts a resolution or ordinance consenting to the reorganization.

(7) The name of the ~~[local]~~ special district:

(a) shall comply with Subsection 17-50-103(2)(a); and

(b) may not include the phrase "special service district."

(8) A ~~[local]~~ special district created under this section may not provide:

(a) (i) at the time of reorganization, a service that it could not have provided as the special service district prior to reorganization; or

(ii) after reorganization, an additional service listed in Section 17B-1-202, unless the ~~[local]~~ special district adds the service in accordance with the provisions of ~~[Title 17B, Chapter 1, Provisions Applicable to All Local Districts]~~ Title 17B, Chapter 1, Provisions Applicable to All Special Districts; and

(b) more than four of the services listed in Section 17B-1-202 at any time.

(9) After the lieutenant governor issues, in accordance with Section 67-1a-6.5, a certificate of incorporation for a ~~[local]~~ special district created under this section, the ~~[local]~~ special district:

(a) is:

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

(ii) a quasi-municipal corporation; and

(iii) a political subdivision of the state as provided in Section 17B-1-103; and

(b) may, subject to Subsection (8), provide a service that:

(i) the special service district was authorized to provide before reorganization; and

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(ii) the ~~[local]~~ special district is authorized to provide under the resolution adopted in accordance with Subsection (5).

(10) An action taken, a bond issued, or a contract or other obligation entered into by the reorganized special service district before reorganization is a valid action, bond issuance, contract, or other obligation of the ~~[local]~~ special district.

(11) A ~~[local]~~ special district created under this section:

(a) may impose and collect taxes, fees, and other charges for services provided in accordance with applicable law;

(b) shall own all property acquired by the special service district before reorganization; and

(c) shall have a power, right, or obligation that the reorganized special service district had before the reorganization, unless otherwise provided by law.

Section ~~(209)~~ 211. Section **17D-2-102** is amended to read:

### **17D-2-102. Definitions.**

As used in this chapter:

(1) "Authority board" means the board of directors of a local building authority, as described in Section 17D-2-203.

(2) "Bond" includes a bond, note, or other instrument issued under this chapter evidencing an indebtedness of a local building authority.

(3) "Creating local entity" means the local entity that creates or created the local building authority.

(4) "Governing body" means:

(a) for a county, city, or town, the legislative body of the county, city, or town;

(b) for a school district, the local school board for the school district;

(c) for a ~~[local]~~ special district, the ~~[local]~~ special district's board of trustees; and

(d) for a special service district, the special service district's governing body, as defined in Section 17D-1-102.

(5) "Local building authority":

(a) means a nonprofit corporation that is:

(i) created as provided in Section 17D-2-201;

(ii) described in Section 17D-2-103; and

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(iii) subject to and governed by the provisions of this chapter; and

(b) includes a nonprofit corporation created as a municipal building authority before May 5, 2008 under the law then in effect.

~~[(6) "Local district" has the same meaning as provided in Section 17B-1-102.]~~

~~[(7)]~~ (6) "Local entity" means a county, city, town, school district, ~~[local]~~ special district, or special service district.

~~[(8)]~~ (7) "Mortgage" means any instrument under which property may be encumbered as security for an obligation, including a mortgage, trust deed, indenture, pledge, assignment, security agreement, and financing statement.

~~[(9)]~~ (8) "Project" means an improvement, facility, property, or appurtenance to property that a local entity is permitted under law to own or acquire, whether located inside or outside the local entity's boundary, including:

(a) a public building or other structure of any kind; and

(b) a joint or partial interest in the improvement, facility, property, or appurtenance to property.

~~[(10)]~~ (9) "Project costs":

(a) means all costs incurred in the development of a project; and

(b) includes:

(i) organizational and incorporation fees, including filing, legal, and financial advisor fees;

(ii) the cost of a site for the project;

(iii) the cost of equipment and furnishings for the project;

(iv) the cost of planning and designing the project, including architectural, planning, engineering, legal, and fiscal advisor fees;

(v) contractor fees associated with the project;

(vi) the cost of issuing local building authority bonds to finance the project, including printing costs, document preparation costs, filing fees, recording fees, legal and other professional fees, underwriting costs, bond discount costs, any premium on the bonds, and any fees required to be paid to retire outstanding bonds;

(vii) interest on local building authority bonds issued to finance the project;

(viii) carrying costs;

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(ix) interest estimated to accrue on local building authority bonds during the period of construction of the project and for 12 months after;

(x) any amount the governing body finds necessary to establish one or more reserve funds;

(xi) any amount the governing body finds necessary to provide working capital for the project;

(xii) all costs of transferring title of the project to the creating local entity;

(xiii) all costs of dissolving the local building authority; and

(xiv) all other reasonable costs associated with the project.

(10) "Special district" means the same as that term is defined in Section 17B-1-102.

(11) "Special service district" [~~has the same meaning as provided~~] means the same as that term is defined in Section 17D-1-102.

Section ~~210~~212. Section **17D-2-108** is amended to read:

### **17D-2-108. Other statutory provisions.**

(1) This chapter is supplemental to existing laws relating to a local entity's acquisition, use, maintenance, management, or operation of a project.

(2) Except as provided in this chapter, a local entity or local building authority that complies with the provisions of this chapter need not comply with any other statutory provision concerning the acquisition, construction, use, or maintenance of a project, including:

(a) a statute relating to public bidding; and

(b) Title 63G, Chapter 6a, Utah Procurement Code.

(3) A local building authority is, to the same extent as if it were a [~~local~~] special district, subject to and governed by:

(a) [~~Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts~~] Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts;

(b) [~~Title 17B, Chapter 1, Part 8, Local District Personnel Management~~] Title 17B, Chapter 1, Part 8, Special District Personnel Management; and

(c) Section 17B-1-108.

Section ~~211~~213. Section **17D-3-105** is amended to read:

### **17D-3-105. Conservation districts subject to other provisions.**

(1) Subject to Subsection (3), a conservation district is, to the same extent as if it were

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a ~~[local]~~ special district, subject to and governed by:

(a) Sections 17B-1-105, 17B-1-107, 17B-1-108, 17B-1-110, 17B-1-113, 17B-1-116, 17B-1-121, 17B-1-307, 17B-1-311, 17B-1-313, and 17B-1-314;

(b) ~~[Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts]~~ Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts;

(c) ~~[Title 17B, Chapter 1, Part 7, Local District Budgets and Audit Reports]~~ Title 17B, Chapter 1, Part 7, Special District Budgets and Audit Reports;

(d) ~~[Title 17B, Chapter 1, Part 8, Local District Personnel Management]~~ Title 17B, Chapter 1, Part 8, Special District Personnel Management; and

(e) Title 17B, Chapter 1, Part 9, Collection of Service Fees and Charges.

(2) For purposes of applying the provisions listed in Subsection (1) to a conservation district, each reference in those provisions to the ~~[local]~~ special district board of trustees means the board of supervisors described in Section 17D-3-301.

(3) A conservation district may not exercise taxing authority.

Section ~~{212}~~ 214. Section **17D-4-102** is amended to read:

### **17D-4-102. Definitions.**

As used in this chapter:

(1) "Board" means the board of trustees of a public infrastructure district.

(2) "Creating entity" means the county, municipality, or development authority that approves the creation of a public infrastructure district.

(3) "Development authority" means:

(a) the Utah Inland Port Authority created in Section 11-58-201;

(b) the Point of the Mountain State Land Authority created in Section 11-59-201; or

(c) the military installation development authority created in Section 63H-1-201.

(4) "District applicant" means the person proposing the creation of a public infrastructure district.

(5) "Division" means a division of a public infrastructure district:

(a) that is relatively equal in number of eligible voters or potential eligible voters to all other divisions within the public infrastructure district, taking into account existing or potential developments which, when completed, would increase or decrease the population within the public infrastructure district; and

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(b) which a member of the board represents.

(6) "Governing document" means the document governing a public infrastructure district to which the creating entity agrees before the creation of the public infrastructure district, as amended from time to time, and subject to the limitations of [~~Title 17B, Chapter 1, Provisions Applicable to All Local Districts~~] Title 17B, Chapter 1, Provisions Applicable to All Special Districts, and this chapter.

(7) (a) "Limited tax bond" means a bond:

(i) that is directly payable from and secured by ad valorem property taxes that are levied:

(A) by a public infrastructure district that issues the bond; and

(B) on taxable property within the district;

(ii) that is a general obligation of the public infrastructure district; and

(iii) for which the ad valorem property tax levy for repayment of the bond does not exceed the property tax levy rate limit established under Section 17D-4-303 for any fiscal year, except as provided in Subsection 17D-4-301(8).

(b) "Limited tax bond" does not include:

(i) a short-term bond;

(ii) a tax and revenue anticipation bond; or

(iii) a special assessment bond.

(8) "Public infrastructure and improvements" means:

(a) the same as that term is defined in Section 11-58-102, for a public infrastructure district created by the Utah Inland Port Authority created in Section 11-58-201; and

(b) the same as that term is defined in Section 63H-1-102, for a public infrastructure district created by the military installation development authority created in Section 63H-1-201.

Section ~~{213}~~215. Section **17D-4-103** is amended to read:

**17D-4-103. Provisions applicable to public infrastructure districts.**

(1) Each public infrastructure district is governed by and has the powers stated in:

(a) this chapter; and

(b) [~~Title 17B, Chapter 1, Provisions Applicable to All Local Districts~~] Title 17B, Chapter 1, Provisions Applicable to All Special Districts.

(2) This chapter applies only to a public infrastructure district.

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(3) Except as modified or exempted by this chapter, a public infrastructure district is, to the same extent as if the public infrastructure district were a ~~[local]~~ special district, subject to the provisions in:

(a) ~~[Title 17B, Chapter 1, Provisions Applicable to All Local Districts]~~ Title 17B, Chapter 1, Provisions Applicable to All Special Districts; and

(b) Title 20A, Election Code.

(4) If there is a conflict between a provision in ~~[Title 17B, Chapter 1, Provisions Applicable to All Local Districts]~~ Title 17B, Chapter 1, Provisions Applicable to All Special Districts, and a provision in this chapter, the provision in this chapter supersedes the conflicting provision in ~~[Title 17B, Chapter 1, Provisions Applicable to All Local Districts]~~ Title 17B, Chapter 1, Provisions Applicable to All Special Districts.

(5) The annexation of an unincorporated area by a municipality or the adjustment of a boundary shared by more than one municipality does not affect the boundaries of a public infrastructure district.

Section ~~{214}~~216. Section **17D-4-201** is amended to read:

### **17D-4-201. Creation -- Annexation or withdrawal of property.**

(1) (a) Except as provided in Subsection (1)(b), Subsection (2), and in addition to the provisions regarding creation of a ~~[local]~~ special district in ~~[Title 17B, Chapter 1, Provisions Applicable to All Local Districts]~~ Title 17B, Chapter 1, Provisions Applicable to All Special Districts, a public infrastructure district may not be created unless:

(i) if there are any registered voters within the applicable area, a petition is filed with the creating entity that contains the signatures of 100% of registered voters within the applicable area approving the creation of the public infrastructure district; and

(ii) a petition is filed with the creating entity that contains the signatures of 100% of surface property owners within the applicable area consenting to the creation of the public infrastructure district.

(b) Notwithstanding ~~[Title 17B, Chapter 1, Part 2, Creation of a Local District]~~ Title 17B, Chapter 1, Part 2, Creation of a Special District, and any other provision of this chapter, the development authority may adopt a resolution creating a public infrastructure district as a subsidiary of the development authority if all owners of surface property proposed to be included within the public infrastructure district consent in writing to the creation of the public



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infrastructure district.

(2) (a) The following do not apply to the creation of a public infrastructure district:

- (i) Section 17B-1-203;
- (ii) Section 17B-1-204;
- (iii) Subsection 17B-1-208(2);
- (iv) Section 17B-1-212; or
- (v) Section 17B-1-214.

(b) The protest period described in Section 17B-1-213 may be waived in whole or in part with the consent of:

(i) 100% of registered voters within the applicable area approving the creation of the public infrastructure district; and

(ii) 100% of the surface property owners within the applicable area approving the creation of the public infrastructure district.

(c) If the protest period is waived under Subsection (2)(b), a resolution approving the creation of the public infrastructure district may be adopted in accordance with Subsection 17B-1-213(5).

(d) A petition meeting the requirements of Subsection (1):

(i) may be certified under Section 17B-1-209; and

(ii) shall be filed with the lieutenant governor in accordance with Subsection 17B-1-215(1)(b)(iii).

(3) (a) Notwithstanding Title 17B, Chapter 1, Part 4, Annexation, an area outside of the boundaries of a public infrastructure district may be annexed into the public infrastructure district if the following requirements are met:

(i) (A) adoption of resolutions of the board and the creating entity, each approving of the annexation; or

(B) adoption of a resolution of the board to annex the area, provided that the governing document or creation resolution for the public infrastructure district authorizes the board to annex an area outside of the boundaries of the public infrastructure district without future consent of the creating entity;

(ii) if there are any registered voters within the area proposed to be annexed, a petition is filed with the creating entity that contains the signatures of 100% of registered voters within

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the area, demonstrating that the registered voters approve of the annexation into the public infrastructure district; and

(iii) a petition is filed with the creating entity that contains the signatures of 100% of surface property owners within the area proposed to be annexed, demonstrating the surface property owners' consent to the annexation into the public infrastructure district.

