

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

LONG TITLE

General Description:

This bill amends provisions relating to local districts.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides retrospective operation.

This bill provides revisor instructions.

Utah Code Sections Affected:

AMENDS:

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



- 26 [17-15-32](#), as enacted by Laws of Utah 2018, Chapter 257
- 27 [17-22-2](#), as last amended by Laws of Utah 2022, Chapter 335
- 28 [17-23-17](#), as last amended by Laws of Utah 2022, Chapter 415
- 29 [17-27a-103](#), as last amended by Laws of Utah 2022, Chapter 406
- 30 [17-27a-305](#), as last amended by Laws of Utah 2021, Chapter 35
- 31 [17-30-3](#), as last amended by Laws of Utah 2009, Chapter 218
- 32 [17-31-2](#), as last amended by Laws of Utah 2022, Chapter 360
- 33 [17-34-3](#), as last amended by Laws of Utah 2015, Chapter 352
- 34 [17-36-9](#), as last amended by Laws of Utah 2014, Chapter 176
- 35 [17-41-101](#), as last amended by Laws of Utah 2022, Chapter 72
- 36 [17-43-201](#), as last amended by Laws of Utah 2022, Chapter 255
- 37 [17-43-301](#), as last amended by Laws of Utah 2022, Chapter 255
- 38 [17-50-103](#), as last amended by Laws of Utah 2007, Chapter 329
- 39 [17-52a-503](#), as last amended by Laws of Utah 2020, Chapter 47
- 40 [17B-1-102](#), as last amended by Laws of Utah 2021, Chapter 314
- 41 [17B-1-103](#), as last amended by Laws of Utah 2018, Chapter 256
- 42 [17B-1-104](#), as last amended by Laws of Utah 2009, Chapter 92
- 43 [17B-1-104.5](#), as enacted by Laws of Utah 2011, Chapter 68
- 44 [17B-1-105](#), as last amended by Laws of Utah 2009, Chapter 350
- 45 [17B-1-106](#), as last amended by Laws of Utah 2021, Chapters 84, 162, 345, and 382
- 46 [17B-1-107](#), as last amended by Laws of Utah 2015, Chapter 349
- 47 [17B-1-110](#), as renumbered and amended by Laws of Utah 2007, Chapter 329
- 48 [17B-1-111](#), as last amended by Laws of Utah 2021, Chapter 355
- 49 [17B-1-113](#), as last amended by Laws of Utah 2019, Chapter 37
- 50 [17B-1-114](#), as enacted by Laws of Utah 2007, Chapter 329
- 51 [17B-1-115](#), as enacted by Laws of Utah 2007, Chapter 329
- 52 [17B-1-116](#), as enacted by Laws of Utah 2007, Chapter 329
- 53 [17B-1-118](#), as last amended by Laws of Utah 2021, Chapter 35
- 54 [17B-1-119](#), as repealed and reenacted by Laws of Utah 2013, Chapter 309
- 55 [17B-1-120](#), as enacted by Laws of Utah 2011, Chapter 205
- 56 [17B-1-121](#), as last amended by Laws of Utah 2021, Chapter 35

- 57 [17B-1-201](#), as last amended by Laws of Utah 2011, Chapter 68
- 58 [17B-1-202](#), as last amended by Laws of Utah 2020, Chapter 354
- 59 [17B-1-203](#), as last amended by Laws of Utah 2017, Chapter 112
- 60 [17B-1-204](#), as last amended by Laws of Utah 2011, Chapter 68
- 61 [17B-1-205](#), as last amended by Laws of Utah 2011, Chapter 68
- 62 [17B-1-207](#), as renumbered and amended by Laws of Utah 2007, Chapter 329
- 63 [17B-1-208](#), as last amended by Laws of Utah 2017, Chapter 112
- 64 [17B-1-209](#), as last amended by Laws of Utah 2011, Chapter 68
- 65 [17B-1-210](#), as last amended by Laws of Utah 2011, Chapter 68
- 66 [17B-1-211](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 67 [17B-1-212](#), as last amended by Laws of Utah 2022, Chapter 381
- 68 [17B-1-213](#), as last amended by Laws of Utah 2022, Chapter 381
- 69 [17B-1-214](#), as last amended by Laws of Utah 2017, Chapter 404
- 70 [17B-1-215](#), as last amended by Laws of Utah 2014, Chapter 405
- 71 [17B-1-216](#), as last amended by Laws of Utah 2009, Chapter 350
- 72 [17B-1-217](#), as last amended by Laws of Utah 2013, Chapter 448
- 73 [17B-1-301](#), as last amended by Laws of Utah 2018, Chapter 424
- 74 [17B-1-302](#), as last amended by Laws of Utah 2022, Chapter 381
- 75 [17B-1-303](#), as last amended by Laws of Utah 2022, Chapter 381
- 76 [17B-1-304](#), as last amended by Laws of Utah 2022, Chapter 381
- 77 [17B-1-305](#), as last amended by Laws of Utah 2014, Chapter 362
- 78 [17B-1-306](#), as last amended by Laws of Utah 2022, Chapters 18, 381
- 79 [17B-1-306.5](#), as last amended by Laws of Utah 2014, Chapter 377
- 80 [17B-1-307](#), as last amended by Laws of Utah 2022, Chapter 381
- 81 [17B-1-308](#), as last amended by Laws of Utah 2019, Chapter 40
- 82 [17B-1-310](#), as last amended by Laws of Utah 2013, Chapter 448
- 83 [17B-1-311](#), as last amended by Laws of Utah 2021, Chapter 51
- 84 [17B-1-312](#), as last amended by Laws of Utah 2018, Chapter 200
- 85 [17B-1-313](#), as last amended by Laws of Utah 2021, Chapter 355
- 86 [17B-1-314](#), as enacted by Laws of Utah 2011, Chapter 106
- 87 [17B-1-401](#), as renumbered and amended by Laws of Utah 2007, Chapter 329

- 88 **17B-1-402**, as last amended by Laws of Utah 2011, Chapter 68
- 89 **17B-1-403**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 90 **17B-1-404**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 91 **17B-1-405**, as last amended by Laws of Utah 2009, Chapter 350
- 92 **17B-1-406**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 93 **17B-1-407**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 94 **17B-1-408**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 95 **17B-1-409**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 96 **17B-1-410**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 97 **17B-1-411**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 98 **17B-1-412**, as last amended by Laws of Utah 2010, Chapter 263
- 99 **17B-1-413**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 100 **17B-1-414**, as last amended by Laws of Utah 2020, Chapter 122
- 101 **17B-1-415**, as last amended by Laws of Utah 2011, Chapter 223
- 102 **17B-1-416**, as last amended by Laws of Utah 2011, Chapter 68
- 103 **17B-1-417**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 104 **17B-1-418**, as last amended by Laws of Utah 2015, Chapter 349
- 105 **17B-1-501**, as enacted by Laws of Utah 2007, Chapter 329
- 106 **17B-1-502**, as last amended by Laws of Utah 2016, Chapters 176, 348
- 107 **17B-1-503**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 7
- 108 **17B-1-504**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 109 **17B-1-505**, as last amended by Laws of Utah 2017, Chapter 404
- 110 **17B-1-505.5**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 111 **17B-1-506**, as last amended by Laws of Utah 2011, Chapter 297
- 112 **17B-1-507**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 113 **17B-1-508**, as last amended by Laws of Utah 2015, Chapter 436
- 114 **17B-1-509**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 115 **17B-1-510**, as last amended by Laws of Utah 2015, Chapter 436
- 116 **17B-1-511**, as last amended by Laws of Utah 2014, Chapter 377
- 117 **17B-1-512**, as last amended by Laws of Utah 2017, Chapter 404
- 118 **17B-1-513**, as last amended by Laws of Utah 2016, Chapter 140

- 119 **17B-1-601**, as last amended by Laws of Utah 2014, Chapter 253
- 120 **17B-1-602**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 121 **17B-1-603**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 122 **17B-1-604**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 123 **17B-1-605**, as last amended by Laws of Utah 2013, Chapter 295
- 124 **17B-1-606**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 125 **17B-1-607**, as last amended by Laws of Utah 2015, Chapter 436
- 126 **17B-1-608**, as last amended by Laws of Utah 2022, Chapter 330
- 127 **17B-1-609**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 128 **17B-1-612**, as last amended by Laws of Utah 2021, Chapter 339
- 129 **17B-1-613**, as last amended by Laws of Utah 2016, Chapter 353
- 130 **17B-1-614**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 131 **17B-1-615**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 132 **17B-1-617**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 133 **17B-1-618**, as last amended by Laws of Utah 2022, Chapter 381
- 134 **17B-1-619**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 135 **17B-1-620**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 136 **17B-1-621**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 137 **17B-1-623**, as enacted by Laws of Utah 2007, Chapter 329
- 138 **17B-1-626**, as last amended by Laws of Utah 2014, Chapter 253
- 139 **17B-1-627**, as last amended by Laws of Utah 2009, Chapter 204
- 140 **17B-1-629**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 141 **17B-1-631**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 142 **17B-1-632**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 143 **17B-1-633**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 144 **17B-1-635**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 145 **17B-1-639**, as last amended by Laws of Utah 2013, Chapter 448
- 146 **17B-1-640**, as last amended by Laws of Utah 2013, Chapter 448
- 147 **17B-1-641**, as last amended by Laws of Utah 2018, Chapter 256
- 148 **17B-1-642**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 149 **17B-1-643**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15

- 150 **17B-1-644**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 151 **17B-1-645**, as enacted by Laws of Utah 2010, Chapter 171
- 152 **17B-1-701**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 153 **17B-1-702**, as last amended by Laws of Utah 2018, Chapter 424
- 154 **17B-1-703**, as last amended by Laws of Utah 2018, Chapter 424
- 155 **17B-1-801**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 156 **17B-1-802**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 157 **17B-1-803**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 158 **17B-1-804**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 159 **17B-1-805**, as enacted by Laws of Utah 2018, Chapter 154
- 160 **17B-1-901**, as last amended by Laws of Utah 2015, Chapter 260
- 161 **17B-1-902**, as last amended by Laws of Utah 2018, Chapter 197
- 162 **17B-1-902.1**, as enacted by Laws of Utah 2015, Chapter 349
- 163 **17B-1-903**, as last amended by Laws of Utah 2015, Chapter 349
- 164 **17B-1-904**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 165 **17B-1-905**, as enacted by Laws of Utah 2011, Chapter 106
- 166 **17B-1-906**, as enacted by Laws of Utah 2011, Chapter 106
- 167 **17B-1-1001**, as last amended by Laws of Utah 2019, Chapter 255
- 168 **17B-1-1002**, as last amended by Laws of Utah 2015, Chapter 352
- 169 **17B-1-1003**, as last amended by Laws of Utah 2019, Chapter 255
- 170 **17B-1-1101**, as last amended by Laws of Utah 2008, Chapter 360
- 171 **17B-1-1102**, as last amended by Laws of Utah 2021, Chapters 314, 415
- 172 **17B-1-1103**, as last amended by Laws of Utah 2008, Chapter 360
- 173 **17B-1-1104**, as last amended by Laws of Utah 2008, Chapter 360
- 174 **17B-1-1105**, as enacted by Laws of Utah 2007, Chapter 329
- 175 **17B-1-1107**, as enacted by Laws of Utah 2007, Chapter 329
- 176 **17B-1-1201**, as enacted by Laws of Utah 2007, Chapter 329
- 177 **17B-1-1202**, as enacted by Laws of Utah 2007, Chapter 329
- 178 **17B-1-1204**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 179 **17B-1-1207**, as enacted by Laws of Utah 2007, Chapter 329
- 180 **17B-1-1301**, as renumbered and amended by Laws of Utah 2007, Chapter 329

- 181 **17B-1-1302**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 182 **17B-1-1303**, as last amended by Laws of Utah 2017, Chapter 248
- 183 **17B-1-1304**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 184 **17B-1-1305**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 185 **17B-1-1306**, as last amended by Laws of Utah 2017, Chapter 248
- 186 **17B-1-1307**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 187 **17B-1-1308**, as last amended by Laws of Utah 2017, Chapter 248
- 188 **17B-1-1309**, as enacted by Laws of Utah 2017, Chapter 248
- 189 **17B-1-1310**, as enacted by Laws of Utah 2017, Chapter 248
- 190 **17B-1-1401**, as enacted by Laws of Utah 2007, Chapter 329
- 191 **17B-1-1402**, as last amended by Laws of Utah 2011, Chapter 68
- 192 **17B-1-1403**, as enacted by Laws of Utah 2020, Chapter 122
- 193 **17B-2a-102**, as last amended by Laws of Utah 2014, Chapter 194
- 194 **17B-2a-104**, as enacted by Laws of Utah 2007, Chapter 329
- 195 **17B-2a-203**, as enacted by Laws of Utah 2007, Chapter 329
- 196 **17B-2a-205**, as enacted by Laws of Utah 2007, Chapter 329
- 197 **17B-2a-209**, as enacted by Laws of Utah 2007, Chapter 329
- 198 **17B-2a-303**, as enacted by Laws of Utah 2007, Chapter 329
- 199 **17B-2a-304**, as enacted by Laws of Utah 2007, Chapter 329
- 200 **17B-2a-402**, as enacted by Laws of Utah 2007, Chapter 329
- 201 **17B-2a-403**, as last amended by Laws of Utah 2016, Chapters 273, 346
- 202 **17B-2a-502**, as enacted by Laws of Utah 2007, Chapter 329
- 203 **17B-2a-503**, as enacted by Laws of Utah 2007, Chapter 329
- 204 **17B-2a-602**, as last amended by Laws of Utah 2019, Chapter 430
- 205 **17B-2a-603**, as enacted by Laws of Utah 2007, Chapter 329
- 206 **17B-2a-702**, as enacted by Laws of Utah 2007, Chapter 329
- 207 **17B-2a-703**, as last amended by Laws of Utah 2019, Chapter 37
- 208 **17B-2a-802**, as last amended by Laws of Utah 2022, Chapters 69, 406
- 209 **17B-2a-803**, as last amended by Laws of Utah 2016, Chapter 273 and last amended by
- 210 Coordination Clause, Laws of Utah 2016, Chapter 273
- 211 **17B-2a-804**, as last amended by Laws of Utah 2022, Chapters 69, 406

- 212 [17B-2a-817](#), as last amended by Laws of Utah 2013, Chapter 415
- 213 [17B-2a-902](#), as last amended by Laws of Utah 2014, Chapter 189
- 214 [17B-2a-903](#), as last amended by Laws of Utah 2009, Chapter 218
- 215 [17B-2a-904](#), as enacted by Laws of Utah 2007, Chapter 329
- 216 [17B-2a-907](#), as renumbered and amended by Laws of Utah 2007, Chapter 329
- 217 [17B-2a-1003](#), as last amended by Laws of Utah 2019, Chapter 430
- 218 [17B-2a-1004](#), as last amended by Laws of Utah 2011, Chapter 47
- 219 [17B-2a-1007](#), as last amended by Laws of Utah 2021, Chapter 355
- 220 [17B-2a-1102](#), as last amended by Laws of Utah 2015, Chapter 352
- 221 [17B-2a-1104](#), as last amended by Laws of Utah 2022, Chapter 381
- 222 [17B-2a-1106](#), as last amended by Laws of Utah 2019, Chapter 24
- 223 [17C-1-102](#), as last amended by Laws of Utah 2021, Chapter 214
- 224 [17C-1-409](#), as last amended by Laws of Utah 2022, Chapter 307
- 225 [17D-1-102](#), as last amended by Laws of Utah 2014, Chapter 377
- 226 [17D-1-103](#), as last amended by Laws of Utah 2020, Chapter 354
- 227 [17D-1-106](#), as last amended by Laws of Utah 2020, Chapter 122
- 228 [17D-1-202](#), as enacted by Laws of Utah 2008, Chapter 360
- 229 [17D-1-303](#), as last amended by Laws of Utah 2014, Chapter 377
- 230 [17D-1-305](#), as enacted by Laws of Utah 2008, Chapter 360
- 231 [17D-1-401](#), as last amended by Laws of Utah 2015, Chapter 437
- 232 [17D-1-601](#), as last amended by Laws of Utah 2013, Chapter 371
- 233 [17D-1-603](#), as last amended by Laws of Utah 2013, Chapter 371
- 234 [17D-1-604](#), as enacted by Laws of Utah 2013, Chapter 371
- 235 [17D-2-102](#), as enacted by Laws of Utah 2008, Chapter 360
- 236 [17D-2-108](#), as last amended by Laws of Utah 2012, Chapter 347
- 237 [17D-3-105](#), as last amended by Laws of Utah 2020, Chapter 122
- 238 [17D-4-102](#), as last amended by Laws of Utah 2022, Chapters 82, 237
- 239 [17D-4-103](#), as renumbered and amended by Laws of Utah 2021, Chapter 314
- 240 [17D-4-201](#), as renumbered and amended by Laws of Utah 2021, Chapter 314
- 241 [17D-4-203](#), as last amended by Laws of Utah 2022, Chapter 82
- 242 [17D-4-204](#), as renumbered and amended by Laws of Utah 2021, Chapter 314

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

271 ENACTS:

272 **17B-2a-407**, Utah Code Annotated 1953

273 REPEALS:

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

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



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

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

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

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

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

289 (i) an existing parcel;

290 (ii) an interest in the property; or

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

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

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

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

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

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

303 (A) a city;

304 (B) a town;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

357 (1) As used in this section:

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

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

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

362 (ii) "Limited purpose entity" includes:

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

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

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

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

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

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

400 (1) The sheriff shall:

401 (a) preserve the peace;

402 (b) make all lawful arrests;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

475 (1) As used in this section:

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

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

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

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

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

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

491 separate violation.

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

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

495 (3) This type of map shall show:

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

497 (b) the date of survey;

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

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

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

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

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

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

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

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

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

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

511 (i) the purpose of the survey;

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

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

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

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

517 (ii) the date of the survey;

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

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

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

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

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

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

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

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

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

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

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

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

544 As used in this chapter:

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

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

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

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

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

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

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

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

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

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

565 (a) a single project;

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

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

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

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

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

576 (i) an operating charter school;

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

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

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

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

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

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

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

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

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

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

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

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

598 (d) (i) either:

599 (A) no person uses or occupies; or

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

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

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

608 (13) "Development activity" means:

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

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

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

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

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

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

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

625 (16) "Educational facility":

626 (a) means:

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

630 (ii) a structure or facility:

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

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

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

635 (b) does not include:

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

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

639 and

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

641 (ii) a therapeutic school.

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

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

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

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

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

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

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

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

658 (21) "Geologic hazard" means:

659 (a) a surface fault rupture;

660 (b) shallow groundwater;

661 (c) liquefaction;

662 (d) a landslide;

663 (e) a debris flow;

664 (f) unstable soil;

665 (g) a rock fall; or

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

667 (i) to life;

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

669 (iii) of substantial damage to real property.

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

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

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

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

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

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

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

711 (a) is required for human consumption; and

712 (b) an applicant must install:

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

715 (ii) as a condition of:

716 (A) recording a subdivision plat;

717 (B) obtaining a building permit; or

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

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

722 (a) runs with the land; and

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

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

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

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

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

735 (33) "Land use application":

736 (a) means an application that is:

737 (i) required by a county; and

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

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

740 (34) "Land use authority" means:

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

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

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

747 (a) a land use permit;

748 (b) a land use application; or

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

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

752 (37) "Land use regulation":

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

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

757 (c) does not include:

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

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

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

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

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

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

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

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

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

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

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

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

776 (i) creates an additional lot; or

777 (ii) constitutes a subdivision.

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

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

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

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

784 or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

860 (a) the federal government;

861 (b) the state;

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

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

864 (d) a charter school.

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

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

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

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

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

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

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

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

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

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

886 (a) parliamentary order and procedure;

887 (b) ethical behavior; and

888 (c) civil discourse.

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

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

894 development right.

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

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

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

902 (67) "Specified public agency" means:

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

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

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

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

913 (b) "Subdivision" includes:

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

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

920 (c) "Subdivision" does not include:

- 921 (i) a bona fide division or partition of agricultural land for agricultural purposes;
- 922 (ii) a boundary line agreement recorded with the county recorder's office between
923 owners of adjoining parcels adjusting the mutual boundary in accordance with Section
924 17-27a-523 if no new lot is created;

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

- 956 subdivision; or
- 957 (e) alters a common area or other common amenity within the subdivision.
- 958 (72) "Substantial evidence" means evidence that:
- 959 (a) is beyond a scintilla; and
- 960 (b) a reasonable mind would accept as adequate to support a conclusion.
- 961 (73) "Suspect soil" means soil that has:
- 962 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 963 3% swell potential;
- 964 (b) bedrock units with high shrink or swell susceptibility; or
- 965 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 966 commonly associated with dissolution and collapse features.
- 967 (74) "Therapeutic school" means a residential group living facility:
- 968 (a) for four or more individuals who are not related to:
- 969 (i) the owner of the facility; or
- 970 (ii) the primary service provider of the facility;
- 971 (b) that serves students who have a history of failing to function:
- 972 (i) at home;
- 973 (ii) in a public school; or
- 974 (iii) in a nonresidential private school; and
- 975 (c) that offers:
- 976 (i) room and board; and
- 977 (ii) an academic education integrated with:
- 978 (A) specialized structure and supervision; or
- 979 (B) services or treatment related to a disability, an emotional development, a
- 980 behavioral development, a familial development, or a social development.
- 981 (75) "Transferable development right" means a right to develop and use land that
- 982 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
- 983 land use rights from a designated sending zone to a designated receiving zone.
- 984 (76) "Unincorporated" means the area outside of the incorporated area of a
- 985 municipality.
- 986 (77) "Water interest" means any right to the beneficial use of water, including:

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

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

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

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

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

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

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

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

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

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

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

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

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

1022 (3) A county may not:

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

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

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

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

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

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

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

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

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

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

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

1050 (a) avoid or mitigate existing and potential traffic hazards, including consideration of
1051 the impacts between the new school and future highways; and

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

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

1054 (a) provide a walk-through of school construction at no cost and at a time convenient to
1055 the district or charter school; and

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

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

1058 (i) a county building inspector;

1059 (ii) (A) for a school district, a school district building inspector from that school
1060 district; or

1061 (B) for a charter school, a school district building inspector from the school district in
1062 which the charter school is located; or

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

1064 (A) not an employee of the contractor;

1065 (B) approved by:

1066 (I) a county building inspector; or

1067 (II) (Aa) for a school district, a school district building inspector from that school
1068 district; or

1069 (Bb) for a charter school, a school district building inspector from the school district in
1070 which the charter school is located; and

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

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

1073 (c) If a school district or charter school uses a school district or independent building
1074 inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall submit to
1075 the state superintendent of public instruction and county building official, on a monthly basis
1076 during construction of the school building, a copy of each inspection certificate regarding the
1077 school building.

1078 (7) (a) A charter school shall be considered a permitted use in all zoning districts
1079 within a county.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1174 Issuance of bonds.

1175 (1) As used in this section:

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

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

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

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

1180 (e) "Base year revenue" means the amount of revenue generated by a transient room tax
1181 and collected by a county for fiscal year 2018-19.

1182 (f) "Base year promotion expenditure" means the amount of revenue generated by a
1183 transient room tax that a county spent for the purpose described in Subsection (2)(a) during
1184 fiscal year 2018-19.

1185 (g) "Economic diversification activity" means an economic development activity that is
1186 reasonably similar to, supplements, or expands any economic program as administered by the
1187 state or the Governor's Office of Economic Opportunity.

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

1189 (i) is located within a county that has a national park within or partially within the
1190 county's boundaries; and

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

1192 (i) "Emergency medical services provider" means an eligible town, a ~~local~~ special
1193 district, or a special service district.

1194 (j) "Tourism" means an activity to develop, encourage, solicit, or market tourism that
1195 attracts transient guests to the county, including planning, development, and advertising for the
1196 purpose described in Subsection (2)(a)(i).

1197 (k) "Town" means a municipality that is classified as a town in accordance with
1198 Section 10-2-301.

1199 (l) "Transient room tax" means a tax at a rate not to exceed 4.25% authorized by
1200 Section 59-12-301.

1201 (2) Subject to the requirements of this section, a county legislative body may impose
1202 the transient room tax for the purposes of:

1203 (a) establishing and promoting:

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

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

1266 visitor management and destination development if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1327 (iii) a combination of these sources.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1379 As used in this chapter:

1380 (1) "Advisory board" means:

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

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

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

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

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

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

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

1394 (4) "Applicable legislative body" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1481 (21) "Planning commission" means:

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

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

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

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

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

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

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

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

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

1503 (a) by a mine operator; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1573 (5) Each local substance abuse authority shall:

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

1576 other county correctional facility;

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

1578 legislative body for funding and service delivery that includes:

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

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

1581 county correctional facility; and

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

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

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

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

1586 programs, and prescribe the director's duties;

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

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

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

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

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

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

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

1594 Mental Health Act;

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

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

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

1598 community setting through community-based prevention programs;

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

1600 services described in the plan;

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

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

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

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

1605 Entities Act;

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

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

1608 (i) a screening;

1609 (ii) an assessment;

1610 (iii) an educational series; and

1611 (iv) substance abuse treatment; and

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

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

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

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

1620 (i) the division;

1621 (ii) the local substance abuse authority director;

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

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

1625 (iv) the county legislative body; and

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

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

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

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

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

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

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

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

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

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

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

1651 (iii) may include:

1652 (A) counseling;

1653 (B) case management; or

1654 (C) a support group; and

1655 (iv) shall include a referral for:

1656 (A) prenatal care; and

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

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

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

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

1665 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1762 Mental Health Act;

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

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

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

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

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

1777 (i) inpatient care and services;

1778 (ii) residential care and services;

1779 (iii) outpatient care and services;

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

1781 (v) psychotropic medication management;

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

1783 (vii) case management;

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

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

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

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

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

1793 62A-15-1302;

1794 (ii) ensure that each individual who answers calls to the local mental health crisis line:

1795 (A) is a mental health therapist or a crisis worker; and

1796 (B) meets the standards of care and practice established by the Division of Integrated

1797 Healthcare, in accordance with Section 62A-15-1302; and

1798 (iii) ensure that when necessary, based on the local mental health crisis line's capacity,

1799 calls are immediately routed to the statewide mental health crisis line to ensure that when an

1800 individual calls the local mental health crisis line, regardless of the time, date, or number of

1801 individuals trying to simultaneously access the local mental health crisis line, a mental health

1802 therapist or a crisis worker answers the call without the caller first:

1803 (A) waiting on hold; or

1804 (B) being screened by an individual other than a mental health therapist or crisis

1805 worker.

1806 (b) If a local mental health authority does not provide for a local mental health crisis

1807 line under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the

1808 local mental health authority shall use the statewide mental health crisis line as a local crisis

1809 line resource.

1810 (8) Before disbursing any public funds, each local mental health authority shall require

1811 that each entity that receives any public funds from a local mental health authority agrees in

1812 writing that:

1813 (a) the entity's financial records and other records relevant to the entity's performance

1814 of the services provided to the mental health authority shall be subject to examination by:

1815 (i) the division;

1816 (ii) the local mental health authority director;

1817 (iii) (A) the county treasurer and county or district attorney; or

1818 (B) if two or more counties jointly provide mental health services under an agreement

1819 under Subsection (3), the designated treasurer and the designated legal officer;

1820 (iv) the county legislative body; and

1821 (v) in a county with a county executive that is separate from the county legislative

1822 body, the county executive;

1823 (b) the county auditor may examine and audit the entity's financial and other records

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

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

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

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

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

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

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

1838 (1) For purposes of this section:

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

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

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

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

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

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

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

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

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

1855 Local Government Entities - Special Districts, that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1924 As used in this title:

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

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

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

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

1932 (3) "Bond" means:

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

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

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

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

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

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

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

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

1956 (8) "General obligation bond":

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

1959 (i) levied:

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

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

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

1963 and

1964 (b) does not include:

1965 (i) a short-term bond;

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

1967 (iii) a special assessment bond.

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

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

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

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

1975 (i) provide the requested service; or

1976 (ii) commit to provide the requested service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2040 (b) does not include:

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

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

2044 (iii) a special assessment bond.

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

2047 (a) parliamentary order and procedure;

2048 (b) ethical behavior; and

2049 (c) civil discourse.

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

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

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

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

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

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

2063 (a) this chapter; or

2064 (b) (i) this chapter; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2101 (a) is:

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

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

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

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

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

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

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

2179 (i) (A) with another political subdivision of the state; or
2180 (B) with a public or private owner of property on which the district has a right-of-way
2181 or adjacent to which the district owns fee title to property; and

2182 (ii) to allow the use of property:
2183 (A) owned by the district; or
2184 (B) on which the district has a right-of-way; and

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

2187 (i) provide services or nonmonetary assistance to a nonprofit entity;
2188 (ii) waive fees required to be paid by a nonprofit entity; or
2189 (iii) provide monetary assistance to a nonprofit entity, whether from the [local] special
2190 district's own funds or from funds the [local] special district receives from the state or any other
2191 source.

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

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

2196 highway, concerning:

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

2198 (ii) the relaying of pavement; and

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

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

2201 the street or highway:

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

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

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

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

2206 distribution facilities, if:

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

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

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

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

2211 operations of the district; and

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

2213 the district;

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

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

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

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

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

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

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

2221 constructing the facilities.

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

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

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

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

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

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

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

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

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

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

2235 (1) For purposes of this title:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2266 (c) subject to Subsection (2)(b), a duly appointed personal representative may sign a
2267 request or petition on behalf of a deceased owner.

2268 Section 19. Section **17B-1-104.5** is amended to read:

2269 **17B-1-104.5. Groundwater right owner provisions -- Vote.**

2270 (1) For purposes of this title, an owner of a groundwater right, is on the date of the
2271 filing of a groundwater right owner petition or groundwater right owner request, the owner
2272 according to:

2273 (a) a deed recorded with the county recorder in accordance with Section [73-1-10](#); or

2274 (b) a water right of record filed in the state engineer's office in accordance with Section
2275 [73-1-10](#).

2276 (2) For purposes of each provision of this title that requires the owners of groundwater
2277 rights covering a percentage of the total groundwater rights within the proposed [~~local~~] special
2278 district to sign a request, petition, or protest:

2279 (a) a groundwater right may not be included in the calculation of the required
2280 percentage unless the request or petition is signed by:

2281 (i) except as provided in Subsection (2)(a)(ii), owners representing a majority
2282 ownership interest in that groundwater right; or

2283 (ii) if the groundwater right is owned by joint tenants or tenants by the entirety, 50% of
2284 the number of owners of that groundwater right;

2285 (b) the signature of a person signing a request or petition in a representative capacity on
2286 behalf of an owner is invalid unless:

2287 (i) the person's representative capacity and the name of the owner the person represents
2288 are indicated on the request or petition with the person's signature; and

2289 (ii) the person provides documentation accompanying the request or petition that
2290 reasonably substantiates the person's representative capacity; and

2291 (c) subject to Subsection (2)(b), a duly appointed personal representative may sign a
2292 request or petition on behalf of the estate of a deceased owner.

2293 (3) For an election by groundwater right owners described in this title, each owner of a
2294 groundwater right is entitled to cast one vote.

2295 Section 20. Section **17B-1-105** is amended to read:

2296 **17B-1-105. Name of special district -- Name change.**

2297 (1) (a) The name of each [~~local~~] special district created on or after May 1, 2000 shall
2298 comply with Subsection **17-50-103(2)(a)**.

2299 (b) The board of each [~~local~~] special district affected by Subsection **17-50-103(2)(b)**
2300 shall ensure that after January 1, 2005 the [~~local~~] special district name complies with the
2301 requirements of [~~that~~] Subsection **17-50-103(2)(b)**.

2302 (2) The name of a [~~local~~] special district created after April 30, 2007 may not include
2303 the name of a county or municipality.

2304 (3) The name of a [~~local~~] special district may include words descriptive of the type of
2305 service that the district provides.

2306 (4) (a) A [~~local~~] special district board may change the name of that [~~local~~] special
2307 district as provided in this Subsection (4).

2308 (b) To initiate a name change, the [~~local~~] special district board shall:

2309 (i) hold a public hearing on the proposed name change;

2310 (ii) adopt a resolution approving the name change; and

2311 (iii) file with the lieutenant governor a notice of an impending name change, as defined
2312 in Section **67-1a-6.7**, that meets the requirements of Subsection **67-1a-6.7(3)**.

2313 (c) Upon the lieutenant governor's issuance of a certificate of name change under
2314 Section **67-1a-6.7**, the [~~local~~] special district board shall:

2315 (i) if the [~~local~~] special district is located within the boundary of a single county,
2316 submit to the recorder of that county:

2317 (A) the original:

2318 (I) notice of an impending name change; and

2319 (II) certificate of name change; and

2320 (B) a certified copy of the resolution approving the name change; or
2321 (ii) if the [local] special district is located within the boundaries of more than a single
2322 county:

2323 (A) submit to the recorder of one of those counties:
2324 (I) the original of the documents listed in Subsections (4)(c)(i)(A)(I) and (II); and
2325 (II) a certified copy of the resolution approving the name change; and

2326 (B) submit to the recorder of each other county:
2327 (I) a certified copy of the documents listed in Subsections (4)(c)(i)(A)(I) and (II); and
2328 (II) a certified copy of the resolution approving the name change.

2329 (d) (i) A name change under this Subsection (4) becomes effective upon the lieutenant
2330 governor's issuance of a certificate of name change under Section 67-1a-6.7.

2331 (ii) Notwithstanding Subsection (4)(d)(i), the [local] special district may not operate
2332 under the new name until the documents listed in Subsection (4)(c) are recorded in the office of
2333 the recorder of each county in which the [local] special district is located.

2334 Section 21. Section 17B-1-106 is amended to read:

2335 **17B-1-106. Notice before preparing or amending a long-range plan or acquiring**
2336 **certain property.**

2337 (1) As used in this section:

2338 (a) (i) "Affected entity" means each county, municipality, [local] special district under
2339 this title, special service district, school district, interlocal cooperation entity established under
2340 Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

2341 (A) whose services or facilities are likely to require expansion or significant
2342 modification because of an intended use of land; or

2343 (B) that has filed with the [local] special district a copy of the general or long-range
2344 plan of the county, municipality, [local] special district, school district, interlocal cooperation
2345 entity, or specified public utility.

2346 (ii) "Affected entity" does not include the [local] special district that is required under
2347 this section to provide notice.