(b) Within 30 days of meeting the requirements of Subsection (3)(a), the board shall file with the lieutenant governor:

(i) a copy of a notice of impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

(ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

(4) (a) Notwithstanding Title 17B, Chapter 1, Part 5, Withdrawal, property may be withdrawn from a public infrastructure district if the following requirements are met:

(i) (A) adoption of resolutions of the board and the creating entity, each approving of the withdrawal; or

(B) adoption of a resolution of the board to withdraw the property, provided that the governing document or creation resolution for the public infrastructure district authorizes the board to withdraw property from the public infrastructure district without further consent from the creating entity;

(ii) if there are any registered voters within the area proposed to be withdrawn, a petition is filed with the creating entity that contains the signatures of 100% of registered voters within the area, demonstrating that the registered voters approve of the withdrawal from the public infrastructure district; and

(iii) a petition is filed with the creating entity that contains the signatures of 100% of surface property owners within the area proposed to be withdrawn, demonstrating that the surface property owners consent to the withdrawal from the public infrastructure district.

(b) If any bonds that the public infrastructure district issues are allocable to the area to be withdrawn remain unpaid at the time of the proposed withdrawal, the property remains subject to any taxes, fees, or assessments that the public infrastructure district imposes until the bonds or any associated refunding bonds are paid.

(c) Upon meeting the requirements of Subsections (4)(a) and (b), the board shall comply with the requirements of Section 17B-1-512.

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(5) A creating entity may impose limitations on the powers of a public infrastructure district through the governing document.

(6) (a) A public infrastructure district is separate and distinct from the creating entity.

(b) (i) Except as provided in Subsection (6)(b)(ii), any financial burden of a public infrastructure district:

(A) is borne solely by the public infrastructure district; and

(B) is not borne by the creating entity, by the state, or by any municipality, county, or other political subdivision.

(ii) Notwithstanding Subsection (6)(b)(i) and Section 17B-1-216, the governing document may require:

(A) the district applicant to bear the initial costs of the public infrastructure district; and

(B) the public infrastructure district to reimburse the district applicant for the initial costs the creating entity bears.

(c) Any liability, judgment, or claim against a public infrastructure district:

(i) is the sole responsibility of the public infrastructure district; and

(ii) does not constitute a liability, judgment, or claim against the creating entity, the state, or any municipality, county, or other political subdivision.

(d) (i) (A) The public infrastructure district solely bears the responsibility of any collection, enforcement, or foreclosure proceeding with regard to any tax, fee, or assessment the public infrastructure district imposes.

(B) The creating entity does not bear the responsibility described in Subsection (6)(d)(i)(A).

(ii) A public infrastructure district, and not the creating entity, shall undertake the enforcement responsibility described in, as applicable, Subsection (6)(d)(i) in accordance with Title 59, Chapter 2, Property Tax Act, or Title 11, Chapter 42, Assessment Area Act.

(7) A creating entity may establish criteria in determining whether to approve or disapprove of the creation of a public infrastructure district, including:

(a) historical performance of the district applicant;

(b) compliance with the creating entity's master plan;

(c) credit worthiness of the district applicant;

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- (d) plan of finance of the public infrastructure district; and
- (e) proposed development within the public infrastructure district.

(8) (a) The creation of a public infrastructure district is subject to the sole discretion of the creating entity responsible for approving or rejecting the creation of the public infrastructure district.

(b) The proposed creating entity bears no liability for rejecting the proposed creation of a public infrastructure district.

Section ~~{215}~~217. Section **17D-4-203** is amended to read:

### **17D-4-203. Public infrastructure district powers.**

A public infrastructure district shall have all of the authority conferred upon a ~~[local]~~ special district under Section 17B-1-103, and in addition a public infrastructure district may:

(1) issue negotiable bonds to pay:

(a) all or part of the costs of acquiring, acquiring an interest in, improving, or extending any of the improvements, facilities, or property allowed under Section 11-14-103;

(b) capital costs of improvements in an energy assessment area, as defined in Section 11-42a-102, and other related costs, against the funds that the public infrastructure district will receive because of an assessment in an energy assessment area, as defined in Section 11-42a-102;

(c) public improvements related to the provision of housing;

(d) capital costs related to public transportation; and

(e) for a public infrastructure district created by a development authority, the cost of acquiring or financing public infrastructure and improvements;

(2) enter into an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, provided that the interlocal agreement may not expand the powers of the public infrastructure district, within the limitations of Title 11, Chapter 13, Interlocal Cooperation Act, without the consent of the creating entity;

(3) acquire completed or partially completed improvements for fair market value as reasonably determined by:

(a) the board;

(b) the creating entity, if required in the governing document; or

(c) a surveyor or engineer that a public infrastructure district employs or engages to

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perform the necessary engineering services for and to supervise the construction or installation of the improvements;

(4) contract with the creating entity for the creating entity to provide administrative services on behalf of the public infrastructure district, when agreed to by both parties, in order to achieve cost savings and economic efficiencies, at the discretion of the creating entity; and

(5) for a public infrastructure district created by a development authority:

(a) (i) operate and maintain public infrastructure and improvements the district acquires or finances; and

(ii) use fees, assessments, or taxes to pay for the operation and maintenance of those public infrastructure and improvements; and

(b) issue bonds under Title 11, Chapter 42, Assessment Area Act.

Section ~~{216}~~218. Section **17D-4-204** is amended to read:

### **17D-4-204. Relation to other local entities.**

(1) Notwithstanding the creation of a public infrastructure district, the creating entity and any other public entity, as applicable, retains all of the entity's authority over all zoning, planning, design specifications and approvals, and permitting within the public infrastructure district.

(2) The inclusion of property within the boundaries of a public infrastructure district does not preclude the inclusion of the property within any other ~~[local]~~ special district.

(3) (a) All infrastructure that is connected to another public entity's system:

(i) belongs to that public entity, regardless of inclusion within the boundaries of a public infrastructure district, unless the public infrastructure district and the public entity otherwise agree; and

(ii) shall comply with the design, inspection requirements, and other standards of the public entity.

(b) A public infrastructure district shall convey or transfer the infrastructure described in Subsection (3)(a) free of liens or financial encumbrances to the public entity at no cost to the public entity.

Section ~~{217}~~219. Section **17D-4-301** is amended to read:

### **17D-4-301. Public infrastructure district bonds.**

(1) (a) Subject to Subsection (1)(b), a public infrastructure district may issue negotiable

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bonds for the purposes described in Section 17D-4-203, as provided in, as applicable:

- (i) Title 11, Chapter 14, Local Government Bonding Act;
- (ii) Title 11, Chapter 27, Utah Refunding Bond Act;
- (iii) Title 11, Chapter 42, Assessment Area Act; and
- (iv) this section.

(b) A public infrastructure district created by a bonding political subdivision, as defined in Section 63C-25-101, may not issue bonds under this part unless the board first:

- (i) adopts a parameters resolution for the bonds that sets forth:
  - (A) the maximum:
    - (I) amount of bonds;
    - (II) term; and
    - (III) interest rate; and
  - (B) the expected security for the bonds; and
- (ii) submits the parameters resolution for review and recommendation to the State

Finance Review Commission created in Section 63C-25-201.

(2) A public infrastructure district bond:

- (a) shall mature within 40 years of the date of issuance; and
- (b) may not be secured by any improvement or facility paid for by the public

infrastructure district.

(3) (a) A public infrastructure district may issue a limited tax bond, in the same manner as a general obligation bond:

(i) with the consent of 100% of surface property owners within the boundaries of the public infrastructure district and 100% of the registered voters, if any, within the boundaries of the proposed public infrastructure district; or

(ii) upon approval of a majority of the registered voters within the boundaries of the public infrastructure district voting in an election held for that purpose under Title 11, Chapter 14, Local Government Bonding Act.

(b) A limited tax bond described in Subsection (3)(a):

(i) is not subject to the limitation on a general obligation bond described in Subsection ~~[17B-1-1102(4)(a)(xii)]~~ 17B-1-1102(4); and

(ii) is subject to a limitation, if any, on the principal amount of indebtedness as

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described in the governing document.

(c) Unless limited tax bonds are initially purchased exclusively by one or more qualified institutional buyers as defined in Rule 144A, 17 C.F.R. Sec. 230.144A, the public infrastructure district may only issue limited tax bonds in denominations of not less than \$500,000, and in integral multiples above \$500,000 of not less than \$1,000 each.

(d) (i) Without any further election or consent of property owners or registered voters, a public infrastructure district may convert a limited tax bond described in Subsection (3)(a) to a general obligation bond if the principal amount of the related limited tax bond together with the principal amount of other related outstanding general obligation bonds of the public infrastructure district does not exceed 15% of the fair market value of taxable property in the public infrastructure district securing the general obligation bonds, determined by:

(A) an appraisal from an appraiser who is a member of the Appraisal Institute that is addressed to the public infrastructure district or a financial institution; or

(B) the most recent market value of the property from the assessor of the county in which the property is located.

(ii) The consent to the issuance of a limited tax bond described in Subsection (3)(a) is sufficient to meet any statutory or constitutional election requirement necessary for the issuance of the limited tax bond and any general obligation bond to be issued in place of the limited tax bond upon meeting the requirements of this Subsection (3)(d).

(iii) A general obligation bond resulting from a conversion of a limited tax bond under this Subsection (3)(d) is not subject to the limitation on general obligation bonds described in Subsection 17B-1-1102(4)(a)(xii).

(e) A public infrastructure district that levies a property tax for payment of debt service on a limited tax bond issued under this section is not required to comply with the notice and hearing requirements of Section 59-2-919 unless the rate exceeds the rate established in:

(i) Section 17D-4-303, except as provided in Subsection (8);

(ii) the governing document; or

(iii) the documents relating to the issuance of the limited tax bond.

(4) There is no limitation on the duration of revenues that a public infrastructure district may receive to cover any shortfall in the payment of principal of and interest on a bond that the public infrastructure district issues.

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(5) A public infrastructure district is not a municipal corporation for purposes of the debt limitation of Utah Constitution, Article XIV, Section 4.

(6) The board may, by resolution, delegate to one or more officers of the public infrastructure district the authority to:

(a) in accordance and within the parameters set forth in a resolution adopted in accordance with Section 11-14-302, approve the final interest rate, price, principal amount, maturity, redemption features, and other terms of the bond;

(b) approve and execute any document relating to the issuance of a bond; and

(c) approve any contract related to the acquisition and construction of the improvements, facilities, or property to be financed with a bond.

(7) (a) Any person may contest the legality of the issuance of a public infrastructure district bond or any provisions for the security and payment of the bond for a period of 30 days after:

(i) publication of the resolution authorizing the bond; or

(ii) publication of a notice of bond containing substantially the items required under Subsection 11-14-316(2).

(b) After the 30-day period described in Subsection (7)(a), no person may bring a lawsuit or other proceeding contesting the regularity, formality, or legality of the bond for any reason.

(8) (a) In the event of any statutory change in the methodology of assessment or collection of property taxes in a manner that reduces the amounts which are devoted or pledged to the repayment of limited tax bonds, a public infrastructure district may charge a rate sufficient to receive the amount of property taxes or assessment the public infrastructure district would have received before the statutory change in order to pay the debt service on outstanding limited tax bonds.

(b) The rate increase described in Subsection (8)(a) may exceed the limit described in Section 17D-4-303.

(c) The public infrastructure district may charge the rate increase described in Subsection (8)(a) until the bonds, including any associated refunding bonds, or other securities, together with applicable interest, are fully met and discharged.

(9) No later than 60 days after the closing of any bonds by a public infrastructure



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district created by a bonding political subdivision, as defined in Section 63C-25-101, the public infrastructure district shall report the bond issuance, including the amount of the bonds, terms, interest rate, and security, to:

- (a) the Executive Appropriations Committee; and
- (b) the State Finance Review Commission created in Section 63C-25-101.

Section ~~{218}~~220. Section **20A-1-102** is amended to read:

### **20A-1-102. Definitions.**

As used in this title:

- (1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.
- (2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on ballots and tabulates the results.
- (3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic storage medium, that records an individual voter's vote.
- (b) "Ballot" does not include a record to tally multiple votes.
- (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:
  - (a) an opinion question specifically authorized by the Legislature;
  - (b) a constitutional amendment;
  - (c) an initiative;
  - (d) a referendum;
  - (e) a bond proposition;
  - (f) a judicial retention question;
  - (g) an incorporation of a city or town; or
  - (h) any other ballot question specifically authorized by the Legislature.
- (5) "Bind," "binding," or "bound" means securing more than one piece of paper together using staples or another means in at least three places across the top of the paper in the blank space reserved for securing the paper.
- (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.
- (7) "Bond election" means an election held for the purpose of approving or rejecting

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the proposed issuance of bonds by a government entity.

(8) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.

(9) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.

(10) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.

(11) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.

(12) "Convention" means the political party convention at which party officers and delegates are selected.

(13) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.

(14) "Counting judge" means a poll worker designated to count the ballots during election day.

(15) "Counting room" means a suitable and convenient private place or room for use by the poll workers and counting judges to count ballots.

(16) "County officers" means those county officers that are required by law to be elected.

(17) "Date of the election" or "election day" or "day of the election":

(a) means the day that is specified in the calendar year as the day that the election occurs; and

(b) does not include:

(i) deadlines established for voting by mail, military-overseas voting, or emergency voting; or

(ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early Voting.

(18) "Elected official" means:

(a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project;

(b) a person who is considered to be elected to a municipal office in accordance with

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Subsection 20A-1-206(1)(c)(ii); or

(c) a person who is considered to be elected to a [~~local~~] special district office in accordance with Subsection 20A-1-206(3)(b)(ii).

(19) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a [~~local~~] special district election.

(20) "Election Assistance Commission" means the commission established by the Help America Vote Act of 2002, Pub. L. No. 107-252.

(21) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.

(22) "Election judge" means a poll worker that is assigned to:

- (a) preside over other poll workers at a polling place;
- (b) act as the presiding election judge; or
- (c) serve as a canvassing judge, counting judge, or receiving judge.

(23) "Election officer" means:

- (a) the lieutenant governor, for all statewide ballots and elections;
- (b) the county clerk for:
  - (i) a county ballot and election; and
  - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;
- (c) the municipal clerk for:
  - (i) a municipal ballot and election; and
  - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;
- (d) the [~~local~~] special district clerk or chief executive officer for:
  - (i) a [~~local~~] special district ballot and election; and
  - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or
- (e) the business administrator or superintendent of a school district for:
  - (i) a school district ballot and election; and
  - (ii) a ballot and election as a provider election officer as provided in Section

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20A-5-400.1 or 20A-5-400.5.

(24) "Election official" means any election officer, election judge, or poll worker.

(25) "Election results" means:

(a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or

(b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.

(26) "Election returns" includes the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.

(27) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(28) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

(29) "Judicial office" means the office filled by any judicial officer.

(30) "Judicial officer" means any justice or judge of a court of record or any county court judge.

~~[(31) "Local district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.]~~

~~[(32) "Local district officers" means those local district board members that are required by law to be elected.]~~

~~[(33)]~~ (31) "Local election" means a regular county election, a regular municipal election, a municipal primary election, a local special election, a ~~[local]~~ special district election, and a bond election.

~~[(34)]~~ (32) "Local political subdivision" means a county, a municipality, a ~~[local]~~ special district, or a local school district.

~~[(35)]~~ (33) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political

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subdivision may vote.

~~[(36)]~~ (34) "Manual ballot" means a paper document produced by an election officer on which an individual records an individual's vote by directly placing a mark on the paper document using a pen or other marking instrument.

~~[(37)]~~ (35) "Mechanical ballot" means a record, including a paper record, electronic record, or mechanical record, that:

(a) is created via electronic or mechanical means; and

(b) records an individual voter's vote cast via a method other than an individual directly placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

~~[(38)]~~ (36) "Municipal executive" means:

(a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

(b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(7); or

(c) the chair of a metro township form of government defined in Section 10-3b-102.

~~[(39)]~~ (37) "Municipal general election" means the election held in municipalities and, as applicable, ~~[local]~~ special districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.

~~[(40)]~~ (38) "Municipal legislative body" means:

(a) the council of the city or town in any form of municipal government; or

(b) the council of a metro township.

~~[(41)]~~ (39) "Municipal office" means an elective office in a municipality.

~~[(42)]~~ (40) "Municipal officers" means those municipal officers that are required by law to be elected.

~~[(43)]~~ (41) "Municipal primary election" means an election held to nominate candidates for municipal office.

~~[(44)]~~ (42) "Municipality" means a city, town, or metro township.

~~[(45)]~~ (43) "Official ballot" means the ballots distributed by the election officer for voters to record their votes.

~~[(46)]~~ (44) "Official endorsement" means the information on the ballot that identifies:

(a) the ballot as an official ballot;

(b) the date of the election; and

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(c) (i) for a ballot prepared by an election officer other than a county clerk, the facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

(ii) for a ballot prepared by a county clerk, the words required by Subsection 20A-6-301(1)(b)(iii).

~~[(47)]~~ (45) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.

~~[(48)]~~ (46) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Chapter 8, Political Party Formation and Procedures.

~~[(49)]~~ (47) (a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or counting votes.

(b) "Poll worker" includes election judges.

(c) "Poll worker" does not include a watcher.

~~[(50)]~~ (48) "Pollbook" means a record of the names of voters in the order that they appear to cast votes.

~~[(51)]~~ (49) "Polling place" means a building where voting is conducted.

~~[(52)]~~ (50) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.

~~[(53)]~~ (51) "Presidential Primary Election" means the election established in Chapter 9, Part 8, Presidential Primary Election.

~~[(54)]~~ (52) "Primary convention" means the political party conventions held during the year of the regular general election.

~~[(55)]~~ (53) "Protective counter" means a separate counter, which cannot be reset, that:

(a) is built into a voting machine; and

(b) records the total number of movements of the operating lever.

~~[(56)]~~ (54) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.

~~[(57)]~~ (55) "Provisional ballot" means a ballot voted provisionally by a person:

(a) whose name is not listed on the official register at the polling place;

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(b) whose legal right to vote is challenged as provided in this title; or

(c) whose identity was not sufficiently established by a poll worker.

~~[(58)]~~ (56) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.

~~[(59)]~~ (57) (a) "Public figure" means an individual who, due to the individual being considered for, holding, or having held a position of prominence in a public or private capacity, or due to the individual's celebrity status, has an increased risk to the individual's safety.

(b) "Public figure" does not include an individual:

(i) elected to public office; or

(ii) appointed to fill a vacancy in an elected public office.

~~[(60)]~~ (58) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the individual was elected.

~~[(61)]~~ (59) "Receiving judge" means the poll worker that checks the voter's name in the official register at a polling place and provides the voter with a ballot.

~~[(62)]~~ (60) "Registration form" means a form by which an individual may register to vote under this title.

~~[(63)]~~ (61) "Regular ballot" means a ballot that is not a provisional ballot.

~~[(64)]~~ (62) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.

~~[(65)]~~ (63) "Regular primary election" means the election, held on the date specified in Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan local school board positions to advance to the regular general election.

~~[(66)]~~ (64) "Resident" means a person who resides within a specific voting precinct in Utah.

~~[(67)]~~ (65) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4), provided to a voter with a manual ballot:

(a) into which the voter places the manual ballot after the voter has voted the manual ballot in order to preserve the secrecy of the voter's vote; and

(b) that includes the voter affidavit and a place for the voter's signature.

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~~[(68)]~~ (66) "Sample ballot" means a mock ballot similar in form to the official ballot, published as provided in Section 20A-5-405.

(67) "Special district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Special Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.

(68) "Special district officers" means those special district board members who are required by law to be elected.

(69) "Special election" means an election held as authorized by Section 20A-1-203.

(70) "Spoiled ballot" means each ballot that:

- (a) is spoiled by the voter;
- (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- (c) lacks the official endorsement.

(71) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

(72) "Tabulation system" means a device or system designed for the sole purpose of tabulating votes cast by voters at an election.

(73) "Ticket" means a list of:

- (a) political parties;
- (b) candidates for an office; or
- (c) ballot propositions.

(74) "Transfer case" means the sealed box used to transport voted ballots to the counting center.

(75) "Vacancy" means the absence of a person to serve in any position created by statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.

(76) "Valid voter identification" means:

(a) a form of identification that bears the name and photograph of the voter which may include:

- (i) a currently valid Utah driver license;
- (ii) a currently valid identification card that is issued by:
  - (A) the state; or



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- (B) a branch, department, or agency of the United States;
- (iii) a currently valid Utah permit to carry a concealed weapon;
- (iv) a currently valid United States passport; or
- (v) a currently valid United States military identification card;
- (b) one of the following identification cards, whether or not the card includes a

photograph of the voter:

- (i) a valid tribal identification card;
- (ii) a Bureau of Indian Affairs card; or
- (iii) a tribal treaty card; or
- (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

- (i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;

- (ii) a bank or other financial account statement, or a legible copy thereof;
- (iii) a certified birth certificate;
- (iv) a valid social security card;
- (v) a check issued by the state or the federal government or a legible copy thereof;
- (vi) a paycheck from the voter's employer, or a legible copy thereof;
- (vii) a currently valid Utah hunting or fishing license;
- (viii) certified naturalization documentation;
- (ix) a currently valid license issued by an authorized agency of the United States;
- (x) a certified copy of court records showing the voter's adoption or name change;
- (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- (xii) a currently valid identification card issued by:

- (A) a local government within the state;

- (B) an employer for an employee; or

- (C) a college, university, technical school, or professional school located within the state; or

- (xiii) a current Utah vehicle registration.

(77) "Valid write-in candidate" means a candidate who has qualified as a write-in

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candidate by following the procedures and requirements of this title.

(78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:

- (a) mailing the ballot to the location designated in the mailing; or
- (b) depositing the ballot in a ballot drop box designated by the election officer.

(79) "Voter" means an individual who:

- (a) meets the requirements for voting in an election;
- (b) meets the requirements of election registration;
- (c) is registered to vote; and
- (d) is listed in the official register book.

(80) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.

(81) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

(82) "Voting booth" means:

- (a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting enclosure or curtain; or
- (b) a voting device that is free standing.

(83) "Voting device" means any device provided by an election officer for a voter to vote a mechanical ballot.

(84) "Voting precinct" means the smallest geographical voting unit, established under Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

(85) "Watcher" means an individual who complies with the requirements described in Section 20A-3a-801 to become a watcher for an election.

(86) "Write-in ballot" means a ballot containing any write-in votes.

(87) "Write-in vote" means a vote cast for an individual, whose name is not printed on the ballot, in accordance with the procedures established in this title.

Section ~~219~~221. Section **20A-1-201** is amended to read:

### **20A-1-201. Date and purpose of regular general elections.**

(1) A regular general election shall be held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year.

(2) At the regular general election, the voters shall:

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(a) choose persons to serve the terms established by law for the following offices:

- (i) electors of President and Vice President of the United States;
- (ii) United States Senators;
- (iii) Representatives to the United States Congress;
- (iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;
- (v) senators and representatives to the Utah Legislature;
- (vi) county officers;
- (vii) State School Board members;
- (viii) local school board members;
- (ix) except as provided in Subsection (3), ~~[local]~~ special district officers, as applicable;

and

(x) any elected judicial officers; and

(b) approve or reject:

(i) any proposed amendments to the Utah Constitution that have qualified for the ballot under procedures established in the Utah Code;

(ii) any proposed initiatives or referenda that have qualified for the ballot under procedures established in the Utah Code; and

(iii) any other ballot propositions submitted to the voters that are authorized by the Utah Code.

(3) This section:

(a) applies to a special service district for which the county legislative body or the municipal legislative body, as applicable, has delegated authority for the special service district to an administrative control board; and

(b) does not apply to a special service district for which the county legislative body or the municipal legislative body, as applicable, has not delegated authority for the special service district to an administrative control board.

Section ~~{220}~~222. Section **20A-1-202** is amended to read:

### **20A-1-202. Date and purpose of municipal general election.**

(1) Except as provided in Section 20A-1-206, a municipal general election shall be held in municipalities, and ~~[local]~~ special districts as applicable, on the first Tuesday after the first Monday in November of each odd-numbered year.

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- (2) At the municipal general election, the voters shall:
  - (a) (i) choose persons to serve as municipal officers; and
  - (ii) for a [~~local~~] special district that holds an election during an odd-numbered year, choose persons to serve as [~~local~~] special district officers; and
  - (b) approve or reject:
    - (i) any proposed initiatives or referenda that have qualified for the ballot as provided by law; and
    - (ii) any other ballot propositions submitted to the voters that are authorized by the Utah Code.

Section ~~{221}~~223. Section **20A-1-206** is amended to read:

### **20A-1-206. Cancellation of local election or local race -- Municipalities -- Special districts -- Notice.**

- (1) As used in this section:
  - (a) "Contested race" means a race in a general election where the number of candidates, including any eligible write-in candidates, exceeds the number of offices to be filled in the race.
  - (b) "Election" means an event, run by an election officer, that includes one or more races for public office or one or more ballot propositions.
  - (c) (i) "Race" means a contest between candidates to obtain the number of votes necessary to take a particular public office.
  - (ii) "Race," as the term relates to a contest for an at-large position, includes all open positions for the same at-large office.
  - (iii) "Race," as the term relates to a contest for a municipal council position that is not an at-large position, includes only the contest to represent a particular district on the council.
- (2) A municipal legislative body may cancel a local election if:
  - (a) the ballot for the local election will not include any contested races or ballot propositions; and
  - (b) the municipal legislative body passes, no later than 20 days before the day of the scheduled election, a resolution that cancels the election and certifies that:
    - (i) the ballot for the election would not include any contested races or ballot propositions; and

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(ii) the candidates who qualified for the ballot are considered elected.

(3) A municipal legislative body may cancel a race in a local election if:

(a) the ballot for the race will not include any contested races or ballot propositions;

and

(b) the municipal legislative body passes, no later than 20 days before the day of the scheduled election, a resolution that cancels the race and certifies that:

(i) the ballot for the race would not include any contested races or ballot propositions;

and

(ii) the candidate for the race is considered elected.