2348 (b) "Specified public utility" means an electrical corporation, gas corporation, or
2349 telephone corporation, as those terms are defined in Section 54-2-1.

2350 (2) (a) If a [local] special district under this title located in a county of the first or

2351 second class prepares a long-range plan regarding the [local] special district's facilities
2352 proposed for the future or amends an already existing long-range plan, the [local] special
2353 district shall, before preparing a long-range plan or amendments to an existing long-range plan,
2354 provide written notice, as provided in this section, of the [local] special district's intent to
2355 prepare a long-range plan or to amend an existing long-range plan.

2356 (b) Each notice under Subsection (2)(a) shall:

2357 (i) indicate that the [local] special district intends to prepare a long-range plan or to
2358 amend a long-range plan, as the case may be;

2359 (ii) describe or provide a map of the geographic area that will be affected by the
2360 long-range plan or amendments to a long-range plan;

2361 (iii) be:

2362 (A) sent to each county in whose unincorporated area and each municipality in whose
2363 boundaries is located the land on which the proposed long-range plan or amendments to a
2364 long-range plan are expected to indicate that the proposed facilities will be located;

2365 (B) sent to each affected entity;

2366 (C) sent to the Utah Geospatial Resource Center created in Section [63A-16-505](#);

2367 (D) sent to each association of governments, established pursuant to an interlocal
2368 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or
2369 municipality described in Subsection (2)(b)(iii)(A) is a member; and

2370 (E) (I) placed on the Utah Public Notice Website created under Section [63A-16-601](#), if
2371 the [local] special district:

2372 (Aa) is required under Subsection [52-4-203\(3\)](#) to use that website to provide public
2373 notice of a meeting; or

2374 (Bb) voluntarily chooses to place notice on that website despite not being required to
2375 do so under Subsection (2)(b)(iii)(E)(I)(Aa); or

2376 (II) the state planning coordinator appointed under Section [63J-4-401](#), if the [local]
2377 special district does not provide notice on the Utah Public Notice Website under Subsection
2378 (2)(b)(iii)(E)(I);

2379 (iv) with respect to the notice to counties and municipalities described in Subsection
2380 (2)(b)(iii)(A) and affected entities, invite them to provide information for the [local] special
2381 district to consider in the process of preparing, adopting, and implementing the long-range plan

2382 or amendments to a long-range plan concerning:

2383 (A) impacts that the use of land proposed in the proposed long-range plan or
2384 amendments to a long-range plan may have on the county, municipality, or affected entity; and

2385 (B) uses of land that the county, municipality, or affected entity is planning or
2386 considering that may conflict with the proposed long-range plan or amendments to a long-range
2387 plan; and

2388 (v) include the address of an Internet website, if the [local] special district has one, and
2389 the name and telephone number of an individual where more information can be obtained
2390 concerning the [local] special district's proposed long-range plan or amendments to a
2391 long-range plan.

2392 (3) (a) Except as provided in Subsection (3)(d), each [local] special district intending to
2393 acquire real property in a county of the first or second class for the purpose of expanding the
2394 [local] special district's infrastructure or other facilities used for providing the services that the
2395 [local] special district is authorized to provide shall provide written notice, as provided in this
2396 Subsection (3), of the [local] special district's intent to acquire the property if the intended use
2397 of the property is contrary to:

2398 (i) the anticipated use of the property under the county or municipality's general plan;
2399 or

2400 (ii) the property's current zoning designation.

2401 (b) Each notice under Subsection (3)(a) shall:

2402 (i) indicate that the [local] special district intends to acquire real property;

2403 (ii) identify the real property; and

2404 (iii) be sent to:

2405 (A) each county in whose unincorporated area and each municipality in whose
2406 boundaries the property is located; and

2407 (B) each affected entity.

2408 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
2409 [63G-2-305\(8\)](#).

2410 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the [local] special
2411 district previously provided notice under Subsection (2) identifying the general location within
2412 the municipality or unincorporated part of the county where the property to be acquired is

2413 located.

2414 (ii) If a [local] special district is not required to comply with the notice requirement of
2415 Subsection (3)(a) because of application of Subsection (3)(d)(i), the [local] special district shall
2416 provide the notice specified in Subsection (3)(a) as soon as practicable after the [local] special
2417 district's acquisition of the real property.

2418 Section 22. Section **17B-1-107** is amended to read:

2419 **17B-1-107. Recording a release of lien.**

2420 If a [local] special district records a lien upon real property or a groundwater right for
2421 an unpaid assessment by the owner and the owner then pays the assessment in full, including,
2422 subject to Section **17B-1-902.1**, any interest and administrative costs, the [local] special district
2423 recording the lien shall record the release of the lien.

2424 Section 23. Section **17B-1-110** is amended to read:

2425 **17B-1-110. Compliance with nepotism requirements.**

2426 Each [local] special district shall comply with Title 52, Chapter 3, Prohibiting
2427 Employment of Relatives.

2428 Section 24. Section **17B-1-111** is amended to read:

2429 **17B-1-111. Impact fee resolution -- Notice and hearing requirements.**

2430 (1) (a) If a [local] special district wishes to impose impact fees, the board of trustees of
2431 the [local] special district shall:

2432 (i) prepare a proposed impact fee resolution that meets the requirements of Title 11,
2433 Chapter 36a, Impact Fees Act;

2434 (ii) make a copy of the impact fee resolution available to the public at least 14 days
2435 before the date of the public hearing and hold a public hearing on the proposed impact fee
2436 resolution; and

2437 (iii) provide reasonable notice of the public hearing at least 14 days before the date of
2438 the hearing.

2439 (b) After the public hearing, the board of trustees may:

2440 (i) adopt the impact fee resolution as proposed;

2441 (ii) amend the impact fee resolution and adopt or reject it as amended; or

2442 (iii) reject the resolution.

2443 (2) A [local] special district meets the requirements of reasonable notice required by

2444 this section if it:

2445 (a) posts notice of the hearing or meeting in at least three public places within the
2446 jurisdiction; or

2447 (b) gives actual notice of the hearing or meeting.

2448 (3) The [local] special district's board of trustees may enact a resolution establishing
2449 stricter notice requirements than those required by this section.

2450 (4) (a) Proof that one of the two forms of notice required by this section was given is
2451 prima facie evidence that notice was properly given.

2452 (b) If notice given under authority of this section is not challenged within 30 days from
2453 the date of the meeting for which the notice was given, the notice is considered adequate and
2454 proper.

2455 Section 25. Section **17B-1-113** is amended to read:

2456 **17B-1-113. Liability insurance.**

2457 (1) Each [local] special district with an annual operating budget of \$50,000 or more
2458 shall obtain liability insurance as considered appropriate by the [local] special district board.

2459 (2) Each [local] special district with an annual operating budget of less than \$50,000 is
2460 not required to obtain liability insurance, but liability insurance is encouraged, as considered
2461 appropriate by the [local] special district board.

2462 Section 26. Section **17B-1-114** is amended to read:

2463 **17B-1-114. Special district property taxes on a parity with general taxes.**

2464 Unless otherwise specifically provided by statute, property taxes levied by a [local]
2465 special district shall constitute a lien on the property on a parity with and collectible at the same
2466 time and in the same manner as general county taxes that are a lien on the property.

2467 Section 27. Section **17B-1-115** is amended to read:

2468 **17B-1-115. Validation of previously created special districts -- Continuation of**
2469 **certain special districts under this chapter -- Providing a previously authorized service.**

2470 (1) Each [local] special district created before April 30, 2007 under the law in effect at
2471 the time of the creation is declared to be validly and legally constituted.

2472 (2) An entity created and operating under the law in effect before April 30, 2007 as a
2473 [local] special district but not as a cemetery maintenance district, drainage district, fire
2474 protection district, improvement district, irrigation district, metropolitan water district,

2475 mosquito abatement district, public transit district, service area, or water conservancy district
2476 shall continue on and after April 30, 2007 as a [local] special district subject to the provisions
2477 of this chapter but not subject to the provisions of [~~Chapter 2a, Provisions Applicable to~~
2478 ~~Different Types of Local Districts~~] Chapter 2a, Provisions Applicable to Different Types of
2479 Special Districts.

2480 (3) Nothing in this title may be construed to prohibit or limit a [local] special district
2481 from providing on or after April 30, 2007 a service that it was authorized before that date to
2482 provide.

2483 Section 28. Section **17B-1-116** is amended to read:

2484 **17B-1-116. Property exempt from taxation and execution.**

2485 All property and assets of a [local] special district are exempt from taxation and exempt
2486 from execution.

2487 Section 29. Section **17B-1-118** is amended to read:

2488 **17B-1-118. Special district hookup fee -- Preliminary design or site plan from a**
2489 **specified public agency.**

2490 (1) As used in this section:

2491 (a) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
2492 meter, or appurtenance to connect to a [local] special district water, sewer, storm water, power,
2493 or other utility system.

2494 (b) "Impact fee" has the same meaning as defined in Section [11-36a-102](#).

2495 (c) "Specified public agency" means:

2496 (i) the state;

2497 (ii) a school district; or

2498 (iii) a charter school.

2499 (d) "State" includes any department, division, or agency of the state.

2500 (2) A [local] special district may not impose or collect a hookup fee that exceeds the
2501 reasonable cost of installing and inspecting the pipe, line, meter, or appurtenance to connect to
2502 the [local] special district water, sewer, storm water, power, or other utility system.

2503 (3) (a) A specified public agency intending to develop its land shall submit a
2504 development plan and schedule to each [local] special district from which the specified public
2505 agency anticipates the development will receive service:

- 2506 (i) as early as practicable in the development process, but no later than the
- 2507 commencement of construction; and
- 2508 (ii) with sufficient detail to enable the [local] special district to assess:
- 2509 (A) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b), (c),
- 2510 (d), (e), and (g) caused by the development;
- 2511 (B) the amount of any hookup fees, or impact fees or substantive equivalent;
- 2512 (C) any credit against an impact fee; and
- 2513 (D) the potential for waiving an impact fee.
- 2514 (b) The [local] special district shall respond to a specified public agency's submission
- 2515 under Subsection (3)(a) with reasonable promptness in order to allow the specified public
- 2516 agency to consider information the [local] special district provides under Subsection (3)(a)(ii)
- 2517 in the process of preparing the budget for the development.
- 2518 (4) Upon a specified public agency's submission of a development plan and schedule as
- 2519 required in Subsection (3) that complies with the requirements of that subsection, the specified
- 2520 public agency vests in the [local] special district's hookup fees and impact fees in effect on the
- 2521 date of submission.

2522 Section 30. Section 17B-1-119 is amended to read:

2523 **17B-1-119. Duty to comply with local land use provisions.**

2524 A [local] special district shall comply with Title 10, Chapter 9a, Municipal Land Use,

2525 Development, and Management Act, and Title 17, Chapter 27a, County Land Use,

2526 Development, and Management Act, as applicable, if a land use authority consults with or

2527 allows the [local] special district to participate in any way in a land use authority's land use

2528 development review or approval process.

2529 Section 31. Section 17B-1-120 is amended to read:

2530 **17B-1-120. Exactions -- Exaction for water interest -- Requirement to offer to**

2531 **original owner property acquired by exaction.**

- 2532 (1) A [local] special district may impose an exaction on a service received by an
- 2533 applicant, including, subject to Subsection (2), an exaction for a water interest if:
- 2534 (a) the [local] special district establishes that a legitimate [local] special district interest
- 2535 makes the exaction essential; and
- 2536 (b) the exaction is roughly proportionate, both in nature and extent, to the impact of the

2537 proposed service on the [local] special district.

2538 (2) (a) (i) A [local] special district shall base an exaction for a water interest on the
2539 culinary water authority's established calculations of projected water interest requirements.

2540 (ii) If requested by a service applicant, the culinary authority shall provide the basis for
2541 the culinary water authority's calculations described in Subsection (2)(a)(i).

2542 (b) A [local] special district may not impose an exaction for a water interest if the
2543 culinary water authority's existing available water interests exceed the water interests needed to
2544 meet the reasonable future water requirement of the public, as determined in accordance with
2545 Section 73-1-4.

2546 (3) (a) If a [local] special district plans to dispose of surplus real property that was
2547 acquired under this section and has been owned by the [local] special district for less than 15
2548 years, the [local] special district shall offer to reconvey the surplus real property, without
2549 receiving additional consideration, first to a person who granted the real property to the [local]
2550 special district.

2551 (b) The person described in Subsection (3)(a) shall, within 90 days after the day on
2552 which a [local] special district makes an offer under Subsection (3)(a), accept or reject the
2553 offer.

2554 (c) If a person rejects an offer under Subsection (3)(b), the [local] special district may
2555 sell the real property.

2556 Section 32. Section 17B-1-121 is amended to read:

2557 **17B-1-121. Limit on fees -- Requirement to itemize and account for fees --**
2558 **Appeals.**

2559 (1) A [local] special district may not impose or collect:

2560 (a) an application fee that exceeds the reasonable cost of processing the application; or

2561 (b) an inspection or review fee that exceeds the reasonable cost of performing an
2562 inspection or review.

2563 (2) (a) Upon request by a service applicant who is charged a fee or an owner of
2564 residential property upon which a fee is imposed, a [local] special district shall provide a
2565 statement of each itemized fee and calculation method for each fee.

2566 (b) If an applicant who is charged a fee or an owner of residential property upon which
2567 a fee is imposed submits a request for a statement of each itemized fee no later than 30 days

2568 after the day on which the applicant or owner pays the fee, the [toeat] special district shall, no
2569 later than 10 days after the day on which the request is received, provide or commit to provide
2570 within a specific time:

2571 (i) for each fee, any studies, reports, or methods relied upon by the [toeat] special
2572 district to create the calculation method described in Subsection (2)(a);

2573 (ii) an accounting of each fee paid;

2574 (iii) how each fee will be distributed by the [toeat] special district; and

2575 (iv) information on filing a fee appeal through the process described in Subsection
2576 (2)(c).

2577 (c) (i) A [toeat] special district shall establish an impartial fee appeal process to
2578 determine whether a fee reflects only the reasonable estimated cost of delivering the service for
2579 which the fee was paid.

2580 (ii) A party to a fee appeal described in Subsection (2)(c)(i) may petition for judicial
2581 review of the [toeat] special district's final decision.

2582 (3) A [toeat] special district may not impose on or collect from a public agency a fee
2583 associated with the public agency's development of the public agency's land other than:

2584 (a) subject to Subsection (1), a hookup fee; or

2585 (b) an impact fee, as defined in Section 11-36a-102 and subject to Section 11-36a-402,
2586 for a public facility listed in Subsection 11-36a-102(17)(a), (b), (c), (d), (e), or (g).

2587 Section 33. Section 17B-1-201 is amended to read:

2588 **Part 2. Creation of a District**

2589 **17B-1-201. Definitions.**

2590 As used in this part:

2591 (1) "Applicable area" means:

2592 (a) for a county, the unincorporated area of the county that is included within the
2593 proposed [toeat] special district; or

2594 (b) for a municipality, the area of the municipality that is included within the proposed
2595 [toeat] special district.

2596 (2) "Governing body" means:

2597 (a) for a county or municipality, the legislative body of the county or municipality; and

2598 (b) for a [toeat] special district, the board of trustees of the [toeat] special district.

- 2599 (3) "Groundwater right owner petition" means a petition under Subsection
2600 17B-1-203(1)(c).
- 2601 (4) "Groundwater right owner request" means a request under Section 17B-1-204 that
2602 is signed by owners of water rights as provided in Subsection 17B-1-204(2)(b)(ii).
- 2603 (5) "Initiating ~~local~~ special district" means a ~~local~~ special district that adopts a
2604 resolution proposing the creation of a ~~local~~ special district under Subsection 17B-1-203(1)(e).
- 2605 (6) "Petition" means a petition under Subsection 17B-1-203(1)(a), (b), or (c).
- 2606 (7) "Property owner petition" means a petition under Subsection 17B-1-203(1)(a).
- 2607 (8) "Property owner request" means a request under Section 17B-1-204 that is signed
2608 by owners of real property as provided in Subsection 17B-1-204(2)(b)(i).
- 2609 (9) "Registered voter request" means a request under Section 17B-1-204 that is signed
2610 by registered voters as provided in Subsection 17B-1-204(2)(b)(iii).
- 2611 (10) "Registered voter petition" means a petition under Subsection 17B-1-203(1)(b).
- 2612 (11) "Request" means a request as described in Section 17B-1-204.
- 2613 (12) "Responsible body" means the governing body of:
- 2614 (a) the municipality in which the proposed ~~local~~ special district is located, if the
2615 petition or resolution proposes the creation of a ~~local~~ special district located entirely within a
2616 single municipality;
- 2617 (b) the county in which the proposed ~~local~~ special district is located, if the petition or
2618 resolution proposes the creation of a ~~local~~ special district located entirely within a single
2619 county and all or part of the proposed ~~local~~ special district is located within:
- 2620 (i) the unincorporated part of the county; or
- 2621 (ii) more than one municipality within the county;
- 2622 (c) if the petition or resolution proposes the creation of a ~~local~~ special district located
2623 within more than one county, the county whose boundaries include more of the area of the
2624 proposed ~~local~~ special district than is included within the boundaries of any other county; or
- 2625 (d) the initiating ~~local~~ special district, if a resolution proposing the creation of a
2626 ~~local~~ special district is adopted under Subsection 17B-1-203(1)(e).
- 2627 (13) "Responsible clerk" means the clerk of the county or the clerk or recorder of the
2628 municipality whose legislative body is the responsible body.
- 2629 Section 34. Section 17B-1-202 is amended to read:

2630 **17B-1-202. Special district may be created -- Services that may be provided --**
2631 **Limitations.**

2632 (1) (a) A [~~local~~] special district may be created as provided in this part to provide
2633 within its boundaries service consisting of:

2634 (i) the operation of an airport;
2635 (ii) the operation of a cemetery;
2636 (iii) fire protection, paramedic, and emergency services, including consolidated 911
2637 and emergency dispatch services;

2638 (iv) garbage collection and disposal;
2639 (v) health care, including health department or hospital service;
2640 (vi) the operation of a library;
2641 (vii) abatement or control of mosquitos and other insects;
2642 (viii) the operation of parks or recreation facilities or services;
2643 (ix) the operation of a sewage system;
2644 (x) the construction and maintenance of a right-of-way, including:

2645 (A) a curb;
2646 (B) a gutter;
2647 (C) a sidewalk;
2648 (D) a street;
2649 (E) a road;
2650 (F) a water line;
2651 (G) a sewage line;
2652 (H) a storm drain;
2653 (I) an electricity line;
2654 (J) a communications line;
2655 (K) a natural gas line; or
2656 (L) street lighting;

2657 (xi) transportation, including public transit and providing streets and roads;
2658 (xii) the operation of a system, or one or more components of a system, for the
2659 collection, storage, retention, control, conservation, treatment, supplying, distribution, or
2660 reclamation of water, including storm, flood, sewage, irrigation, and culinary water, whether

2661 the system is operated on a wholesale or retail level or both;

2662 (xiii) in accordance with Subsection (1)(c), the acquisition or assessment of a
2663 groundwater right for the development and execution of a groundwater management plan in
2664 cooperation with and approved by the state engineer in accordance with Section 73-5-15;

2665 (xiv) law enforcement service;

2666 (xv) subject to Subsection (1)(b), the underground installation of an electric utility line
2667 or the conversion to underground of an existing electric utility line;

2668 (xvi) the control or abatement of earth movement or a landslide;

2669 (xvii) the operation of animal control services and facilities; or

2670 (xviii) an energy efficiency upgrade, a renewable energy system, or electric vehicle
2671 charging infrastructure as defined in Section 11-42a-102, in accordance with Title 11, Chapter
2672 42a, Commercial Property Assessed Clean Energy Act.

2673 (b) Each ~~local~~ special district that provides the service of the underground installation
2674 of an electric utility line or the conversion to underground of an existing electric utility line
2675 shall, in installing or converting the line, provide advance notice to and coordinate with the
2676 utility that owns the line.

2677 (c) A groundwater management plan described in Subsection (1)(a)(xiii) may include
2678 the banking of groundwater rights by a ~~local~~ special district in a critical management area as
2679 defined in Section 73-5-15 following the adoption of a groundwater management plan by the
2680 state engineer under Section 73-5-15.

2681 (i) A ~~local~~ special district may manage the groundwater rights it acquires under
2682 Subsection 17B-1-103(2)(a) or (b) consistent with the provisions of a groundwater
2683 management plan described in this Subsection (1)(c).

2684 (ii) A groundwater right held by a ~~local~~ special district to satisfy the provisions of a
2685 groundwater management plan is not subject to the forfeiture provisions of Section 73-1-4.

2686 (iii) (A) A ~~local~~ special district may divest itself of a groundwater right subject to a
2687 determination that the groundwater right is not required to facilitate the groundwater
2688 management plan described in this Subsection (1)(c).

2689 (B) The groundwater right described in Subsection (1)(c)(iii)(A) is subject to Section
2690 73-1-4 beginning on the date of divestiture.

2691 (iv) Upon a determination by the state engineer that an area is no longer a critical

2692 management area as defined in Section 73-5-15, a groundwater right held by the [local] special
2693 district is subject to Section 73-1-4.

2694 (v) A [local] special district created in accordance with Subsection (1)(a)(xiii) to
2695 develop and execute a groundwater management plan may hold or acquire a right to surface
2696 waters that are naturally tributary to the groundwater basin subject to the groundwater
2697 management plan if the surface waters are appropriated in accordance with Title 73, Water and
2698 Irrigation, and used in accordance with Title 73, Chapter 3b, Groundwater Recharge and
2699 Recovery Act.

2700 (2) ~~[For purposes of]~~ As used in this section:

2701 (a) "Operation" means all activities involved in providing the indicated service
2702 including acquisition and ownership of property reasonably necessary to provide the indicated
2703 service and acquisition, construction, and maintenance of facilities and equipment reasonably
2704 necessary to provide the indicated service.

2705 (b) "System" means the aggregate of interrelated components that combine together to
2706 provide the indicated service including, for a sewage system, collection and treatment.

2707 (3) (a) A [local] special district may not be created to provide and may not after its
2708 creation provide more than four of the services listed in Subsection (1).

2709 (b) Subsection (3)(a) may not be construed to prohibit a [local] special district from
2710 providing more than four services if, before April 30, 2007, the [local] special district was
2711 authorized to provide those services.

2712 (4) (a) Except as provided in Subsection (4)(b), a [local] special district may not be
2713 created to provide and may not after its creation provide to an area the same service that may
2714 already be provided to that area by another political subdivision, unless the other political
2715 subdivision gives its written consent.

2716 (b) For purposes of Subsection (4)(a), a [local] special district does not provide the
2717 same service as another political subdivision if it operates a component of a system that is
2718 different from a component operated by another political subdivision but within the same:

2719 (i) sewage system; or

2720 (ii) water system.

2721 (5) (a) Except for a [local] special district in the creation of which an election is not
2722 required under Subsection 17B-1-214(3)(d), the area of a [local] special district may include all

2723 or part of the unincorporated area of one or more counties and all or part of one or more
2724 municipalities.

2725 (b) The area of a [local] special district need not be contiguous.

2726 (6) For a [local] special district created before May 5, 2008, the authority to provide
2727 fire protection service also includes the authority to provide:

2728 (a) paramedic service; and

2729 (b) emergency service, including hazardous materials response service.

2730 (7) A [local] special district created before May 11, 2010, authorized to provide the
2731 construction and maintenance of curb, gutter, or sidewalk may provide a service described in
2732 Subsection (1)(a)(x) on or after May 11, 2010.

2733 (8) A [local] special district created before May 10, 2011, authorized to provide
2734 culinary, irrigation, sewage, or storm water services may provide a service described in
2735 Subsection (1)(a)(xii) on or after May 10, 2011.

2736 (9) A [local] special district may not be created under this chapter for two years after
2737 the date on which a [local] special district is dissolved as provided in Section 17B-1-217 if the
2738 [local] special district proposed for creation:

2739 (a) provides the same or a substantially similar service as the dissolved [local] special
2740 district; and

2741 (b) is located in substantially the same area as the dissolved [local] special district.

2742 Section 35. Section 17B-1-203 is amended to read:

2743 **17B-1-203. Process to initiate the creation of a special district -- Petition or**
2744 **resolution.**

2745 (1) The process to create a [local] special district may be initiated by:

2746 (a) unless the proposed [local] special district is a [local] special district to acquire or
2747 assess a groundwater right under Section 17B-1-202, and subject to Section 17B-1-204, a
2748 petition signed by the owners of private real property that:

2749 (i) is located within the proposed [local] special district;

2750 (ii) covers at least 33% of the total private land area within the proposed [local] special
2751 district as a whole and within each applicable area;

2752 (iii) is equal in value to at least 25% of the value of all private real property within the
2753 proposed [local] special district as a whole and within each applicable area; and

2754 (iv) complies with the requirements of Subsection 17B-1-205(1) and Section
2755 17B-1-208;

2756 (b) subject to Section 17B-1-204, a petition that:

2757 (i) is signed by registered voters residing within the proposed [local] special district as
2758 a whole and within each applicable area, equal in number to at least 33% of the number of
2759 votes cast in the proposed [local] special district as a whole and in each applicable area,
2760 respectively, for the office of governor at the last regular general election prior to the filing of
2761 the petition; and

2762 (ii) complies with the requirements of Subsection 17B-1-205(1) and Section
2763 17B-1-208;

2764 (c) if the proposed [local] special district is a [local] special district to acquire or assess
2765 a groundwater right under Section 17B-1-202, and subject to Section 17B-1-204, a petition
2766 signed by the owners of groundwater rights that:

2767 (i) are diverted within the proposed [local] special district;

2768 (ii) cover at least 33% of the total amount of groundwater diverted in accordance with
2769 groundwater rights within the proposed [local] special district as a whole and within each
2770 applicable area; and

2771 (iii) comply with the requirements of Subsection 17B-1-205(1) and Section 17B-1-208;

2772 (d) a resolution proposing the creation of a [local] special district, adopted by the
2773 legislative body of each county whose unincorporated area, whether in whole or in part,
2774 includes and each municipality whose boundaries include any of the proposed [local] special
2775 district; or

2776 (e) a resolution proposing the creation of a [local] special district, adopted by the board
2777 of trustees of an existing [local] special district whose boundaries completely encompass the
2778 proposed [local] special district, if:

2779 (i) the proposed [local] special district is being created to provide one or more
2780 components of the same service that the initiating [local] special district is authorized to
2781 provide; and

2782 (ii) the initiating [local] special district is not providing to the area of the proposed
2783 [local] special district any of the components that the proposed [local] special district is being
2784 created to provide.

- 2785 (2) (a) Each resolution under Subsection (1)(d) or (e) shall:
- 2786 (i) describe the area proposed to be included in the proposed [toeat] special district;
- 2787 (ii) be accompanied by a map that shows the boundaries of the proposed [toeat] special
- 2788 district;
- 2789 (iii) describe the service proposed to be provided by the proposed [toeat] special
- 2790 district;
- 2791 (iv) if the resolution proposes the creation of a specialized [toeat] special district,
- 2792 specify the type of specialized [toeat] special district proposed to be created;
- 2793 (v) explain the anticipated method of paying the costs of providing the proposed
- 2794 service;
- 2795 (vi) state the estimated average financial impact on a household within the proposed
- 2796 [toeat] special district;
- 2797 (vii) state the number of members that the board of trustees of the proposed [toeat]
- 2798 special district will have, consistent with the requirements of Subsection 17B-1-302(4);
- 2799 (viii) for a proposed basic [toeat] special district:
- 2800 (A) state whether the members of the board of trustees will be elected or appointed or
- 2801 whether some members will be elected and some appointed, as provided in Section
- 2802 17B-1-1402;
- 2803 (B) if one or more members will be elected, state the basis upon which each elected
- 2804 member will be elected; and
- 2805 (C) if applicable, explain how the election or appointment of board members will
- 2806 transition from one method to another based on stated milestones or events, as provided in
- 2807 Section 17B-1-1402;
- 2808 (ix) for a proposed improvement district whose remaining area members or county
- 2809 members, as those terms are defined in Section 17B-2a-404, are to be elected, state that those
- 2810 members will be elected; and
- 2811 (x) for a proposed service area that is entirely within the unincorporated area of a single
- 2812 county, state whether the initial board of trustees will be:
- 2813 (A) the county legislative body;
- 2814 (B) appointed as provided in Section 17B-1-304; or
- 2815 (C) elected as provided in Section 17B-1-306.

2816 (b) Each county or municipal legislative body adopting a resolution under Subsection
2817 (1)(d) shall, on or before the first public hearing under Section 17B-1-210, mail or deliver a
2818 copy of the resolution to the responsible body if the county or municipal legislative body's
2819 resolution is one of multiple resolutions adopted by multiple county or municipal legislative
2820 bodies proposing the creation of the same [local] special district.

2821 Section 36. Section 17B-1-204 is amended to read:

2822 **17B-1-204. Request for service required before filing of petition -- Request**
2823 **requirements.**

2824 (1) A petition may not be filed until after:

2825 (a) a request has been filed with:

2826 (i) the clerk of each county in whose unincorporated area any part of the proposed
2827 [local] special district is located; and

2828 (ii) the clerk or recorder of each municipality in which any part of the proposed [local]
2829 special district is located; and

2830 (b) each county and municipality with which a request under Subsection (1)(a) is filed:

2831 (i) has adopted a resolution under Subsection 17B-1-212(1) indicating whether it will
2832 provide the requested service; or

2833 (ii) is considered to have declined to provide the requested service under Subsection
2834 17B-1-212(2) or (3).

2835 (2) Each request under Subsection (1)(a) shall:

2836 (a) ask the county or municipality to provide the service proposed to be provided by the
2837 proposed [local] special district within the applicable area; and

2838 (b) be signed by:

2839 (i) unless the request is a request to create a [local] special district to acquire or assess a
2840 groundwater right under Section 17B-1-202, the owners of private real property that:

2841 (A) is located within the proposed [local] special district;

2842 (B) covers at least 10% of the total private land area within the applicable area; and

2843 (C) is equal in value to at least 7% of the value of all private real property within the
2844 applicable area;

2845 (ii) if the request is a request to create a [local] special district to acquire or assess a
2846 groundwater right under Section 17B-1-202, the owners of groundwater rights that:

2847 (A) are diverted within the proposed [toeat] special district; and

2848 (B) cover at least 10% of the amount of groundwater diverted in accordance with
2849 groundwater rights within the applicable area; or

2850 (iii) registered voters residing within the applicable area equal in number to at least
2851 10% of the number of votes cast in the applicable area for the office of governor at the last
2852 general election prior to the filing of the request.

2853 (3) For purposes of Subsections (1) and (2), an area proposed to be annexed to a
2854 municipality in a petition under Section 10-2-403 filed before and still pending at the time of
2855 filing of a petition shall be considered to be part of that municipality.

2856 Section 37. Section 17B-1-205 is amended to read:

2857 **17B-1-205. Petition and request requirements -- Withdrawal of signature.**

2858 (1) Each petition and request shall:

2859 (a) indicate the typed or printed name and current residence address of each property
2860 owner, groundwater right owner, or registered voter signing the petition;

2861 (b) (i) if it is a property owner request or petition, indicate the address of the property
2862 as to which the owner is signing the request or petition; or

2863 (ii) if it is a groundwater right owner request or petition, indicate the location of the
2864 diversion of the groundwater as to which the owner is signing the groundwater right owner
2865 request or petition;

2866 (c) describe the entire area of the proposed [toeat] special district;

2867 (d) be accompanied by a map showing the boundaries of the entire proposed [toeat]
2868 special district;

2869 (e) specify the service proposed to be provided by the proposed [toeat] special district;

2870 (f) if the petition or request proposes the creation of a specialized [toeat] special
2871 district, specify the type of specialized [toeat] special district proposed to be created;

2872 (g) for a proposed basic [toeat] special district:

2873 (i) state whether the members of the board of trustees will be elected or appointed or
2874 whether some members will be elected and some appointed, as provided in Section

2875 17B-1-1402;

2876 (ii) if one or more members will be elected, state the basis upon which each elected
2877 member will be elected; and

2878 (iii) if applicable, explain how the election or appointment of board members will
2879 transition from one method to another based on stated milestones or events, as provided in
2880 Section 17B-1-1402;

2881 (h) for a proposed improvement district whose remaining area members or county
2882 members, as those terms are defined in Section 17B-2a-404, are to be elected, state that those
2883 members will be elected; and

2884 (i) for a proposed service area that is entirely within the unincorporated area of a single
2885 county, state whether the initial board of trustees will be:

2886 (i) the county legislative body;

2887 (ii) appointed as provided in Section 17B-1-304; or

2888 (iii) elected as provided in Section 17B-1-306;

2889 (j) designate up to five signers of the petition or request as sponsors, one of whom shall
2890 be designated as the contact sponsor, with the mailing address and telephone number of each;

2891 (k) if the petition or request is a groundwater right owner petition or request proposing
2892 the creation of a ~~local~~ special district to acquire a groundwater right under Section
2893 17B-1-202, explain the anticipated method:

2894 (i) of paying for the groundwater right acquisition; and

2895 (ii) of addressing blowing dust created by the reduced use of water; and

2896 (l) if the petition or request is a groundwater right owner petition or request proposing
2897 the creation of a ~~local~~ special district to assess a groundwater right under Section 17B-1-202,
2898 explain the anticipated method:

2899 (i) of assessing the groundwater right and securing payment of the assessment; and

2900 (ii) of addressing blowing dust created by the reduced use of water.

2901 (2) A signer of a request or petition may withdraw or, once withdrawn, reinstate the
2902 signer's signature at any time before the filing of the request or petition by filing a written
2903 withdrawal or reinstatement with:

2904 (a) in the case of a request:

2905 (i) the clerk of the county or the clerk or recorder of the municipality in whose
2906 applicable area the signer's property is located, if the request is a property owner request;

2907 (ii) the clerk of the county or the clerk or recorder of the municipality in whose
2908 applicable area the signer's groundwater diversion point is located, if the request is a

2909 groundwater right owner request; or

2910 (iii) the clerk of the county or the clerk or recorder of the municipality in whose
2911 applicable area the signer resides, if the request is a registered voter request; or

2912 (b) in the case of a petition, the responsible clerk.