(4) A municipal legislative body that cancels a local election in accordance with Subsection (2) shall give notice that the election is cancelled by:

(a) subject to Subsection (8), providing notice to the lieutenant governor's office to be posted on the Statewide Electronic Voter Information Website described in Section 20A-7-801, for 15 consecutive days before the day of the scheduled election;

(b) if the municipality has a public website, posting notice on the municipality's public website for 15 days before the day of the scheduled election;

(c) if the elected officials or departments of the municipality regularly publish a printed or electronic newsletter or other periodical, publishing notice in the next scheduled newsletter or other periodical published before the day of the scheduled election;

(d) (i) publishing notice at least twice in a newspaper of general circulation in the municipality before the day of the scheduled election;

(ii) at least 10 days before the day of the scheduled election, posting one notice, and at least one additional notice per 2,000 population within the municipality, in places within the municipality that are most likely to give notice to the voters in the municipality, subject to a maximum of 10 notices; or

(iii) at least 10 days before the day of the scheduled election, mailing notice to each registered voter in the municipality; and

(e) posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for at least 10 days before the day of the scheduled election.

(5) A [~~local~~] special district board may cancel a local election if:

(a) the ballot for the local election will not include any contested races or ballot

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propositions; and

(b) the ~~[local]~~ special district board passes, no later than 20 days before the day of the scheduled election, a resolution that cancels the election and certifies that:

(i) the ballot for the election would not include any contested races or ballot propositions; and

(ii) the candidates who qualified for the ballot are considered elected.

(6) A ~~[local]~~ special district board may cancel a ~~[local]~~ special district race if:

(a) the race is uncontested; and

(b) the ~~[local]~~ special district board passes, no later than 20 days before the day of the scheduled election, a resolution that cancels the race and certifies that the candidate who qualified for the ballot for that race is considered elected.

(7) A ~~[local]~~ special district that cancels a local election in accordance with Subsection (5) shall provide notice that the election is cancelled:

(a) subject to Subsection (8), by posting notice on the Statewide Electronic Voter Information Website described in Section 20A-7-801, for 15 consecutive days before the day of the scheduled election;

(b) if the ~~[local]~~ special district has a public website, by posting notice on the ~~[local]~~ special district's public website for 15 days before the day of the scheduled election;

(c) if the ~~[local]~~ special district publishes a newsletter or other periodical, by publishing notice in the next scheduled newsletter or other periodical published before the day of the scheduled election;

(d) (i) by publishing notice at least twice in a newspaper of general circulation in the ~~[local]~~ special district before the scheduled election;

(ii) at least 10 days before the day of the scheduled election, by posting one notice, and at least one additional notice per 2,000 population of the ~~[local]~~ special district, in places within the ~~[local]~~ special district that are most likely to give notice to the voters in the ~~[local]~~ special district, subject to a maximum of 10 notices; or

(iii) at least 10 days before the day of the scheduled election, by mailing notice to each registered voter in the ~~[local]~~ special district; and

(e) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for at least 10 days before the day of the scheduled election.

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(8) A municipal legislative body that posts a notice in accordance with Subsection (4)(a) or a ~~[local]~~ special district that posts a notice in accordance with Subsection (7)(a) is not liable for a notice that fails to post due to technical or other error by the publisher of the Statewide Electronic Voter Information Website.

Section ~~{222}~~ 224. Section **20A-1-512** is amended to read:

### **20A-1-512. Midterm vacancies on special district boards.**

(1) (a) When a vacancy occurs on any ~~[local]~~ special district board for any reason, the following shall appoint a replacement to serve out the unexpired term in accordance with this section:

- (i) the ~~[local]~~ special district board, if the person vacating the position was elected; or
- (ii) the appointing authority, as that term is defined in Section 17B-1-102, if the appointing authority appointed the person vacating the position.

(b) Except as provided in Subsection (1)(c) or (d), before acting to fill the vacancy, the ~~[local]~~ special district board or appointing authority shall:

- (i) give public notice of the vacancy at least two weeks before the ~~[local]~~ special district board or appointing authority meets to fill the vacancy by:

- (A) if there is a newspaper of general circulation, as that term is defined in Section 45-1-201, within the district, publishing the notice in the newspaper of general circulation;

- (B) posting the notice in three public places within the ~~[local]~~ special district; and

- (C) posting on the Utah Public Notice Website created under Section 63A-16-601; and

- (ii) identify, in the notice:

- (A) the date, time, and place of the meeting where the vacancy will be filled;

- (B) the individual to whom an individual who is interested in an appointment to fill the vacancy may submit the individual's name for consideration; and

- (C) any submission deadline.

- (c) An appointing authority is not subject to Subsection (1)(b) if:

- (i) the appointing authority appoints one of the appointing authority's own members;

and

- (ii) that member meets all applicable statutory board member qualifications.

- (d) When a vacancy occurs on the board of a water conservancy district located in more than one county:

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(i) the board shall give notice of the vacancy to the county legislative bodies that nominated the vacating trustee as provided in Section 17B-2a-1005;

(ii) the county legislative bodies described in Subsection (1)(d)(i) shall collectively compile a list of three nominees to fill the vacancy; and

(iii) the governor shall, with the advice and consent of the Senate, appoint an individual to fill the vacancy from nominees submitted as provided in Subsection 17B-2a-1005(2)(c).

(2) If the [~~local~~] special district board fails to appoint an individual to complete an elected board member's term within 90 days, the legislative body of the county or municipality that created the [~~local~~] special district shall fill the vacancy in accordance with the procedure for a [~~local~~] special district described in Subsection (1)(b).

Section ~~{223}~~ 225. Section **20A-1-513** is amended to read:

**20A-1-513. Temporary absence in elected office of a political subdivision for military service.**

(1) As used in this section:

(a) "Armed forces" means the same as that term is defined in Section 68-3-12.5, and includes:

- (i) the National Guard; and
- (ii) the national guard and armed forces reserves.

(b) (i) "Elected official" is a person who holds an office of a political subdivision that is required by law to be filled by an election.

(ii) "Elected official" includes a person who is appointed to fill a vacancy in an office described in Subsection (1)(b)(i).

(c) (i) "Military leave" means the temporary absence from an office:

- (A) by an elected official called to active, full-time duty in the armed forces; and
- (B) for a period of time that exceeds 30 days and does not exceed 400 days.

(ii) "Military leave" includes the time a person on leave, as described in Subsection (1)(c)(i), spends for:

- (A) out processing;
- (B) an administrative delay;
- (C) accrued leave; and



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(D) on rest and recuperation leave program of the armed forces.

(d) "Political subdivision's governing body" means:

(i) for a county, city, or town, the legislative body of the county, city, or town;

(ii) for a ~~[local]~~ special district, the board of trustees of the ~~[local]~~ special district;

(iii) for a local school district, the local school board;

(iv) for a special service district:

(A) the legislative body of the county, city, or town that established the special service district, if no administrative control board has been appointed under Section 17D-1-301; or

(B) the administrative control board of the special service district, if an administrative control board has been appointed under Section 17D-1-301; and

(v) for a political subdivision not listed in Subsections (1)(d)(i) through (iv), the body that governs the affairs of the political subdivision.

(e) "Temporary replacement" means the person appointed by the political subdivision's governing body in accordance with this section to exercise the powers and duties of the office of the elected official who takes military leave.

(2) An elected official creates a vacancy in the elected official's office if the elected official is called to active, full-time duty in the armed forces in accordance with Title 10, U.S.C.A. unless the elected official takes military leave as provided by this section.

(3) (a) An elected official who is called to active, full-time duty in the armed forces in a status other than in accordance with Title 10, U.S.C.A. shall notify the political subdivision's governing body of the elected official's orders not later than five days after receipt of orders.

(b) The elected official described in Subsection (3)(a) may:

(i) continue to carry out the official's duties if possible while on active, full-time duty;

or

(ii) take military leave if the elected official submits to the political subdivision's governing body written notice of the intent to take military leave and the expected duration of the military leave.

(4) (a) An elected official who chooses to continue to carry out the official's duties while on active, full-time duty shall, within 10 days after arrival at the official's place of deployment, confirm in writing to the political subdivision's governing body that the official has the ability to carry out the official's duties.

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(b) If no confirmation is received by the political subdivision within the time period described in Subsection (4)(a), the elected official shall be placed in a military leave status and a temporary replacement appointed in accordance with Subsection (6).

(5) An elected official's military leave:

(a) begins the later of:

(i) the day after the day on which the elected official notifies the political subdivision's governing body of the intent to take military leave;

(ii) day 11 after the elected official's deployment if no confirmation is received in accordance with Subsection (4)(a); or

(iii) the day on which the elected official begins active, full-time duty in the armed forces; and

(b) ends the sooner of:

(i) the expiration of the elected official's term of office; or

(ii) the day on which the elected official ends active, full-time duty in the armed forces.

(6) A temporary replacement shall:

(a) meet the qualifications required to hold the office; and

(b) be appointed:

(i) in the same manner as provided by this part for a midterm vacancy if a registered political party nominated the elected official who takes military leave as a candidate for the office; or

(ii) by the political subdivision's governing body after submitting an application in accordance with Subsection (8)(b) if a registered political party did not nominate the elected official who takes military leave as a candidate for office.

(7) (a) A temporary replacement shall exercise the powers and duties of the office for which the temporary replacement is appointed for the duration of the elected official's military leave.

(b) An elected official may not exercise the powers or duties of the office while on military leave.

(c) If a temporary replacement is not appointed as required by Subsection (6)(b), no person may exercise the powers and duties of the elected official's office during the elected official's military leave.

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(8) The political subdivision's governing body shall establish:

(a) the distribution of the emoluments of the office between the elected official and the temporary replacement; and

(b) an application form and the date and time before which a person shall submit the application to be considered by the political subdivision's governing body for appointment as a temporary replacement.

Section ~~(224)~~226. Section **20A-2-101** is amended to read:

### **20A-2-101. Eligibility for registration.**

(1) Except as provided in Subsection (2), an individual may register to vote in an election who:

(a) is a citizen of the United States;

(b) has been a resident of Utah for at least the 30 days immediately before the election;

(c) will be:

(i) at least 18 years of age on the day of the election; or

(ii) if the election is a regular primary election, a municipal primary election, or a presidential primary election:

(A) 17 years of age on or before the day of the regular primary election, municipal primary election, or presidential primary election; and

(B) 18 years of age on or before the day of the general election that immediately follows the regular primary election, municipal primary election, or presidential primary election; and

(d) currently resides within the voting district or precinct in which the individual applies to register to vote.

(2) (a) (i) An individual who is involuntarily confined or incarcerated in a jail, prison, or other facility within a voting precinct is not a resident of that voting precinct and may not register to vote in that voting precinct unless the individual was a resident of that voting precinct before the confinement or incarceration.

(ii) An individual who is involuntarily confined or incarcerated in a jail or prison is a resident of the voting precinct in which the individual resided before the confinement or incarceration.

(b) An individual who has been convicted of a felony or a misdemeanor for an offense

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under this title may not register to vote or remain registered to vote unless the individual's right to vote has been restored as provided in Section 20A-2-101.3 or 20A-2-101.5.

(c) An individual whose right to vote has been restored, as provided in Section 20A-2-101.3 or 20A-2-101.5, is eligible to register to vote.

(3) An individual who is eligible to vote and who resides within the geographic boundaries of the entity in which the election is held may register to vote in a:

- (a) regular general election;
- (b) regular primary election;
- (c) municipal general election;
- (d) municipal primary election;
- (e) statewide special election;
- (f) local special election;
- (g) ~~[local]~~ special district election;
- (h) bond election; and
- (i) presidential primary election.

Section ~~{225}~~227. Section **20A-3a-102** is amended to read:

### **20A-3a-102. Residency and age requirements of voters.**

(1) An individual may vote in any regular general election or statewide special election if that individual has registered to vote in accordance with Chapter 2, Voter Registration.

(2) An individual may vote in the presidential primary election or a regular primary election if:

(a) that individual has registered to vote in accordance with Chapter 2, Voter Registration; and

(b) that individual's political party affiliation, or unaffiliated status, allows the person to vote in the election.

(3) An individual may vote in a municipal general election, municipal primary election, local special election, ~~[local]~~ special district election, and bond election if that individual:

- (a) has registered to vote in accordance with Chapter 2, Voter Registration; and
- (b) is a resident of a voting district or precinct within the local entity that is holding the election.

Section ~~{226}~~228. Section **20A-3a-104** is amended to read:

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### 20A-3a-104. Voting by secret ballot.

All voting at each regular and municipal general election, at each statewide or local special election, at each primary election, at each ~~[local]~~ special district election, and at each bond election shall be by secret ballot.

Section ~~{227}~~ 229. Section **20A-3a-501** is amended to read:

### **20A-3a-501. Prohibited conduct at polling place -- Other prohibited activities.**

(1) As used in this section:

(a) "electioneering" includes any oral, printed, or written attempt to persuade persons to refrain from voting or to vote for or vote against any candidate or issue; and

(b) "polling place" means the physical place where ballots are cast and includes the physical place where a ballot drop box is located.