2913 Section 38. Section **17B-1-207** is amended to read:

2914 **17B-1-207. Signature on request may be used on petition.**

2915 A signature on a request may be used toward fulfilling the signature requirement of a
2916 petition:

2917 (1) if the request notifies the signer in conspicuous language that the signature, unless
2918 withdrawn, would also be used for purposes of a petition to create a [local] special district; and

2919 (2) unless the signer files a written withdrawal of the signature before the petition is
2920 filed.

2921 Section 39. Section **17B-1-208** is amended to read:

2922 **17B-1-208. Additional petition requirements and limitations.**

2923 (1) Each petition shall:

2924 (a) be filed with the responsible clerk;

2925 (b) separately group signatures by county and municipality, so that all signatures of the
2926 owners of real property located within or of registered voters residing within each county
2927 whose unincorporated area includes and each municipality whose boundaries include part of
2928 the proposed [local] special district are grouped separately; and

2929 (c) state the number of members that the board of trustees of the proposed [local]
2930 special district will have, consistent with the requirements of Subsection **17B-1-302**(4).

2931 (2) (a) A petition may not propose the creation of a [local] special district that includes
2932 an area located within the unincorporated part of a county or within a municipality if the
2933 legislative body of that county or municipality has adopted a resolution under Subsection
2934 **17B-1-212**(1) indicating that the county or municipality will provide to that area the service
2935 proposed to be provided by the proposed [local] special district.

2936 (b) Subsection (2)(a) does not apply if the county or municipal legislative body is
2937 considered to have declined to provide the requested service under Subsection **17B-1-212**(3).

2938 (c) Subsection (2)(a) may not be construed to prevent the filing of a petition that
2939 proposes the creation of a [local] special district whose area excludes that part of the

2940 unincorporated area of a county or that part of a municipality to which the county or
2941 municipality has indicated, in a resolution adopted under Section 17B-1-212, it will provide the
2942 requested service.

2943 (3) A petition may not propose the creation of a [local] special district whose area
2944 includes:

2945 (a) some or all of an area described in a previously filed petition that, subject to
2946 Subsection 17B-1-202(4)(b):

2947 (i) proposes the creation of a [local] special district to provide the same service as
2948 proposed by the later filed petition; and

2949 (ii) is still pending at the time the later petition is filed; or

2950 (b) some or all of an area within a political subdivision that provides in that area the
2951 same service proposed to be provided by the proposed [local] special district.

2952 (4) A petition may not be filed more than 12 months after a county or municipal
2953 legislative body declines to provide the requested service under Subsection 17B-1-212(1) or is
2954 considered to have declined to provide the requested service under Subsection 17B-1-212(2) or
2955 (3).

2956 Section 40. Section 17B-1-209 is amended to read:

2957 **17B-1-209. Petition certification -- Amended petition.**

2958 (1) No later than five days after the day on which a petition is filed, the responsible
2959 clerk shall mail a copy of the petition to the clerk of each other county and the clerk or recorder
2960 of each municipality in which any part of the proposed [local] special district is located.

2961 (2) (a) No later than 35 days after the day on which a petition is filed, the clerk of each
2962 county whose unincorporated area includes and the clerk or recorder of each municipality
2963 whose boundaries include part of the proposed [local] special district shall:

2964 (i) with the assistance of other county or municipal officers from whom the county
2965 clerk or municipal clerk or recorder requests assistance, determine, for the clerk or recorder's
2966 respective county or municipality, whether the petition complies with the requirements of
2967 Subsection 17B-1-203(1)(a), (b), or (c), as the case may be, and Subsections 17B-1-208(2), (3),
2968 and (4); and

2969 (ii) notify the responsible clerk in writing of the clerk or recorder's determination under
2970 Subsection (2)(a)(i).

2971 (b) The responsible clerk may rely on the determinations of other county clerks or
2972 municipal clerks or recorders under Subsection (2)(a) in making the responsible clerk's
2973 determinations and certification or rejection under Subsection (3).

2974 (3) (a) Within 45 days after the filing of a petition, the responsible clerk shall:

2975 (i) determine whether the petition complies with Subsection 17B-1-203(1)(a), (b), or
2976 (c), as the case may be, Subsection 17B-1-205(1), and Section 17B-1-208; and

2977 (ii) (A) if the responsible clerk determines that the petition complies with the
2978 applicable requirements:

2979 (I) (Aa) certify the petition and deliver the certified petition to the responsible body;
2980 and

2981 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

2982 (II) for each petition described in Subsection (3)(b)(i), deliver a copy of the petition to
2983 the legislative body of each county whose unincorporated area includes and each municipality
2984 whose boundaries include any of the proposed basic [~~local~~] special district, with a notice
2985 indicating that the clerk has determined that the petition complies with applicable
2986 requirements; or

2987 (B) if the responsible clerk determines that the petition fails to comply with any of the
2988 applicable requirements, reject the petition and notify the contact sponsor in writing of the
2989 rejection and the reasons for the rejection.

2990 (b) (i) A petition for which an election is not required under Subsection 17B-1-214(3)
2991 and that proposes the creation of a basic [~~local~~] special district that has within its boundaries
2992 fewer than one residential dwelling unit per 10 acres of land may not be certified without the
2993 approval, by resolution, of the legislative body of each county whose unincorporated area
2994 includes and each municipality whose boundaries include any of the proposed [~~local~~] special
2995 district.

2996 (ii) Before adopting a resolution giving its approval under Subsection (3)(b)(i), a
2997 county or municipal legislative body may hold one or more public hearings on the petition.

2998 (iii) If a petition described in Subsection (3)(b)(i) is approved as provided in that
2999 subsection, the responsible clerk shall, within 10 days after its approval:

3000 (A) certify the petition and deliver the certified petition to the responsible body; and

3001 (B) mail or deliver written notification of the certification to the contact sponsor.

3002 (4) Except for a petition described in Subsection (3)(b)(i), if the responsible clerk fails
3003 to certify or reject a petition within 45 days after its filing, the petition shall be considered to be
3004 certified.

3005 (5) The responsible clerk shall certify or reject petitions in the order in which they are
3006 filed.

3007 (6) (a) If the responsible clerk rejects a petition under Subsection (3)(a)(ii)(B), the
3008 petition may be amended to correct the deficiencies for which it was rejected and then refiled.

3009 (b) A valid signature on a petition that was rejected under Subsection (3)(a)(ii)(B) may
3010 be used toward fulfilling the applicable signature requirement of the petition as amended under
3011 Subsection (6)(a).

3012 (c) If a petition is amended and refiled under Subsection (6)(a) after having been
3013 rejected by the responsible clerk under Subsection (3)(a)(ii)(B), the amended petition shall be
3014 considered as newly filed, and its processing priority shall be determined by the date on which
3015 it is refiled.

3016 (7) The responsible clerk and each county clerk and municipal clerk or recorder shall
3017 act in good faith in making the determinations under this section.

3018 Section 41. Section **17B-1-210** is amended to read:

3019 **17B-1-210. Public hearing.**

3020 (1) The legislative body of each county and municipality with which a request is filed
3021 or that adopts a resolution under Subsection **17B-1-203(1)(d)** and the board of trustees of each
3022 [~~local~~] special district that adopts a resolution under Subsection **17B-1-203(1)(e)** shall hold a
3023 public hearing or a set of public hearings, sufficient in number and location to ensure that no
3024 substantial group of residents of the proposed [~~local~~] special district need travel an
3025 unreasonable distance to attend a public hearing.

3026 (2) Each public hearing under Subsection (1) shall be held:

3027 (a) no later than 45 days after:

3028 (i) for a public hearing on a request, certification of a request under Subsection
3029 **17B-1-206(1)(b)(i)**; or

3030 (ii) for a public hearing on a resolution, adoption of a resolution under Subsection
3031 **17B-1-203(1)(d)** or (e);

3032 (b) within the proposed [~~local~~] special district;

3033 (c) except as provided in Subsections (6) and (7), within the applicable area; and

3034 (d) for the purpose of:

3035 (i) for a public hearing on a request, allowing public input on:

3036 (A) whether the requested service is needed in the area of the proposed ~~local~~ special
3037 district;

3038 (B) whether the service should be provided by the county or municipality or the
3039 proposed ~~local~~ special district; and

3040 (C) all other matters relating to the request or the proposed ~~local~~ special district; or

3041 (ii) for a public hearing on a resolution, allowing the public to ask questions of and
3042 obtain further information from the governing body holding the hearing regarding the issues
3043 contained in or raised by the resolution.

3044 (3) A quorum of each governing body holding a public hearing under this section shall
3045 be present throughout each hearing held by that governing body.

3046 (4) Each hearing under this section shall be held on a weekday evening other than a
3047 holiday beginning no earlier than 6 p.m.

3048 (5) At the beginning and end of each hearing concerning a resolution, the governing
3049 body shall announce the deadline for filing protests and generally explain the protest procedure
3050 and requirements.

3051 (6) Two or more county or municipal legislative bodies may jointly hold a hearing or
3052 set of hearings required under this section if all the requirements of this section, other than the
3053 requirements of Subsection (2)(c), are met as to each hearing.

3054 (7) Notwithstanding Subsection (2)(c), a governing body may hold a public hearing or
3055 set of public hearings outside the applicable area if:

3056 (a) there is no reasonable place to hold a public hearing within the applicable area; and

3057 (b) the public hearing or set of public hearings is held as close to the applicable area as
3058 reasonably possible.

3059 Section 42. Section **17B-1-211** is amended to read:

3060 **17B-1-211. Notice of public hearings -- Publication of resolution.**

3061 (1) Before holding a public hearing or set of public hearings under Section **17B-1-210**,
3062 the legislative body of each county or municipality with which a request is filed or that adopts a
3063 resolution under Subsection **17B-1-203**(1)(d) and the board of trustees of each ~~local~~ special

3064 district that adopts a resolution under Subsection 17B-1-203(1)(e) shall:

3065 (a) (i) in accordance with Subsection (2), post at least one notice per 1,000 population
3066 of the applicable area and at places within the area that are most likely to provide actual notice
3067 to residents of the area; and

3068 (ii) publish notice on the Utah Public Notice Website created in Section 63A-16-601,
3069 for two weeks before the hearing or the first of the set of hearings; or

3070 (b) mail a notice to each registered voter residing within and each owner of real
3071 property located within the proposed [toeat] special district.

3072 (2) Each notice required under Subsection (1) shall:

3073 (a) if the hearing or set of hearings is concerning a resolution:

3074 (i) contain the entire text or an accurate summary of the resolution; and

3075 (ii) state the deadline for filing a protest against the creation of the proposed [toeat]
3076 special district;

3077 (b) clearly identify each governing body involved in the hearing or set of hearings;

3078 (c) state the date, time, and place for the hearing or set of hearings and the purposes for
3079 the hearing or set of hearings; and

3080 (d) describe or include a map of the entire proposed [toeat] special district.

3081 (3) County or municipal legislative bodies may jointly provide the notice required
3082 under this section if all the requirements of this section are met as to each notice.

3083 Section 43. Section 17B-1-212 is amended to read:

3084 **17B-1-212. Resolution indicating whether the requested service will be provided.**

3085 (1) (a) Within 60 days after the last hearing required under Section 17B-1-210
3086 concerning a request, the legislative body of each county whose unincorporated area includes
3087 and the legislative body of each municipality whose boundaries include any part of the
3088 proposed [toeat] special district shall adopt a resolution indicating whether the county or
3089 municipality will provide to the area of the proposed [toeat] special district within its
3090 boundaries the service proposed to be provided by the proposed [toeat] special district.

3091 (b) If a county or municipality adopts a resolution indicating that the county or
3092 municipality will provide the service proposed to be provided by the proposed [toeat] special
3093 district under Subsection (1)(a), the resolution shall include a reasonable timeline for the
3094 county or municipality to begin providing the service.

3095 (2) If the legislative body of a county or municipality fails to adopt a resolution within
3096 the time provided under Subsection (1), the county or municipal legislative body shall be
3097 considered to have declined to provide the service requested and to have consented to the
3098 creation of the ~~[local]~~ special district.

3099 (3) If the county or municipality adopts a resolution under Subsection (1) indicating
3100 that it will provide the requested service but does not, within 120 days after the adoption of that
3101 resolution, take substantial measures to provide the requested service, the county or municipal
3102 legislative body shall be considered to have declined to provide the requested service.

3103 (4) Each county or municipality that adopts a resolution under Subsection (1)
3104 indicating that it will provide the requested service:

3105 (a) shall diligently proceed to take all measures necessary to provide the service; and

3106 (b) if the county or municipality fails to timely provide the requested service, the
3107 county will be considered to have declined to provide the service and the creation of the ~~[local]~~
3108 special district may proceed accordingly.

3109 Section 44. Section **17B-1-213** is amended to read:

3110 **17B-1-213. Protest after adoption of resolution -- Adoption of resolution**
3111 **approving creation for certain districts.**

3112 (1) For purposes of this section, "adequate protests" means protests that are:

3113 (a) filed with the county clerk, municipal clerk or recorder, or ~~[local]~~ special district
3114 secretary or clerk, as the case may be, within 60 days after the last public hearing required
3115 under Section **17B-1-210**; and

3116 (b) signed by:

3117 (i) the owners of private real property that:

3118 (A) is located within the proposed ~~[local]~~ special district;

3119 (B) covers at least 25% of the total private land area within the applicable area; and

3120 (C) is equal in value to at least 15% of the value of all private real property within the
3121 applicable area; or

3122 (ii) registered voters residing within the applicable area equal in number to at least 25%
3123 of the number of votes cast in the applicable area for the office of president of the United States
3124 at the most recent election prior to the adoption of the resolution.

3125 (2) An owner may withdraw a protest at any time before the expiration of the 60-day

3126 period described in Subsection (1)(a).

3127 (3) If adequate protests are filed, the governing body that adopted a resolution under
3128 Subsection 17B-1-203(1)(d) or (e):

3129 (a) may not:

3130 (i) hold or participate in an election under Subsection 17B-1-214(1) with respect to the
3131 applicable area;

3132 (ii) take any further action under the protested resolution to create a [toeat] special
3133 district or include the applicable area in a [toeat] special district; or

3134 (iii) for a period of two years, adopt a resolution under Subsection 17B-1-203(1)(d) or
3135 (e) proposing the creation of a [toeat] special district including substantially the same area as
3136 the applicable area and providing the same service as the proposed [toeat] special district in the
3137 protested resolution; and

3138 (b) shall, within five days after receiving adequate protests, mail or deliver written
3139 notification of the adequate protests to the responsible body.

3140 (4) Subsection (3)(a) may not be construed to prevent an election from being held for a
3141 proposed [toeat] special district whose boundaries do not include an applicable area that is the
3142 subject of adequate protests.

3143 (5) (a) If adequate protests are not filed with respect to a resolution proposing the
3144 creation of a [toeat] special district for which an election is not required under Subsection
3145 17B-1-214(3)(d), (e), (f), or (g), a resolution approving the creation of the [toeat] special
3146 district shall be adopted by:

3147 (i) (A) the legislative body of a county whose unincorporated area is included within
3148 the proposed [toeat] special district; and

3149 (B) the legislative body of a municipality whose area is included within the proposed
3150 [toeat] special district; or

3151 (ii) the board of trustees of the initiating [toeat] special district.

3152 (b) Each resolution adopted under Subsection (5)(a) shall:

3153 (i) describe the area included in the [toeat] special district;

3154 (ii) be accompanied by a map that shows the boundaries of the [toeat] special district;

3155 (iii) describe the service to be provided by the [toeat] special district;

3156 (iv) state the name of the [toeat] special district; and

3157 (v) provide a process for the appointment of the members of the initial board of
3158 trustees.

3159 Section 45. Section 17B-1-214 is amended to read:

3160 **17B-1-214. Election -- Exceptions.**

3161 (1) (a) Except as provided in Subsection (3) and in Subsection 17B-1-213(3)(a), an
3162 election on the question of whether the [~~local~~] special district should be created shall be held
3163 by:

3164 (i) if the proposed [~~local~~] special district is located entirely within a single county, the
3165 responsible clerk; or

3166 (ii) except as provided under Subsection (1)(b), if the proposed [~~local~~] special district
3167 is located within more than one county, the clerk of each county in which part of the proposed
3168 [~~local~~] special district is located, in cooperation with the responsible clerk.

3169 (b) Notwithstanding Subsection (1)(a)(ii), if the proposed [~~local~~] special district is
3170 located within more than one county and the only area of a county that is included within the
3171 proposed [~~local~~] special district is located within a single municipality, the election for that
3172 area shall be held by the municipal clerk or recorder, in cooperation with the responsible clerk.

3173 (2) Each election under Subsection (1) shall be held at the next special or regular
3174 general election date that is:

3175 (a) for an election pursuant to a property owner or registered voter petition, more than
3176 45 days after certification of the petition under Subsection 17B-1-209(3)(a); or

3177 (b) for an election pursuant to a resolution, more than 60 days after the latest hearing
3178 required under Section 17B-1-210.

3179 (3) The election requirement of Subsection (1) does not apply to:

3180 (a) a petition filed under Subsection 17B-1-203(1)(a) if it contains the signatures of the
3181 owners of private real property that:

3182 (i) is located within the proposed [~~local~~] special district;

3183 (ii) covers at least 67% of the total private land area within the proposed [~~local~~] special
3184 district as a whole and within each applicable area; and

3185 (iii) is equal in value to at least 50% of the value of all private real property within the
3186 proposed [~~local~~] special district as a whole and within each applicable area;

3187 (b) a petition filed under Subsection 17B-1-203(1)(b) if it contains the signatures of

3188 registered voters residing within the proposed [local] special district as a whole and within each
3189 applicable area, equal in number to at least 67% of the number of votes cast in the proposed
3190 [local] special district as a whole and in each applicable area, respectively, for the office of
3191 governor at the last general election prior to the filing of the petition;

3192 (c) a groundwater right owner petition filed under Subsection 17B-1-203(1)(c) if the
3193 petition contains the signatures of the owners of groundwater rights that:

3194 (i) are diverted within the proposed [local] special district; and

3195 (ii) cover at least 67% of the total amount of groundwater diverted in accordance with
3196 groundwater rights within the proposed [local] special district as a whole and within each
3197 applicable area;

3198 (d) a resolution adopted under Subsection 17B-1-203(1)(d) on or after May 5, 2003,
3199 that proposes the creation of a [local] special district to provide fire protection, paramedic, and
3200 emergency services or law enforcement service, if the proposed [local] special district:

3201 (i) includes the unincorporated area, whether in whole or in part, of one or more
3202 counties; or

3203 (ii) consists of an area that:

3204 (A) has a boundary that is the same as the boundary of the municipality whose
3205 legislative body adopts the resolution proposing the creation of the [local] special district;

3206 (B) previously received fire protection, paramedic, and emergency services or law
3207 enforcement service from another [local] special district; and

3208 (C) may be withdrawn from the other [local] special district under Section 17B-1-505
3209 without an election because the withdrawal is pursuant to an agreement under Subsection
3210 17B-1-505(5)(a)(ii)(A) or (5)(b);

3211 (e) a resolution adopted under Subsection 17B-1-203(1)(d) or (e) if the resolution
3212 proposes the creation of a [local] special district that has no registered voters within its
3213 boundaries;

3214 (f) a resolution adopted under Subsection 17B-1-203(1)(d) on or after May 11, 2010,
3215 that proposes the creation of a [local] special district described in Subsection
3216 17B-1-202(1)(a)(xiii); or

3217 (g) a resolution adopted under Section 17B-2a-1105 to create a municipal services
3218 district.

3219 (4) (a) If the proposed [~~local~~] special district is located in more than one county, the
3220 responsible clerk shall coordinate with the clerk of each other county and the clerk or recorder
3221 of each municipality involved in an election under Subsection (1) so that the election is held on
3222 the same date and in a consistent manner in each jurisdiction.

3223 (b) The clerk of each county and the clerk or recorder of each municipality involved in
3224 an election under Subsection (1) shall cooperate with the responsible clerk in holding the
3225 election.

3226 (c) Except as otherwise provided in this part, each election under Subsection (1) shall
3227 be governed by Title 20A, Election Code.

3228 Section 46. Section **17B-1-215** is amended to read:

3229 **17B-1-215. Notice and plat to lieutenant governor -- Recording requirements --**
3230 **Certificate of incorporation -- Special district incorporated as specialized special district**
3231 **or basic special district -- Effective date.**

3232 (1) (a) Within the time specified in Subsection (1)(b), the responsible body shall file
3233 with the lieutenant governor:

3234 (i) a copy of a notice of an impending boundary action, as defined in Section [67-1a-6.5](#),
3235 that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and

3236 (ii) a copy of an approved final local entity plat, as defined in Section [67-1a-6.5](#).

3237 (b) The responsible body shall file the documents listed in Subsection (1)(a) with the
3238 lieutenant governor within 10 days after:

3239 (i) the canvass of an election under Section [17B-1-214](#), if a majority of those voting at
3240 the election within the proposed [~~local~~] special district as a whole vote in favor of the creation
3241 of a [~~local~~] special district;

3242 (ii) certification of a petition as to which the election requirement of Subsection
3243 [17B-1-214\(1\)](#) does not apply because of Subsection [17B-1-214\(3\)\(a\)](#), (b), or (c); or

3244 (iii) adoption of a resolution, under Subsection [17B-1-213\(5\)](#) approving the creation of
3245 a [~~local~~] special district for which an election was not required under Subsection
3246 [17B-1-214\(3\)\(d\)](#), (e), (f), or (g) by the legislative body of each county whose unincorporated
3247 area is included within and the legislative body of each municipality whose area is included
3248 within the proposed [~~local~~] special district, or by the board of trustees of the initiating [~~local~~]
3249 special district.

3250 (2) Upon the lieutenant governor's issuance of a certificate of incorporation under
3251 Section 67-1a-6.5, the responsible body shall:

3252 (a) if the ~~local~~ special district is located within the boundary of a single county,
3253 submit to the recorder of that county:

3254 (i) the original:

3255 (A) notice of an impending boundary action;

3256 (B) certificate of incorporation; and

3257 (C) approved final local entity plat; and

3258 (ii) if applicable, a certified copy of each resolution adopted under Subsection
3259 17B-1-213(5); or

3260 (b) if the ~~local~~ special district is located within the boundaries of more than a single
3261 county:

3262 (i) submit to the recorder of one of those counties:

3263 (A) the original of the documents listed in Subsections (2)(a)(i)(A), (B), and (C); and

3264 (B) if applicable, a certified copy of each resolution adopted under Subsection
3265 17B-1-213(5); and

3266 (ii) submit to the recorder of each other county:

3267 (A) a certified copy of the documents listed in Subsection (2)(a)(i)(A), (B), and (C);

3268 and

3269 (B) if applicable, a certified copy of each resolution adopted under Subsection
3270 17B-1-213(5).

3271 (3) The area of each ~~local~~ special district consists of:

3272 (a) if an election was held under Section 17B-1-214, the area of the new ~~local~~ special
3273 district as approved at the election;

3274 (b) if an election was not required because of Subsection 17B-1-214(3)(a), (b), or (c),
3275 the area of the proposed ~~local~~ special district as described in the petition; or

3276 (c) if an election was not required because of Subsection 17B-1-214(3)(d), (e), (f), or
3277 (g), the area of the new ~~local~~ special district as described in the resolution adopted under
3278 Subsection 17B-1-213(5).

3279 (4) (a) Upon the lieutenant governor's issuance of the certificate of incorporation under
3280 Section 67-1a-6.5, the ~~local~~ special district is created and incorporated as:

3281 (i) the type of specialized [local] special district that was specified in the petition under
3282 Subsection 17B-1-203(1)(a), (b), or (c) or resolution under Subsection 17B-1-203(1)(d) or (e),
3283 if the petition or resolution proposed the creation of a specialized [local] special district; or

3284 (ii) a basic [local] special district, if the petition or resolution did not propose the
3285 creation of a specialized [local] special district.

3286 (b) (i) The effective date of a [local] special district's incorporation for purposes of
3287 assessing property within the [local] special district is governed by Section 59-2-305.5.

3288 (ii) Until the documents listed in Subsection (2) are recorded in the office of the
3289 recorder of each county in which the property is located, a newly incorporated [local] special
3290 district may not:

3291 (A) levy or collect a property tax on property within the [local] special district;

3292 (B) levy or collect an assessment on property within the [local] special district; or

3293 (C) charge or collect a fee for service provided to property within the [local] special
3294 district.

3295 Section 47. Section 17B-1-216 is amended to read:

3296 **17B-1-216. Costs and expenses of creating a special district.**

3297 (1) Except as provided in Subsection (2), each county whose unincorporated area
3298 includes and each municipality whose boundaries include some or all of the proposed [local]
3299 special district shall bear their respective costs and expenses associated with the procedure
3300 under this part for creating a [local] special district.

3301 (2) Within a year after its creation, each [local] special district shall reimburse the costs
3302 and expenses associated with the preparation, certification, and recording of the approved final
3303 local entity plat of the [local] special district and accompanying documents under Section
3304 17B-1-215.

3305 Section 48. Section 17B-1-217 is amended to read:

3306 **17B-1-217. Activity required -- Dissolution -- Conclusive presumption regarding**
3307 **creation and existence.**

3308 (1) A [local] special district that is not engaged in one or more of the following
3309 activities, services, or duties is subject to dissolution in accordance with Subsections (5) and
3310 (6):

3311 (a) levying and collecting a tax;

- 3312 (b) providing a commodity or service;
- 3313 (c) collecting a fee or charging an assessment for a commodity, service, facility, or
- 3314 improvement provided by the [local] special district;
- 3315 (d) undertaking planning necessary for the provision of a commodity, service, facility,
- 3316 or improvement as reflected in a written study or report;
- 3317 (e) acquiring or maintaining property or an easement necessary for a service, facility, or
- 3318 improvement to be provided by the [local] special district in accordance with a general or
- 3319 master plan adopted by the district;
- 3320 (f) constructing, installing, maintaining, owning, or operating infrastructure for the
- 3321 provision of a commodity, service, facility, or improvement; or
- 3322 (g) legally incurring debt, contracting, or otherwise being obligated to provide a
- 3323 commodity, service, facility, or improvement within a reasonable period of time.
- 3324 (2) For a [local] special district created after May 14, 2013, the [local] special district
- 3325 shall file with the state auditor a written certification:
- 3326 (a) declaring that the district is engaged in an activity, service, or duty described in
- 3327 Subsection (1);
- 3328 (b) identifying the activity in which the [local] special district is engaged; and
- 3329 (c) no later than five years after the date on which a [local] special district is created as
- 3330 reflected in the certificate of incorporation issued by the lieutenant governor under Section
- 3331 [67-1a-6.5](#).
- 3332 (3) (a) The state auditor shall send a deficiency notice in accordance with Subsection
- 3333 (3)(c) if:
- 3334 (i) a [local] special district fails to deliver a certification in accordance with Subsection
- 3335 (2); or
- 3336 (ii) the state auditor determines that, subject to Subsection (3)(b), a [local] special
- 3337 district created after January 1, 2005, and before May 15, 2013, is not engaged in an activity,
- 3338 service, or duty required under Subsection (1) within five years after the date on which the
- 3339 [local] special district is created as reflected in the certificate of incorporation issued by the
- 3340 lieutenant governor under Section [67-1a-6.5](#) or thereafter.
- 3341 (b) The state auditor shall make a determination described in Subsection (3)(a)(ii)
- 3342 based on:

3343 (i) the [local] special district's failure to file a required annual financial report with the
3344 state auditor in accordance with Section 17B-1-639; or

3345 (ii) subject to Subsection (7), other credible information related to Subsection (1).

3346 (c) (i) The state auditor shall send the deficiency notice to the [local] special district
3347 and the Utah Association of Special Districts.

3348 (ii) The deficiency notice shall state that the [local] special district is required to file
3349 with the state auditor a written certification:

3350 (A) declaring that the district was and continues to be engaged in an activity, service,
3351 or duty described in Subsection (1) prior to the date of the deficiency notice; and

3352 (B) identifying the activity, service, or duty in which the [local] special district is
3353 engaged.

3354 (4) If within four months of receiving a deficiency notice, a [local] special district fails
3355 to file a written certification with the state auditor in accordance with Subsection (2) or
3356 (3)(c)(ii), the state auditor shall, in writing:

3357 (a) notify the lieutenant governor that the [local] special district has failed to meet the
3358 requirements of this section and specify the reason for the district's failure; and

3359 (b) request that the lieutenant governor dissolve the [local] special district in
3360 accordance with Subsections (5) and (6).

3361 (5) If the lieutenant governor receives a request to dissolve a [local] special district
3362 from the state auditor in accordance with Subsection (4), the lieutenant governor shall:

3363 (a) issue a certification of dissolution under Section 67-1a-6.5; and

3364 (b) send a copy of the certification of dissolution to:

3365 (i) the state auditor;

3366 (ii) the State Tax Commission;

3367 (iii) the recorder of the county in which the [local] special district is located, or, if the
3368 [local] special district is located in more than one county, the recorder of each county in which
3369 the [local] special district is located;

3370 (iv) the last known address of the [local] special district; and

3371 (v) the Utah Association of Special Districts.

3372 (6) A [local] special district identified in a certification of dissolution is dissolved:

3373 (a) upon recordation of the certification by the county recorder; or

3374 (b) if the [local] special district is located within more than one county, upon
3375 recordation of the certification by the county recorder of the last county to record.

3376 (7) Notwithstanding any other provision of law, a [local] special district shall be
3377 conclusively presumed to have been lawfully created, existing, and active if for two years
3378 following the district's creation under Subsection 17B-1-215(4):

3379 (a) the district has:

3380 (i) levied and collected a tax; or

3381 (ii) collected a fee, charge, or assessment for a commodity, service, facility, or
3382 improvement provided by the district; and

3383 (b) no challenge has been filed in court to the existence or creation of the district.

3384 Section 49. Section 17B-1-301 is amended to read:

3385 **17B-1-301. Board of trustees duties and powers.**

3386 (1) (a) Each [local] special district shall be governed by a board of trustees which shall
3387 manage and conduct the business and affairs of the district and shall determine all questions of
3388 district policy.

3389 (b) All powers of a [local] special district are exercised through the board of trustees.

3390 (2) The board of trustees may:

3391 (a) fix the location of the [local] special district's principal place of business and the
3392 location of all offices and departments, if any;

3393 (b) fix the times of meetings of the board of trustees;

3394 (c) select and use an official district seal;

3395 (d) subject to Subsections (3) and (4), employ employees and agents, or delegate to
3396 district officers power to employ employees and agents, for the operation of the [local] special
3397 district and its properties and prescribe or delegate to district officers the power to prescribe the
3398 duties, compensation, and terms and conditions of employment of those employees and agents;

3399 (e) require district officers and employees charged with the handling of district funds to
3400 provide surety bonds in an amount set by the board or provide a blanket surety bond to cover
3401 officers and employees;

3402 (f) contract for or employ professionals to perform work or services for the [local]
3403 special district that cannot satisfactorily be performed by the officers or employees of the
3404 district;

3405 (g) through counsel, prosecute on behalf of or defend the [local] special district in all
3406 court actions or other proceedings in which the district is a party or is otherwise involved;

3407 (h) adopt bylaws for the orderly functioning of the board;

3408 (i) adopt and enforce rules and regulations for the orderly operation of the [local]
3409 special district or for carrying out the district's purposes;

3410 (j) prescribe a system of civil service for district employees;

3411 (k) on behalf of the [local] special district, enter into contracts that the board considers
3412 to be for the benefit of the district;

3413 (l) acquire, construct or cause to be constructed, operate, occupy, control, and use
3414 buildings, works, or other facilities for carrying out the purposes of the [local] special district;

3415 (m) on behalf of the [local] special district, acquire, use, hold, manage, occupy, and
3416 possess property necessary to carry out the purposes of the district, dispose of property when
3417 the board considers it appropriate, and institute and maintain in the name of the district any
3418 action or proceeding to enforce, maintain, protect, or preserve rights or privileges associated
3419 with district property;

3420 (n) delegate to a district officer the exercise of a district duty; and

3421 (o) exercise all powers and perform all functions in the operation of the [local] special
3422 district and its properties as are ordinarily exercised by the governing body of a political
3423 subdivision of the state and as are necessary to accomplish the purposes of the district.

3424 (3) (a) As used in this Subsection (3), "interim vacancy period" means:

3425 (i) if any member of the [local] special district board is elected, the period of time that:
3426 (A) begins on the day on which an election is held to elect a [local] special district
3427 board member; and

3428 (B) ends on the day on which the [local] special district board member-elect begins the
3429 member's term; or

3430 (ii) if any member of the [local] special district board is appointed, the period of time
3431 that:

3432 (A) begins on the day on which an appointing authority posts a notice of vacancy in
3433 accordance with Section [17B-1-304](#); and

3434 (B) ends on the day on which the person who is appointed by the [local] special district
3435 board to fill the vacancy begins the person's term.

3436 (b) (i) The [local] special district may not hire during an interim vacancy period a
3437 manager, a chief executive officer, a chief administrative officer, an executive director, or a
3438 similar position to perform executive and administrative duties or functions.

3439 (ii) Notwithstanding Subsection (3)(b)(i):

3440 (A) the [local] special district may hire an interim manager, a chief executive officer, a
3441 chief administrative officer, an executive director, or a similar position during an interim
3442 vacancy period; and

3443 (B) the interim manager's, chief executive officer's, chief administrative officer's, or
3444 similar position's employment shall terminate once a new manager, chief executive officer,
3445 chief administrative officer, or similar position is hired by the new [local] special district board
3446 after the interim vacancy period has ended.

3447 (c) Subsection (3)(b) does not apply if:

3448 (i) all the elected [local] special district board members who held office on the day of
3449 the election for the [local] special district board members, whose term of office was vacant for
3450 the election are re-elected to the [local] special district board; and

3451 (ii) all the appointed [local] special district board members who were appointed whose
3452 term of appointment was expiring are re-appointed to the [local] special district board.

3453 (4) A [local] special district board that hires an interim manager, a chief executive
3454 officer, a chief administrative officer, an executive director, or a similar position in accordance
3455 with this section may not, on or after May 10, 2011, enter into an employment contract that
3456 contains an automatic renewal provision with the interim manager, chief executive officer,
3457 chief administrative officer, executive director, or similar position.

3458 Section 50. Section **17B-1-302** is amended to read:

3459 **17B-1-302. Board member qualifications -- Number of board members.**

3460 (1) Except as provided in Section [17B-2a-905](#), each member of a [local] special district
3461 board of trustees shall be:

3462 (a) a registered voter at the location of the member's residence; and

3463 (b) except as otherwise provided in Subsection (2) or (3), a resident within:

3464 (i) the boundaries of the [local] special district; and

3465 (ii) if applicable, the boundaries of the division of the [local] special district from
3466 which the member is elected or appointed.

3467 (2) (a) As used in this Subsection (2):

3468 (i) "Proportional number" means the number of members of a board of trustees that
3469 bears, as close as mathematically possible, the same proportion to all members of the board that
3470 the number of seasonally occupied homes bears to all residences within the district that receive
3471 service from the district.

3472 (ii) "Seasonally occupied home" means a single-family residence:

3473 (A) that is located within the ~~[local]~~ special district;

3474 (B) that receives service from the ~~[local]~~ special district; and

3475 (C) whose owner does not reside permanently at the residence but may occupy the
3476 residence on a temporary or seasonal basis.

3477 (b) If over 50% of the residences within a ~~[local]~~ special district that receive service
3478 from the ~~[local]~~ special district are seasonally occupied homes, the requirement under
3479 Subsection (1)(b) is replaced, for a proportional number of members of the board of trustees,
3480 with the requirement that the member be an owner of land, or an agent or officer of the owner
3481 of land, that:

3482 (i) receives service from the district; and

3483 (ii) is located within the ~~[local]~~ special district and, if applicable, the division from
3484 which the member is elected.

3485 (3) (a) For a board of trustees member in a basic ~~[local]~~ special district, or in any other
3486 type of ~~[local]~~ special district that is located solely within a county of the fourth, fifth, or sixth
3487 class, that has within the district's boundaries fewer than one residential dwelling unit per 10
3488 acres of land, the requirement under Subsection (1)(b) may be replaced by the requirement that
3489 the member be a resident within the boundaries of the ~~[local]~~ special district, or that the
3490 member be an owner of land within the ~~[local]~~ special district that receives service from the
3491 district or an agent or officer of the owner.

3492 (b) A member of the board of trustees of a service area described in Subsection
3493 [17B-2a-905](#)(2)(a) or (3)(a), who is an elected official of the county appointing the individual, is
3494 not subject to the requirements described in Subsection (1)(b) if the elected official was elected
3495 at large by the voters of the county.

3496 (c) Notwithstanding Subsection (1)(b) and except as provided in Subsection (3)(d), the
3497 county legislative body may appoint to the ~~[local]~~ special district board one of the county

3498 legislative body's own members, regardless of whether the member resides within the
3499 boundaries described in Subsection (1)(b), if:

3500 (i) the county legislative body satisfies the procedures to fill a vacancy described in:

3501 (A) for the appointment of a new board member, Subsections 17B-1-304(2) and (3); or

3502 (B) for an appointment to fill a midterm vacancy, Subsection 20A-1-512(1)(a)(ii) or
3503 Subsection 20A-1-512(2);

3504 (ii) fewer qualified candidates timely file to be considered for appointment to the
3505 ~~local~~ special district board than are necessary to fill the board;

3506 (iii) the county legislative body appoints each of the qualified candidates who timely
3507 filed to be considered for appointment to the board; and

3508 (iv) the county legislative body appoints a member of the body to the ~~local~~ special
3509 district board, in accordance with Subsection 17B-1-304(6) or Subsection 20A-1-512(1)(c),
3510 who was:

3511 (A) elected at large by the voters of the county;

3512 (B) elected from a division of the county that includes more than 50% of the
3513 geographic area of the ~~local~~ special district; or

3514 (C) if the ~~local~~ special district is divided into divisions under Section 17B-1-306.5,
3515 elected from a division of the county that includes more than 50% of the geographic area of the
3516 division of the ~~local~~ special district in which there is a board vacancy.

3517 (d) If it is necessary to reconstitute the board of trustees of a ~~local~~ special district
3518 located solely within a county of the fourth, fifth, or sixth class because the term of a majority
3519 of the members of the board has expired without new trustees having been elected or appointed
3520 as required by law, even if sufficient qualified candidates timely file to be considered for a
3521 vacancy on the board, the county legislative body may appoint to the ~~local~~ special district
3522 board no more than one of the county legislative body's own members who does not satisfy the
3523 requirements of Subsection (1).

3524 (4) (a) Except as otherwise provided by statute, the number of members of each board
3525 of trustees of a ~~local~~ special district that has nine or fewer members shall have an odd number
3526 of members that is no fewer than three.

3527 (b) If a board of trustees of a ~~local~~ special district has more than nine members, the
3528 number of members may be odd or even.

3529 (5) For a newly created [~~local~~] special district, the number of members of the initial
3530 board of trustees shall be the number specified:

3531 (a) for a [~~local~~] special district whose creation was initiated by a petition under
3532 Subsection 17B-1-203(1)(a), (b), or (c), in the petition; or

3533 (b) for a [~~local~~] special district whose creation was initiated by a resolution under
3534 Subsection 17B-1-203(1)(d) or (e), in the resolution.

3535 (6) (a) For an existing [~~local~~] special district, the number of members of the board of
3536 trustees may be changed by a two-thirds vote of the board of trustees.

3537 (b) No change in the number of members of a board of trustees under Subsection (6)(a)
3538 may:

3539 (i) violate Subsection (4); or

3540 (ii) serve to shorten the term of any member of the board.

3541 Section 51. Section 17B-1-303 is amended to read:

3542 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice**
3543 **of board member contact information.**

3544 (1) (a) Except as provided in Subsections (1)(b), (c), (d), and (e), the term of each
3545 member of a board of trustees begins at noon on the January 1 following the member's election
3546 or appointment.

3547 (b) The term of each member of the initial board of trustees of a newly created [~~local~~]
3548 special district begins:

3549 (i) upon appointment, for an appointed member; and

3550 (ii) upon the member taking the oath of office after the canvass of the election at which
3551 the member is elected, for an elected member.

3552 (c) The term of each water conservancy district board member whom the governor
3553 appoints in accordance with Subsection 17B-2a-1005(2)(c):

3554 (i) begins on the later of the following:

3555 (A) the date on which the Senate consents to the appointment; or

3556 (B) the expiration date of the prior term; and

3557 (ii) ends on the February 1 that is approximately four years after the date described in
3558 Subsection (1)(c)(i)(A) or (B).

3559 (d) The term of a member of a board of trustees whom an appointing authority appoints

3560 in accordance with Subsection (5)(b) begins upon the member taking the oath of office.

3561 (e) If the member of the board of trustees fails to assume or qualify for office on
3562 January 1 for any reason, the term begins on the date the member assumes or qualifies for
3563 office.

3564 (2) (a) (i) Except as provided in Subsection (8), and subject to Subsections (2)(a)(ii)
3565 and (iii), the term of each member of a board of trustees is four years, except that
3566 approximately half the members of the initial board of trustees, chosen by lot, shall serve a
3567 two-year term so that the term of approximately half the board members expires every two
3568 years.

3569 (ii) If the terms of members of the initial board of trustees of a newly created [~~local~~
3570 special] district do not begin on January 1 because of application of Subsection (1)(b), the terms
3571 of those members shall be adjusted as necessary, subject to Subsection (2)(a)(iii), to result in
3572 the terms of their successors complying with:

3573 (A) the requirement under Subsection (1)(a) for a term to begin on January 1 following
3574 a member's election or appointment; and

3575 (B) the requirement under Subsection (2)(a)(i) that terms be four years.

3576 (iii) If the term of a member of a board of trustees does not begin on January 1 because
3577 of the application of Subsection (1)(e), the term is shortened as necessary to result in the term
3578 complying with the requirement under Subsection (1)(a) that the successor member's term,
3579 regardless of whether the incumbent is the successor, begins at noon on January 1 following the
3580 successor member's election or appointment.

3581 (iv) An adjustment under Subsection (2)(a)(ii) may not add more than a year to or
3582 subtract more than a year from a member's term.

3583 (b) Each board of trustees member shall serve until a successor is duly elected or
3584 appointed and qualified, unless the member earlier is removed from office or resigns or
3585 otherwise leaves office.

3586 (c) If a member of a board of trustees no longer meets the qualifications of Subsection
3587 [17B-1-302](#)(1), (2), or (3), or if the member's term expires without a duly elected or appointed
3588 successor:

3589 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

3590 (ii) the member may continue to serve until a successor is duly elected or appointed

3591 and qualified.

3592 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees
3593 shall take the oath of office specified in Utah Constitution, Article IV, Section 10.

3594 (ii) A judge, county clerk, notary public, or the ~~[local]~~ special district clerk may
3595 administer an oath of office.

3596 (b) The member of the board of trustees taking the oath of office shall file the oath of
3597 office with the clerk of the ~~[local]~~ special district.

3598 (c) The failure of a board of trustees member to take the oath under Subsection (3)(a)
3599 does not invalidate any official act of that member.

3600 (4) A board of trustees member may serve any number of terms.

3601 (5) (a) Except as provided in Subsection (6), each midterm vacancy in a board of
3602 trustees position is filled in accordance with Section [20A-1-512](#).

3603 (b) When the number of members of a board of trustees increases in accordance with
3604 Subsection [17B-1-302\(6\)](#), the appointing authority may appoint an individual to fill a new
3605 board of trustees position in accordance with Section [17B-1-304](#) or [20A-1-512](#).

3606 (6) (a) ~~[For purposes of]~~ As used in this Subsection (6):

3607 (i) "Appointed official" means a person who:

3608 (A) is appointed as a member of a ~~[local]~~ special district board of trustees by a county
3609 or municipality that is entitled to appoint a member to the board; and

3610 (B) holds an elected position with the appointing county or municipality.

3611 (ii) "Appointing entity" means the county or municipality that appointed the appointed
3612 official to the board of trustees.

3613 (b) The board of trustees shall declare a midterm vacancy for the board position held
3614 by an appointed official if:

3615 (i) during the appointed official's term on the board of trustees, the appointed official
3616 ceases to hold the elected position with the appointing entity; and

3617 (ii) the appointing entity submits a written request to the board to declare the vacancy.

3618 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the
3619 appointing entity shall appoint another person to fill the remaining unexpired term on the board
3620 of trustees.

3621 (7) (a) A member of a board of trustees shall obtain a fidelity bond or obtain theft or

3622 crime insurance for the faithful performance of the member's duties, in the amount and with the
3623 sureties or with an insurance company that the board of trustees prescribes.

3624 (b) The [toeat] special district:

3625 (i) may assist the board of trustees in obtaining a fidelity bond or obtaining theft or
3626 crime insurance as a group or for members individually; and

3627 (ii) shall pay the cost of each fidelity bond or insurance coverage required under this
3628 Subsection (7).

3629 (8) (a) The lieutenant governor may extend the term of an elected district board
3630 member by one year in order to compensate for a change in the election year under Subsection
3631 [17B-1-306](#)(14).

3632 (b) When the number of members of a board of trustees increases in accordance with
3633 Subsection [17B-1-302](#)(6), to ensure that the term of approximately half of the board members
3634 expires every two years in accordance with Subsection (2)(a):

3635 (i) the board shall set shorter terms for approximately half of the new board members,
3636 chosen by lot; and

3637 (ii) the initial term of a new board member position may be less than two or four years.

3638 (9) (a) A [toeat] special district shall:

3639 (i) post on the Utah Public Notice Website created in Section [63A-16-601](#) the name,
3640 phone number, and email address of each member of the [toeat] special district's board of
3641 trustees;

3642 (ii) update the information described in Subsection (9)(a)(i) when:

3643 (A) the membership of the board of trustees changes; or

3644 (B) a member of the board of trustees' phone number or email address changes; and

3645 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the date
3646 on which the change requiring the update occurs.

3647 (b) This Subsection (9) applies regardless of whether the county or municipal
3648 legislative body also serves as the board of trustees of the [toeat] special district.

3649 Section 52. Section **17B-1-304** is amended to read:

3650 **17B-1-304. Appointment procedures for appointed members.**

3651 (1) The appointing authority may, by resolution, appoint persons to serve as members
3652 of a [toeat] special district board by following the procedures established by this section.

3653 (2) (a) In any calendar year when appointment of a new [local] special district board
3654 member is required, the appointing authority shall prepare a notice of vacancy that contains:

- 3655 (i) the positions that are vacant that shall be filled by appointment;
- 3656 (ii) the qualifications required to be appointed to those positions;
- 3657 (iii) the procedures for appointment that the governing body will follow in making
3658 those appointments; and

3659 (iv) the person to be contacted and any deadlines that a person shall meet who wishes
3660 to be considered for appointment to those positions.

3661 (b) The appointing authority shall:

3662 (i) post the notice of vacancy in four public places within the [local] special district at
3663 least one month before the deadline for accepting nominees for appointment; and

3664 (ii) post the notice of vacancy on the Utah Public Notice Website, created in Section
3665 [63A-16-601](#), for five days before the deadline for accepting nominees for appointment.

3666 (c) The appointing authority may bill the [local] special district for the cost of
3667 preparing, printing, and publishing the notice.

3668 (3) (a) After the appointing authority is notified of a vacancy and has satisfied the
3669 requirements described in Subsection (2), the appointing authority shall select a person to fill
3670 the vacancy from the applicants who meet the qualifications established by law.

3671 (b) The appointing authority shall:

3672 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the
3673 appointment;

3674 (ii) allow any interested persons to be heard; and

3675 (iii) adopt a resolution appointing a person to the [local] special district board.

3676 (c) If no candidate for appointment to fill the vacancy receives a majority vote of the
3677 appointing authority, the appointing authority shall select the appointee from the two top
3678 candidates by lot.

3679 (4) Persons appointed to serve as members of the [local] special district board serve
3680 four-year terms, but may be removed for cause at any time after a hearing by two-thirds vote of
3681 the appointing body.

3682 (5) (a) At the end of each board member's term, the position is considered vacant, and,
3683 after following the appointment procedures established in this section, the appointing authority

3684 may either reappoint the incumbent board member or appoint a new member.

3685 (b) Notwithstanding Subsection (5)(a), a board member may continue to serve until a
3686 successor is elected or appointed and qualified in accordance with Subsection 17B-1-303(2)(b).

3687 (6) Notwithstanding any other provision of this section, if the appointing authority
3688 appoints one of its own members and that member meets all applicable statutory board member
3689 qualifications, the appointing authority need not comply with Subsection (2) or (3).

3690 Section 53. Section 17B-1-305 is amended to read:

3691 **17B-1-305. Notice of offices to be filled.**

3692 On or before February 1 of each election year in which board members of a [local]
3693 special district are elected, the board of each [local] special district required to participate in an
3694 election that year shall prepare and transmit to the clerk of each county in which any part of the
3695 district is located a written notice that:

3696 (1) designates the offices to be filled at that year's election; and

3697 (2) identifies the dates for filing a declaration of candidacy for those offices.

3698 Section 54. Section 17B-1-306 is amended to read:

3699 **17B-1-306. Special district board -- Election procedures.**

3700 (1) Except as provided in Subsection (12), each elected board member shall be selected
3701 as provided in this section.

3702 (2) (a) Each election of a [local] special district board member shall be held:

3703 (i) at the same time as the municipal general election or the regular general election, as
3704 applicable; and

3705 (ii) at polling places designated by the [local] special district board in consultation with
3706 the county clerk for each county in which the [local] special district is located, which polling
3707 places shall coincide with municipal general election or regular general election polling places,
3708 as applicable, whenever feasible.

3709 (b) The [local] special district board, in consultation with the county clerk, may
3710 consolidate two or more polling places to enable voters from more than one district to vote at
3711 one consolidated polling place.

3712 (c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under
3713 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
3714 polling place per division of the district, designated by the district board.

3715 (ii) Each polling place designated by an irrigation district board under Subsection
3716 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection
3717 (2)(a)(ii).

3718 (3) The clerk of each [local] special district with a board member position to be filled
3719 at the next municipal general election or regular general election, as applicable, shall provide
3720 notice of:

3721 (a) each elective position of the [local] special district to be filled at the next municipal
3722 general election or regular general election, as applicable;

3723 (b) the constitutional and statutory qualifications for each position; and

3724 (c) the dates and times for filing a declaration of candidacy.

3725 (4) The clerk of the [local] special district shall publish the notice described in
3726 Subsection (3):

3727 (a) by posting the notice on the Utah Public Notice Website created in Section
3728 [63A-16-601](#), for 10 days before the first day for filing a declaration of candidacy;

3729 (b) by posting the notice in at least five public places within the [local] special district
3730 at least 10 days before the first day for filing a declaration of candidacy; and

3731 (c) if the [local] special district has a website, on the [local] special district's website
3732 for 10 days before the first day for filing a declaration of candidacy.

3733 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective
3734 [local] special district board position, an individual shall file a declaration of candidacy in
3735 person with an official designated by the [local] special district within the candidate filing
3736 period for the applicable election year in which the election for the [local] special district board
3737 is held and:

3738 (i) during the [local] special district's standard office hours, if the standard office hours
3739 provide at least three consecutive office hours each day during the candidate filing period that
3740 is not a holiday or weekend; or

3741 (ii) if the standard office hours of a [local] special district do not provide at least three
3742 consecutive office hours each day, a three-hour consecutive time period each day designated by
3743 the [local] special district during the candidate filing period that is not a holiday or weekend.

3744 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the
3745 filing time shall be extended until the close of normal office hours on the following regular

3746 business day.

3747 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a
3748 declaration of candidacy with the official designated by the [~~local~~] special district if:

3749 (i) the individual is located outside of the state during the entire filing period;

3750 (ii) the designated agent appears in person before the official designated by the [~~local~~]
3751 special district; and

3752 (iii) the individual communicates with the official designated by the [~~local~~] special
3753 district using an electronic device that allows the individual and official to see and hear each
3754 other.

3755 (d) (i) Before the filing officer may accept any declaration of candidacy from an
3756 individual, the filing officer shall:

3757 (A) read to the individual the constitutional and statutory qualification requirements for
3758 the office that the individual is seeking; and

3759 (B) require the individual to state whether the individual meets those requirements.

3760 (ii) If the individual does not meet the qualification requirements for the office, the
3761 filing officer may not accept the individual's declaration of candidacy.

3762 (iii) If it appears that the individual meets the requirements of candidacy, the filing
3763 officer shall accept the individual's declaration of candidacy.

3764 (e) The declaration of candidacy shall be in substantially the following form:

3765 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
3766 _____, City of _____, County of _____, state of Utah, (Zip
3767 Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the
3768 office of board of trustees member for _____ (state the name of the
3769 [~~local~~] special district); that I am a candidate for that office to be voted upon at the next
3770 election; and that, if filing via a designated agent, I will be out of the state of Utah during the
3771 entire candidate filing period, and I hereby request that my name be printed upon the official
3772 ballot for that election.

3773 (Signed) _____

3774 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
3775 of _____, _____.

3776 (Signed) _____

3777 (Clerk or Notary Public)".

3778 (f) An agent designated under Subsection (5)(c) may not sign the form described in
3779 Subsection (5)(e).

3780 (g) Each individual wishing to become a valid write-in candidate for an elective [~~local~~]
3781 special district board position is governed by Section 20A-9-601.

3782 (h) If at least one individual does not file a declaration of candidacy as required by this
3783 section, an individual shall be appointed to fill that board position in accordance with the
3784 appointment provisions of Section 20A-1-512.

3785 (i) If only one candidate files a declaration of candidacy and there is no write-in
3786 candidate who complies with Section 20A-9-601, the board, in accordance with Section
3787 20A-1-206, may:

3788 (i) consider the candidate to be elected to the position; and

3789 (ii) cancel the election.

3790 (6) (a) A primary election may be held if:

3791 (i) the election is authorized by the [~~local~~] special district board; and

3792 (ii) the number of candidates for a particular local board position or office exceeds
3793 twice the number of persons needed to fill that position or office.

3794 (b) The primary election shall be conducted:

3795 (i) on the same date as the municipal primary election or the regular primary election,
3796 as applicable; and

3797 (ii) according to the procedures for primary elections provided under Title 20A,
3798 Election Code.

3799 (7) (a) Except as provided in Subsection (7)(c), within one business day after the
3800 deadline for filing a declaration of candidacy, the [~~local~~] special district clerk shall certify the
3801 candidate names to the clerk of each county in which the [~~local~~] special district is located.

3802 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section
3803 20A-6-305, the clerk of each county in which the [~~local~~] special district is located and the
3804 [~~local~~] special district clerk shall coordinate the placement of the name of each candidate for
3805 [~~local~~] special district office in the nonpartisan section of the ballot with the appropriate
3806 election officer.

3807 (ii) If consolidation of the [~~local~~] special district election ballot with the municipal

3808 general election ballot or the regular general election ballot, as applicable, is not feasible, the
3809 ~~[local]~~ special district board of trustees, in consultation with the county clerk, shall provide for
3810 a separate ~~[local]~~ special district election ballot to be administered by poll workers at polling
3811 places designated under Subsection (2).

3812 (c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board
3813 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

3814 (ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall
3815 prescribe the form of the ballot for each board member election.

3816 (B) Each ballot for an election of an irrigation district board member shall be in a
3817 nonpartisan format.

3818 (C) The name of each candidate shall be placed on the ballot in the order specified
3819 under Section [20A-6-305](#).

3820 (8) (a) Each voter at an election for a board of trustees member of a ~~[local]~~ special
3821 district shall:

3822 (i) be a registered voter within the district, except for an election of:

3823 (A) an irrigation district board of trustees member; or

3824 (B) a basic ~~[local]~~ special district board of trustees member who is elected by property
3825 owners; and

3826 (ii) meet the requirements to vote established by the district.

3827 (b) Each voter may vote for as many candidates as there are offices to be filled.

3828 (c) The candidates who receive the highest number of votes are elected.

3829 (9) Except as otherwise provided by this section, the election of ~~[local]~~ special district
3830 board members is governed by Title 20A, Election Code.

3831 (10) (a) Except as provided in Subsection [17B-1-303\(8\)](#), a person elected to serve on a
3832 ~~[local]~~ special district board shall serve a four-year term, beginning at noon on the January 1
3833 after the person's election.

3834 (b) A person elected shall be sworn in as soon as practical after January 1.

3835 (11) (a) Except as provided in Subsection (11)(b), each ~~[local]~~ special district shall
3836 reimburse the county or municipality holding an election under this section for the costs of the
3837 election attributable to that ~~[local]~~ special district.

3838 (b) Each irrigation district shall bear the district's own costs of each election the district

3839 holds under this section.

3840 (12) This section does not apply to an improvement district that provides electric or gas
3841 service.

3842 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,
3843 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.

3844 (14) (a) As used in this Subsection (14), "board" means:

3845 (i) a [~~local~~] special district board; or

3846 (ii) the administrative control board of a special service district that has elected
3847 members on the board.

3848 (b) A board may hold elections for membership on the board at a regular general
3849 election instead of a municipal general election if the board submits an application to the
3850 lieutenant governor that:

3851 (i) requests permission to hold elections for membership on the board at a regular
3852 general election instead of a municipal general election; and

3853 (ii) indicates that holding elections at the time of the regular general election is
3854 beneficial, based on potential cost savings, a potential increase in voter turnout, or another
3855 material reason.

3856 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant
3857 governor may approve the application if the lieutenant governor concludes that holding the
3858 elections at the regular general election is beneficial based on the criteria described in
3859 Subsection (14)(b)(ii).

3860 (d) If the lieutenant governor approves a board's application described in this section:

3861 (i) all future elections for membership on the board shall be held at the time of the
3862 regular general election; and

3863 (ii) the board may not hold elections at the time of a municipal general election unless
3864 the board receives permission from the lieutenant governor to hold all future elections for
3865 membership on the board at a municipal general election instead of a regular general election,
3866 under the same procedure, and by applying the same criteria, described in this Subsection (14).

3867 (15) (a) This Subsection (15) applies to a [~~local~~] special district if:

3868 (i) the [~~local~~] special district's board members are elected by the owners of real
3869 property, as provided in Subsection 17B-1-1402(1)(b); and

3870 (ii) the [local] special district was created before January 1, 2020.

3871 (b) The board of a [local] special district described in Subsection (15)(a) may conduct
3872 an election:

3873 (i) to fill a board member position that expires at the end of the term for that board
3874 member's position; and

3875 (ii) notwithstanding Subsection 20A-1-512(1)(a)(i), to fill a vacancy in an unexpired
3876 term of a board member.

3877 (c) An election under Subsection (15)(b) may be conducted as determined by the
3878 [local] special district board, subject to Subsection (15)(d).

3879 (d) (i) The [local] special district board shall provide to property owners eligible to
3880 vote at the [local] special district election:

3881 (A) notice of the election; and

3882 (B) a form to nominate an eligible individual to be elected as a board member.

3883 (ii) (A) The [local] special district board may establish a deadline for a property owner
3884 to submit a nomination form.

3885 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days after
3886 the board provides the notice and nomination form under Subsection (15)(d)(i).

3887 (iii) (A) After the deadline for submitting nomination forms, the [local] special district
3888 board shall provide a ballot to all property owners eligible to vote at the [local] special district
3889 election.

3890 (B) A [local] special district board shall allow at least five days for ballots to be
3891 returned.

3892 (iv) A [local] special district board shall certify the results of an election under this
3893 Subsection (15) during an open meeting of the board.

3894 Section 55. Section 17B-1-306.5 is amended to read:

3895 **17B-1-306.5. Dividing a special district into divisions.**

3896 (1) Subject to Subsection (3), the board of trustees of a [local] special district that has
3897 elected board members may, upon a vote of two-thirds of the members of the board, divide the
3898 [local] special district, or the portion of the [local] special district represented by elected board
3899 of trustees members, into divisions so that some or all of the elected members of the board of
3900 trustees may be elected by division rather than at large.

3901 (2) Subject to Subsection (3), the appointing authority of a [local] special district that
3902 has appointed board members may, upon a vote of two-thirds of the members of the appointing
3903 authority, divide the [local] special district, or the portion of the [local] special district
3904 represented by appointed board members, into divisions so that some or all of the appointed
3905 members of the board of trustees may be appointed by division rather than at large.

3906 (3) Before dividing a [local] special district into divisions or before changing the
3907 boundaries of divisions already established, the board of trustees under Subsection (1), or the
3908 appointing authority, under Subsection (2), shall:

3909 (a) prepare a proposal that describes the boundaries of the proposed divisions; and

3910 (b) hold a public hearing at which any interested person may appear and speak for or
3911 against the proposal.

3912 (4) (a) The board of trustees or the appointing authority shall review the division
3913 boundaries at least every 10 years.

3914 (b) Except for changes in the divisions necessitated by annexations to or withdrawals
3915 from the [local] special district, the boundaries of divisions established under Subsection (1) or
3916 (2) may not be changed more often than every five years.

3917 (c) Changes to the boundaries of divisions already established under Subsection (1) or
3918 (2) are not subject to the two-thirds vote requirement of Subsection (1) or (2).

3919 Section 56. Section **17B-1-307** is amended to read:

3920 **17B-1-307. Annual compensation -- Per diem compensation -- Participation in**
3921 **group insurance plan -- Reimbursement of expenses.**

3922 (1) (a) Except as provided in Subsection **17B-1-308**(1)(e), a member of a board of
3923 trustees may receive compensation for service on the board, as determined by the board of
3924 trustees.

3925 (b) The amount of compensation under this Subsection (1) may not exceed \$5,000 per
3926 year.

3927 (c) (i) As determined by the board of trustees, a member of the board of trustees may
3928 participate in a group insurance plan provided to employees of the [local] special district on the
3929 same basis as employees of the [local] special district.

3930 (ii) The amount that the [local] special district pays to provide a member with coverage
3931 under a group insurance plan shall be included as part of the member's compensation for

3932 purposes of Subsection (1)(b).

3933 (d) The amount that a [local] special district pays employer-matching employment
3934 taxes, if a member of the board of trustees is treated as an employee for federal tax purposes,
3935 does not constitute compensation under Subsection (1).

3936 (2) In addition to the compensation provided under Subsection (1), the board of
3937 trustees may elect to allow a member to receive per diem and travel expenses for up to 12
3938 meetings or activities per year in accordance with rules adopted by the board of trustees or
3939 Section 11-55-103.

3940 Section 57. Section 17B-1-308 is amended to read:

3941 **17B-1-308. Boards of trustees composed of county or municipal legislative body**
3942 **members.**

3943 (1) If a county or municipal legislative body also serves as the board of trustees of a
3944 [local] special district:

3945 (a) the board of trustees shall hold district meetings and keep district minutes,
3946 accounts, and other records separate from those of the county or municipality;

3947 (b) subject to Subsection (2), the board of trustees may use, respectively, existing
3948 county or municipal facilities and personnel for district purposes;

3949 (c) notwithstanding Subsections 17B-1-303(1) and (2), the term of office of each board
3950 of trustees member coincides with the member's term as a county or municipal legislative body
3951 member;

3952 (d) each board of trustees member represents the district at large; and

3953 (e) board members may not receive compensation for service as board members in
3954 addition to compensation the board members receive as members of a county or municipal
3955 legislative body.

3956 (2) The county or municipal legislative body, as the case may be, shall charge the
3957 [local] special district, and the [local] special district shall pay to the county or municipality, a
3958 reasonable amount for:

3959 (a) the county or municipal facilities that the district uses; and

3960 (b) except for services that the county or municipal legislative body members render,
3961 the services that the county or municipality renders to the [local] special district.

3962 Section 58. Section 17B-1-310 is amended to read:

3963 **17B-1-310. Quorum of board of trustees -- Meetings of the board.**

3964 (1) (a) (i) Except as provided in Subsection (1)(b), a majority of the board of trustees
3965 constitutes a quorum for the transaction of board business, and action by a majority of a
3966 quorum constitutes action of the board.

3967 (ii) Except as otherwise required by law, an otherwise valid action of the board is not
3968 made invalid because of the method chosen by the board to take or memorialize the action.

3969 (b) (i) Subject to Subsection (1)(b)(ii), a board may adopt bylaws or other rules that
3970 require more than a majority to constitute a quorum or that require action by more than a
3971 majority of a quorum to constitute action by the board.

3972 (ii) A board with five or more members may not adopt bylaws or rules that require a
3973 vote of more than two-thirds of the board to constitute board action except for a board action to
3974 dispose of real property owned by the [toeat] special district.

3975 (2) The board of trustees shall hold such regular and special meetings as the board
3976 determines at a location that the board determines.

3977 (3) (a) Each meeting of the board of trustees shall comply with Title 52, Chapter 4,
3978 Open and Public Meetings Act.

3979 (b) Subject to Subsection (3)(c), a board of trustees shall:

3980 (i) adopt rules of order and procedure to govern a public meeting of the board of
3981 trustees;

3982 (ii) conduct a public meeting in accordance with the rules of order and procedure
3983 described in Subsection (3)(b)(i); and

3984 (iii) make the rules of order and procedure described in Subsection (3)(b)(i) available
3985 to the public:

3986 (A) at each meeting of the board of trustees; and

3987 (B) on the [toeat] special district's public website, if available.

3988 (c) Subsection (3)(b) does not affect the board of trustees' duty to comply with Title 52,
3989 Chapter 4, Open and Public Meetings Act.

3990 Section 59. Section **17B-1-311** is amended to read:

3991 **17B-1-311. Board member prohibited from district employment -- Exception.**

3992 (1) No elected or appointed member of the board of trustees of a [toeat] special district
3993 may, while serving on the board, be employed by the district, whether as an employee or under

3994 a contract.

3995 (2) No person employed by a [local] special district, whether as an employee or under a
3996 contract, may serve on the board of that [local] special district.

3997 (3) A [local] special district is not in violation of a prohibition described in Subsection
3998 (1) or (2) if the [local] special district:

3999 (a) treats a member of a board of trustees as an employee for income tax purposes; and

4000 (b) complies with the compensation limits of Section 17B-1-307 for purposes of that
4001 member.

4002 (4) This section does not apply to a [local] special district if:

4003 (a) fewer than 3,000 people in the state live within 40 miles of the [local] special
4004 district's boundaries or primary place of employment, measured over all weather public roads;
4005 and

4006 (b) with respect to the employment of a board of trustees member under Subsection
4007 (1):

4008 (i) the job opening has had reasonable public notice; and

4009 (ii) the person employed is the best qualified candidate for the position.

4010 (5) This section does not apply to a board of trustees of a large public transit district as
4011 described in Chapter 2a, Part 8, Public Transit District Act.

4012 Section 60. Section 17B-1-312 is amended to read:

4013 **17B-1-312. Training for board members.**

4014 (1) (a) Each member of a board of trustees of a [local] special district shall, within one
4015 year after taking office, complete the training described in Subsection (2).

4016 (b) For the purposes of Subsection (1)(a), a member of a board of trustees of a [local]
4017 special district takes office each time the member is elected or appointed to a new term,
4018 including an appointment to fill a midterm vacancy in accordance with Subsection
4019 17B-1-303(5) or (6).

4020 (2) In conjunction with the Utah Association of Special Districts, the state auditor
4021 shall:

4022 (a) develop a training curriculum for the members of [local] special district boards;

4023 (b) with the assistance of other state offices and departments the state auditor considers
4024 appropriate and at times and locations established by the state auditor, carry out the training of

4025 members of [local] special district boards; and

4026 (c) ensure that any training required under this Subsection (2) complies with Title 63G,
4027 Chapter 22, State Training and Certification Requirements.

4028 (3) (a) A [local] special district board of trustees may compensate each member of the
4029 board for each day of training described in Subsection (2) that the member completes, in
4030 accordance with Section [11-55-103](#).

4031 (b) The compensation authorized under Subsection (3)(a) is in addition to all other
4032 amounts of compensation and expense reimbursement authorized under this chapter.

4033 (c) A board of trustees may not pay compensation under Subsection (3)(a) to any board
4034 member more than once per year.

4035 (4) The state auditor shall issue a certificate of completion to each board member that
4036 completes the training described in Subsection (2).

4037 Section 61. Section **17B-1-313** is amended to read:

4038 **17B-1-313. Publication of notice of board resolution or action -- Contest period --**
4039 **No contest after contest period.**

4040 (1) After the board of trustees of a [local] special district adopts a resolution or takes
4041 other action on behalf of the district, the board may provide for the publication of a notice of
4042 the resolution or other action.