(2) (a) An individual may not, within a polling place or in any public area within 150 feet of the building where a polling place is located:

(i) do any electioneering;

(ii) circulate cards or handbills of any kind;

(iii) solicit signatures to any kind of petition; or

(iv) engage in any practice that interferes with the freedom of voters to vote or disrupts the administration of the polling place.

(b) A county, municipality, school district, or ~~[local]~~ special district may not prohibit electioneering that occurs more than 150 feet from the building where a polling place is located, but may regulate the place and manner of that electioneering to protect the public safety.

(3) (a) An individual may not obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place.

(b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the obstruction of the entrance to a polling place and may arrest an individual creating an obstruction.

(4) An individual may not solicit any voter to show the voter's ballot.

(5) (a) An individual may not knowingly possess or control another individual's voted manual ballot, unless:

(i) the individual is an election official or postal worker acting in the capacity of an

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election official or postal worker;

(ii) the individual possesses or controls the voted ballot in accordance with Section 20A-3a-301, relating to emergency ballots;

(iii) the possession or control is authorized in order to deliver a military-overseas ballot in accordance with Chapter 16, Uniform Military and Overseas Voters Act;

(iv) subject to Section 20A-3a-208, the individual is authorized by a voter to possess or control the voter's voted ballot if the voter needs assistance delivering the ballot due to the voter's age, illness, or disability; or

(v) the individual resides in the same household as the voter.

(b) A violation of Subsection (5)(a) does not invalidate the ballot.

(6) An individual who violates any provision of this section is, in addition to the penalties described in Subsections 20A-1-609(2) and (3), guilty of a class A misdemeanor.

(7) A political subdivision may not prohibit political signs that are located more than 150 feet away from a polling place, but may regulate their placement to protect public safety.

Section ~~{228}~~230. Section **20A-3a-605** is amended to read:

### **20A-3a-605. Exemptions from early voting.**

(1) (a) This part does not apply to an election of a board member of a ~~[local]~~ special district.

(b) Notwithstanding Subsection (1)(a), a ~~[local]~~ special district may, in the ~~[local]~~ special district's discretion, provide early voting in accordance with this part for election of a board member.

(2) Notwithstanding the requirements of Section 20A-3a-601, a municipality of the fifth class or a town as described in Section 10-2-301 may provide early voting as provided under this part for:

(a) a municipal primary election; or

(b) a municipal general election.

(3) A municipality is not required to conduct early voting for the election.

Section ~~{229}~~231. Section **20A-4-301** is amended to read:

### **20A-4-301. Board of canvassers.**

(1) (a) Each county legislative body is the board of county canvassers for:

(i) the county; and

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(ii) each [~~local~~] special district whose election is conducted by the county if:

(A) the election relates to the creation of the [~~local~~] special district;

(B) the county legislative body serves as the governing body of the [~~local~~] special district; or

(C) there is no duly constituted governing body of the [~~local~~] special district.

(b) The board of county canvassers shall meet to canvass the returns at the usual place of meeting of the county legislative body, at a date and time determined by the county clerk that is no sooner than seven days after the election and no later than 14 days after the election.

(c) If one or more of the county legislative body fails to attend the meeting of the board of county canvassers, the remaining members shall replace the absent member by appointing in the order named:

(i) the county treasurer;

(ii) the county assessor; or

(iii) the county sheriff.

(d) Attendance of the number of persons equal to a simple majority of the county legislative body, but not less than three persons, shall constitute a quorum for conducting the canvass.

(e) The county clerk is the clerk of the board of county canvassers.

(2) (a) The mayor and the municipal legislative body are the board of municipal canvassers for the municipality.

(b) The board of municipal canvassers shall meet to canvass the returns at the usual place of meeting of the municipal legislative body:

(i) for canvassing of returns from a municipal general election, no sooner than seven days after the election and no later than 14 days after the election; or

(ii) for canvassing of returns from a municipal primary election, no sooner than seven days after the election and no later than 14 days after the election.

(c) Attendance of a simple majority of the municipal legislative body shall constitute a quorum for conducting the canvass.

(3) (a) The legislative body of the entity authorizing a bond election is the board of canvassers for each bond election.

(b) The board of canvassers for the bond election shall comply with the canvassing

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procedures and requirements of Section 11-14-207.

(c) Attendance of a simple majority of the legislative body of the entity authorizing a bond election shall constitute a quorum for conducting the canvass.

Section ~~{230}~~232. Section **20A-4-304** is amended to read:

### **20A-4-304. Declaration of results -- Canvassers' report.**

(1) Each board of canvassers shall:

(a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, declare "elected" or "nominated" those persons who:

(i) had the highest number of votes; and

(ii) sought election or nomination to an office completely within the board's jurisdiction;

(b) declare:

(i) "approved" those ballot propositions that:

(A) had more "yes" votes than "no" votes; and

(B) were submitted only to the voters within the board's jurisdiction; or

(ii) "rejected" those ballot propositions that:

(A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes" votes; and

(B) were submitted only to the voters within the board's jurisdiction;

(c) certify the vote totals for persons and for and against ballot propositions that were submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to the lieutenant governor; and

(d) if applicable, certify the results of each [~~local~~] special district election to the [~~local~~] special district clerk.

(2) As soon as the result is declared, the election officer shall prepare a report of the result, which shall contain:

(a) the total number of votes cast in the board's jurisdiction;

(b) the names of each candidate whose name appeared on the ballot;

(c) the title of each ballot proposition that appeared on the ballot;

(d) each office that appeared on the ballot;

(e) from each voting precinct:



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- (i) the number of votes for each candidate;
- (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate Voting Methods Pilot Project, the number of valid votes cast for each candidate for each potential ballot-counting phase and the name of the candidate excluded in each ballot-counting phase; and
- (iii) the number of votes for and against each ballot proposition;
- (f) the total number of votes given in the board's jurisdiction to each candidate, and for and against each ballot proposition;
- (g) the number of ballots that were rejected; and
- (h) a statement certifying that the information contained in the report is accurate.
- (3) The election officer and the board of canvassers shall:
  - (a) review the report to ensure that it is correct; and
  - (b) sign the report.
- (4) The election officer shall:
  - (a) record or file the certified report in a book kept for that purpose;
  - (b) prepare and transmit a certificate of nomination or election under the officer's seal to each nominated or elected candidate;
  - (c) publish a copy of the certified report in accordance with Subsection (5); and
  - (d) file a copy of the certified report with the lieutenant governor.
- (5) Except as provided in Subsection (6), the election officer shall, no later than seven days after the day on which the board of canvassers declares the election results, publicize the certified report described in Subsection (2):
  - (a) (i) by publishing notice at least once in a newspaper of general circulation within the jurisdiction;
  - (ii) by posting one notice, and at least one additional notice per 2,000 population of the jurisdiction, in places within the jurisdiction that are most likely to give notice to the residents of the jurisdiction, subject to a maximum of 10 notices; or
  - (iii) by mailing notice to each residence within the jurisdiction;
  - (b) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for one week; and
  - (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for

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one week.

(6) Instead of including a copy of the entire certified report, a notice required under Subsection (5) may contain a statement that:

(a) includes the following: "The Board of Canvassers for [indicate name of jurisdiction] has prepared a report of the election results for the [indicate type and date of election]."; and

(b) specifies the following sources where an individual may view or obtain a copy of the entire certified report:

(i) if the jurisdiction has a website, the jurisdiction's website;

(ii) the physical address for the jurisdiction; and

(iii) a mailing address and telephone number.

(7) When there has been a regular general or a statewide special election for statewide officers, for officers that appear on the ballot in more than one county, or for a statewide or two or more county ballot proposition, each board of canvassers shall:

(a) prepare a separate report detailing the number of votes for each candidate and the number of votes for and against each ballot proposition; and

(b) transmit the separate report by registered mail to the lieutenant governor.

(8) In each county election, municipal election, school election, ~~[local]~~ special district election, and local special election, the election officer shall transmit the reports to the lieutenant governor within 14 days after the date of the election.

(9) In a regular primary election and in a presidential primary election, the board shall transmit to the lieutenant governor:

(a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant governor not later than the second Tuesday after the election; and

(b) a complete tabulation showing voting totals for all primary races, precinct by precinct, to be mailed to the lieutenant governor on or before the third Friday following the primary election.

Section ~~{231}~~233. Section **20A-4-305** is amended to read:

**20A-4-305. Delivery of checked official register to county clerk after canvass.**

Within 10 days after the canvass of a November municipal election, ~~[local]~~ special district election, bond election, or special election, the clerk or recorder shall transmit the

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checked official register to the county clerk.

Section ~~{232}~~234. Section **20A-4-401** is amended to read:

### **20A-4-401. Recounts -- Procedure.**

(1) (a) This section does not apply to a race conducted by instant runoff voting under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

(b) Except as provided in Subsection (1)(c), for a race between candidates, if the difference between the number of votes cast for a winning candidate in the race and a losing candidate in the race is equal to or less than .25% of the total number of votes cast for all candidates in the race, that losing candidate may file a request for a recount in accordance with Subsection (1)(d).

(c) For a race between candidates where the total of all votes cast in the race is 400 or less, if the difference between the number of votes cast for a winning candidate in the race and a losing candidate in the race is one vote, that losing candidate may file a request for a recount in accordance with Subsection (1)(d).

(d) A candidate who files a request for a recount under Subsection (1) (b) or (c) shall file the request:

(i) for a municipal primary election, with the municipal clerk, before 5 p.m. within three days after the canvass; or

(ii) for all other elections, before 5 p.m. within seven days after the canvass with:

(A) the municipal clerk, if the election is a municipal general election;

(B) the ~~[local]~~ special district clerk, if the election is a ~~[local]~~ special district election;

(C) the county clerk, for races voted on entirely within a single county; or

(D) the lieutenant governor, for statewide races and multicounty races.

(e) The election officer shall:

(i) supervise the recount;

(ii) recount all ballots cast for that race;

(iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,

Disposition of Ballots;

(iv) for a race where only one candidate may win, declare elected the candidate who receives the highest number of votes on the recount; and

(v) for a race where multiple candidates may win, declare elected the applicable

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number of candidates who receive the highest number of votes on the recount.

(2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of the total votes cast for or against the proposition, any 10 voters who voted in the election where the proposition was on the ballot may file a request for a recount before 5 p.m. within seven days after the day of the canvass with the person described in Subsection (2)(c).

(b) For a ballot proposition or a bond proposition where the total of all votes cast for or against the proposition is 400 or less, if the difference between the number of votes cast for the proposition and the number of votes cast against the proposition is one vote, any 10 voters who voted in the election where the proposition was on the ballot may file a request for a recount before 5 p.m. within seven days after the day of the canvass with the person described in Subsection (2)(c).

(c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall file the request with:

- (i) the municipal clerk, if the election is a municipal election;
- (ii) the ~~[local]~~ special district clerk, if the election is a ~~[local]~~ special district election;
- (iii) the county clerk, for propositions voted on entirely within a single county; or
- (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

(d) The election officer shall:

- (i) supervise the recount;
- (ii) recount all ballots cast for that ballot proposition or bond proposition;
- (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,

Disposition of Ballots; and

(iv) declare the ballot proposition or bond proposition to have "passed" or "failed" based upon the results of the recount.

(e) Proponents and opponents of the ballot proposition or bond proposition may designate representatives to witness the recount.

(f) The voters requesting the recount shall pay the costs of the recount.

(3) Costs incurred by recount under Subsection (1) may not be assessed against the person requesting the recount.

(4) (a) Upon completion of the recount, the election officer shall immediately convene

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the board of canvassers.

(b) The board of canvassers shall:

(i) canvass the election returns for the race or proposition that was the subject of the recount; and

(ii) with the assistance of the election officer, prepare and sign the report required by Section 20A-4-304 or 20A-4-306.

(c) If the recount is for a statewide or multicounty race or for a statewide proposition, the board of county canvassers shall prepare and transmit a separate report to the lieutenant governor as required by Subsection 20A-4-304(7).

(d) The canvassers' report prepared as provided in this Subsection (4) is the official result of the race or proposition that is the subject of the recount.

Section ~~{233}~~235. Section **20A-5-302** is amended to read:

### **20A-5-302. Automated voting system.**

(1) (a) Any county or municipal legislative body or [~~local~~] special district board may:

(i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any automated voting system that meets the requirements of this section; and

(ii) use that system in any election, in all or a part of the voting precincts within its boundaries, or in combination with manual ballots.

(b) Nothing in this title shall be construed to require the use of electronic voting devices in local special elections, municipal primary elections, or municipal general elections.