4043 (2) Each notice under Subsection (1) shall:

4044 (a) include, as the case may be:

4045 (i) the language of the resolution or a summary of the resolution; or

4046 (ii) a description of the action taken by the board;

4047 (b) state that:

4048 (i) any person in interest may file an action in district court to contest the regularity,
4049 formality, or legality of the resolution or action within 30 days after the date of publication; and

4050 (ii) if the resolution or action is not contested by filing an action in district court within
4051 the 30-day period, no one may contest the regularity, formality, or legality of the resolution or
4052 action after the expiration of the 30-day period; and

4053 (c) be posted on the Utah Public Notice Website created in Section [63A-16-601](#).

4054 (3) For a period of 30 days after the date of the publication, any person in interest may
4055 contest the regularity, formality, or legality of the resolution or other action by filing an action

4056 in district court.

4057 (4) After the expiration of the 30-day period under Subsection (3), no one may contest
4058 the regularity, formality, or legality of the resolution or action for any cause.

4059 Section 62. Section **17B-1-314** is amended to read:

4060 **17B-1-314. Compelling attendance at board meetings.**

4061 The board of trustees of a ~~[local]~~ special district may:

4062 (1) compel the attendance of its own members at its meetings; and

4063 (2) provide penalties it considers necessary for the failure to attend.

4064 Section 63. Section **17B-1-401** is amended to read:

4065 **17B-1-401. Definitions.**

4066 ~~[For purposes of]~~ As used in this part:

4067 (1) "Applicable area" means:

4068 (a) for a county, the unincorporated area of the county that is included within the area
4069 proposed for annexation; or

4070 (b) for a municipality, the area of the municipality that is included within the area
4071 proposed for annexation.

4072 (2) "Retail" means, with respect to a service provided by a municipality or ~~[local]~~
4073 special district, that the service is provided directly to the ultimate user.

4074 (3) "Wholesale" means, with respect to a service provided by a ~~[local]~~ special district,
4075 that the service is not provided directly to the ultimate user but is provided to a retail provider.

4076 Section 64. Section **17B-1-402** is amended to read:

4077 **17B-1-402. Annexation of area outside special district.**

4078 (1) An area outside the boundaries of a ~~[local]~~ special district may be annexed to the
4079 ~~[local]~~ special district, as provided in this part, in order to provide to the area a service that the
4080 ~~[local]~~ special district provides.

4081 (2) The area proposed to be annexed:

4082 (a) may consist of one or more noncontiguous areas; and

4083 (b) need not be adjacent to the boundaries of the proposed annexing ~~[local]~~ special
4084 district.

4085 (3) With respect to a ~~[local]~~ special district in the creation of which an election was not
4086 required under Subsection **17B-1-214(3)(d)**:

4087 (a) an unincorporated area of a county may not be annexed to the [local] special district
4088 unless, after annexation, at least a majority of the unincorporated area of the county will be
4089 included in the [local] special district; and

4090 (b) the annexation of any part of an area within a municipality shall include all of the
4091 area within the municipality.

4092 (4) A [local] special district may not annex an area located within a project area
4093 described in a project area plan adopted by the military installation development authority
4094 under Title 63H, Chapter 1, Military Installation Development Authority Act, without the
4095 authority's approval.

4096 Section 65. Section **17B-1-403** is amended to read:

4097 **17B-1-403. Initiation of annexation process -- Petition and resolution.**

4098 (1) Except as provided in Sections **17B-1-415**, **17B-1-416**, and **17B-1-417**, the process
4099 to annex an area to a [local] special district may be initiated by:

4100 (a) (i) for a district whose board of trustees is elected by electors based on the acre-feet
4101 of water allotted to the land owned by the elector and subject to Subsection (2), a petition
4102 signed by the owners of all of the acre-feet of water allotted to the land proposed for
4103 annexation; or

4104 (ii) for all other districts:

4105 (A) a petition signed by:

4106 (I) the owners of private real property that:

4107 (Aa) is located within the area proposed to be annexed;

4108 (Bb) covers at least 10% of the total private land area within the entire area proposed to
4109 be annexed and within each applicable area; and

4110 (Cc) is equal in assessed value to at least 10% of the assessed value of all private real
4111 property within the entire area proposed to be annexed and within each applicable area; or

4112 (II) the owner of all the publicly owned real property, if all the real property within the
4113 area proposed for annexation is owned by a public entity other than the federal government; or

4114 (B) a petition signed by registered voters residing within the entire area proposed to be
4115 annexed and within each applicable area equal in number to at least 10% of the number of
4116 votes cast within the entire area proposed to be annexed and within each applicable area,
4117 respectively, for the office of governor at the last regular general election before the filing of

4118 the petition;

4119 (b) a resolution adopted by the legislative body of each county whose unincorporated
4120 area includes and each municipality whose boundaries include any of the area proposed to be
4121 annexed; or

4122 (c) a resolution adopted by the board of trustees of the proposed annexing [~~local~~]
4123 special district if, for at least 12 consecutive months immediately preceding adoption of the
4124 resolution, the [~~local~~] special district has provided:

4125 (i) retail service to the area; or

4126 (ii) a wholesale service to a provider of the same service that has provided that service
4127 on a retail basis to the area.

4128 (2) If an association representing all acre-feet of water allotted to the land that is
4129 proposed to be annexed to a [~~local~~] special district signs a petition under Subsection (1)(a)(i),
4130 pursuant to a proper exercise of authority as provided in the bylaws or other rules governing the
4131 association, the petition shall be considered to have been signed by the owners of all of the
4132 acre-feet of water allotted to the land proposed for annexation, even though less than all of the
4133 owners within the association consented to the association signing the petition.

4134 (3) Each petition and resolution under Subsection (1) shall:

4135 (a) describe the area proposed to be annexed; and

4136 (b) be accompanied by a map of the boundaries of the area proposed to be annexed.

4137 (4) The legislative body of each county and municipality that adopts a resolution under
4138 Subsection (1)(b) shall, within five days after adopting the resolution, mail or deliver a copy of
4139 the resolution to the board of trustees of the proposed annexing [~~local~~] special district.

4140 Section 66. Section **17B-1-404** is amended to read:

4141 **17B-1-404. Petition requirements.**

4142 (1) Each petition under Subsection **17B-1-403**(1)(a) shall:

4143 (a) indicate the typed or printed name and current residence address of each person
4144 signing the petition;

4145 (b) separately group signatures by county and municipality, so that all signatures of the
4146 owners of real property located within or of registered voters residing within each county
4147 whose unincorporated area includes and each municipality whose boundaries include part of
4148 the area proposed for annexation are grouped separately;

4149 (c) if it is a petition under Subsection 17B-1-403(1)(a)(i) or (ii)(A), indicate the address
4150 of the property as to which the owner is signing the petition;

4151 (d) designate up to three signers of the petition as sponsors, one of whom shall be
4152 designated the contact sponsor, with the mailing address and telephone number of each;

4153 (e) be filed with the board of trustees of the proposed annexing [~~local~~] special district;
4154 and

4155 (f) for a petition under Subsection 17B-1-403(1)(a)(i), state the proposed method of
4156 supplying water to the area proposed to be annexed.

4157 (2) By submitting a written withdrawal or reinstatement with the board of trustees of
4158 the proposed annexing [~~local~~] special district, a signer of a petition may withdraw, or once
4159 withdrawn, reinstate the signer's signature at any time:

4160 (a) before the public hearing under Section 17B-1-409 is held; or

4161 (b) if a hearing is not held because of Subsection 17B-1-413(1) or because no hearing
4162 is requested under Subsection 17B-1-413(2)(a)(ii)(B), until 20 days after the [~~local~~] special
4163 district provides notice under Subsection 17B-1-413(2)(a)(i).

4164 Section 67. Section 17B-1-405 is amended to read:

4165 **17B-1-405. Petition certification.**

4166 (1) Within 30 days after the filing of a petition under Subsection 17B-1-403(1)(a)(i) or
4167 (ii) or within the time that the [~~local~~] special district and each petition sponsor designate by
4168 written agreement, the board of trustees of the proposed annexing [~~local~~] special district shall:

4169 (a) with the assistance of officers of the county in which the area proposed to be
4170 annexed is located from whom the board requests assistance, determine whether the petition
4171 meets the requirements of Subsection 17B-1-403(1)(a)(i) or (ii), as the case may be, Subsection
4172 17B-1-403(3), and Subsection 17B-1-404(1); and

4173 (b) (i) if the board determines that the petition complies with the requirements, certify
4174 the petition and mail or deliver written notification of the certification to the contact sponsor;
4175 or

4176 (ii) if the board determines that the petition fails to comply with any of the
4177 requirements, reject the petition and mail or deliver written notification of the rejection and the
4178 reasons for the rejection to the contact sponsor.

4179 (2) (a) If the board rejects a petition under Subsection (1)(b)(ii), the petition may be

4180 amended to correct the deficiencies for which it was rejected and then refiled.

4181 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be
4182 used toward fulfilling the applicable signature requirement of the petition as amended under
4183 Subsection (2)(a).

4184 (3) The board shall process an amended petition filed under Subsection (2)(a) in the
4185 same manner as an original petition under Subsection (1).

4186 Section 68. Section **17B-1-406** is amended to read:

4187 **17B-1-406. Notice to county and municipality -- Exception.**

4188 (1) Except as provided in Subsection (2), within 10 days after certifying a petition
4189 under Subsection **17B-1-405**(1)(b) the board of trustees of the proposed annexing [~~local~~
4190 special] district shall mail or deliver a written notice of the proposed annexation, with a copy of
4191 the certification and a copy of the petition, to the legislative body of each:

4192 (a) county in whose unincorporated area any part of the area proposed for annexation is
4193 located; and

4194 (b) municipality in which any part of the area proposed for annexation is located.

4195 (2) The board is not required to send a notice under Subsection (1) to:

4196 (a) a county or municipality that does not provide the service proposed to be provided
4197 by the [~~local~~] special district; or

4198 (b) a county or municipality whose legislative body has adopted an ordinance or
4199 resolution waiving the notice requirement as to:

4200 (i) the proposed annexing [~~local~~] special district; or

4201 (ii) the service that the proposed annexing [~~local~~] special district provides.

4202 (3) For purposes of this section, an area proposed to be annexed to a municipality in a
4203 petition under Section **10-2-403** filed before and still pending at the time of the filing of a
4204 petition under Subsection **17B-1-403**(1)(a) and an area included within a municipality's
4205 annexation policy plan under Section **10-2-401.5** shall be considered to be part of that
4206 municipality.

4207 Section 69. Section **17B-1-407** is amended to read:

4208 **17B-1-407. Notice of intent to consider providing service -- Public hearing**
4209 **requirements.**

4210 (1) (a) If the legislative body of a county or municipality whose applicable area is

4211 proposed to be annexed to a [local] special district in a petition under Subsection
4212 17B-1-403(1)(a) intends to consider having the county or municipality, respectively, provide to
4213 the applicable area the service that the proposed annexing [local] special district provides, the
4214 legislative body shall, within 30 days after receiving the notice under Subsection 17B-1-406(1),
4215 mail or deliver a written notice to the board of trustees of the proposed annexing [local] special
4216 district indicating that intent.

4217 (b) (i) A notice of intent under Subsection (1)(a) suspends the [local] special district's
4218 annexation proceeding as to the applicable area of the county or municipality that submits the
4219 notice of intent until the county or municipality:

4220 (A) adopts a resolution under Subsection 17B-1-408(1) declining to provide the service
4221 proposed to be provided by the proposed annexing [local] special district; or

4222 (B) is considered under Subsection 17B-1-408(2) or (3) to have declined to provide the
4223 service.

4224 (ii) The suspension of an annexation proceeding under Subsection (1)(b)(i) as to an
4225 applicable area does not prevent the [local] special district from continuing to pursue the
4226 annexation proceeding with respect to other applicable areas for which no notice of intent was
4227 submitted.

4228 (c) If a legislative body does not mail or deliver a notice of intent within the time
4229 required under Subsection (1)(a), the legislative body shall be considered to have declined to
4230 provide the service.

4231 (2) Each legislative body that mails or delivers a notice under Subsection (1)(a) shall
4232 hold a public hearing or a set of public hearings, sufficient in number and location to ensure
4233 that no substantial group of residents of the area proposed for annexation need travel an
4234 unreasonable distance to attend a public hearing.

4235 (3) Each public hearing under Subsection (2) shall be held:

4236 (a) no later than 45 days after the legislative body sends notice under Subsection (1);

4237 (b) except as provided in Subsections (6) and (7), within the applicable area; and

4238 (c) for the purpose of allowing public input on:

4239 (i) whether the service is needed in the area proposed for annexation;

4240 (ii) whether the service should be provided by the county or municipality or the

4241 proposed annexing [local] special district; and

4242 (iii) all other matters relating to the issue of providing the service or the proposed
4243 annexation.

4244 (4) A quorum of the legislative body of each county or municipal legislative body
4245 holding a public hearing under this section shall be present throughout each hearing held by
4246 that county or municipal legislative body.

4247 (5) Each hearing under this section shall be held on a weekday evening other than a
4248 holiday beginning no earlier than 6 p.m.

4249 (6) Two or more county or municipal legislative bodies may jointly hold a hearing or
4250 set of hearings required under this section if all the requirements of this section, other than the
4251 requirements of Subsection (3)(b), are met as to each hearing.

4252 (7) Notwithstanding Subsection (3)(b), a county or municipal legislative body may
4253 hold a public hearing or set of public hearings outside the applicable area if:

4254 (a) there is no reasonable place to hold a public hearing within the applicable area; and

4255 (b) the public hearing or set of public hearings is held as close to the applicable area as
4256 reasonably possible.

4257 (8) Before holding a public hearing or set of public hearings under this section, the
4258 legislative body of each county or municipality that receives a request for service shall provide
4259 notice of the hearing or set of hearings as provided in Section 17B-1-211.

4260 Section 70. Section 17B-1-408 is amended to read:

4261 **17B-1-408. Resolution indicating whether the requested service will be provided.**

4262 (1) Within 30 days after the last hearing required under Section 17B-1-407 is held, the
4263 legislative body of each county and municipality that sent a notice of intent under Subsection
4264 17B-1-407(1) shall adopt a resolution indicating whether the county or municipality will
4265 provide to the area proposed for annexation within its boundaries the service proposed to be
4266 provided by the proposed annexing ~~local~~ special district.

4267 (2) If the county or municipal legislative body fails to adopt a resolution within the
4268 time provided under Subsection (1), the county or municipality shall be considered to have
4269 declined to provide the service.

4270 (3) If a county or municipal legislative body adopts a resolution under Subsection (1)
4271 indicating that the county or municipality will provide the service but the county or
4272 municipality does not, within 120 days after the adoption of that resolution, take substantial

4273 measures to provide the service, the county or municipality shall be considered to have
4274 declined to provide the service.

4275 (4) Each county or municipality whose legislative body adopts a resolution under
4276 Subsection (1) indicating that the county or municipality will provide the service shall
4277 diligently proceed to take all measures necessary to provide the service.

4278 (5) If a county or municipal legislative body adopts a resolution under Subsection (1)
4279 indicating that the county or municipality will provide the service and the county or
4280 municipality takes substantial measures within the time provided in Subsection (3) to provide
4281 the service, the [local] special district's annexation proceeding as to the applicable area of that
4282 county or municipality is terminated and that applicable area is considered deleted from the
4283 area proposed to be annexed in a petition under Subsection 17B-1-403(1)(a).

4284 Section 71. Section 17B-1-409 is amended to read:

4285 **17B-1-409. Public hearing on proposed annexation.**

4286 (1) Except as provided in Sections 17B-1-413 and 17B-1-415, the board of trustees of
4287 each [local] special district that certifies a petition that was filed under Subsection
4288 17B-1-403(1)(a)(ii)(A) or (B), receives a resolution adopted under Subsection
4289 17B-1-403(1)(b), or adopts a resolution under Subsection 17B-1-403(1)(c) shall hold a public
4290 hearing on the proposed annexation and provide notice of the hearing as provided in Section
4291 17B-1-410.

4292 (2) Each public hearing under Subsection (1) shall be held:

4293 (a) within 45 days after:

4294 (i) if no notice to a county or municipal legislative body is required under Section
4295 17B-1-406, petition certification under Section 17B-1-405; or

4296 (ii) if notice is required under Section 17B-1-406, but no notice of intent is submitted
4297 by the deadline:

4298 (A) expiration of the deadline under Subsection 17B-1-407(1) to submit a notice of
4299 intent; or

4300 (B) termination of a suspension of the annexation proceeding under Subsection
4301 17B-1-407(1)(b);

4302 (b) (i) for a [local] special district located entirely within a single county:

4303 (A) within or as close as practicable to the area proposed to be annexed; or

4304 (B) at the [toeat] special district office; or
4305 (ii) for a [toeat] special district located in more than one county:
4306 (A) (I) within the county in which the area proposed to be annexed is located; and
4307 (II) within or as close as practicable to the area proposed to be annexed; or
4308 (B) if the [toeat] special district office is reasonably accessible to all residents within
4309 the area proposed to be annexed, at the [toeat] special district office;
4310 (c) on a weekday evening other than a holiday beginning no earlier than 6 p.m.; and
4311 (d) for the purpose of allowing:
4312 (i) the public to ask questions and obtain further information about the proposed
4313 annexation and issues raised by it; and
4314 (ii) any interested person to address the board regarding the proposed annexation.
4315 (3) A quorum of the board of trustees of the proposed annexing [toeat] special district
4316 shall be present throughout each public hearing held under this section.
4317 (4) (a) After holding a public hearing under this section or, if no hearing is held
4318 because of application of Subsection 17B-1-413(2)(a)(ii), after expiration of the time under
4319 Subsection 17B-1-413(2)(a)(ii)(B) for requesting a hearing, the board of trustees may by
4320 resolution deny the annexation and terminate the annexation procedure if:
4321 (i) for a proposed annexation initiated by a petition under Subsection
4322 17B-1-403(1)(a)(i) or (ii), the board determines that:
4323 (A) it is not feasible for the [toeat] special district to provide service to the area
4324 proposed to be annexed; or
4325 (B) annexing the area proposed to be annexed would be inequitable to the owners of
4326 real property or residents already within the [toeat] special district; or
4327 (ii) for a proposed annexation initiated by resolution under Subsection 17B-1-403(1)(b)
4328 or (c), the board determines not to pursue annexation.
4329 (b) In each resolution adopted under Subsection (4)(a), the board shall set forth its
4330 reasons for denying the annexation.
4331 Section 72. Section 17B-1-410 is amended to read:
4332 **17B-1-410. Notice of public hearing.**
4333 (1) Before holding a public hearing required under Section 17B-1-409, the board of
4334 trustees of each proposed annexing [toeat] special district shall:

- 4335 (a) mail notice of the public hearing and the proposed annexation to:
- 4336 (i) if the [local] special district is funded predominantly by revenues from a property
- 4337 tax, each owner of private real property located within the area proposed to be annexed, as
- 4338 shown upon the county assessment roll last equalized as of the previous December 31; or
- 4339 (ii) if the [local] special district is not funded predominantly by revenues from a
- 4340 property tax, each registered voter residing within the area proposed to be annexed, as
- 4341 determined by the voter registration list maintained by the county clerk as of a date selected by
- 4342 the board of trustees that is at least 20 but not more than 60 days before the public hearing; and
- 4343 (b) post notice of the public hearing and the proposed annexation in at least four
- 4344 conspicuous places within the area proposed to be annexed, no less than 10 and no more than
- 4345 30 days before the public hearing.
- 4346 (2) Each notice required under Subsection (1) shall:
- 4347 (a) describe the area proposed to be annexed;
- 4348 (b) identify the proposed annexing [local] special district;
- 4349 (c) state the date, time, and location of the public hearing;
- 4350 (d) provide a [local] special district telephone number where additional information
- 4351 about the proposed annexation may be obtained;
- 4352 (e) specify the estimated financial impact, in terms of taxes and fees, upon the typical
- 4353 resident and upon the typical property owner within the area proposed to be annexed if the
- 4354 proposed annexation is completed; and
- 4355 (f) except for a proposed annexation under a petition that meets the requirements of
- 4356 Subsection 17B-1-413(1), explain that property owners and registered voters within the area
- 4357 proposed to be annexed may protest the annexation by filing a written protest with the [local]
- 4358 special district board of trustees within 30 days after the public hearing.

4359 Section 73. Section 17B-1-411 is amended to read:

4360 **17B-1-411. Modifications to area proposed for annexation -- Limitations.**

- 4361 (1) (a) Subject to Subsections (2), (3), (4), and (5), a board of trustees may, within 30
- 4362 days after the public hearing under Section 17B-1-409, or, if no public hearing is held, within
- 4363 30 days after the board provides notice under Subsection 17B-1-413(2)(a)(i), modify the area
- 4364 proposed for annexation to include land not previously included in that area or to exclude land
- 4365 from that area if the modification enhances the feasibility of the proposed annexation.

4366 (b) A modification under Subsection (1)(a) may consist of the exclusion of all the land
4367 within an applicable area if:

- 4368 (i) the entire area proposed to be annexed consists of more than that applicable area;
- 4369 (ii) sufficient protests under Section 17B-1-412 are filed with respect to that applicable
4370 area that an election would have been required under Subsection 17B-1-412(3) if that
4371 applicable area were the entire area proposed to be annexed; and
- 4372 (iii) the other requirements of Subsection (1)(a) are met.

4373 (2) A board of trustees may not add property under Subsection (1) to the area proposed
4374 for annexation without the consent of the owner of that property.

4375 (3) Except as provided in Subsection (1)(b), a modification under Subsection (1) may
4376 not avoid the requirement for an election under Subsection 17B-1-412(3) if, before the
4377 modification, the election was required because of protests filed under Section 17B-1-412.

4378 (4) If the annexation is proposed by a petition under Subsection 17B-1-403(1)(a)(ii)(A)
4379 or (B), a modification may not be made unless the requirements of Subsection
4380 17B-1-403(1)(a)(ii)(A) or (B) are met after the modification as to the area proposed to be
4381 annexed.

4382 (5) If the petition meets the requirements of Subsection 17B-1-413(1) before a
4383 modification under this section but fails to meet those requirements after modification:

4384 (a) the [~~local~~] special district board shall give notice as provided in Section 17B-1-410
4385 and hold a public hearing as provided in Section 17B-1-409 on the proposed annexation; and

4386 (b) the petition shall be considered in all respects as one that does not meet the
4387 requirements of Subsection 17B-1-413(1).

4388 Section 74. Section 17B-1-412 is amended to read:

4389 **17B-1-412. Protests -- Election.**

4390 (1) (a) An owner of private real property located within or a registered voter residing
4391 within an area proposed to be annexed may protest an annexation by filing a written protest
4392 with the board of trustees of the proposed annexing [~~local~~] special district, except:

- 4393 (i) as provided in Section 17B-1-413;
- 4394 (ii) for an annexation under Section 17B-1-415; and
- 4395 (iii) for an annexation proposed by a [~~local~~] special district that receives sales and use
4396 tax funds from the counties, cities, and towns within the [~~local~~] special district that impose a

4397 sales and use tax under Section 59-12-2213.

4398 (b) A protest of a boundary adjustment is not governed by this section but is governed
4399 by Section 17B-1-417.

4400 (2) Each protest under Subsection (1)(a) shall be filed within 30 days after the date of
4401 the public hearing under Section 17B-1-409.

4402 (3) (a) Except as provided in Subsection (4), the [~~local~~] special district shall hold an
4403 election on the proposed annexation if:

4404 (i) timely protests are filed by:

4405 (A) the owners of private real property that:

4406 (I) is located within the area proposed to be annexed;

4407 (II) covers at least 10% of the total private land area within the entire area proposed to
4408 be annexed and within each applicable area; and

4409 (III) is equal in assessed value to at least 10% of the assessed value of all private real
4410 property within the entire area proposed to be annexed and within each applicable area; or

4411 (B) registered voters residing within the entire area proposed to be annexed and within
4412 each applicable area equal in number to at least 10% of the number of votes cast within the
4413 entire area proposed for annexation and within each applicable area, respectively, for the office
4414 of governor at the last regular general election before the filing of the petition; or

4415 (ii) the proposed annexing [~~local~~] special district is one that receives sales and use tax
4416 funds from the counties, cities, and towns within the [~~local~~] special district that impose a sales
4417 and use tax under Section 59-12-2213.

4418 (b) (i) At each election held under Subsection (3)(a)(ii), the ballot question shall be
4419 phrased to indicate that a voter's casting a vote for or against the annexation includes also a
4420 vote for or against the imposition of the sales and use tax as provided in Section 59-12-2213.

4421 (ii) Except as otherwise provided in this part, each election under Subsection (3)(a)
4422 shall be governed by Title 20A, Election Code.

4423 (c) If a majority of registered voters residing within the area proposed to be annexed
4424 and voting on the proposal vote:

4425 (i) in favor of annexation, the board of trustees shall, subject to Subsections
4426 17B-1-414(1)(b), (2), and (3), complete the annexation by adopting a resolution approving
4427 annexation of the area; or

4428 (ii) against annexation, the annexation process is terminated, the board may not adopt a
4429 resolution approving annexation of the area, and the area proposed to be annexed may not for
4430 two years be the subject of an effort under this part to annex to the same [~~local~~] special district.

4431 (4) If sufficient protests are filed under this section to require an election for a
4432 proposed annexation to which the protest provisions of this section are applicable, a board of
4433 trustees may, notwithstanding Subsection (3), adopt a resolution rejecting the annexation and
4434 terminating the annexation process without holding an election.

4435 Section 75. Section **17B-1-413** is amended to read:

4436 **17B-1-413. Hearing, notice, and protest provisions do not apply for certain**
4437 **petitions.**

4438 (1) Section **17B-1-412** does not apply, and, except as provided in Subsection (2)(a),
4439 Sections **17B-1-409** and **17B-1-410** do not apply:

4440 (a) if the process to annex an area to a [~~local~~] special district was initiated by:

4441 (i) a petition under Subsection **17B-1-403(1)(a)(i)**;

4442 (ii) a petition under Subsection **17B-1-403(1)(a)(ii)(A)** that was signed by the owners
4443 of private real property that:

4444 (A) is located within the area proposed to be annexed;

4445 (B) covers at least 75% of the total private land area within the entire area proposed to
4446 be annexed and within each applicable area; and

4447 (C) is equal in assessed value to at least 75% of the assessed value of all private real
4448 property within the entire area proposed to be annexed and within each applicable area; or

4449 (iii) a petition under Subsection **17B-1-403(1)(a)(ii)(B)** that was signed by registered
4450 voters residing within the entire area proposed to be annexed and within each applicable area
4451 equal in number to at least 75% of the number of votes cast within the entire area proposed to
4452 be annexed and within each applicable area, respectively, for the office of governor at the last
4453 regular general election before the filing of the petition;

4454 (b) to an annexation under Section **17B-1-415**; or

4455 (c) to a boundary adjustment under Section **17B-1-417**.

4456 (2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under
4457 Section **17B-1-405**, the [~~local~~] special district board:

4458 (i) shall provide notice of the proposed annexation as provided in Subsection (2)(b);

4459 and

4460 (ii) (A) may, in the board's discretion, hold a public hearing as provided in Section
4461 17B-1-409 after giving notice of the public hearing as provided in Subsection (2)(b); and

4462 (B) shall, after giving notice of the public hearing as provided in Subsection (2)(b),
4463 hold a public hearing as provided in Section 17B-1-409 if a written request to do so is
4464 submitted, within 20 days after the [local] special district provides notice under Subsection
4465 (2)(a)(i), to the [local] special district board by an owner of property that is located within or a
4466 registered voter residing within the area proposed to be annexed who did not sign the
4467 annexation petition.

4468 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:

4469 (i) be given:

4470 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition
4471 certification; or

4472 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least 10 but not more
4473 than 30 days before the public hearing; and

4474 (B) by:

4475 (I) posting written notice at the [local] special district's principal office and in one or
4476 more other locations within or proximate to the area proposed to be annexed as are reasonable
4477 under the circumstances, considering the number of parcels included in that area, the size of the
4478 area, the population of the area, and the contiguousness of the area; and

4479 (II) providing written notice:

4480 (Aa) to at least one newspaper of general circulation, if there is one, within the area
4481 proposed to be annexed or to a local media correspondent; and

4482 (Bb) on the Utah Public Notice Website created in Section 63A-16-601; and

4483 (ii) contain a brief explanation of the proposed annexation and include the name of the
4484 [local] special district, the service provided by the [local] special district, a description or map
4485 of the area proposed to be annexed, a [local] special district telephone number where additional
4486 information about the proposed annexation may be obtained, and, for a notice under Subsection
4487 (2)(a)(i), an explanation of the right of a property owner or registered voter to request a public
4488 hearing as provided in Subsection (2)(a)(ii)(B).

4489 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is

4490 required for a public hearing under Subsection (2)(a)(ii)(A).

4491 Section 76. Section 17B-1-414 is amended to read:

4492 **17B-1-414. Resolution approving an annexation -- Filing of notice and plat with**
4493 **lieutenant governor -- Recording requirements -- Effective date.**

4494 (1) (a) Subject to Subsection (1)(b), the [local] special district board shall adopt a
4495 resolution approving the annexation of the area proposed to be annexed or rejecting the
4496 proposed annexation within 90 days after:

4497 (i) expiration of the protest period under Subsection 17B-1-412(2), if sufficient protests
4498 to require an election are not filed;

4499 (ii) for a petition that meets the requirements of Subsection 17B-1-413(1):

4500 (A) a public hearing under Section 17B-1-409 is held, if the board chooses or is
4501 required to hold a public hearing under Subsection 17B-1-413(2)(a)(ii); or

4502 (B) expiration of the time for submitting a request for public hearing under Subsection
4503 17B-1-413(2)(a)(ii)(B), if no request is submitted and the board chooses not to hold a public
4504 hearing.

4505 (b) If the [local] special district has entered into an agreement with the United States
4506 that requires the consent of the United States for an annexation of territory to the district, a
4507 resolution approving annexation under this part may not be adopted until the written consent of
4508 the United States is obtained and filed with the board of trustees.

4509 (2) (a) (i) Within the time specified under Subsection (2)(a)(ii), the board shall file with
4510 the lieutenant governor:

4511 (A) a copy of a notice of an impending boundary action, as defined in Section
4512 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3) and, if applicable,
4513 Subsection (2)(b); and

4514 (B) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

4515 (ii) The board shall file the documents listed in Subsection (2)(a)(i) with the lieutenant
4516 governor:

4517 (A) within 30 days after adoption of a resolution under Subsection (1), Subsection
4518 17B-1-412(3)(c)(i), or Section 17B-1-415; and

4519 (B) as soon as practicable after receiving the notice under Subsection 10-2-425(2) of a
4520 municipal annexation that causes an automatic annexation to a [local] special district under

4521 Section 17B-1-416.

4522 (b) For an automatic annexation to a ~~local~~ special district under Section 17B-1-416,
4523 the notice of an impending boundary action required under Subsection (2)(a) shall state that an
4524 area outside the boundaries of the ~~local~~ special district is being automatically annexed to the
4525 ~~local~~ special district under Section 17B-1-416 because of a municipal annexation under Title
4526 10, Chapter 2, Part 4, Annexation.

4527 (c) Upon the lieutenant governor's issuance of a certificate of annexation under Section
4528 67-1a-6.5, the board shall:

4529 (i) if the annexed area is located within the boundary of a single county, submit to the
4530 recorder of that county:

4531 (A) the original:

4532 (I) notice of an impending boundary action;

4533 (II) certificate of annexation; and

4534 (III) approved final local entity plat; and

4535 (B) a certified copy of the annexation resolution; or

4536 (ii) if the annexed area is located within the boundaries of more than a single county:

4537 (A) submit to the recorder of one of those counties:

4538 (I) the original of the documents listed in Subsections (2)(c)(i)(A)(I), (II), and (III); and

4539 (II) a certified copy of the annexation resolution; and

4540 (B) submit to the recorder of each other county:

4541 (I) a certified copy of the documents listed in Subsection (2)(c)(i)(A)(I), (II), and (III);

4542 and

4543 (II) a certified copy of the annexation resolution.

4544 (3) (a) As used in this Subsection (3), "fire district annexation" means an annexation
4545 under this part of an area located in a county of the first class to a ~~local~~ special district:

4546 (i) created to provide fire protection, paramedic, and emergency services; and

4547 (ii) in the creation of which an election was not required because of Subsection

4548 17B-1-214(3)(d).

4549 (b) An annexation under this part is complete and becomes effective:

4550 (i) (A) on July 1 for a fire district annexation, if the lieutenant governor issues the
4551 certificate of annexation under Section 67-1a-6.5 from January 1 through June 30; or

4552 (B) on January 1 for a fire district annexation, if the lieutenant governor issues the
4553 certificate of annexation under Section 67-1a-6.5 from July 1 through December 31; or

4554 (ii) upon the lieutenant governor's issuance of the certificate of annexation under
4555 Section 67-1a-6.5, for any other annexation.

4556 (c) (i) The effective date of a [toeat] special district annexation for purposes of
4557 assessing property within the annexed area is governed by Section 59-2-305.5.

4558 (ii) Until the documents listed in Subsection (2)(c) are recorded in the office of the
4559 recorder of each county in which the property is located, a [toeat] special district may not:

4560 (A) levy or collect a property tax on property within the annexed area;

4561 (B) levy or collect an assessment on property within the annexed area; or

4562 (C) charge or collect a fee for service provided to property within the annexed area.

4563 (iii) Subsection (3)(c)(ii)(C):

4564 (A) may not be construed to limit a [toeat] special district's ability before annexation to
4565 charge and collect a fee for service provided to property that is outside the [toeat] special
4566 district's boundary; and

4567 (B) does not apply until 60 days after the effective date, under Subsection (3)(b), of the
4568 [toeat] special district's annexation, with respect to a fee that the [toeat] special district was
4569 charging for service provided to property within the annexed area immediately before the area
4570 was annexed to the [toeat] special district.

4571 Section 77. Section 17B-1-415 is amended to read:

4572 **17B-1-415. Annexation of wholesale district through expansion of retail provider**
4573 **-- Annexation of a special district that provides transportation services.**

4574 (1) (a) A [toeat] special district that provides a wholesale service may adopt a
4575 resolution approving the annexation of an area outside the [toeat] special district's boundaries
4576 if:

4577 (i) the area is annexed by or otherwise added to, or is added to the retail service area of,
4578 a municipality or another [toeat] special district that:

4579 (A) acquires the wholesale service from the [toeat] special district and provides it as a
4580 retail service;

4581 (B) is, before the annexation or other addition, located at least partly within the [toeat]
4582 special district; and

4583 (C) after the annexation or other addition will provide to the annexed or added area the
4584 same retail service that the [local] special district provides as a wholesale service to the
4585 municipality or other [local] special district; and

4586 (ii) except as provided in Subsection (2), no part of the area is within the boundaries of
4587 another [local] special district that provides the same wholesale service as the proposed
4588 annexing [local] special district.