(2) Each automated voting system shall:

(a) provide for voting in secrecy, except in the case of voters who have received assistance as authorized by Section 20A-3a-208;

(b) permit each voter at any election to:

(i) vote for all persons and offices for whom and for which that voter is lawfully entitled to vote;

(ii) vote for as many persons for an office as that voter is entitled to vote; and

(iii) vote for or against any ballot proposition upon which that voter is entitled to vote;

(c) permit each voter, at presidential elections, by one mark, to vote for the candidates of that party for president, vice president, and for their presidential electors;

(d) at elections other than primary elections, permit each voter to vote for the nominees

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of one or more parties and for independent candidates;

(e) at primary elections:

(i) permit each voter to vote for candidates of the political party of the voter's choice;

and

(ii) reject any votes cast for candidates of another party;

(f) prevent the voter from voting for the same person more than once for the same office;

(g) provide the opportunity for each voter to change the ballot and to correct any error before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub. L. No. 107-252;

(h) include automatic tabulating equipment that rejects choices recorded on a voter's ballot if the number of the voter's recorded choices is greater than the number which the voter is entitled to vote for the office or on the measure;

(i) be of durable construction, suitably designed so that it may be used safely, efficiently, and accurately in the conduct of elections and counting ballots;

(j) when properly operated, record correctly and count accurately each vote cast;

(k) for voting equipment certified after January 1, 2005, produce a permanent paper record that:

(i) shall be available as an official record for any recount or election contest conducted with respect to an election where the voting equipment is used;

(ii) (A) shall be available for the voter's inspection prior to the voter leaving the polling place; and

(B) shall permit the voter to inspect the record of the voter's selections independently only if reasonably practicable commercial methods permitting independent inspection are available at the time of certification of the voting equipment by the lieutenant governor;

(iii) shall include, at a minimum, human readable printing that shows a record of the voter's selections;

(iv) may also include machine readable printing which may be the same as the human readable printing; and

(v) allows a watcher to observe the election process to ensure the integrity of the election process; and

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(1) meet the requirements of Section 20A-5-802.

(3) For the purposes of a recount or an election contest, if the permanent paper record contains a conflict or inconsistency between the human readable printing and the machine readable printing, the human readable printing shall supercede the machine readable printing when determining the intent of the voter.

(4) Notwithstanding any other provisions of this section, the election officers shall ensure that the ballots to be counted by means of electronic or electromechanical devices are of a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be placed.

Section ~~{234}~~236. Section **20A-5-400.5** is amended to read:

### **20A-5-400.5. Election officer for bond and leeway elections.**

(1) When a voted leeway or bond election is held on the regular general election date, the county clerk shall serve as the provider election officer to conduct that election.

(2) (a) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election is entirely within the boundaries of the unincorporated county, the county clerk shall serve as the provider election officer to conduct that election subject to Subsection (3).

(b) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election is entirely within the boundaries of a municipality, the municipal clerk for that municipality shall, except as provided in Subsection (3), serve as the provider election officer to conduct that election.

(c) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election extends beyond the boundaries of a single municipality:

(i) except as provided in Subsection (3), the municipal clerk shall serve as the provider election officer to conduct the election for those portions of the local political subdivision where the municipal general election or other election is being held; and

(ii) except as provided in Subsection (3), the county clerk shall serve as the provider

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election officer to conduct the election for the unincorporated county and for those portions of any municipality where no municipal general election or other election is being held.

(3) When a voted leeway or bond election is held on a date when no other election, other than another voted leeway or bond election, is being held in the entire area comprising the local political subdivision calling the voted leeway or bond election:

(a) the clerk or chief executive officer of a ~~[local]~~ special district or the business administrator or superintendent of the school district, as applicable, shall serve as the election officer to conduct the bond election for those portions of the local political subdivision in which no other election, other than another voted leeway or bond election, is being held, unless the ~~[local]~~ special district or school district has contracted with a provider election officer; and

(b) the county clerk, municipal clerk, or both, as determined by the local political subdivision holding the bond election, shall serve as the provider election officer to conduct the bond election for those portions of the local political subdivision in which another election, other than another voted leeway or bond election, is being held.

(4) A provider election officer required by this section to conduct an election for a local political subdivision shall comply with Section 20A-5-400.1.

Section ~~{235}~~237. Section **20A-5-401** is amended to read:

### **20A-5-401. Official register -- Preparation -- Contents.**

(1) (a) Before the registration days for each regular general, municipal general, regular primary, municipal primary, or presidential primary election, each county clerk shall prepare an official register of all voters that will participate in the election.

(b) The county clerk shall ensure that the official register is prepared and contains the following for each registered voter:

- (i) name;
- (ii) party affiliation;
- (iii) an entry field for a voter challenge, including the name of the individual making the challenge and the grounds for the challenge;
- (iv) election name and date;
- (v) date of birth;
- (vi) place of current residence;
- (vii) street address of current residence;



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(viii) zip code;

(ix) identification and provisional ballot information as required under Subsection

(1)(d); and

(x) space for the voter to sign the voter's name for the election.

(c) When preparing the official register for the presidential primary election, the county clerk shall include:

(i) an entry field to record the name of the political party whose ballot the voter voted; and

(ii) an entry field for the poll worker to record changes in the voter's party affiliation.

(d) When preparing the official register for any regular general election, municipal general election, statewide special election, local special election, regular primary election, municipal primary election, ~~[local]~~ special district election, or election for federal office, the county clerk shall include:

(i) an entry field for the poll worker to record the type of identification provided by the voter;

(ii) a space for the poll worker to record the provisional envelope ballot number for voters who receive a provisional ballot; and

(iii) a space for the poll worker to record the type of identification that was provided by voters who receive a provisional ballot.

(2) (a) (i) For regular and municipal elections, primary elections, regular municipal elections, ~~[local]~~ special district elections, and bond elections, the county clerk shall make an official register only for voting precincts affected by the primary, municipal, ~~[local]~~ special district, or bond election.

(ii) If a polling place to be used in a bond election serves both voters residing in the local political subdivision calling the bond election and voters residing outside of that local political subdivision, the official register shall designate whether each voter resides in or outside of the local political subdivision.

(iii) Each county clerk, with the assistance of the clerk of each affected ~~[local]~~ special district, shall provide a detailed map or an indication on the registration list or other means to enable a poll worker to determine the voters entitled to vote at an election of ~~[local]~~ special district officers.

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(b) Municipalities shall pay the costs of making the official register for municipal elections.

Section ~~236~~238. Section **20A-5-403** is amended to read:

### **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --**

#### **Arrangements.**

(1) Except as provided in Section 20A-7-609.5, each election officer shall:

(a) designate polling places for each voting precinct in the jurisdiction; and

(b) obtain the approval of the county or municipal legislative body or ~~local~~ special district governing board for those polling places.

(2) (a) For each polling place, the election officer shall provide:

(i) an American flag;

(ii) a sufficient number of voting booths or compartments;

(iii) the voting devices, voting booths, ballots, ballot boxes, and any other records and supplies necessary to enable a voter to vote;

(iv) the constitutional amendment cards required by Part 1, Election Notices and Instructions;

(v) the instructions required by Section 20A-5-102; and

(vi) a sign, to be prominently displayed in the polling place, indicating that valid voter identification is required for every voter before the voter may vote and listing the forms of identification that constitute valid voter identification.

(b) Each election officer shall ensure that:

(i) each voting booth is at a convenient height for writing, and is arranged so that the voter can prepare the voter's ballot screened from observation;

(ii) there are a sufficient number of voting booths or voting devices to accommodate the voters at that polling place; and

(iii) there is at least one voting booth or voting device that is configured to accommodate persons with disabilities.

(c) Each county clerk shall provide a ballot box for each polling place that is large enough to properly receive and hold the ballots to be cast.

(3) (a) All polling places shall be physically inspected by each county clerk to ensure access by a person with a disability.

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(b) Any issues concerning inaccessibility to polling places by a person with a disability discovered during the inspections referred to in Subsection (3)(a) or reported to the county clerk shall be:

(i) forwarded to the Office of the Lieutenant Governor; and

(ii) within six months of the time of the complaint, the issue of inaccessibility shall be either:

(A) remedied at the particular location by the county clerk;

(B) the county clerk shall designate an alternative accessible location for the particular precinct; or

(C) if no practical solution can be identified, file with the Office of the Lieutenant Governor a written explanation identifying the reasons compliance cannot reasonably be met.

(4) (a) The municipality in which the election is held shall pay the cost of conducting each municipal election, including the cost of printing and supplies.

(b) (i) Costs assessed by a county clerk to a municipality under this section may not exceed the actual costs incurred by the county clerk.

(ii) The actual costs shall include:

(A) costs of or rental fees associated with the use of election equipment and supplies;

and

(B) reasonable and necessary administrative costs.

(5) The county clerk shall make detailed entries of all proceedings had under this chapter.

(6) (a) Each county clerk shall, to the extent possible, ensure that the amount of time that an individual waits in line before the individual can vote at a polling place in the county does not exceed 30 minutes.

(b) The lieutenant governor may require a county clerk to submit a line management plan before the next election if an individual waits in line at a polling place in the county longer than 30 minutes before the individual can vote.

(c) The lieutenant governor may consider extenuating circumstances in deciding whether to require the county clerk to submit a plan described in Subsection (6)(b).

(d) The lieutenant governor shall review each plan submitted under Subsection (6)(b) and consult with the county clerk submitting the plan to ensure, to the extent possible, that the

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amount of time an individual waits in line before the individual can vote at a polling place in the county does not exceed 30 minutes.

Section ~~{237}~~239. Section **20A-5-407** is amended to read:

### **20A-5-407. Election officer to provide ballot boxes.**

(1) Except as provided in Subsection (3), an election officer shall:

- (a) provide one ballot box with a lock and key for each polling place; and
- (b) deliver the ballot boxes, locks, and keys to the polling place before the polls open.

(2) An election officer for a municipality or ~~[local]~~ special district may obtain ballot boxes from the county clerk's office.

(3) If locks and keys are unavailable, the election officer shall ensure that the ballot box lid is secured by tape.

Section ~~{238}~~240. Section **20A-5-601** is amended to read:

### **20A-5-601. Appointment of poll workers in elections where candidates are distinguished by registered political parties.**

(1) (a) This section governs appointment of poll workers in elections where candidates are distinguished by registered political parties.

(b) On or before March 1 of each even-numbered year, an election officer shall provide to the county chair of each registered political party a list of the number of poll workers that the party must nominate for each polling place.

(c) On or before April 1 of each even-numbered year, the county chair and secretary of each registered political party shall file a list with the election officer containing the names of individuals in the county who are willing to serve as poll workers, who are qualified to serve as poll workers in accordance with this section, and who are competent and trustworthy.

(d) The county chair and secretary shall submit names equal in number to the number required by the election officer, plus one.

(2) Each election officer shall provide for the appointment of individuals to serve as poll workers at each election.

(3) (a) For each election, each election officer shall provide for the appointment of at least three registered voters, or one individual who is 16 or 17 years old and two registered voters, one of whom is at least 21 years old, from the list to serve as poll workers.

(b) An election officer may appoint additional poll workers, as needed.

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(4) For each set of three poll workers appointed for a polling place for an election, the election officer shall ensure that:

(a) two poll workers are appointed from the political party that cast the highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the jurisdiction holding the election at the last regular general election before the appointment of the poll workers; and

(b) one poll worker is appointed from the political party that cast the second highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the county, city, or ~~local~~ special district, as applicable, at the last regular general election before the appointment of the poll workers.

(5) The election officer shall provide for the appointment of any qualified county voter as a poll worker when:

(a) a political party fails to file the poll worker list by the filing deadline; or

(b) the list is incomplete.

(6) A registered voter of the county may serve as a poll worker at any polling place in the county, municipality, or district, as applicable.

(7) An election officer may not appoint a candidate's parent, sibling, spouse, child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to serve as a poll worker in a polling place where the candidate appears on the ballot.

(8) The election officer shall fill all poll worker vacancies.

(9) If a conflict arises over the right to certify the poll worker lists for any political party, the election officer may decide between conflicting lists, but may only select names from a properly submitted list.

(10) The clerk shall establish compensation for poll workers.

(11) The election officer may appoint additional poll workers to serve in the polling place as needed.

Section ~~239~~241. Section **20A-5-602** is amended to read:

**20A-5-602. Appointment of poll workers in elections where candidates are not distinguished by registered political parties.**

(1) (a) This section governs appointment of poll workers in elections where candidates

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are not distinguished by registered political parties.

(b) An election officer shall appoint the poll worker at least 15 days before the date of the local election.

(2) (a) The election officer shall appoint, or provide for the appointment of, at least three poll workers as follows:

(i) three registered voters; or

(ii) two registered voters, one of whom is at least 21 years old, and one individual who is 16 or 17 years old.

(b) The election officer may appoint additional poll workers to serve in the polling place as needed.

(3) The election officer may not appoint any candidate's parent, sibling, spouse, child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to serve as a poll worker at a polling place where the candidate appears on the ballot.

(4) (a) The clerk shall compensate poll workers for their services.

(b) The clerk of a municipality or ~~[local]~~ special district may not compensate poll workers at a rate higher than that paid by the county to the county's poll workers.

Section ~~{240}~~242. Section **20A-9-101** is amended to read:

### **20A-9-101. Definitions.**

As used in this chapter:

(1) (a) "Candidates for elective office" means persons who file a declaration of candidacy under Section 20A-9-202 to run in a regular general election for a federal office, constitutional office, multicounty office, or county office.

(b) "Candidates for elective office" does not mean candidates for:

(i) justice or judge of court of record or not of record;

(ii) presidential elector;

(iii) any political party offices; and

(iv) municipal or ~~[local]~~ special district offices.

(2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

(3) "Continuing political party" means the same as that term is defined in Section 20A-8-101.

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(4) (a) "County office" means an elective office where the officeholder is selected by voters entirely within one county.