4589 (b) For purposes of this section:

4590 (i) a [local] special district providing public transportation service shall be considered
4591 to be providing a wholesale service; and

4592 (ii) a municipality included within the boundaries of the [local] special district
4593 providing public transportation service shall be considered to be acquiring that wholesale
4594 service from the [local] special district and providing it as a retail service and to be providing
4595 that retail service after the annexation or other addition to the annexed or added area, even
4596 though the municipality does not in fact provide that service.

4597 (2) Notwithstanding Subsection (1)(a)(ii), an area outside the boundaries of a [local]
4598 special district providing a wholesale service and located partly or entirely within the
4599 boundaries of another [local] special district that provides the same wholesale service may be
4600 annexed to the [local] special district if:

4601 (a) the conditions under Subsection (1)(a)(i) are present; and

4602 (b) the proposed annexing [local] special district and the other [local] special district
4603 follow the same procedure as is required for a boundary adjustment under Section 17B-1-417,
4604 including both district boards adopting a resolution approving the annexation of the area to the
4605 proposed annexing [local] special district and the withdrawal of that area from the other
4606 district.

4607 (3) A [local] special district that provides transportation services may adopt a
4608 resolution approving the annexation of the area outside of the [local] special district's
4609 boundaries if:

4610 (a) the area is within a county that has levied a sales and use tax under Section
4611 59-12-2216; and

4612 (b) the county legislative body has adopted a resolution approving the annexation of
4613 the areas outside of the [local] special district.

4614 (4) Upon the adoption of an annexation resolution under this section, the board of the
4615 annexing [tocal] special district shall comply with the requirements of Subsection
4616 17B-1-414(2), and the lieutenant governor shall issue a certificate of annexation and send a
4617 copy of notice as provided in Section 67-1a-6.5.

4618 (5) Subsections 17B-1-414(2) and (3) apply to an annexation under this section.
4619 Section 78. Section 17B-1-416 is amended to read:

4620 **17B-1-416. Automatic annexation to a district providing fire protection,**
4621 **paramedic, and emergency services or law enforcement service.**

4622 (1) An area outside the boundaries of a [tocal] special district that is annexed to a
4623 municipality or added to a municipality by a boundary adjustment under Title 10, Chapter 2,
4624 Part 4, Annexation, is automatically annexed to the [tocal] special district if:

4625 (a) the [tocal] special district provides:

4626 (i) fire protection, paramedic, and emergency services; or

4627 (ii) law enforcement service;

4628 (b) an election for the creation of the [tocal] special district was not required because of
4629 Subsection 17B-1-214(3)(d); and

4630 (c) before the municipal annexation or boundary adjustment, the entire municipality
4631 that is annexing the area or adding the area by boundary adjustment was included within the
4632 [tocal] special district.

4633 (2) The effective date of an annexation under this section is governed by Subsection
4634 17B-1-414(3)(b).

4635 Section 79. Section 17B-1-417 is amended to read:

4636 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**
4637 **adjusting boundaries -- Filing of notice and plat with the lieutenant governor --**
4638 **Recording requirements -- Effective date.**

4639 (1) As used in this section, "affected area" means the area located within the
4640 boundaries of one [tocal] special district that will be removed from that [tocal] special district
4641 and included within the boundaries of another [tocal] special district because of a boundary
4642 adjustment under this section.

4643 (2) The boards of trustees of two or more [tocal] special districts having a common
4644 boundary and providing the same service on the same wholesale or retail basis may adjust their

4645 common boundary as provided in this section.

4646 (3) (a) The board of trustees of each [local] special district intending to adjust a
4647 boundary that is common with another [local] special district shall:

4648 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

4649 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days
4650 after the adoption of the resolution under Subsection (3)(a)(i); and

4651 (iii) (A) post notice:

4652 (I) in at least four conspicuous places within the [local] special district at least two
4653 weeks before the public hearing; and

4654 (II) on the Utah Public Notice Website created in Section [63A-16-601](#), for two weeks;

4655 or

4656 (B) mail a notice to each owner of property located within the affected area and to each
4657 registered voter residing within the affected area.

4658 (b) The notice required under Subsection (3)(a)(iii) shall:

4659 (i) state that the board of trustees of the [local] special district has adopted a resolution
4660 indicating the board's intent to adjust a boundary that the [local] special district has in common
4661 with another [local] special district that provides the same service as the [local] special district;

4662 (ii) describe the affected area;

4663 (iii) state the date, time, and location of the public hearing required under Subsection
4664 (3)(a)(ii);

4665 (iv) provide a [local] special district telephone number where additional information
4666 about the proposed boundary adjustment may be obtained;

4667 (v) explain the financial and service impacts of the boundary adjustment on property
4668 owners or residents within the affected area; and

4669 (vi) state in conspicuous and plain terms that the board of trustees may approve the
4670 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),
4671 written protests to the adjustment are filed with the board by:

4672 (A) the owners of private real property that:

4673 (I) is located within the affected area;

4674 (II) covers at least 50% of the total private land area within the affected area; and

4675 (III) is equal in assessed value to at least 50% of the assessed value of all private real

4676 property within the affected area; or

4677 (B) registered voters residing within the affected area equal in number to at least 50%
4678 of the votes cast in the affected area for the office of governor at the last regular general
4679 election before the filing of the protests.

4680 (c) The boards of trustees of the [~~local~~] special districts whose boundaries are being
4681 adjusted may jointly:

4682 (i) post or mail the notice required under Subsection (3)(a)(iii); and

4683 (ii) hold the public hearing required under Subsection (3)(a)(ii).

4684 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees
4685 may adopt a resolution approving the adjustment of the common boundary unless, at or before
4686 the public hearing, written protests to the boundary adjustment have been filed with the board
4687 by:

4688 (a) the owners of private real property that:

4689 (i) is located within the affected area;

4690 (ii) covers at least 50% of the total private land area within the affected area; and

4691 (iii) is equal in assessed value to at least 50% of the assessed value of all private real
4692 property within the affected area; or

4693 (b) registered voters residing within the affected area equal in number to at least 50%
4694 of the votes cast in the affected area for the office of governor at the last regular general
4695 election before the filing of the protests.

4696 (5) A resolution adopted under Subsection (4) does not take effect until the board of
4697 each [~~local~~] special district whose boundaries are being adjusted has adopted a resolution under
4698 Subsection (4).

4699 (6) The board of the [~~local~~] special district whose boundaries are being adjusted to
4700 include the affected area shall:

4701 (a) within 30 days after the resolutions take effect under Subsection (5), file with the
4702 lieutenant governor:

4703 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
4704 that meets the requirements of Subsection 67-1a-6.5(3); and

4705 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

4706 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment

4707 under Section 67-1a-6.5:

4708 (i) if the affected area is located within the boundary of a single county, submit to the
4709 recorder of that county:

4710 (A) the original:

4711 (I) notice of an impending boundary action;

4712 (II) certificate of boundary adjustment; and

4713 (III) approved final local entity plat; and

4714 (B) a certified copy of each resolution adopted under Subsection (4); or

4715 (ii) if the affected area is located within the boundaries of more than a single county:

4716 (A) submit to the recorder of one of those counties:

4717 (I) the original of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III); and

4718 (II) a certified copy of each resolution adopted under Subsection (4); and

4719 (B) submit to the recorder of each other county:

4720 (I) a certified copy of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III);

4721 and

4722 (II) a certified copy of each resolution adopted under Subsection (4).

4723 (7) (a) Upon the lieutenant governor's issuance of a certificate of boundary adjustment
4724 under Section 67-1a-6.5, the affected area is annexed to the ~~[local]~~ special district whose
4725 boundaries are being adjusted to include the affected area, and the affected area is withdrawn
4726 from the ~~[local]~~ special district whose boundaries are being adjusted to exclude the affected
4727 area.

4728 (b) (i) The effective date of a boundary adjustment under this section for purposes of
4729 assessing property within the affected area is governed by Section 59-2-305.5.

4730 (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the
4731 recorder of the county in which the property is located, a ~~[local]~~ special district in whose
4732 boundary an affected area is included because of a boundary adjustment under this section may
4733 not:

4734 (A) levy or collect a property tax on property within the affected area;

4735 (B) levy or collect an assessment on property within the affected area; or

4736 (C) charge or collect a fee for service provided to property within the affected area.

4737 (iii) Subsection (7)(b)(ii)(C):

4738 (A) may not be construed to limit a [local] special district's ability before a boundary
4739 adjustment to charge and collect a fee for service provided to property that is outside the [local]
4740 special district's boundary; and

4741 (B) does not apply until 60 days after the effective date, under Subsection (7)(a), of the
4742 [local] special district's boundary adjustment, with respect to a fee that the [local] special
4743 district was charging for service provided to property within the area affected by the boundary
4744 adjustment immediately before the boundary adjustment.

4745 Section 80. Section **17B-1-418** is amended to read:

4746 **17B-1-418. Annexed area subject to fees and taxes.**

4747 When an annexation under Section **17B-1-414** or **17B-1-415** or a boundary adjustment
4748 under Section **17B-1-417** is complete, the annexed area or the area affected by the boundary
4749 adjustment shall be subject to user fees imposed by and property, sales, and other taxes levied
4750 by or for the benefit of the [local] special district.

4751 Section 81. Section **17B-1-501** is amended to read:

4752 **17B-1-501. Definition.**

4753 As used in this part, "receiving entity" means the entity that will, after the withdrawal of
4754 an area from a [local] special district, provide to the withdrawn area the service that the [local]
4755 special district previously provided to the area.

4756 Section 82. Section **17B-1-502** is amended to read:

4757 **17B-1-502. Withdrawal of area from special district -- Automatic withdrawal in**
4758 **certain circumstances.**

4759 (1) (a) An area within the boundaries of a [local] special district may be withdrawn
4760 from the [local] special district only as provided in this part or, if applicable, as provided in
4761 Chapter 2a, Part 11, Municipal Services District Act.

4762 (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a [local]
4763 special district within a municipality because of a municipal incorporation under Title 10,
4764 Chapter 2a, Municipal Incorporation, or a municipal annexation or boundary adjustment under
4765 Title 10, Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the
4766 process of withdrawing that area from the [local] special district.

4767 (2) (a) An area within the boundaries of a [local] special district is automatically
4768 withdrawn from the [local] special district by the annexation of the area to a municipality or the

4769 adding of the area to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4,
4770 Annexation, if:

4771 (i) the [toeat] special district provides:

4772 (A) fire protection, paramedic, and emergency services; or

4773 (B) law enforcement service;

4774 (ii) an election for the creation of the [toeat] special district was not required because
4775 of Subsection 17B-1-214(3)(d) or (g); and

4776 (iii) before annexation or boundary adjustment, the boundaries of the [toeat] special
4777 district do not include any of the annexing municipality.

4778 (b) The effective date of a withdrawal under this Subsection (2) is governed by
4779 Subsection 17B-1-512(2)(b).

4780 (3) (a) Except as provided in Subsection (3)(c) or (d), an area within the boundaries of
4781 a [toeat] special district located in a county of the first class is automatically withdrawn from
4782 the [toeat] special district by the incorporation of a municipality whose boundaries include the
4783 area if:

4784 (i) the [toeat] special district provides municipal services, as defined in Section
4785 17B-2a-1102, excluding fire protection, paramedic, emergency, and law enforcement services;

4786 (ii) an election for the creation of the [toeat] special district was not required because
4787 of Subsection 17B-1-214(3) (g); and

4788 (iii) the legislative body of the newly incorporated municipality:

4789 (A) for a city or town incorporated under Title 10, Chapter 2a, Part 4, Incorporation of
4790 Metro Townships and Unincorporated Islands in a County of the First Class on and after May
4791 12, 2015, complies with the feasibility study requirements of Section 17B-2a-1110;

4792 (B) adopts a resolution no later than 180 days after the effective date of incorporation
4793 approving the withdrawal that includes the legal description of the area to be withdrawn; and

4794 (C) delivers a copy of the resolution to the board of trustees of the [toeat] special
4795 district.

4796 (b) The effective date of a withdrawal under this Subsection (3) is governed by
4797 Subsection 17B-1-512(2)(a).

4798 (c) Section 17B-1-505 shall govern the withdrawal of an incorporated area within a
4799 county of the first class if:

- 4800 (i) the [local] special district from which the area is withdrawn provides:
- 4801 (A) fire protection, paramedic, and emergency services;
- 4802 (B) law enforcement service; or
- 4803 (C) municipal services, as defined in Section 17B-2a-1102;
- 4804 (ii) an election for the creation of the [local] special district was not required under
- 4805 Subsection 17B-1-214(3)(d) or (g); and
- 4806 (iii) for a [local] special district that provides municipal services, as defined in Section
- 4807 17B-2a-1102, excluding fire protection, paramedic, emergency, and law enforcement services,
- 4808 the 180-day period described in Subsection (3)(a)(iii)(B) is expired.
- 4809 (d) An area may not be withdrawn from a [local] special district that provides
- 4810 municipal services, as defined in Section 17B-2a-1102, excluding fire protection, paramedic,
- 4811 emergency, and law enforcement services, if:
- 4812 (i) the area is incorporated as a metro township; and
- 4813 (ii) at the election to incorporate as a metro township, the residents of the area chose to
- 4814 be included in a municipal services district.
- 4815 Section 83. Section 17B-1-503 is amended to read:
- 4816 **17B-1-503. Withdrawal or boundary adjustment with municipal approval.**
- 4817 (1) A municipality and a [local] special district whose boundaries adjoin or overlap
- 4818 may adjust the boundary of the [local] special district to include more or less of the
- 4819 municipality, including the expansion area identified in the annexation policy plan adopted by
- 4820 the municipality under Section 10-2-401.5, in the [local] special district by following the same
- 4821 procedural requirements as set forth in Section 17B-1-417 for boundary adjustments between
- 4822 adjoining [local] special districts.
- 4823 (2) (a) Notwithstanding any other provision of this title, a municipality annexing all or
- 4824 part of an unincorporated island or peninsula under Title 10, Chapter 2, Classification,
- 4825 Boundaries, Consolidation, and Dissolution of Municipalities, that overlaps a municipal
- 4826 services district organized under Chapter 2a, Part 11, Municipal Services District Act, may
- 4827 petition to withdraw the area from the municipal services district in accordance with this
- 4828 Subsection (2).
- 4829 (b) For a valid withdrawal described in Subsection (2)(a):
- 4830 (i) the annexation petition under Section 10-2-403 or a separate consent, signed by

4831 owners of at least 60% of the total private land area, shall state that the signers request the area
4832 to be withdrawn from the municipal services district; and

4833 (ii) the legislative body of the municipality shall adopt a resolution, which may be the
4834 resolution adopted in accordance with Subsection 10-2-418(5)(a), stating the municipal
4835 legislative body's intent to withdraw the area from the municipal services district.

4836 (c) The board of trustees of the municipal services district shall consider the
4837 municipality's petition to withdraw the area from the municipal services district within 90 days
4838 after the day on which the municipal services district receives the petition.

4839 (d) The board of trustees of the municipal services district:

4840 (i) may hold a public hearing in accordance with the notice and public hearing
4841 provisions of Section 17B-1-508;

4842 (ii) shall consider information that includes any factual data presented by the
4843 municipality and any owner of private real property who signed a petition or other form of
4844 consent described in Subsection (2)(b)(i); and

4845 (iii) identify in writing the information upon which the board of trustees relies in
4846 approving or rejecting the withdrawal.

4847 (e) The board of trustees of the municipal services district shall approve the
4848 withdrawal, effective upon the annexation of the area into the municipality or, if the
4849 municipality has already annexed the area, as soon as possible in the reasonable course of
4850 events, if the board of trustees makes a finding that:

4851 (i) (A) the loss of revenue to the municipal services district due to a withdrawal of the
4852 area will be offset by savings associated with no longer providing municipal-type services to
4853 the area; or

4854 (B) if the loss of revenue will not be offset by savings resulting from no longer
4855 providing municipal-type services to the area, the municipality agreeing to terms and
4856 conditions, which may include terms and conditions described in Subsection 17B-1-510(5), can
4857 mitigate or eliminate the loss of revenue;

4858 (ii) the annexation petition under Section 10-2-403, or a separate petition meeting the
4859 same signature requirements, states that the signers request the area to be withdrawn from the
4860 municipal services district; or

4861 (iii) the following have consented in writing to the withdrawal:

4862 (A) owners of more than 60% of the total private land area; or

4863 (B) owners of private land equal in assessed value to more than 60% of the assessed
4864 value of all private real property within the area proposed for withdrawal have consented in
4865 writing to the withdrawal.

4866 (f) If the board of trustees of the municipal services district does not make any of the
4867 findings described in Subsection (2)(e), the board of trustees may approve or reject the
4868 withdrawal based upon information upon which the board of trustees relies and that the board
4869 of trustees identifies in writing.

4870 (g) (i) If a municipality annexes an island or a part of an island before May 14, 2019,
4871 the legislative body of the municipality may initiate the withdrawal of the area from the
4872 municipal services district by adopting a resolution that:

4873 (A) requests that the area be withdrawn from the municipal services district; and

4874 (B) a final local entity plat accompanies, identifying the area proposed to be withdrawn
4875 from the municipal services district.

4876 (ii) (A) Upon receipt of the resolution and except as provided in Subsection
4877 (2)(g)(ii)(B), the board of trustees of the municipal services district shall approve the
4878 withdrawal.

4879 (B) The board of trustees of the municipal services district may reject the withdrawal if
4880 the rejection is based upon a good faith finding that lost revenues due to the withdrawal will
4881 exceed expected cost savings resulting from no longer serving the area.

4882 (h) (i) Based upon a finding described in Subsection (e) or (f):

4883 (A) the board of trustees of the municipal services district shall adopt a resolution
4884 approving the withdrawal; and

4885 (B) the chair of the board shall sign a notice of impending boundary action, as defined
4886 in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3).

4887 (ii) The annexing municipality shall deliver the following to the lieutenant governor:

4888 (A) the resolution and notice of impending boundary action described in Subsection
4889 (2)(g)(i);

4890 (B) a copy of an approved final local entity plat as defined in Section 67-1a-6.5; and

4891 (C) any other documentation required by law.

4892 (i) (i) Once the lieutenant governor has issued an applicable certificate as defined in

4893 Section 67-1a-6.5, the municipality shall deliver the certificate, the resolution and notice of
4894 impending boundary action described in Subsection (2)(h)(i), the final local entity plat as
4895 defined in Section 67-1a-6.5, and any other document required by law, to the recorder of the
4896 county in which the area is located.

4897 (ii) After the municipality makes the delivery described in Subsection (2)(i)(i), the
4898 area, for all purposes, is no longer part of the municipal services district.

4899 (j) The annexing municipality and the municipal services district may enter into an
4900 interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, stating:

4901 (i) the municipality's and the district's duties and responsibilities in conducting a
4902 withdrawal under this Subsection (2); and

4903 (ii) any other matter respecting an unincorporated island that the municipality
4904 surrounds on all sides.

4905 (3) After a boundary adjustment under Subsection (1) or a withdrawal under
4906 Subsection (2) is complete:

4907 (a) the [toeat] special district shall, without interruption, provide the same service to
4908 any area added to the [toeat] special district as provided to other areas within the [toeat] special
4909 district; and

4910 (b) the municipality shall, without interruption, provide the same service that the
4911 [toeat] special district previously provided to any area withdrawn from the [toeat] special
4912 district.

4913 (4) No area within a municipality may be added to the area of a [toeat] special district
4914 under this section if the area is part of a [toeat] special district that provides the same wholesale
4915 or retail service as the first [toeat] special district.

4916 Section 84. Section 17B-1-504 is amended to read:

4917 **17B-1-504. Initiation of withdrawal process -- Notice of petition.**

4918 (1) Except as provided in Section 17B-1-505, the process to withdraw an area from a
4919 [toeat] special district may be initiated:

4920 (a) for a [toeat] special district funded predominantly by revenues from property taxes
4921 or service charges other than those based upon acre-feet of water:

4922 (i) by a petition signed by the owners of private real property that:

4923 (A) is located within the area proposed to be withdrawn;

4924 (B) covers at least 51% of the total private land within the area proposed to be
4925 withdrawn; and

4926 (C) is equal in taxable value to at least 51% of the taxable value of all private real
4927 property within the area proposed to be withdrawn;

4928 (ii) by a petition signed by registered voters residing within the area proposed to be
4929 withdrawn equal in number to at least 67% of the number of votes cast in the same area for the
4930 office of governor at the last regular general election before the filing of the petition;

4931 (iii) by a resolution adopted by the board of trustees of the [local] special district in
4932 which the area proposed to be withdrawn is located, which:

4933 (A) states the reasons for withdrawal; and

4934 (B) is accompanied by a general description of the area proposed to be withdrawn; or

4935 (iv) by a resolution to file a petition with the [local] special district to withdraw from
4936 the [local] special district all or a specified portion of the area within a municipality or county,
4937 adopted by the governing body of a municipality that has within its boundaries an area located
4938 within the boundaries of a [local] special district, or by the governing body of a county that has
4939 within its boundaries an area located within the boundaries of a [local] special district that is
4940 located in more than one county, which petition of the governing body shall be filed with the
4941 board of trustees only if a written request to petition the board of trustees to withdraw an area
4942 from the [local] special district has been filed with the governing body of the municipality, or
4943 county, and the request has been signed by registered voters residing within the boundaries of
4944 the area proposed for withdrawal equal in number to at least 51% of the number of votes cast in
4945 the same area for the office of governor at the last regular general election before the filing of
4946 the petition;

4947 (b) for a [local] special district whose board of trustees is elected by electors based on
4948 the acre-feet of water allotted to the land owned by the elector:

4949 (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or

4950 (ii) by a petition signed by the owners of at least 67% of the acre-feet of water allotted
4951 to the land proposed to be withdrawn; or

4952 (c) for a [local] special district funded predominantly by revenues other than property
4953 taxes, service charges, or assessments based upon an allotment of acre-feet of water:

4954 (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or

4955 (ii) by a petition signed by the registered voters residing within the entire area proposed
4956 to be withdrawn, which area shall be comprised of an entire unincorporated area within the
4957 [local] special district or an entire municipality within a [local] special district, or a
4958 combination thereof, equal in number to at least 67% of the number of votes cast within the
4959 entire area proposed to be withdrawn for the office of governor at the last regular general
4960 election before the filing of the petition.

4961 (2) Prior to soliciting any signatures on a petition under Subsection (1), the sponsors of
4962 the petition shall:

4963 (a) notify the [local] special district board with which the petition is intended to be
4964 filed that the sponsors will be soliciting signatures for a petition; and

4965 (b) mail a copy of the petition to the [local] special district board.

4966 Section 85. Section **17B-1-505** is amended to read:

4967 **17B-1-505. Withdrawal of municipality from certain districts providing fire**
4968 **protection, paramedic, and emergency services or law enforcement service or municipal**
4969 **services.**

4970 (1) As used in this section, "first responder district" means a [local] special district,
4971 other than a municipal services district, that provides:

4972 (a) fire protection, paramedic, and emergency services; or

4973 (b) law enforcement service.

4974 (2) This section applies to the withdrawal of a municipality that is entirely within the
4975 boundary of a first responder district or municipal services district that was created without the
4976 necessity of an election because of Subsection **17B-1-214(3)(d)** or (g).

4977 (3) (a) The process to withdraw a municipality from a first responder district or
4978 municipal services district may be initiated by a resolution adopted by the legislative body of
4979 the municipality, subject to Subsection (3)(b).

4980 (b) The legislative body of a municipality that is within a municipal services district
4981 may not adopt a resolution under Subsection (3)(a) to withdraw from the municipal services
4982 district unless the municipality has conducted a feasibility study in accordance with Section
4983 **17B-2a-1110**.

4984 (c) Within 10 days after adopting a resolution under Subsection (3)(a), the municipal
4985 legislative body shall submit to the board of trustees of the first responder district or municipal

4986 services district written notice of the adoption of the resolution, accompanied by a copy of the
4987 resolution.

4988 (4) If a resolution is adopted under Subsection (3)(a) by the legislative body of a
4989 municipality within a municipal services district, the municipal legislative body shall hold an
4990 election at the next municipal general election that is more than 60 days after adoption of the
4991 resolution on the question of whether the municipality should withdraw from the municipal
4992 services district.

4993 (5) (a) A municipality shall be withdrawn from a first responder district if:

4994 (i) the legislative body of the municipality adopts a resolution initiating the withdrawal
4995 under Subsection (3)(a); and

4996 (ii) (A) whether before or after the effective date of this section, the municipality and
4997 first responder district agree in writing to the withdrawal; or

4998 (B) except as provided in Subsection (5)(b) and subject to Subsection (6), the voters of
4999 the municipality approve the withdrawal at an election held for that purpose.

5000 (b) An election under Subsection (5)(a)(ii)(B) is not required if, after a feasibility study
5001 is conducted under Section [17B-1-505.5](#) and a public hearing is held under Subsection
5002 [17B-1-505.5\(14\)](#), the municipality and first responder district agree in writing to the
5003 withdrawal.

5004 (6) An election under Subsection (5)(a)(ii)(B) may not be held unless:

5005 (a) a feasibility study is conducted under Section [17B-1-505.5](#); and

5006 (b) (i) the feasibility study concludes that the withdrawal is functionally and financially
5007 feasible for the municipality and the first responder district; or

5008 (ii) (A) the feasibility study concludes that the withdrawal would be functionally and
5009 financially feasible for the municipality and the first responder district if conditions specified in
5010 the feasibility study are met; and

5011 (B) the legislative body of the municipality adopts a resolution irrevocably committing
5012 the municipality to satisfying the conditions specified in the feasibility study, if the withdrawal
5013 is approved by the municipality's voters.

5014 (7) If a majority of those voting on the question of withdrawal at an election held under
5015 Subsection (4) or (5)(a)(ii)(B) vote in favor of withdrawal, the municipality shall be
5016 withdrawn from the ~~local~~ special district.

5017 (8) (a) Within 10 days after the canvass of an election at which a withdrawal under this
5018 section is submitted to voters, the municipal legislative body shall send written notice to the
5019 board of the first responder district or municipal services district from which the municipality
5020 is proposed to withdraw.

5021 (b) Each notice under Subsection (8)(a) shall:

5022 (i) state the results of the withdrawal election; and

5023 (ii) if the withdrawal was approved by voters, be accompanied by a copy of an
5024 approved final local entity plat, as defined in Section 67-1a-6.5.

5025 (9) The effective date of a withdrawal under this section is governed by Subsection
5026 17B-1-512(2)(a).

5027 Section 86. Section 17B-1-505.5 is amended to read:

5028 **17B-1-505.5. Feasibility study for a municipality's withdrawal from a special**
5029 **district providing fire protection, paramedic, and emergency services or law enforcement**
5030 **service.**

5031 (1) As used in this section:

5032 (a) "Feasibility consultant" means a person with expertise in:

5033 (i) the processes and economics of local government; and

5034 (ii) the economics of providing fire protection, paramedic, and emergency services or
5035 law enforcement service.

5036 (b) "Feasibility study" means a study to determine the functional and financial
5037 feasibility of a municipality's withdrawal from a first responder ~~[local]~~ special district.

5038 (c) "First responder district" means a ~~[local]~~ special district, other than a municipal
5039 services district, that provides:

5040 (i) fire protection, paramedic, and emergency services; or

5041 (ii) law enforcement service.

5042 (d) "Withdrawing municipality" means a municipality whose legislative body has
5043 adopted a resolution under Subsection 17B-1-505(3)(a) to initiate the process of the
5044 municipality's withdrawal from a first responder district.

5045 (2) This section applies and a feasibility study shall be conducted, as provided in this
5046 section, if:

5047 (a) the legislative body of a municipality has adopted a resolution under Subsection

5048 17B-1-505(3)(a) to initiate the process of the municipality's withdrawal from a first responder
5049 district;

5050 (b) the municipality and first responder district have not agreed in writing to the
5051 withdrawal; and

5052 (c) a feasibility study is a condition under Subsection 17B-1-505(6)(a) for an election
5053 to be held approving the withdrawal.

5054 (3) (a) As provided in this Subsection (3), the withdrawing municipality and first
5055 responder district shall choose and engage a feasibility consultant to conduct a feasibility study.

5056 (b) The withdrawing municipality and first responder district shall jointly choose and
5057 engage a feasibility consultant according to applicable municipal or ~~local~~ special district
5058 procurement procedures.

5059 (c) (i) If the withdrawing municipality and first responder district cannot agree on and
5060 have not engaged a feasibility consultant under Subsection (3)(b) within 45 days after the
5061 legislative body of the withdrawing municipality submits written notice to the first responder
5062 district under Subsection 17B-1-505(3)(c), the withdrawing municipality and first responder
5063 district shall, as provided in this Subsection (3)(c), choose a feasibility consultant from a list of
5064 at least eight feasibility consultants provided by the Utah Association of Certified Public
5065 Accountants.

5066 (ii) A list of feasibility consultants under Subsection (3)(c)(i) may not include a
5067 feasibility consultant that has had a contract to provide services to the withdrawing
5068 municipality or first responder district at any time during the two-year period immediately
5069 preceding the date the list is provided under Subsection (3)(c)(i).

5070 (iii) (A) Beginning with the first responder district, the first responder district and
5071 withdrawing municipality shall alternately eliminate one feasibility consultant each from the
5072 list of feasibility consultants until one feasibility consultant remains.

5073 (B) Within five days after receiving the list of consultants from the Utah Association of
5074 Certified Public Accountants, the first responder district shall make the first elimination of a
5075 feasibility consultant from the list and notify the withdrawing municipality in writing of the
5076 elimination.

5077 (C) After the first elimination of a feasibility consultant from the list, the withdrawing
5078 municipality and first responder district shall each, within three days after receiving the written

5079 notification of the preceding elimination, notify the other in writing of the elimination of a
5080 feasibility consultant from the list.

5081 (d) If a withdrawing municipality and first responder district do not engage a feasibility
5082 consultant under Subsection (3)(b), the withdrawing municipality and first responder district
5083 shall engage the feasibility consultant that has not been eliminated from the list at the
5084 completion of the process described in Subsection (3)(c).

5085 (4) A feasibility consultant that conducts a feasibility study under this section shall be
5086 independent of and unaffiliated with the withdrawing municipality and first responder district.

5087 (5) In conducting a feasibility study under this section, the feasibility consultant shall
5088 consider:

5089 (a) population and population density within the withdrawing municipality;

5090 (b) current and five-year projections of demographics and economic base in the
5091 withdrawing municipality, including household size and income, commercial and industrial
5092 development, and public facilities;

5093 (c) projected growth in the withdrawing municipality during the next five years;

5094 (d) subject to Subsection (6)(a), the present and five-year projections of the cost,
5095 including overhead, of providing the same service in the withdrawing municipality as is
5096 provided by the first responder district, including:

5097 (i) the estimated cost if the first responder district continues to provide service; and

5098 (ii) the estimated cost if the withdrawing municipality provides service;

5099 (e) subject to Subsection (6)(a), the present and five-year projections of the cost,
5100 including overhead, of the first responder district providing service with:

5101 (i) the municipality included in the first responder district's service area; and

5102 (ii) the withdrawing municipality excluded from the first responder district's service
5103 area;

5104 (f) a projection of any new taxes per household that may be levied within the
5105 withdrawing municipality within five years after the withdrawal;

5106 (g) the fiscal impact that the withdrawing municipality's withdrawal has on other
5107 municipalities and unincorporated areas served by the first responder district, including any rate
5108 increase that may become necessary to maintain required coverage ratios for the first responder
5109 district's debt;

5110 (h) the physical and other assets that will be required by the withdrawing municipality
5111 to provide, without interruption or diminution of service, the same service that is being
5112 provided by the first responder district;

5113 (i) the physical and other assets that will no longer be required by the first responder
5114 district to continue to provide the current level of service to the remainder of the first responder
5115 district, excluding the withdrawing municipality, and could be transferred to the withdrawing
5116 municipality;

5117 (j) subject to Subsection (6)(b), a fair and equitable allocation of the first responder
5118 district's assets between the first responder district and the withdrawing municipality, effective
5119 upon the withdrawal of the withdrawing municipality from the first responder district;

5120 (k) a fair and equitable allocation of the debts, liabilities, and obligations of the first
5121 responder district and any local building authority of the first responder district, between the
5122 withdrawing municipality and the remaining first responder district, taking into consideration:

5123 (i) any requirement to maintain the excludability of interest from the income of the
5124 holder of the debt, liability, or obligation for federal income tax purposes; and

5125 (ii) any first responder district assets that have been purchased with the proceeds of
5126 bonds issued by the first responder district that the first responder district will retain and any of
5127 those assets that will be transferred to the withdrawing municipality;

5128 (l) the number and classification of first responder district employees who will no
5129 longer be required to serve the remaining portions of the first responder district after the
5130 withdrawing municipality withdraws from the first responder district, including the dollar
5131 amount of the wages, salaries, and benefits attributable to the employees and the estimated cost
5132 associated with termination of the employees if the withdrawing municipality does not employ
5133 the employees;

5134 (m) maintaining as a base, for a period of three years after withdrawal, the existing
5135 schedule of pay and benefits for first responder district employees who are transferred to the
5136 employment of the withdrawing municipality; and

5137 (n) any other factor that the feasibility consultant considers relevant to the question of
5138 the withdrawing municipality's withdrawal from the first responder district.

5139 (6) (a) For purposes of Subsections (5)(d) and (e):

5140 (i) the feasibility consultant shall assume a level and quality of service to be provided

5141 in the future to the withdrawing municipality that fairly and reasonably approximates the level
5142 and quality of service that the first responder district provides to the withdrawing municipality
5143 at the time of the feasibility study;

5144 (ii) in determining the present value cost of a service that the first responder district
5145 provides, the feasibility consultant shall consider:

5146 (A) the cost to the withdrawing municipality of providing the service for the first five
5147 years after the withdrawal; and

5148 (B) the first responder district's present and five-year projected cost of providing the
5149 same service within the withdrawing municipality; and

5150 (iii) the feasibility consultant shall consider inflation and anticipated growth in
5151 calculating the cost of providing service.