(b) "County office" does not mean:

- (i) the office of justice or judge of any court of record or not of record;
- (ii) the office of presidential elector;
- (iii) any political party offices;
- (iv) any municipal or ~~local~~ special district offices; and
- (v) the office of United States Senator and United States Representative.

(5) "Electronic candidate qualification process" means:

(a) as it relates to a registered political party that is not a qualified political party, the process for gathering signatures electronically to seek the nomination of a registered political party, described in:

- (i) Section 20A-9-403;
- (ii) Section 20a-9-405, except Subsections 20A-9-405(3) and (5); and
- (iii) Section 20A-21-201; and

(b) as it relates to a qualified political party, the process, for gathering signatures electronically to seek the nomination of a registered political party, described in:

- (i) Section 20A-9-405, except Subsections 20A-9-405(3) and (5);
- (ii) Section 20A-9-408; and
- (iii) Section 20A-21-201.

(6) "Federal office" means an elective office for United States Senator and United States Representative.

(7) "Filing officer" means:

(a) the lieutenant governor, for:

- (i) the office of United States Senator and United States Representative; and
- (ii) all constitutional offices;

(b) for the office of a state senator or state representative, the lieutenant governor or the applicable clerk described in Subsection (7)(c) or (d);

- (c) the county clerk, for county offices and local school district offices;
- (d) the county clerk in the filer's county of residence, for multicounty offices;
- (e) the city or town clerk, for municipal offices; or

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(f) the ~~[local]~~ special district clerk, for ~~[local]~~ special district offices.

~~[(8)]~~ ~~"Local district office" means an elected office in a local district.]~~

~~[(9)]~~ (8) "Local government office" includes county offices, municipal offices, and ~~[local]~~ special district offices and other elective offices selected by the voters from a political division entirely within one county.

~~[(10)]~~ (9) "Manual candidate qualification process" means the process for gathering signatures to seek the nomination of a registered political party, using paper signature packets that a signer physically signs.

~~[(11)]~~ (10) (a) "Multicounty office" means an elective office where the officeholder is selected by the voters from more than one county.

(b) "Multicounty office" does not mean:

- (i) a county office;
- (ii) a federal office;
- (iii) the office of justice or judge of any court of record or not of record;
- (iv) the office of presidential elector;
- (v) any political party offices; or
- (vi) any municipal or ~~[local]~~ special district offices.

~~[(12)]~~ (11) "Municipal office" means an elective office in a municipality.

~~[(13)]~~ (12) (a) "Political division" means a geographic unit from which an officeholder is elected and that an officeholder represents.

(b) "Political division" includes a county, a city, a town, a ~~[local]~~ special district, a school district, a legislative district, and a county prosecution district.

~~[(14)]~~ (13) "Qualified political party" means a registered political party that:

(a) (i) permits a delegate for the registered political party to vote on a candidate nomination in the registered political party's convention remotely; or

(ii) provides a procedure for designating an alternate delegate if a delegate is not present at the registered political party's convention;

(b) does not hold the registered political party's convention before the fourth Saturday in March of an even-numbered year;

(c) permits a member of the registered political party to seek the registered political party's nomination for any elective office by the member choosing to seek the nomination by



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either or both of the following methods:

(i) seeking the nomination through the registered political party's convention process, in accordance with the provisions of Section 20A-9-407; or

(ii) seeking the nomination by collecting signatures, in accordance with the provisions of Section 20A-9-408; and

(d) (i) if the registered political party is a continuing political party, no later than 5 p.m. on the first Monday of October of an odd-numbered year, certifies to the lieutenant governor that, for the election in the following year, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406; or

(ii) if the registered political party is not a continuing political party, certifies at the time that the registered political party files the petition described in Section 20A-8-103 that, for the next election, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406.

~~[(15)]~~ (14) "Signature," as it relates to a petition for a candidate to seek the nomination of a registered political party, means:

(a) when using the manual candidate qualification process, a holographic signature collected physically on a nomination petition described in Subsection 20A-9-405(3); or

(b) when using the electronic candidate qualification process:

(i) an electronic signature collected under Subsection 20A-21-201(6)(c)(ii)(A); or

(ii) a holographic signature collected electronically under Subsection 20A-21-201(6)(c)(ii)(B).

(15) "Special district office" means an elected office in a special district.

Section ~~{241}~~ 243. Section **20A-9-503** is amended to read:

### **20A-9-503. Certificate of nomination -- Filing -- Fees.**

(1) Except as provided in Subsection (1)(b), after the certificate of nomination has been certified, executed, and acknowledged by the county clerk, the candidate shall:

(a) (i) file the petition in person with the lieutenant governor, if the office the candidate seeks is a constitutional office or a federal office, or the county clerk, if the office the candidate seeks is a county office, during the declaration of candidacy filing period described in Section 20A-9-201.5; and

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(ii) pay the filing fee; or

(b) not later than the close of normal office hours on June 15 of any odd-numbered year:

(i) file the petition in person with the municipal clerk, if the candidate seeks an office in a city or town, or the ~~[local]~~ special district clerk, if the candidate seeks an office in a ~~[local]~~ special district; and

(ii) pay the filing fee.

(2) (a) The provisions of this Subsection (2) do not apply to an individual who files a declaration of candidacy for president of the United States.

(b) Subject to Subsections (4)(c) and 20A-9-502(2), an individual may designate an agent to file a declaration of candidacy with the appropriate filing officer if:

(i) the individual is located outside of the state during the entire filing period;

(ii) the designated agent appears in person before the filing officer; and

(iii) the individual communicates with the filing officer using an electronic device that allows the individual and filing officer to see and hear each other.

(3) (a) At the time of filing, and before accepting the petition, the filing officer shall read the constitutional and statutory requirements for candidacy to the candidate.

(b) If the candidate states that the candidate does not meet the requirements, the filing officer may not accept the petition.

(4) (a) An individual filing a certificate of nomination for president or vice president of the United States under this section shall pay a filing fee of \$500.

(b) Notwithstanding Subsection (1), an individual filing a certificate of nomination for president or vice president of the United States:

(i) may file the certificate of nomination during the declaration of candidacy filing period described in Section 20A-9-201.5; and

(ii) may use a designated agent to file the certificate of nomination.

(c) An agent designated under Subsection (2) or described in Subsection (4)(b)(ii) may not sign the certificate of nomination form.

Section ~~{242}~~ 244. Section **20A-11-101** is amended to read:

### **20A-11-101. Definitions.**

As used in this chapter:

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(1) (a) "Address" means the number and street where an individual resides or where a reporting entity has its principal office.

(b) "Address" does not include a post office box.

(2) "Agent of a reporting entity" means:

(a) a person acting on behalf of a reporting entity at the direction of the reporting entity;

(b) a person employed by a reporting entity in the reporting entity's capacity as a reporting entity;

(c) the personal campaign committee of a candidate or officeholder;

(d) a member of the personal campaign committee of a candidate or officeholder in the member's capacity as a member of the personal campaign committee of the candidate or officeholder; or

(e) a political consultant of a reporting entity.

(3) "Ballot proposition" includes initiatives, referenda, proposed constitutional amendments, and any other ballot propositions submitted to the voters that are authorized by the Utah Code Annotated 1953.

(4) "Candidate" means any person who:

(a) files a declaration of candidacy for a public office; or

(b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a public office.

(5) "Chief election officer" means:

(a) the lieutenant governor for state office candidates, legislative office candidates, officeholders, political parties, political action committees, corporations, political issues committees, state school board candidates, judges, and labor organizations, as defined in Section 20A-11-1501; and

(b) the county clerk for local school board candidates.

(6) (a) "Contribution" means any of the following when done for political purposes:

(i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity;

(ii) an express, legally enforceable contract, promise, or agreement to make a gift,

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subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity;

(iii) any transfer of funds from another reporting entity to the filing entity;

(iv) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;

(v) remuneration from:

(A) any organization or its directly affiliated organization that has a registered lobbyist;

or

(B) any agency or subdivision of the state, including school districts;

(vi) a loan made by a candidate deposited to the candidate's own campaign; and

(vii) in-kind contributions.

(b) "Contribution" does not include:

(i) services provided by individuals volunteering a portion or all of their time on behalf of the filing entity if the services are provided without compensation by the filing entity or any other person;

(ii) money lent to the filing entity by a financial institution in the ordinary course of business;

(iii) goods or services provided for the benefit of a political entity at less than fair market value that are not authorized by or coordinated with the political entity; or

(iv) data or information described in Subsection (24)(b).

(7) "Coordinated with" means that goods or services provided for the benefit of a political entity are provided:

(a) with the political entity's prior knowledge, if the political entity does not object;

(b) by agreement with the political entity;

(c) in coordination with the political entity; or

(d) using official logos, slogans, and similar elements belonging to a political entity.

(8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business organization that is registered as a corporation or is authorized to do business in a state and makes any expenditure from corporate funds for:

(i) the purpose of expressly advocating for political purposes; or

(ii) the purpose of expressly advocating the approval or the defeat of any ballot

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proposition.

(b) "Corporation" does not mean:

- (i) a business organization's political action committee or political issues committee; or
- (ii) a business entity organized as a partnership or a sole proprietorship.

(9) "County political party" means, for each registered political party, all of the persons within a single county who, under definitions established by the political party, are members of the registered political party.

(10) "County political party officer" means a person whose name is required to be submitted by a county political party to the lieutenant governor in accordance with Section 20A-8-402.

(11) "Detailed listing" means:

(a) for each contribution or public service assistance:

(i) the name and address of the individual or source making the contribution or public service assistance, except to the extent that the name or address of the individual or source is unknown;

(ii) the amount or value of the contribution or public service assistance; and

(iii) the date the contribution or public service assistance was made; and

(b) for each expenditure:

(i) the amount of the expenditure;

(ii) the goods or services acquired by the expenditure; and

(iii) the date the expenditure was made.

(12) (a) "Donor" means a person that gives money, including a fee, due, or assessment for membership in the corporation, to a corporation without receiving full and adequate consideration for the money.

(b) "Donor" does not include a person that signs a statement that the corporation may not use the money for an expenditure or political issues expenditure.

(13) "Election" means each:

(a) regular general election;

(b) regular primary election; and

(c) special election at which candidates are eliminated and selected.

(14) "Electioneering communication" means a communication that:

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- (a) has at least a value of \$10,000;
- (b) clearly identifies a candidate or judge; and
- (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly identified candidate's or judge's election date.

(15) (a) "Expenditure" means any of the following made by a reporting entity or an agent of a reporting entity on behalf of the reporting entity:

- (i) any disbursement from contributions, receipts, or from the separate bank account required by this chapter;

- (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;

- (iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;

- (iv) compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;

- (v) a transfer of funds between the filing entity and a candidate's personal campaign committee;

- (vi) goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value; or

- (vii) an independent expenditure, as defined in Section 20A-11-1702.

(b) "Expenditure" does not include:

- (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;

- (ii) money lent to a reporting entity by a financial institution in the ordinary course of business; or

- (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to candidates for office or officeholders in states other than Utah.

(16) "Federal office" means the office of president of the United States, United States Senator, or United States Representative.

(17) "Filing entity" means the reporting entity that is required to file a financial

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statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

(18) "Financial statement" includes any summary report, interim report, verified financial statement, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

(19) "Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee, political party, or corporation.

(20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal Incorporation, by which a geographical area becomes legally recognized as a city, town, or metro township.

(21) "Incorporation election" means the election conducted under Section 10-2a-210 or 10-2a-404.

(22) "Incorporation petition" means a petition described in Section 10-2a-208.

(23) "Individual" means a natural person.

(24) (a) "In-kind contribution" means anything of value, other than money, that is accepted by or coordinated with a filing entity.

(b) "In-kind contribution" does not include survey results, voter lists, voter contact information, demographic data, voting trend data, or other information that:

- (i) is not commissioned for the benefit of a particular candidate or officeholder; and
- (ii) is offered at no cost to a candidate or officeholder.

(25) "Interim report" means a report identifying the contributions received and expenditures made since the last report.

(26) "Legislative office" means the office of state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

(27) "Legislative office candidate" means a person who:

- (a) files a declaration of candidacy for the office of state senator or state representative;
- (b) declares oneself to be a candidate for, or actively campaigns for, the position of speaker of the House of Representatives, president of the Senate, or the leader, whip, and assistant whip of any party caucus in either house of the Legislature; or

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(c) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a legislative office.

(28) "Loan" means any of the following provided by a person that benefits a filing entity if the person expects repayment or reimbursement:

- (a) an expenditure made using any form of payment;
- (b) money or funds received by the filing entity;
- (c) the provision of a good or service with an agreement or understanding that payment or reimbursement will be delayed; or
- (d) use of any line of credit.

(29) "Major political party" means either of the two registered political parties that have the greatest number of members elected to the two houses of the Legislature.

(30) "Officeholder" means a person who holds a public office.

(31) "Party committee" means any committee organized by or authorized by the governing board of a registered political party.

(32) "Person" means both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, and labor organizations, as defined in Section 20A-11-1501.

(33) "Personal campaign committee" means the committee appointed by a candidate to act for the candidate as provided in this chapter.

(34) "Personal use expenditure" has the same meaning as provided under Section 20A-11-104.