5152 (b) The feasibility consultant may not consider an allocation of first responder district
5153 assets or a transfer of first responder district employees to the extent that the allocation or
5154 transfer would impair the first responder district's ability to continue to provide the current
5155 level of service to the remainder of the first responder district without the withdrawing
5156 municipality, unless the first responder district consents to the allocation or transfer.

5157 (7) A feasibility consultant may retain an architect, engineer, or other professional, as
5158 the feasibility consultant considers prudent and as provided in the agreement with the
5159 withdrawing municipality and first responder district, to assist the feasibility consultant to
5160 conduct a feasibility study.

5161 (8) The withdrawing municipality and first responder district shall require the
5162 feasibility consultant to:

5163 (a) complete the feasibility study within a time established by the withdrawing
5164 municipality and first responder district;

5165 (b) prepare and submit a written report communicating the results of the feasibility
5166 study, including a one-page summary of the results; and

5167 (c) attend all public hearings relating to the feasibility study under Subsection (14).

5168 (9) A written report of the results of a feasibility study under this section shall:

5169 (a) contain a recommendation concerning whether a withdrawing municipality's
5170 withdrawal from a first responder district is functionally and financially feasible for both the
5171 first responder district and the withdrawing municipality; and

5172 (b) include any conditions the feasibility consultant determines need to be satisfied in
5173 order to make the withdrawal functionally and financially feasible, including:

5174 (i) first responder district assets and liabilities to be allocated to the withdrawing
5175 municipality; and

5176 (ii) (A) first responder district employees to become employees of the withdrawing
5177 municipality; and

5178 (B) sick leave, vacation, and other accrued benefits and obligations relating to the first
5179 responder district employees that the withdrawing municipality needs to assume.

5180 (10) The withdrawing municipality and first responder district shall equally share the
5181 feasibility consultant's fees and costs, as specified in the agreement between the withdrawing
5182 municipality and first responder district and the feasibility consultant.

5183 (11) (a) Upon completion of the feasibility study and preparation of a written report,
5184 the feasibility consultant shall deliver a copy of the report to the withdrawing municipality and
5185 first responder district.

5186 (b) (i) A withdrawing municipality or first responder district that disagrees with any
5187 aspect of a feasibility study report may, within 20 business days after receiving a copy of the
5188 report under Subsection (11)(a), submit to the feasibility consultant a written objection
5189 detailing the disagreement.

5190 (ii) (A) A withdrawing municipality that submits a written objection under Subsection
5191 (11)(b)(i) shall simultaneously deliver a copy of the objection to the first responder district.

5192 (B) A first responder district that submits a written objection under Subsection
5193 (11)(b)(i) shall simultaneously deliver a copy of the objection to the withdrawing municipality.

5194 (iii) A withdrawing municipality or first responder district may, within 10 business
5195 days after receiving an objection under Subsection (11)(b)(ii), submit to the feasibility
5196 consultant a written response to the objection.

5197 (iv) (A) A withdrawing municipality that submits a response under Subsection
5198 (11)(b)(iii) shall simultaneously deliver a copy of the response to the first responder district.

5199 (B) A first responder district that submits a response under Subsection (11)(b)(iii) shall
5200 simultaneously deliver a copy of the response to the withdrawing municipality.

5201 (v) If an objection is filed under Subsection (11)(b)(i), the feasibility consultant shall,
5202 within 20 business days after the expiration of the deadline under Subsection (11)(b)(iii) for

5203 submitting a response to an objection:

5204 (A) modify the feasibility study report or explain in writing why the feasibility
5205 consultant is not modifying the feasibility study report; and

5206 (B) deliver the modified feasibility study report or written explanation to the
5207 withdrawing municipality and first responder ~~[to eat]~~ special district.

5208 (12) Within seven days after the expiration of the deadline under Subsection (11)(b)(i)
5209 for submitting an objection or, if an objection is submitted, within seven days after receiving a
5210 modified feasibility study report or written explanation under Subsection (11)(b)(v), but at least
5211 30 days before a public hearing under Subsection (14), the withdrawing municipality shall:

5212 (a) make a copy of the report available to the public at the primary office of the
5213 withdrawing municipality; and

5214 (b) if the withdrawing municipality has a website, post a copy of the report on the
5215 municipality's website.

5216 (13) A feasibility study report or, if a feasibility study report is modified under
5217 Subsection (11), a modified feasibility study report may not be challenged unless the basis of
5218 the challenge is that the report results from collusion or fraud.

5219 (14) (a) Following the expiration of the deadline under Subsection (11)(b)(i) for
5220 submitting an objection, or, if an objection is submitted under Subsection (11)(b)(i), following
5221 the withdrawing municipality's receipt of the modified feasibility study report or written
5222 explanation under Subsection (11)(b)(v), the legislative body of the withdrawing municipality
5223 shall, at the legislative body's next regular meeting, schedule at least one public hearing to be
5224 held:

5225 (i) within the following 60 days; and

5226 (ii) for the purpose of allowing:

5227 (A) the feasibility consultant to present the results of the feasibility study; and

5228 (B) the public to become informed about the feasibility study results, to ask the
5229 feasibility consultant questions about the feasibility study, and to express the public's views
5230 about the proposed withdrawal.

5231 (b) At a public hearing under Subsection (14)(a), the legislative body of the
5232 withdrawing municipality shall:

5233 (i) provide a copy of the feasibility study for public review; and

5234 (ii) allow the public to:

5235 (A) ask the feasibility consultant questions about the feasibility study; and

5236 (B) express the public's views about the withdrawing municipality's proposed
5237 withdrawal from the first responder district.

5238 (15) (a) The clerk or recorder of the withdrawing municipality shall publish notice of a
5239 hearing under Subsection (14) on the Utah Public Notice Website created in Section
5240 [63A-16-601](#), for three consecutive weeks immediately before the public hearing.

5241 (b) A notice under Subsection (15)(a) shall state:

5242 (i) the date, time, and location of the public hearing; and

5243 (ii) that a copy of the feasibility study report may be obtained, free of charge, at the
5244 office of the withdrawing municipality or on the withdrawing municipality's website.

5245 (16) Unless the withdrawing municipality and first responder district agree otherwise,
5246 conditions that a feasibility study report indicates are necessary to be met for a withdrawal to
5247 be functionally and financially feasible for the withdrawing municipality and first responder
5248 district are binding on the withdrawing municipality and first responder district if the
5249 withdrawal occurs.

5250 Section 87. Section **17B-1-506** is amended to read:

5251 **17B-1-506. Withdrawal petition requirements.**

5252 (1) Each petition under Section [17B-1-504](#) shall:

5253 (a) indicate the typed or printed name and current address of each owner of acre-feet of
5254 water, property owner, registered voter, or authorized representative of the governing body
5255 signing the petition;

5256 (b) separately group signatures by municipality and, in the case of unincorporated
5257 areas, by county;

5258 (c) if it is a petition signed by the owners of land, the assessment of which is based on
5259 acre-feet of water, indicate the address of the property and the property tax identification parcel
5260 number of the property as to which the owner is signing the request;

5261 (d) designate up to three signers of the petition as sponsors, or in the case of a petition
5262 filed under Subsection [17B-1-504](#)(1)(a)(iv), designate a governmental representative as a
5263 sponsor, and in each case, designate one sponsor as the contact sponsor with the mailing
5264 address and telephone number of each;

5265 (e) state the reasons for withdrawal; and

5266 (f) when the petition is filed with the [local] special district board of trustees, be
5267 accompanied by a map generally depicting the boundaries of the area proposed to be withdrawn
5268 and a legal description of the area proposed to be withdrawn.

5269 (2) (a) The [local] special district may prepare an itemized list of expenses, other than
5270 attorney expenses, that will necessarily be incurred by the [local] special district in the
5271 withdrawal proceeding. The itemized list of expenses may be submitted to the contact sponsor.
5272 If the list of expenses is submitted to the contact sponsor within 21 days after receipt of the
5273 petition, the contact sponsor on behalf of the petitioners shall be required to pay the expenses
5274 to the [local] special district within 90 days of receipt. Until funds to cover the expenses are
5275 delivered to the [local] special district, the district will have no obligation to proceed with the
5276 withdrawal and the time limits on the district stated in this part will be tolled. If the expenses
5277 are not paid within the 90 days, or within 90 days from the conclusion of any arbitration under
5278 Subsection (2)(b), the petition requesting the withdrawal shall be considered to have been
5279 withdrawn.

5280 (b) If there is no agreement between the board of trustees of the [local] special district
5281 and the contact sponsor on the amount of expenses that will necessarily be incurred by the
5282 [local] special district in the withdrawal proceeding, either the board of trustees or the contact
5283 sponsor may submit the matter to binding arbitration in accordance with Title 78B, Chapter 6,
5284 Part 2, Alternative Dispute Resolution Act; provided that, if the parties cannot agree upon an
5285 arbitrator and the rules and procedures that will control the arbitration, either party may pursue
5286 arbitration under Title 78B, Chapter 11, Utah Uniform Arbitration Act.

5287 (3) A signer of a petition may withdraw or, once withdrawn, reinstate the signer's
5288 signature at any time before the public hearing under Section 17B-1-508 by submitting a
5289 written withdrawal or reinstatement with the board of trustees of the [local] special district in
5290 which the area proposed to be withdrawn is located.

5291 (4) If it reasonably appears that, if the withdrawal which is the subject of a petition
5292 filed under Subsection 17B-1-504(1)(a)(i) or (ii) is granted, it will be necessary for a
5293 municipality to provide to the withdrawn area the service previously supplied by the [local]
5294 special district, the board of trustees of the [local] special district may, within 21 days after
5295 receiving the petition, notify the contact sponsor in writing that, before it will be considered by

5296 the board of trustees, the petition shall be presented to and approved by the governing body of
5297 the municipality as provided in Subsection 17B-1-504(1)(a)(iv) before it will be considered by
5298 the [local] special district board of trustees. If the notice is timely given to the contact sponsor,
5299 the petition shall be considered to have been withdrawn until the municipality files a petition
5300 with the [local] special district under Subsection 17B-1-504(1)(a)(iv).

5301 (5) (a) After receiving the notice required by Subsection 17B-1-504(2), unless
5302 specifically allowed by law, a public entity may not make expenditures from public funds to
5303 support or oppose the gathering of signatures on a petition for withdrawal.

5304 (b) Nothing in this section prohibits a public entity from providing factual information
5305 and analysis regarding a withdrawal petition to the public, so long as the information grants
5306 equal access to both the opponents and proponents of the petition for withdrawal.

5307 (c) Nothing in this section prohibits a public official from speaking, campaigning,
5308 contributing personal money, or otherwise exercising the public official's constitutional rights.

5309 Section 88. Section 17B-1-507 is amended to read:

5310 **17B-1-507. Withdrawal petition certification -- Amended petition.**

5311 (1) Within 30 days after the filing of a petition under Sections 17B-1-504 and
5312 17B-1-506, the board of trustees of the [local] special district in which the area proposed to be
5313 withdrawn is located shall:

5314 (a) with the assistance of officers of the county in which the area proposed to be
5315 withdrawn is located, determine whether the petition meets the requirements of Sections
5316 17B-1-504 and 17B-1-506; and

5317 (b) (i) if the petition complies with the requirements set forth in Sections 17B-1-504
5318 and 17B-1-506, certify the petition and mail or deliver written notification of the certification
5319 to the contact sponsor; or

5320 (ii) if the petition fails to comply with any of the requirements set forth in Sections
5321 17B-1-504 and 17B-1-506, reject the petition as insufficient and mail or deliver written
5322 notification of the rejection and the reasons for the rejection to the contact sponsor.

5323 (2) (a) If the board rejects the petition under Subsection (1)(b)(ii), the petition may be
5324 amended to correct the deficiencies for which it was rejected and then refiled within 60 days
5325 after notice of the rejection.

5326 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be

5327 used toward fulfilling the applicable signature requirement for an amended petition refiled
5328 under Subsection (2)(a).

5329 (3) The board of trustees shall process an amended petition refiled under Subsection
5330 (2)(a) in the same manner as an original petition under Subsection (1). If an amended petition
5331 is rejected for failure to comply with the requirements of Sections 17B-1-504 and 17B-1-506,
5332 the board of trustees shall issue a final rejection of the petition for insufficiency and mail or
5333 deliver written notice of the final rejection to the contact sponsor.

5334 (4) (a) A signer of a petition for which there has been a final rejection under Subsection
5335 (3) for insufficiency may seek judicial review of the board of trustees' final decision to reject
5336 the petition as insufficient.

5337 (b) Judicial review under Subsection (4)(a) shall be initiated by filing an action in state
5338 district court in the county in which a majority of the area proposed to be withdrawn is located.

5339 (c) The court in which an action is filed under this Subsection (4) may not overturn the
5340 board of trustees' decision to reject the petition unless the court finds that:

5341 (i) the board of trustees' decision was arbitrary or capricious; or

5342 (ii) the petition materially complies with the requirements set forth in Sections
5343 17B-1-504 and 17B-1-506.

5344 (d) The court may award costs and expenses of an action under this section, including
5345 reasonable attorney fees, to the prevailing party.

5346 Section 89. Section 17B-1-508 is amended to read:

5347 **17B-1-508. Public hearing -- Quorum of board required to be present.**

5348 (1) A public hearing on the proposed withdrawal shall be held by the board of trustees
5349 of a ~~local~~ special district that:

5350 (a) certifies a petition under Subsection 17B-1-507(1)(b)(i) unless the petition was
5351 signed by all of the owners of private land within the area proposed to be withdrawn or all of
5352 the registered voters residing within the area proposed to be withdrawn; or

5353 (b) adopts a resolution under Subsection 17B-1-504(1)(a)(iii) unless another ~~local~~
5354 special district provides to the area proposed to be withdrawn the same retail or wholesale
5355 service as provided by the ~~local~~ special district that adopted the resolution.

5356 (2) The public hearing required by Subsection (1) for a petition certified by the board
5357 of trustees of a ~~local~~ special district under Subsection 17B-1-507(1)(b)(i), other than a

5358 petition filed in accordance with Subsection 17B-1-504(1)(a)(iv), may be held as an agenda
5359 item of a meeting of the board of trustees of the [local] special district without complying with
5360 the requirements of Subsection (3)(b), (3)(c), or Section 17B-1-509.

5361 (3) Except as provided in Subsection (2), the public hearing required by Subsection (1)
5362 shall be held:

5363 (a) no later than 90 days after:

5364 (i) certification of the petition under Subsection 17B-1-507(1)(b)(i); or

5365 (ii) adoption of a resolution under Subsection 17B-1-504(1)(a)(iii);

5366 (b) (i) for a [local] special district located entirely within a single county:

5367 (A) within or as close as practicable to the area proposed to be withdrawn; or

5368 (B) at the [local] special district office; or

5369 (ii) for a [local] special district located in more than one county:

5370 (A) (I) within the county in which the area proposed to be withdrawn is located; and

5371 (II) within or as close as practicable to the area proposed to be withdrawn; or

5372 (B) if the [local] special district office is reasonably accessible to all residents within
5373 the area proposed to be annexed, at the [local] special district office;

5374 (c) on a weekday evening other than a holiday beginning no earlier than 6:00 p.m.; and

5375 (d) for the purpose of allowing:

5376 (i) the public to ask questions and obtain further information about the proposed
5377 withdrawal and issues raised by it; and

5378 (ii) any interested person to address the board of trustees concerning the proposed
5379 withdrawal.

5380 (4) A quorum of the board of trustees of the [local] special district shall be present
5381 throughout the public hearing provided for under this section.

5382 (5) A public hearing under this section may be postponed or continued to a new time,
5383 date, and place without further notice by a resolution of the board of trustees adopted at the
5384 public hearing held at the time, date, and place specified in the published notice; provided,
5385 however, that the public hearing may not be postponed or continued to a date later than 15 days
5386 after the 90-day period under Subsection (3).

5387 Section 90. Section 17B-1-509 is amended to read:

5388 **17B-1-509. Notice of hearing and withdrawal.**

5389 (1) Unless it is held as an agenda item of a meeting of the board of trustees of a [local]
5390 special district as allowed by Subsection 17B-1-508(2), before holding a public hearing under
5391 Section 17B-1-508, the board of trustees of the [local] special district shall:

5392 (a) mail notice of the public hearing and of the proposed withdrawal to:

5393 (i) if the [local] special district is funded predominantly by revenues from a property
5394 tax, each owner of private real property located within the area proposed to be withdrawn, as
5395 shown upon the county assessment roll last equalized as of the previous December 31;

5396 (ii) if the [local] special district is funded by fees based upon an allotment of acre-feet
5397 of water, each owner of private real property with an allotment of water located within the area
5398 proposed to be withdrawn, as shown upon the district's records; or

5399 (iii) if the [local] special district is not funded predominantly by revenues from a
5400 property tax or fees based upon an allotment of acre-feet of water, each registered voter
5401 residing within the area proposed to be withdrawn, as determined by the voter registration list
5402 maintained by the county clerk as of a date selected by the board of trustees that is at least 20
5403 but not more than 60 days before the public hearing; and

5404 (b) post notice of the public hearing and of the proposed withdrawal in at least four
5405 conspicuous places within the area proposed to be withdrawn, no less than five nor more than
5406 30 days before the public hearing.

5407 (2) Each notice required under Subsection (1) shall:

5408 (a) describe the area proposed to be withdrawn;

5409 (b) identify the [local] special district in which the area proposed to be withdrawn is
5410 located;

5411 (c) state the date, time, and location of the public hearing;

5412 (d) state that the petition or resolution may be examined during specified times and at a
5413 specified place in the [local] special district; and

5414 (e) state that any person interested in presenting comments or other information for or
5415 against the petition or resolution may:

5416 (i) prior to the hearing, submit relevant comments and other information in writing to
5417 the board of trustees at a specified address in the [local] special district; or

5418 (ii) at the hearing, present relevant comments and other information in writing and may
5419 also present comments and information orally.

5420 Section 91. Section 17B-1-510 is amended to read:

5421 **17B-1-510. Resolution approving or rejecting withdrawal -- Criteria for approval**
5422 **or rejection -- Terms and conditions.**

5423 (1) (a) No later than 90 days after the public hearing under Section 17B-1-508, or, if no
5424 hearing is held, within 90 days after the filing of a petition under Section 17B-1-504, the board
5425 of trustees of the [local] special district in which the area proposed to be withdrawn is located
5426 shall adopt a resolution:

5427 (i) approving the withdrawal of some or all of the area from the [local] special district;

5428 or

5429 (ii) rejecting the withdrawal.

5430 (b) Each resolution approving a withdrawal shall:

5431 (i) include a legal description of the area proposed to be withdrawn;

5432 (ii) state the effective date of the withdrawal; and

5433 (iii) set forth the terms and conditions under Subsection (5), if any, of the withdrawal.

5434 (c) Each resolution rejecting a withdrawal shall include a detailed explanation of the
5435 board of trustees' reasons for the rejection.

5436 (2) Unless denial of the petition is required under Subsection (3), the board of trustees
5437 shall adopt a resolution approving the withdrawal of some or all of the area from the [local]
5438 special district if the board of trustees determines that:

5439 (a) the area to be withdrawn does not and will not require the service that the [local]
5440 special district provides;

5441 (b) the [local] special district will not be able to provide service to the area to be
5442 withdrawn for the reasonably foreseeable future; or

5443 (c) the area to be withdrawn has obtained the same service that is provided by the
5444 [local] special district or a commitment to provide the same service that is provided by the
5445 [local] special district from another source.

5446 (3) The board of trustees shall adopt a resolution denying the withdrawal if it
5447 determines that the proposed withdrawal would:

5448 (a) result in a breach or default by the [local] special district under:

5449 (i) any of its notes, bonds, or other debt or revenue obligations;

5450 (ii) any of its agreements with entities which have insured, guaranteed, or otherwise

5451 credit-enhanced any debt or revenue obligations of the [local] special district; or
5452 (iii) any of its agreements with the United States or any agency of the United States;
5453 provided, however, that, if the [local] special district has entered into an agreement with the
5454 United States that requires the consent of the United States for a withdrawal of territory from
5455 the district, a withdrawal under this part may occur if the written consent of the United States is
5456 obtained and filed with the board of trustees;

5457 (b) adversely affect the ability of the [local] special district to make any payments or
5458 perform any other material obligations under:

5459 (i) any of its agreements with the United States or any agency of the United States;
5460 (ii) any of its notes, bonds, or other debt or revenue obligations; or
5461 (iii) any of its agreements with entities which have insured, guaranteed, or otherwise
5462 credit-enhanced any debt or revenue obligations of the [local] special district;

5463 (c) result in the reduction or withdrawal of any rating on an outstanding note, bond, or
5464 other debt or revenue obligation of the [local] special district;

5465 (d) create an island or peninsula of nondistrict territory within the [local] special
5466 district or of district territory within nondistrict territory that has a material adverse affect on
5467 the [local] special district's ability to provide service or materially increases the cost of
5468 providing service to the remainder of the [local] special district;

5469 (e) materially impair the operations of the remaining [local] special district; or
5470 (f) require the [local] special district to materially increase the fees it charges or
5471 property taxes or other taxes it levies in order to provide to the remainder of the district the
5472 same level and quality of service that was provided before the withdrawal.

5473 (4) In determining whether the withdrawal would have any of the results described in
5474 Subsection (3), the board of trustees may consider the cumulative impact that multiple
5475 withdrawals over a specified period of time would have on the [local] special district.

5476 (5) (a) Despite the presence of one or more of the conditions listed in Subsection (3),
5477 the board of trustees may approve a resolution withdrawing an area from the [local] special
5478 district imposing terms or conditions that mitigate or eliminate the conditions listed in
5479 Subsection (3), including:

5480 (i) a requirement that the owners of property located within the area proposed to be
5481 withdrawn or residents within that area pay their proportionate share of any outstanding district

5482 bond or other obligation as determined pursuant to Subsection (5)(b);

5483 (ii) a requirement that the owners of property located within the area proposed to be
5484 withdrawn or residents within that area make one or more payments in lieu of taxes, fees, or
5485 assessments;

5486 (iii) a requirement that the board of trustees and the receiving entity agree to reasonable
5487 payment and other terms in accordance with Subsections (5)(f) through (g) regarding the
5488 transfer to the receiving entity of district assets that the district used before withdrawal to
5489 provide service to the withdrawn area but no longer needs because of the withdrawal; provided
5490 that, if those district assets are allocated in accordance with Subsections (5)(f) through (g), the
5491 district shall immediately transfer to the receiving entity on the effective date of the
5492 withdrawal, all title to and possession of district assets allocated to the receiving entity; or

5493 (iv) any other reasonable requirement considered to be necessary by the board of
5494 trustees.

5495 (b) Other than as provided for in Subsection 17B-1-511(2), and except as provided in
5496 Subsection (5)(e), in determining the proportionate share of outstanding bonded indebtedness
5497 or other obligations under Subsection (5)(a)(i) and for purposes of determining the allocation
5498 and transfer of district assets under Subsection (5)(a)(iii), the board of trustees and the
5499 receiving entity, or in cases where there is no receiving entity, the board and the sponsors of the
5500 petition shall:

5501 (i) engage engineering and accounting consultants chosen by the procedure provided in
5502 Subsection (5)(d); provided however, that if the withdrawn area is not receiving service, an
5503 engineering consultant need not be engaged; and

5504 (ii) require the engineering and accounting consultants engaged under Subsection
5505 (5)(b)(i) to communicate in writing to the board of trustees and the receiving entity, or in cases
5506 where there is no receiving entity, the board and the sponsors of the petition the information
5507 required by Subsections (5)(f) through (h).

5508 (c) For purposes of this Subsection (5):

5509 (i) "accounting consultant" means a certified public accountant or a firm of certified
5510 public accountants with the expertise necessary to make the determinations required under
5511 Subsection (5)(h); and

5512 (ii) "engineering consultant" means a person or firm that has the expertise in the

5513 engineering aspects of the type of system by which the withdrawn area is receiving service that
5514 is necessary to make the determination required under Subsections (5)(f) and (g).

5515 (d) (i) Unless the board of trustees and the receiving entity, or in cases where there is
5516 no receiving entity, the board and the sponsors of the petition agree on an engineering
5517 consultant and an accounting consultant, each consultant shall be chosen from a list of
5518 consultants provided by the Consulting Engineers Council of Utah and the Utah Association of
5519 Certified Public Accountants, respectively, as provided in this Subsection (5)(d).

5520 (ii) A list under Subsection (5)(d)(i) may not include a consultant who has had a
5521 contract for services with the district or the receiving entity during the two-year period
5522 immediately before the list is provided to the [~~local~~] special district.

5523 (iii) Within 20 days of receiving the lists described in Subsection (5)(d)(i), the board of
5524 trustees shall eliminate the name of one engineering consultant from the list of engineering
5525 consultants and the name of one accounting consultant from the list of accounting consultants
5526 and shall notify the receiving entity, or in cases where there is no receiving entity, the sponsors
5527 of the petition in writing of the eliminations.

5528 (iv) Within three days of receiving notification under Subsection (5)(d), the receiving
5529 entity, or in cases where there is no receiving entity, the sponsors of the petition shall eliminate
5530 another name of an engineering consultant from the list of engineering consultants and another
5531 name of an accounting consultant from the list of accounting consultants and shall notify the
5532 board of trustees in writing of the eliminations.

5533 (v) The board of trustees and the receiving entity, or in cases where there is no
5534 receiving entity, the board and the sponsors of the petition shall continue to alternate between
5535 them, each eliminating the name of one engineering consultant from the list of engineering
5536 consultants and the name of one accounting consultant from the list of accounting consultants
5537 and providing written notification of the eliminations within three days of receiving
5538 notification of the previous notification, until the name of only one engineering consultant
5539 remains on the list of engineering consultants and the name of only one accounting consultant
5540 remains on the list of accounting consultants.

5541 (e) The requirement under Subsection (5)(b) to engage engineering and accounting
5542 consultants does not apply if the board of trustees and the receiving entity, or in cases where
5543 there is no receiving entity, the board and the sponsors of the petition agree on the allocations

5544 that are the engineering consultant's responsibility under Subsection (5)(f) or the
5545 determinations that are the accounting consultant's responsibility under Subsection (5)(h);
5546 provided however, that if engineering and accounting consultants are engaged, the district and
5547 the receiving entity, or in cases where there is no receiving entity, the district and the sponsors
5548 of the petition shall equally share the cost of the engineering and accounting consultants.

5549 (f) (i) The engineering consultant shall allocate the district assets between the district
5550 and the receiving entity as provided in this Subsection (5)(f).

5551 (ii) The engineering consultant shall allocate:

5552 (A) to the district those assets reasonably needed by the district to provide to the area
5553 of the district remaining after withdrawal the kind, level, and quality of service that was
5554 provided before withdrawal; and

5555 (B) to the receiving entity those assets reasonably needed by the receiving entity to
5556 provide to the withdrawn area the kind and quality of service that was provided before
5557 withdrawal.

5558 (iii) If the engineering consultant determines that both the [local] special district and
5559 the receiving entity reasonably need a district asset to provide to their respective areas the kind
5560 and quality of service provided before withdrawal, the engineering consultant shall:

5561 (A) allocate the asset between the [local] special district and the receiving entity
5562 according to their relative needs, if the asset is reasonably susceptible of division; or

5563 (B) allocate the asset to the [local] special district, if the asset is not reasonably
5564 susceptible of division.

5565 (g) All district assets remaining after application of Subsection (5)(f) shall be allocated
5566 to the [local] special district.

5567 (h) (i) The accounting consultant shall determine the withdrawn area's proportionate
5568 share of any redemption premium and the principal of and interest on:

5569 (A) the [local] special district's revenue bonds that were outstanding at the time the
5570 petition was filed;

5571 (B) the [local] special district's general obligation bonds that were outstanding at the
5572 time the petition was filed; and

5573 (C) the [local] special district's general obligation bonds that:

5574 (I) were outstanding at the time the petition was filed; and

5575 (II) are treated as revenue bonds under Subsection (5)(i); and
5576 (D) the district's bonds that were issued prior to the date the petition was filed to refund
5577 the district's revenue bonds, general obligation bonds, or general obligation bonds treated as
5578 revenue bonds.

5579 (ii) For purposes of Subsection (5)(h)(i), the withdrawn area's proportionate share of
5580 redemption premium, principal, and interest shall be the amount that bears the same
5581 relationship to the total redemption premium, principal, and interest for the entire district that
5582 the average annual gross revenues from the withdrawn area during the three most recent
5583 complete fiscal years before the filing of the petition bears to the average annual gross revenues
5584 from the entire district for the same period.

5585 (i) For purposes of Subsection (5)(h)(i), a district general obligation bond shall be
5586 treated as a revenue bond if:

5587 (i) the bond is outstanding on the date the petition was filed; and

5588 (ii) the principal of and interest on the bond, as of the date the petition was filed, had
5589 been paid entirely from ~~[local]~~ special district revenues and not from a levy of ad valorem tax.

5590 (j) (i) Before the board of trustees of the ~~[local]~~ special district files a resolution
5591 approving a withdrawal, the receiving entity, or in cases where there is no receiving entity, the
5592 sponsors of the petition shall irrevocably deposit government obligations, as defined in
5593 Subsection 11-27-2(6), into an escrow trust fund the principal of and interest on which are
5594 sufficient to provide for the timely payment of the amount determined by the accounting
5595 consultant under Subsection (5)(h) or in an amount mutually agreeable to the board of trustees
5596 of the ~~[local]~~ special district and the receiving entity, or in cases where there is no receiving
5597 entity, the board and the sponsors of the petition. Notwithstanding Subsection 17B-1-512(1),
5598 the board of trustees may not be required to file a resolution approving a withdrawal until the
5599 requirements for establishing and funding an escrow trust fund in this Subsection (5)(j)(i) have
5600 been met; provided that, if the escrow trust fund has not been established and funded within
5601 180 days after the board of trustees passes a resolution approving a withdrawal, the resolution
5602 approving the withdrawal shall be void.

5603 (ii) Concurrently with the creation of the escrow, the receiving entity, or in cases where
5604 there is no receiving entity, the sponsors of the petition shall provide to the board of trustees of
5605 the ~~[local]~~ special district:

5606 (A) a written opinion of an attorney experienced in the tax-exempt status of municipal
5607 bonds stating that the establishment and use of the escrow to pay the proportionate share of the
5608 district's outstanding revenue bonds and general obligation bonds that are treated as revenue
5609 bonds will not adversely affect the tax-exempt status of the bonds; and

5610 (B) a written opinion of an independent certified public accountant verifying that the
5611 principal of and interest on the deposited government obligations are sufficient to provide for
5612 the payment of the withdrawn area's proportionate share of the bonds as provided in Subsection
5613 (5)(h).

5614 (iii) The receiving entity, or in cases where there is no receiving entity, the sponsors of
5615 the petition shall bear all expenses of the escrow and the redemption of the bonds.

5616 (iv) The receiving entity may issue bonds under Title 11, Chapter 14, Local
5617 Government Bonding Act, and Title 11, Chapter 27, Utah Refunding Bond Act, to fund the
5618 escrow.

5619 (6) A requirement imposed by the board of trustees as a condition to withdrawal under
5620 Subsection (5) shall, in addition to being expressed in the resolution, be reduced to a duly
5621 authorized and executed written agreement between the parties to the withdrawal.

5622 (7) An area that is the subject of a withdrawal petition under Section 17B-1-504 that
5623 results in a board of trustees resolution denying the proposed withdrawal may not be the
5624 subject of another withdrawal petition under Section 17B-1-504 for two years after the date of
5625 the board of trustees resolution denying the withdrawal.

5626 Section 92. Section 17B-1-511 is amended to read:

5627 **17B-1-511. Continuation of tax levy after withdrawal to pay for proportionate**
5628 **share of district bonds.**

5629 (1) Other than as provided in Subsection (2), and unless an escrow trust fund is
5630 established and funded pursuant to Subsection 17B-1-510(5)(j), property within the withdrawn
5631 area shall continue after withdrawal to be taxable by the ~~[local]~~ special district:

5632 (a) for the purpose of paying the withdrawn area's just proportion of the ~~[local]~~ special
5633 district's general obligation bonds or lease obligations payable from property taxes with respect
5634 to lease revenue bonds issued by a local building authority on behalf of the ~~[local]~~ special
5635 district, other than those bonds treated as revenue bonds under Subsection 17B-1-510(5)(i),
5636 until the bonded indebtedness has been satisfied; and

5637 (b) to the extent and for the years necessary to generate sufficient revenue that, when
 5638 combined with the revenues from the district remaining after withdrawal, is sufficient to
 5639 provide for the payment of principal and interest on the district's general obligation bonds that
 5640 are treated as revenue bonds under Subsection 17B-1-510(5)(i).

5641 (2) For a ~~[local]~~ special district funded predominately by revenues other than property
 5642 taxes, service charges, or assessments based upon an allotment of acre-feet of water, property
 5643 within the withdrawn area shall continue to be taxable by the ~~[local]~~ special district for
 5644 purposes of paying the withdrawn area's proportionate share of bonded indebtedness or
 5645 judgments against the ~~[local]~~ special district incurred prior to the date the petition was filed.

5646 (3) Except as provided in Subsections (1) and (2), upon withdrawal, the withdrawing
 5647 area is relieved of all other taxes, assessments, and charges levied by the district, including
 5648 taxes and charges for the payment of revenue bonds and maintenance and operation cost of the
 5649 ~~[local]~~ special district.

5650 Section 93. Section 17B-1-512 is amended to read:

5651 **17B-1-512. Filing of notice and plat -- Recording requirements -- Contest period**
 5652 **-- Judicial review.**

5653 (1) (a) Within the time specified in Subsection (1)(b), the board of trustees shall file
 5654 with the lieutenant governor:

5655 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
 5656 that meets the requirements of Subsection 67-1a-6.5(3); and

5657 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

5658 (b) The board of trustees shall file the documents listed in Subsection (1)(a):

5659 (i) within 10 days after adopting a resolution approving a withdrawal under Section
 5660 17B-1-510;

5661 (ii) on or before January 31 of the year following the board of trustees' receipt of a
 5662 notice or copy described in Subsection (1)(c), if the board of trustees receives the notice or
 5663 copy between July 1 and December 31; or

5664 (iii) on or before the July 31 following the board of trustees' receipt of a notice or copy
 5665 described in Subsection (1)(c), if the board of trustees receives the notice or copy between
 5666 January 1 and June 30.