(35) (a) "Political action committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:

- (i) solicit or receive contributions from any other person, group, or entity for political purposes; or
- (ii) make expenditures to expressly advocate for any person to refrain from voting or to vote for or against any candidate or person seeking election to a municipal or county office.

(b) "Political action committee" includes groups affiliated with a registered political party but not authorized or organized by the governing board of the registered political party that receive contributions or makes expenditures for political purposes.



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(c) "Political action committee" does not mean:

(i) a party committee;

(ii) any entity that provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public;

(iii) an individual;

(iv) individuals who are related and who make contributions from a joint checking account;

(v) a corporation, except a corporation a major purpose of which is to act as a political action committee; or

(vi) a personal campaign committee.

(36) (a) "Political consultant" means a person who is paid by a reporting entity, or paid by another person on behalf of and with the knowledge of the reporting entity, to provide political advice to the reporting entity.

(b) "Political consultant" includes a circumstance described in Subsection (36)(a), where the person:

(i) has already been paid, with money or other consideration;

(ii) expects to be paid in the future, with money or other consideration; or

(iii) understands that the person may, in the discretion of the reporting entity or another person on behalf of and with the knowledge of the reporting entity, be paid in the future, with money or other consideration.

(37) "Political convention" means a county or state political convention held by a registered political party to select candidates.

(38) "Political entity" means a candidate, a political party, a political action committee, or a political issues committee.

(39) (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:

(i) solicit or receive donations from any other person, group, or entity to assist in placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

(ii) make expenditures to expressly advocate for any person to sign or refuse to sign a ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any

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proposed ballot proposition or an incorporation in an incorporation election; or

(iii) make expenditures to assist in qualifying or placing a ballot proposition on the ballot or to assist in keeping a ballot proposition off the ballot.

(b) "Political issues committee" does not mean:

(i) a registered political party or a party committee;

(ii) any entity that provides goods or services to an individual or committee in the regular course of its business at the same price that would be provided to the general public;

(iii) an individual;

(iv) individuals who are related and who make contributions from a joint checking account;

(v) a corporation, except a corporation a major purpose of which is to act as a political issues committee; or

(vi) a group of individuals who:

(A) associate together for the purpose of challenging or supporting a single ballot proposition, ordinance, or other governmental action by a county, city, town, ~~[local]~~ special district, special service district, or other local political subdivision of the state;

(B) have a common liberty, property, or financial interest that is directly impacted by the ballot proposition, ordinance, or other governmental action;

(C) do not associate together, for the purpose described in Subsection (39)(b)(vi)(A), via a legal entity;

(D) do not receive funds for challenging or supporting the ballot proposition, ordinance, or other governmental action from a person other than an individual in the group; and

(E) do not expend a total of more than \$5,000 for the purpose described in Subsection (39)(b)(vi)(A).

(40) (a) "Political issues contribution" means any of the following:

(i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or anything of value given to a political issues committee;

(ii) an express, legally enforceable contract, promise, or agreement to make a political issues donation to influence the approval or defeat of any ballot proposition;

(iii) any transfer of funds received by a political issues committee from a reporting

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entity;

(iv) compensation paid by another reporting entity for personal services rendered without charge to a political issues committee; and

(v) goods or services provided to or for the benefit of a political issues committee at less than fair market value.

(b) "Political issues contribution" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or

(ii) money lent to a political issues committee by a financial institution in the ordinary course of business.

(41) (a) "Political issues expenditure" means any of the following when made by a political issues committee or on behalf of a political issues committee by an agent of the reporting entity:

(i) any payment from political issues contributions made for the purpose of influencing the approval or the defeat of:

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

(ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for the express purpose of influencing the approval or the defeat of:

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

(iii) an express, legally enforceable contract, promise, or agreement to make any political issues expenditure;

(iv) compensation paid by a reporting entity for personal services rendered by a person without charge to a political issues committee; or

(v) goods or services provided to or for the benefit of another reporting entity at less than fair market value.

(b) "Political issues expenditure" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or

(ii) money lent to a political issues committee by a financial institution in the ordinary

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course of business.

(42) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:

(a) candidate or a person seeking a municipal or county office at any caucus, political convention, or election; or

(b) judge standing for retention at any election.

(43) (a) "Poll" means the survey of a person regarding the person's opinion or knowledge of an individual who has filed a declaration of candidacy for public office, or of a ballot proposition that has legally qualified for placement on the ballot, which is conducted in person or by telephone, facsimile, Internet, postal mail, or email.

(b) "Poll" does not include:

(i) a ballot; or

(ii) an interview of a focus group that is conducted, in person, by one individual, if:

(A) the focus group consists of more than three, and less than thirteen, individuals; and

(B) all individuals in the focus group are present during the interview.

(44) "Primary election" means any regular primary election held under the election laws.

(45) "Publicly identified class of individuals" means a group of 50 or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial statement the individuals are listed.

(46) "Public office" means the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state school board member, state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

(47) (a) "Public service assistance" means the following when given or provided to an officeholder to defray the costs of functioning in a public office or aid the officeholder to communicate with the officeholder's constituents:

(i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of

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money or anything of value to an officeholder; or

(ii) goods or services provided at less than fair market value to or for the benefit of the officeholder.

(b) "Public service assistance" does not include:

(i) anything provided by the state;

(ii) services provided without compensation by individuals volunteering a portion or all of their time on behalf of an officeholder;

(iii) money lent to an officeholder by a financial institution in the ordinary course of business;

(iv) news coverage or any publication by the news media; or

(v) any article, story, or other coverage as part of any regular publication of any organization unless substantially all the publication is devoted to information about the officeholder.

(48) "Receipts" means contributions and public service assistance.

(49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act.

(50) "Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor.

(51) "Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor.

(52) "Registered political party" means an organization of voters that:

(a) participated in the last regular general election and polled a total vote equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives for any of its candidates for any office; or

(b) has complied with the petition and organizing procedures of Chapter 8, Political Party Formation and Procedures.

(53) (a) "Remuneration" means a payment:

(i) made to a legislator for the period the Legislature is in session; and

(ii) that is approximately equivalent to an amount a legislator would have earned

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during the period the Legislature is in session in the legislator's ordinary course of business.

(b) "Remuneration" does not mean anything of economic value given to a legislator by:

(i) the legislator's primary employer in the ordinary course of business; or

(ii) a person or entity in the ordinary course of business:

(A) because of the legislator's ownership interest in the entity; or

(B) for services rendered by the legislator on behalf of the person or entity.

(54) "Reporting entity" means a candidate, a candidate's personal campaign committee, a judge, a judge's personal campaign committee, an officeholder, a party committee, a political action committee, a political issues committee, a corporation, or a labor organization, as defined in Section 20A-11-1501.

(55) "School board office" means the office of state school board.

(56) (a) "Source" means the person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution.

(b) "Source" means, for political action committees and corporations, the political action committee and the corporation as entities, not the contributors to the political action committee or the owners or shareholders of the corporation.

(57) "State office" means the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

(58) "State office candidate" means a person who:

(a) files a declaration of candidacy for a state office; or

(b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a state office.

(59) "Summary report" means the year end report containing the summary of a reporting entity's contributions and expenditures.

(60) "Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.

Section ~~{243}~~245. Section **20A-11-1202** is amended to read:

### **20A-11-1202. Definitions.**

As used in this part:

(1) "Applicable election officer" means:

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(a) a county clerk, if the email relates only to a local election; or  
(b) the lieutenant governor, if the email relates to an election other than a local election.

(2) "Ballot proposition" means constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, bond approvals, or other questions submitted to the voters for their approval or rejection.

(3) "Campaign contribution" means any of the following when done for a political purpose or to advocate for or against a ballot proposition:

(a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value given to a filing entity;

(b) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything of value to a filing entity;

(c) any transfer of funds from another reporting entity to a filing entity;

(d) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;

(e) remuneration from:

(i) any organization or the organization's directly affiliated organization that has a registered lobbyist; or

(ii) any agency or subdivision of the state, including a school district; or

(f) an in-kind contribution.

(4) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation agency that receives its revenues from conduct of its commercial operations.

(b) "Commercial interlocal cooperation agency" does not mean an interlocal cooperation agency that receives some or all of its revenues from:

(i) government appropriations;

(ii) taxes;

(iii) government fees imposed for regulatory or revenue raising purposes; or

(iv) interest earned on public funds or other returns on investment of public funds.

(5) "Expenditure" means:

(a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,

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or anything of value;

(b) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value;

(c) a transfer of funds between a public entity and a candidate's personal campaign committee;

(d) a transfer of funds between a public entity and a political issues committee; or

(e) goods or services provided to or for the benefit of a candidate, a candidate's personal campaign committee, or a political issues committee for political purposes at less than fair market value.

(6) "Filing entity" means the same as that term is defined in Section 20A-11-101.

(7) "Governmental interlocal cooperation agency" means an interlocal cooperation agency that receives some or all of its revenues from:

(a) government appropriations;

(b) taxes;

(c) government fees imposed for regulatory or revenue raising purposes; or

(d) interest earned on public funds or other returns on investment of public funds.

(8) "Influence" means to campaign or advocate for or against a ballot proposition.

(9) "Interlocal cooperation agency" means an entity created by interlocal agreement under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.

~~[(10) "Local district" means an entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.]~~

~~[(11)]~~ (10) "Political purposes" means an act done with the intent or in a way to influence or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:

(a) candidate for public office at any caucus, political convention, primary, or election;

or

(b) judge standing for retention at any election.

~~[(12)]~~ (11) "Proposed initiative" means an initiative proposed in an application filed under Section 20A-7-202 or 20A-7-502.



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~~[(13)]~~ (12) "Proposed referendum" means a referendum proposed in an application filed under Section 20A-7-302 or 20A-7-602.

~~[(14)]~~ (13) (a) "Public entity" includes the state, each state agency, each county, municipality, school district, ~~[local]~~ special district, governmental interlocal cooperation agency, and each administrative subunit of each of them.

(b) "Public entity" does not include a commercial interlocal cooperation agency.

(c) "Public entity" includes local health departments created under Title 26, Chapter 1, Department of Health Organization.

~~[(15)]~~ (14) (a) "Public funds" means any money received by a public entity from appropriations, taxes, fees, interest, or other returns on investment.

(b) "Public funds" does not include money donated to a public entity by a person or entity.

~~[(16)]~~ (15) (a) "Public official" means an elected or appointed member of government with authority to make or determine public policy.

(b) "Public official" includes the person or group that:

(i) has supervisory authority over the personnel and affairs of a public entity; and

(ii) approves the expenditure of funds for the public entity.

~~[(17)]~~ (16) "Reporting entity" means the same as that term is defined in Section 20A-11-101.

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

(b) "Special district" includes a special service district under Title 17D, Chapter 1, Special Service District Act.

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

(b) "State agency" includes the legislative branch, the Utah Board of Higher Education, each institution of higher education board of trustees, and each higher education institution.

Section ~~{244}~~ 246. Section **20A-17-103** is amended to read:

**20A-17-103. Posting political signs on public property.**

(1) As used in this section:

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(a) "Local government entity" means:

- (i) a county, municipality, or other political subdivision;
- (ii) a ~~local~~ special district, as defined in Section 17B-1-102;
- (iii) a special service district, as defined in Section 17D-1-102;
- (iv) a local building authority, as defined in Section 17D-2-102;
- (v) a conservation district, as defined in Section 17D-3-102;
- (vi) an independent entity, as defined in Section 63E-1-102;
- (vii) a public corporation, as defined in Section 63E-1-102;
- (viii) a public transit district, organized under Title 17B, Chapter 2a, Part 8, Public

Transit District Act;

- (ix) a school district;
- (x) a public school, including a charter school or other publicly funded school;
- (xi) a state institution of higher education;
- (xii) an entity that expends public funds; and
- (xiii) each office, agency, or other division of an entity described in Subsections

(1)(a)(i) through (xii).

(b) "Political sign" means any sign or document that advocates:

- (i) the election or defeat of a candidate for public office; or
- (ii) the approval or defeat of a ballot proposition.

(c) (i) "Public property" means any real property, building, or structure owned or leased by a local government entity.

(ii) "Public property" does not include any real property, building, or structure during a period of time that the real property, building, or structure is rented out by a government entity to a private party for a meeting, convention, or similar event.

(2) A local government entity, a local government officer, a local government employee, or another person with authority or control over public property that posts or permits a person to post a political sign on public property:

(a) shall permit any other person to post a political sign on the public property, subject to the same requirements and restrictions imposed on all other political signs permitted to be posted on the public property; and

(b) may not impose a requirement or restriction on the posting of a political sign if the

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requirement or restriction is not politically neutral and content neutral.

Section ~~{245}~~247. **Repealer.**

This bill repeals:

Section **17B-1-101**, Title.

Section **17B-2a-101**, Title.

Section 248. **Effective date -- Retrospective operation.**

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

(2) Section 17B-1-218, enacted by this bill, has retrospective operation to January 1, 2023.

Section 249. **Revisor instructions.**

The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, not enroll this bill if H.B. 77, Local District Revisions, does not pass.

The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, on May 3, 2023, replace "local district" with "special district" in any new language added to the Utah Code by legislation passed during the 2023 General Session.