5667 (c) The board of trustees shall comply with the requirements described in Subsection

5668 (1)(b)(ii) or (iii) after:
5669 (i) receiving:
5670 (A) a notice under Subsection 10-2-425(2) of an automatic withdrawal under
5671 Subsection 17B-1-502(2);
5672 (B) a copy of the municipal legislative body's resolution approving an automatic
5673 withdrawal under Subsection 17B-1-502(3)(a); or
5674 (C) notice of a withdrawal of a municipality from a ~~local~~ special district under
5675 Section 17B-1-502; or
5676 (ii) entering into an agreement with a municipality under Subsection
5677 17B-1-505(5)(a)(ii)(A) or (5)(b).
5678 (d) Upon the lieutenant governor's issuance of a certificate of withdrawal under Section
5679 67-1a-6.5, the board shall:
5680 (i) if the withdrawn area is located within the boundary of a single county, submit to
5681 the recorder of that county:
5682 (A) the original:
5683 (I) notice of an impending boundary action;
5684 (II) certificate of withdrawal; and
5685 (III) approved final local entity plat; and
5686 (B) if applicable, a certified copy of the resolution or notice referred to in Subsection
5687 (1)(b); or
5688 (ii) if the withdrawn area is located within the boundaries of more than a single county,
5689 submit:
5690 (A) the original of the documents listed in Subsections (1)(d)(i)(A)(I), (II), and (III)
5691 and, if applicable, a certified copy of the resolution or notice referred to in Subsection (1)(b) to
5692 one of those counties; and
5693 (B) a certified copy of the documents listed in Subsections (1)(d)(i)(A)(I), (II), and (III)
5694 and a certified copy of the resolution or notice referred to in Subsection (1)(b) to each other
5695 county.
5696 (2) (a) Upon the lieutenant governor's issuance of the certificate of withdrawal under
5697 Section 67-1a-6.5 for a withdrawal under Section 17B-1-510, for an automatic withdrawal
5698 under Subsection 17B-1-502(3), or for the withdrawal of a municipality from a ~~local~~ special

5699 district under Section 17B-1-505, the withdrawal shall be effective, subject to the conditions of
5700 the withdrawal resolution, if applicable.

5701 (b) An automatic withdrawal under Subsection 17B-1-502(3) shall be effective upon
5702 the lieutenant governor's issuance of a certificate of withdrawal under Section 67-1a-6.5.

5703 (3) (a) The [toeat] special district may provide for the publication of any resolution
5704 approving or denying the withdrawal of an area:

5705 (i) in a newspaper of general circulation in the area proposed for withdrawal; and

5706 (ii) as required in Section 45-1-101.

5707 (b) In lieu of publishing the entire resolution, the [toeat] special district may publish a
5708 notice of withdrawal or denial of withdrawal, containing:

5709 (i) the name of the [toeat] special district;

5710 (ii) a description of the area proposed for withdrawal;

5711 (iii) a brief explanation of the grounds on which the board of trustees determined to
5712 approve or deny the withdrawal; and

5713 (iv) the times and place where a copy of the resolution may be examined, which shall
5714 be at the place of business of the [toeat] special district, identified in the notice, during regular
5715 business hours of the [toeat] special district as described in the notice and for a period of at
5716 least 30 days after the publication of the notice.

5717 (4) Any sponsor of the petition or receiving entity may contest the board's decision to
5718 deny a withdrawal of an area from the [toeat] special district by submitting a request, within 60
5719 days after the resolution is adopted under Section 17B-1-510, to the board of trustees,
5720 suggesting terms or conditions to mitigate or eliminate the conditions upon which the board of
5721 trustees based its decision to deny the withdrawal.

5722 (5) Within 60 days after the request under Subsection (4) is submitted to the board of
5723 trustees, the board may consider the suggestions for mitigation and adopt a resolution
5724 approving or denying the request in the same manner as provided in Section 17B-1-510 with
5725 respect to the original resolution denying the withdrawal and file a notice of the action as
5726 provided in Subsection (1).

5727 (6) (a) Any person in interest may seek judicial review of:

5728 (i) the board of trustees' decision to withdraw an area from the [toeat] special district;

5729 (ii) the terms and conditions of a withdrawal; or

5730 (iii) the board's decision to deny a withdrawal.
5731 (b) Judicial review under this Subsection (6) shall be initiated by filing an action in the
5732 district court in the county in which a majority of the area proposed to be withdrawn is located:
5733 (i) if the resolution approving or denying the withdrawal is published under Subsection
5734 (3), within 60 days after the publication or after the board of trustees' denial of the request
5735 under Subsection (5);
5736 (ii) if the resolution is not published pursuant to Subsection (3), within 60 days after
5737 the resolution approving or denying the withdrawal is adopted; or
5738 (iii) if a request is submitted to the board of trustees of a [~~local~~] special district under
5739 Subsection (4), and the board adopts a resolution under Subsection (5), within 60 days after the
5740 board adopts a resolution under Subsection (5) unless the resolution is published under
5741 Subsection (3), in which event the action shall be filed within 60 days after the publication.
5742 (c) A court in which an action is filed under this Subsection (6) may not overturn, in
5743 whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:
5744 (i) the court finds the board of trustees' decision to be arbitrary or capricious; or
5745 (ii) the court finds that the board materially failed to follow the procedures set forth in
5746 this part.
5747 (d) A court may award costs and expenses of an action under this section, including
5748 reasonable attorney fees, to the prevailing party.
5749 (7) After the applicable contest period under Subsection (4) or (6), no person may
5750 contest the board of trustees' approval or denial of withdrawal for any cause.
5751 Section 94. Section **17B-1-513** is amended to read:
5752 **17B-1-513. Termination of terms of trustees representing withdrawn areas.**
5753 (1) Except as provided in Subsection (4), on the effective date of withdrawal of an area
5754 from a [~~local~~] special district, any trustee residing in the withdrawn area shall cease to be a
5755 member of the board of trustees of the [~~local~~] special district.
5756 (2) Except as provided in Subsection (4), if the [~~local~~] special district has been divided
5757 into divisions for the purpose of electing or appointing trustees and the area withdrawn from a
5758 district constitutes all or substantially all of the area in a division of the [~~local~~] special district
5759 that is represented by a member of the board of trustees, on the effective date of the
5760 withdrawal, the trustee representing the division shall cease to be a member of the board of

5761 trustees of the [local] special district.

5762 (3) In the event of a vacancy on the board of trustees as a result of an area being
5763 withdrawn from the [local] special district:

5764 (a) the board of trustees shall reduce the number of trustees of the [local] special
5765 district as provided by law; or

5766 (b) the trustee vacancy shall be filled as provided by law.

5767 (4) Subsections (1) and (2) apply only to a trustee who is required by law to be a
5768 resident of the [local] special district or of a particular division within the [local] special
5769 district.

5770 Section 95. Section **17B-1-601** is amended to read:

5771 **Part 6. Fiscal Procedures for Special Districts**

5772 **17B-1-601. Definitions.**

5773 As used in this part:

5774 (1) "Appropriation" means an allocation of money by the board of trustees for a
5775 specific purpose.

5776 (2) "Budget" means a plan of financial operations for a fiscal year which embodies
5777 estimates of proposed expenditures for given purposes and the proposed means of financing
5778 them, and may refer to the budget of a particular fund for which a budget is required by law or
5779 it may refer collectively to the budgets for all such funds.

5780 (3) "Budget officer" means the person appointed by the [local] special district board of
5781 trustees to prepare the budget for the district.

5782 (4) "Budget year" means the fiscal year for which a budget is prepared.

5783 (5) "Calendar year entity" means a [local] special district whose fiscal year begins
5784 January 1 and ends December 31 of each calendar year as described in Section **17B-1-602**.

5785 (6) "Current year" means the fiscal year in which a budget is prepared and adopted,
5786 which is the fiscal year next preceding the budget year.

5787 (7) "Deficit" has the meaning given under generally accepted accounting principles as
5788 reflected in the Uniform Accounting Manual for [Local] Special Districts.

5789 (8) "Estimated revenue" means the amount of revenue estimated to be received from all
5790 sources during the budget year in each fund for which a budget is being prepared.

5791 (9) "Financial officer" means the official under Section **17B-1-642**.

5792 (10) "Fiscal year" means the annual period for accounting for fiscal operations in each
5793 district.

5794 (11) "Fiscal year entity" means a ~~[local]~~ special district whose fiscal year begins July 1
5795 of each year and ends on June 30 of the following year as described in Section [17B-1-602](#).

5796 (12) "Fund" has the meaning given under generally accepted accounting principles as
5797 reflected in the Uniform Accounting Manual for ~~[Local]~~ Special Districts.

5798 (13) "Fund balance" has the meaning given under generally accepted accounting
5799 principles as reflected in the Uniform Accounting Manual for ~~[Local]~~ Special Districts.

5800 (14) "General fund" is as defined by the Governmental Accounting Standards Board as
5801 reflected in the Uniform Accounting Manual for All Local Governments prepared by the Office
5802 of the Utah State Auditor.

5803 (15) "Governmental funds" means the general fund, special revenue fund, debt service
5804 fund, and capital projects fund of a ~~[local]~~ special district.

5805 (16) "Interfund loan" means a loan of cash from one fund to another, subject to future
5806 repayment.

5807 (17) "Last completed fiscal year" means the fiscal year next preceding the current fiscal
5808 year.

5809 ~~[(18) "Local district general fund" means the general fund used by a local district.]~~

5810 ~~[(19)]~~ (18) "Proprietary funds" means enterprise funds and the internal service funds of
5811 a ~~[local]~~ special district.

5812 ~~[(20)]~~ (19) "Public funds" means any money or payment collected or received by an
5813 officer or employee of a ~~[local]~~ special district acting in an official capacity and includes
5814 money or payment to the officer or employee for services or goods provided by the district, or
5815 the officer or employee while acting within the scope of employment or duty.

5816 ~~[(21)]~~ (20) "Retained earnings" has the meaning given under generally accepted
5817 accounting principles as reflected in the Uniform Accounting Manual for ~~[Local]~~ Special
5818 Districts.

5819 (21) "Special district general fund" means the general fund used by a special district.

5820 (22) "Special fund" means any ~~[local]~~ special district fund other than the ~~[local]~~ special
5821 district's general fund.

5822 Section 96. Section [17B-1-602](#) is amended to read:

5823 **17B-1-602. Fiscal year.**

5824 The fiscal year of each [~~local~~] special district shall be, as determined by the board of
5825 trustees:

5826 (1) the calendar year; or

5827 (2) the period from July 1 to the following June 30.

5828 Section 97. Section **17B-1-603** is amended to read:

5829 **17B-1-603. Uniform accounting system.**

5830 The accounting records of each [~~local~~] special district shall be established and
5831 maintained, and financial statements prepared from those records, in conformance with
5832 generally accepted accounting principles promulgated from time to time by authoritative bodies
5833 in the United States.

5834 Section 98. Section **17B-1-604** is amended to read:

5835 **17B-1-604. Funds and account groups maintained.**

5836 Each district shall maintain, according to its own accounting needs, some or all of the
5837 funds and account groups in its system of accounts, as prescribed in the Uniform Accounting
5838 Manual for [~~Local~~] Special Districts.

5839 Section 99. Section **17B-1-605** is amended to read:

5840 **17B-1-605. Budget required for certain funds -- Capital projects fund.**

5841 (1) The budget officer of each [~~local~~] special district shall prepare for each budget year
5842 a budget for each of the following funds:

5843 (a) the General Fund;

5844 (b) special revenue funds;

5845 (c) debt service funds;

5846 (d) capital projects funds;

5847 (e) proprietary funds, in accordance with Section [17B-1-629](#);

5848 (f) if the [~~local~~] special district has a local fund, as defined in Section [53-2a-602](#), the
5849 local fund; and

5850 (g) any other fund or funds for which a budget is required by the uniform system of
5851 budgeting, accounting, and reporting.

5852 (2) (a) Major capital improvements financed by general obligation bonds, capital
5853 grants, or interfund transfers shall use a capital projects fund budget unless the improvements

5854 financed are to be used for proprietary type activities.

5855 (b) The [~~local~~] special district shall prepare a separate budget for the term of the
5856 projects as well as the annual budget required under Subsection (1).

5857 Section 100. Section **17B-1-606** is amended to read:

5858 **17B-1-606. Total of revenues to equal expenditures.**

5859 (1) The budget for each fund under Section **17B-1-605** shall provide a financial plan
5860 for the budget year.

5861 (2) Each budget shall specify in tabular form:

5862 (a) estimates of all anticipated revenues, classified by the account titles prescribed in
5863 the Uniform Accounting Manual for [~~Local~~] Special Districts; and

5864 (b) all appropriations for expenditures, classified by the account titles prescribed in the
5865 Uniform Accounting Manual for [~~Local~~] Special Districts.

5866 (3) The total of the anticipated revenues shall equal the total of appropriated
5867 expenditures.

5868 Section 101. Section **17B-1-607** is amended to read:

5869 **17B-1-607. Tentative budget to be prepared -- Review by governing body.**

5870 (1) On or before the first regularly scheduled meeting of the board of trustees in
5871 November for a calendar year entity and May for a fiscal year entity, the budget officer of each
5872 [~~local~~] special district shall prepare for the ensuing year, in a format prescribed by the state
5873 auditor, and file with the board of trustees a tentative budget for each fund for which a budget
5874 is required.

5875 (2) (a) Each tentative budget under Subsection (1) shall provide in tabular form:

5876 (i) actual revenues and expenditures for the last completed fiscal year;

5877 (ii) estimated total revenues and expenditures for the current fiscal year; and

5878 (iii) the budget officer's estimates of revenues and expenditures for the budget year.

5879 (b) The budget officer shall estimate the amount of revenue available to serve the needs
5880 of each fund, estimate the portion to be derived from all sources other than general property
5881 taxes, and estimate the portion that shall be derived from general property taxes.

5882 (3) The tentative budget, when filed by the budget officer with the board of trustees,
5883 shall contain the estimates of expenditures together with specific work programs and any other
5884 supporting data required by this part or requested by the board.

5885 (4) The board of trustees shall review, consider, and tentatively adopt the tentative
5886 budget in any regular meeting or special meeting called for that purpose and may amend or
5887 revise the tentative budget in any manner that the board considers advisable prior to public
5888 hearings, but no appropriation required for debt retirement and interest or reduction of any
5889 existing deficits under Section 17B-1-613, or otherwise required by law, may be reduced below
5890 the minimums so required.

5891 (5) When a new district is created, the board of trustees shall:

5892 (a) prepare a budget covering the period from the date of incorporation to the end of
5893 the fiscal year;

5894 (b) substantially comply with all other provisions of this part with respect to notices
5895 and hearings; and

5896 (c) pass the budget as soon after incorporation as feasible.

5897 Section 102. Section 17B-1-608 is amended to read:

5898 **17B-1-608. Tentative budget and data -- Public records.**

5899 (1) The tentative budget adopted by the board of trustees and all supporting schedules
5900 and data are public records.

5901 (2) At least seven days before adopting a final budget in a public meeting, the [total]
5902 special district shall:

5903 (a) make the tentative budget available for public inspection at the [total] special
5904 district's principal place of business during regular business hours;

5905 (b) if the [total] special district has a website, publish the tentative budget on the
5906 [total] special district's website; and

5907 (c) in accordance with Section 63A-16-601, do one of the following:

5908 (i) publish the tentative budget on the Utah Public Notice Website; or

5909 (ii) publish on the Utah Public Notice Website a link to a website on which the
5910 tentative budget is published.

5911 Section 103. Section 17B-1-609 is amended to read:

5912 **17B-1-609. Hearing to consider adoption -- Notice.**

5913 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

5914 (a) establish the time and place of a public hearing to consider its adoption; and

5915 (b) except as provided in Subsection (6), order that notice of the hearing:

- 5916 (i) be posted in three public places within the district; and
5917 (ii) be published at least seven days before the hearing on the Utah Public Notice
5918 Website created in Section 63A-16-601.
- 5919 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
5920 required in Subsection (1)(b):
- 5921 (a) may be combined with the notice required under Section 59-2-919; and
5922 (b) shall be published in accordance with the advertisement provisions of Section
5923 59-2-919.
- 5924 (3) If the budget hearing is to be held in conjunction with a fee increase hearing, the
5925 notice required in Subsection (1)(b):
- 5926 (a) may be combined with the notice required under Section 17B-1-643; and
5927 (b) shall be published or mailed in accordance with the notice provisions of Section
5928 17B-1-643.
- 5929 (4) Proof that notice was given in accordance with Subsection (1)(b), (2), (3), or (6) is
5930 prima facie evidence that notice was properly given.
- 5931 (5) If a notice required under Subsection (1)(b), (2), (3), or (6) is not challenged within
5932 30 days after the day on which the hearing is held, the notice is adequate and proper.
- 5933 (6) A board of trustees of a [local] special district with an annual operating budget of
5934 less than \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:
- 5935 (a) mailing a written notice, postage prepaid, to each voter in the [local] special
5936 district; and
- 5937 (b) posting the notice in three public places within the district.
- 5938 Section 104. Section 17B-1-612 is amended to read:
- 5939 **17B-1-612. Accumulated fund balances -- Limitations -- Excess balances --**
5940 **Unanticipated excess of revenues -- Reserves for capital projects.**
- 5941 (1) (a) A [local] special district may accumulate retained earnings or fund balances, as
5942 appropriate, in any fund.
- 5943 (b) For the general fund only, a [local] special district may only use an accumulated
5944 fund balance to:
- 5945 (i) provide working capital to finance expenditures from the beginning of the budget
5946 year until general property taxes or other applicable revenues are collected, subject to

5947 Subsection (1)(c);
5948 (ii) provide a resource to meet emergency expenditures under Section 17B-1-623; and
5949 (iii) cover a pending year-end excess of expenditures over revenues from an
5950 unavoidable shortfall in revenues, subject to Subsection (1)(d).
5951 (c) Subsection (1)(b)(i) does not authorize a [~~local~~] special district to appropriate a
5952 fund balance for budgeting purposes, except as provided in Subsection (4).
5953 (d) Subsection (1)(b)(iii) does not authorize a [~~local~~] special district to appropriate a
5954 fund balance to avoid an operating deficit during a budget year except:
5955 (i) as provided under Subsection (4); or
5956 (ii) for emergency purposes under Section 17B-1-623.
5957 (2) (a) Except as provided in Subsection (2)(b), the accumulation of a fund balance in
5958 the general fund may not exceed the most recently adopted general fund budget, plus 100% of
5959 the current year's property tax.
5960 (b) Notwithstanding Subsection (2)(a), a [~~local~~] special district may accumulate in the
5961 general fund mineral lease revenue that the [~~local~~] special district receives from the United
5962 States under the Mineral Lands Leasing Act, 30 U.S.C. Sec. 181 et seq., through a distribution
5963 under:
5964 (i) Title 35A, Chapter 8, Part 3, Community Impact Fund Act; or
5965 (ii) Title 59, Chapter 21, Mineral Lease Funds.
5966 (3) If the fund balance at the close of any fiscal year exceeds the amount permitted
5967 under Subsection (2), the district shall appropriate the excess in accordance with Section
5968 17B-1-613.
5969 (4) A [~~local~~] special district may utilize any fund balance in excess of 5% of the total
5970 revenues of the general fund for budget purposes.
5971 (5) (a) Within a capital projects fund, the board of trustees may, in any budget year,
5972 appropriate from estimated revenue or fund balance to a reserve for capital projects for the
5973 purpose of financing future specific capital projects, including new construction, capital
5974 repairs, replacement, and maintenance, under a formal long-range capital plan that the board of
5975 trustees adopts.
5976 (b) A [~~local~~] special district may allow a reserve amount under Subsection (5)(a) to
5977 accumulate from year to year until the accumulated total is sufficient to permit economical

5978 expenditure for the specified purposes.

5979 (c) A [local] special district may disburse from a reserve account under Subsection
5980 (5)(a) only by a budget appropriation that the [local] special district adopts in accordance with
5981 this part.

5982 (d) A [local] special district shall ensure that the expenditures from the appropriation
5983 budget accounts described in this Subsection (5) conform to all requirements of this part
5984 relating to execution and control of budgets.

5985 Section 105. Section **17B-1-613** is amended to read:

5986 **17B-1-613. Appropriations not to exceed estimated expendable revenue --**
5987 **Appropriations for existing deficits.**

5988 (1) The board of trustees of a [local] special district may not make any appropriation in
5989 the final budget of any fund in excess of the estimated expendable revenue for the budget year
5990 of the fund.

5991 (2) If there is a deficit fund balance in a fund at the close of the last completed fiscal
5992 year, the board of trustees of a [local] special district shall include an item of appropriation for
5993 the deficit in the current budget of the fund equal to:

- 5994 (a) at least 5% of the total revenue of the fund in the last completed fiscal year; or
- 5995 (b) if the deficit is equal to less than 5% of the total revenue of the fund in the last
5996 completed fiscal year, the entire amount of the deficit.

5997 (3) The provisions of this section do not require a [local] special district to add revenue
5998 to a fund that is used for debt service of a limited obligation, unless the revenue is pledged
5999 toward the limited obligation.

6000 Section 106. Section **17B-1-614** is amended to read:

6001 **17B-1-614. Adoption of final budget -- Certification and filing.**

6002 (1) The board of trustees of each [local] special district shall by resolution adopt a
6003 budget for the ensuing fiscal year for each fund for which a budget is required under this part
6004 prior to the beginning of the fiscal year, except as provided in Sections [59-2-919](#) through
6005 [59-2-923](#).

6006 (2) The [local] special district's budget officer shall certify a copy of the final budget
6007 for each fund and file it with the state auditor within 30 days after adoption.

6008 Section 107. Section **17B-1-615** is amended to read:

6009 **17B-1-615. Budgets in effect for budget year.**

6010 (1) Upon final adoption, each budget shall be in effect for the budget year, subject to
6011 amendment as provided in this part.

6012 (2) A certified copy of the adopted budgets shall be filed in the special district office
6013 and shall be available to the public during regular business hours.

6014 Section 108. Section **17B-1-617** is amended to read:

6015 **17B-1-617. Fund expenditures -- Budget officer's duties.**

6016 (1) The budget officer of each [~~local~~] special district shall require all expenditures
6017 within each fund to conform with the fund budget.

6018 (2) No appropriation may be encumbered and no expenditure may be made against any
6019 fund appropriation unless there is sufficient unencumbered balance in the fund's appropriation,
6020 except in cases of emergency as provided in Section **17B-1-623**.

6021 Section 109. Section **17B-1-618** is amended to read:

6022 **17B-1-618. Purchasing procedures.**

6023 All purchases or encumbrances by a [~~local~~] special district shall be made or incurred
6024 according to the purchasing procedures established for each district by the district's rulemaking
6025 authority, as that term is defined in Section **63G-6a-103**, and only on an order or approval of
6026 the person or persons duly authorized.

6027 Section 110. Section **17B-1-619** is amended to read:

6028 **17B-1-619. Expenditures or encumbrances in excess of appropriations prohibited**
6029 **-- Processing claims.**

6030 (1) A [~~local~~] special district may not make or incur expenditures or encumbrances in
6031 excess of total appropriations in the budget as adopted or as subsequently amended.

6032 (2) An obligation contracted by any officer in excess of total appropriations in the
6033 budget is not enforceable against the district.

6034 (3) No check or warrant to cover a claim against an appropriation may be drawn until
6035 the claim has been processed as provided by this part.

6036 Section 111. Section **17B-1-620** is amended to read:

6037 **17B-1-620. Transfer of appropriation balance between accounts in same fund.**

6038 (1) The board of trustees of each [~~local~~] special district shall establish policies for the
6039 transfer of any unencumbered or unexpended appropriation balance or portion of the balance

6040 from one account in a fund to another account within the same fund, subject to Subsection (2).

6041 (2) An appropriation for debt retirement and interest, reduction of deficit, or other
6042 appropriation required by law or covenant may not be reduced below the minimums required.

6043 Section 112. Section **17B-1-621** is amended to read:

6044 **17B-1-621. Review of individual governmental fund budgets -- Hearing.**

6045 (1) The board of trustees of a [~~local~~] special district may, at any time during the budget
6046 year, review the individual budgets of the governmental funds for the purpose of determining if
6047 the total of any of them should be increased.

6048 (2) If the board of trustees decides that the budget total of one or more of these funds
6049 should be increased, it shall follow the procedures established in Sections **17B-1-609** and
6050 **17B-1-610** for holding a public hearing.

6051 Section 113. Section **17B-1-623** is amended to read:

6052 **17B-1-623. Emergency expenditures.**

6053 The board of trustees of a [~~local~~] special district may, by resolution, amend a budget
6054 and authorize an expenditure of money that results in a deficit in the district's general fund
6055 balance if:

6056 (1) the board determines that:

6057 (a) an emergency exists; and

6058 (b) the expenditure is reasonably necessary to meet the emergency; and

6059 (2) the expenditure is used to meet the emergency.

6060 Section 114. Section **17B-1-626** is amended to read:

6061 **17B-1-626. Loans by one fund to another.**

6062 (1) Subject to this section, restrictions imposed by bond covenants, restrictions in
6063 Section **53-2a-605**, or other controlling regulations, the board of trustees of a [~~local~~] special
6064 district may authorize an interfund loan from one fund to another.

6065 (2) An interfund loan under Subsection (1) shall be in writing and specify the terms
6066 and conditions of the loan, including the:

6067 (a) effective date of the loan;

6068 (b) name of the fund loaning the money;

6069 (c) name of the fund receiving the money;

6070 (d) amount of the loan;

- 6071 (e) subject to Subsection (3), term of and repayment schedule for the loan;
- 6072 (f) subject to Subsection (4), interest rate of the loan;
- 6073 (g) method of calculating interest applicable to the loan;
- 6074 (h) procedures for:
- 6075 (i) applying interest to the loan; and
- 6076 (ii) paying interest on the loan; and
- 6077 (i) other terms and conditions the board of trustees determines applicable.
- 6078 (3) The term and repayment schedule specified under Subsection (2)(e) may not exceed
- 6079 10 years.
- 6080 (4) (a) In determining the interest rate of the loan specified under Subsection (2)(f), the
- 6081 board of trustees shall apply an interest rate that reflects the rate of potential gain had the funds
- 6082 been deposited or invested in a comparable investment.
- 6083 (b) Notwithstanding Subsection (4)(a), the interest rate of the loan specified under
- 6084 Subsection (2)(f):
- 6085 (i) if the term of the loan under Subsection (2)(e) is one year or less, may not be less
- 6086 than the rate offered by the Public Treasurers' Investment Fund that was created for public
- 6087 funds transferred to the state treasurer in accordance with Section 51-7-5; or
- 6088 (ii) if the term of the loan under Subsection (2)(e) is more than one year, may not be
- 6089 less than the greater of the rate offered by:
- 6090 (A) the Public Treasurers' Investment Fund that was created for public funds
- 6091 transferred to the state treasurer in accordance with Section 51-7-5; or
- 6092 (B) a United States Treasury note of a comparable term.
- 6093 (5) (a) For an interfund loan under Subsection (1), the board of trustees shall:
- 6094 (i) hold a public hearing;
- 6095 (ii) prepare a written notice of the date, time, place, and purpose of the hearing, and the
- 6096 proposed terms and conditions of the interfund loan under Subsection (2);
- 6097 (iii) provide notice of the public hearing in the same manner as required under Section
- 6098 17B-1-609 as if the hearing were a budget hearing; and
- 6099 (iv) authorize the interfund loan by resolution in a public meeting.
- 6100 (b) The notice and hearing requirements in Subsection (5)(a) are satisfied if the
- 6101 interfund loan is included in an original budget or in a subsequent budget amendment

6102 previously approved by the board of trustees for the current fiscal year.

6103 (6) Subsections (2) through (5) do not apply to an interfund loan if the interfund loan
6104 is:

6105 (a) a loan from the [local] special district general fund to any other fund of the [local]
6106 special district; or

6107 (b) a short-term advance from the [local] special district's cash and investment pool to
6108 individual funds that are repaid by the end of the fiscal year.

6109 Section 115. Section **17B-1-627** is amended to read:

6110 **17B-1-627. Property tax levy -- Time for setting -- Computation of total levy --**
6111 **Apportionment of proceeds -- Maximum levy.**

6112 (1) The board of trustees of each [local] special district authorized to levy a property
6113 tax, at a regular meeting or special meeting called for that purpose, shall, by resolution, set the
6114 real and personal property tax rate for various district purposes by the date set under Section
6115 [59-2-912](#), but the rate may be set at an appropriate later date in accordance with Sections
6116 [59-2-919](#) through [59-2-923](#).

6117 (2) In its computation of the total levy, the board of trustees shall determine the
6118 requirements of each fund for which property taxes are to be levied and shall specify in its
6119 resolution adopting the tax rate the amount apportioned to each fund.

6120 (3) The proceeds of the levy apportioned for general fund purposes shall be credited as
6121 revenue in the general fund.

6122 (4) The proceeds of the levy apportioned for special fund purposes shall be credited to
6123 the appropriate accounts in the applicable special funds.

6124 (5) The combined levies for each district for all purposes in any year, excluding the
6125 retirement of general obligation bonds and the payment of any interest on the bonds, and any
6126 taxes expressly authorized by law to be levied in addition, may not exceed the limit enumerated
6127 by the laws governing each district.

6128 Section 116. Section **17B-1-629** is amended to read:

6129 **17B-1-629. Operating and capital budgets.**

6130 (1) (a) As used in this section, "operating and capital budget" means a plan of financial
6131 operation for a proprietary or other required special fund, embodying estimates of operating
6132 resources and expenses and other outlays for a fiscal year.

6133 (b) Except as otherwise expressly provided, the reference to "budget" or "budgets" and
6134 the procedures and controls relating to them in other sections of this part do not apply or refer
6135 to the "operating and capital budgets" provided for in this section.

6136 (2) On or before the time the board of trustees adopts budgets for the governmental
6137 funds under Section 17B-1-605, it shall adopt for the ensuing year an operating and capital
6138 budget for each proprietary fund and shall adopt the type of budget for other special funds
6139 which is required by the Uniform Accounting Manual for ~~Local~~ Special Districts.

6140 (3) Operating and capital budgets shall be adopted and administered in the following
6141 manner:

6142 (a) (i) On or before the first regularly scheduled meeting of the board of trustees, in
6143 November for calendar year entities and May for fiscal year entities, the budget officer shall
6144 prepare for the ensuing fiscal year, and file with the board of trustees, a tentative operating and
6145 capital budget for each proprietary fund and for other required special funds, together with
6146 specific work programs and any other supporting data required by the board.

6147 (ii) If, within any proprietary fund, allocations or transfers that are not reasonable
6148 allocations of costs between funds are included in a tentative budget, a written notice of the
6149 date, time, place, and purpose of the hearing shall be mailed to utility fund customers at least
6150 seven days before the hearing.

6151 (iii) The purpose portion of the notice required under Subsection (3)(a)(ii) shall
6152 identify:

- 6153 (A) the enterprise utility fund from which money is being transferred;
- 6154 (B) the amount being transferred; and
- 6155 (C) the fund to which the money is being transferred.

6156 (b) (i) The board of trustees shall review and consider the tentative budgets at any
6157 regular meeting or special meeting called for that purpose.

6158 (ii) The board of trustees may make any changes in the tentative budgets that it
6159 considers advisable.

6160 (c) Budgets for proprietary or other required special funds shall comply with the public
6161 hearing requirements established in Sections 17B-1-609 and 17B-1-610.

6162 (d) (i) The board of trustees shall adopt an operating and capital budget for each
6163 proprietary fund for the ensuing fiscal year before the beginning of each fiscal year, except as

6164 provided in Sections 59-2-919 through 59-2-923.

6165 (ii) A copy of the budget as finally adopted for each proprietary fund shall be certified
6166 by the budget officer and filed by the officer in the district office and shall be available to the
6167 public during regular business hours.

6168 (iii) A copy of the budget shall also be filed with the state auditor within 30 days after
6169 adoption.

6170 (e) (i) Upon final adoption, the operating and capital budget is in effect for the budget
6171 year, subject to later amendment.

6172 (ii) During the budget year, the board of trustees may, in any regular meeting or special
6173 meeting called for that purpose, review any one or more of the operating and capital budgets
6174 for the purpose of determining if the total of any of them should be increased.

6175 (iii) If the board of trustees decides that the budget total of one or more of these
6176 proprietary funds should be increased, the board shall follow the procedures established in
6177 Section 17B-1-630.

6178 (f) Expenditures from operating and capital budgets shall conform to the requirements
6179 relating to budgets specified in Sections 17B-1-617 through 17B-1-620.

6180 Section 117. Section 17B-1-631 is amended to read:

6181 **17B-1-631. District clerk -- Meetings and records.**

6182 (1) The board of trustees of each [~~local~~] special district shall appoint a district clerk.

6183 (2) If required, the clerk may be chosen from among the members of the board of
6184 trustees, except the chair.

6185 (3) The district clerk or other appointed person shall attend the meetings and keep a
6186 record of the proceedings of the board of trustees.

6187 Section 118. Section 17B-1-632 is amended to read:

6188 **17B-1-632. District clerk -- Bookkeeping duties.**

6189 The district clerk or other designated person not performing treasurer duties shall
6190 maintain the financial records for each fund of the [~~local~~] special district and all related
6191 subsidiary records, including a list of the outstanding bonds, their purpose, amount, terms, date,
6192 and place payable.

6193 Section 119. Section 17B-1-633 is amended to read:

6194 **17B-1-633. District treasurer -- Duties generally.**

6195 (1) (a) The board of trustees of each ~~local~~ special district shall appoint a district
6196 treasurer.

6197 (b) (i) If required, the treasurer may be chosen from among the members of the board
6198 of trustees, except that the board chair may not be district treasurer.

6199 (ii) The district clerk may not also be the district treasurer.

6200 (2) The district treasurer is custodian of all money, bonds, or other securities of the
6201 district.

6202 (3) The district treasurer shall:

6203 (a) determine the cash requirements of the district and provide for the deposit and
6204 investment of all money by following the procedures and requirements of Title 51, Chapter 7,
6205 State Money Management Act;

6206 (b) receive all public funds and money payable to the district within three business days
6207 after collection, including all taxes, licenses, fines, and intergovernmental revenue;

6208 (c) keep an accurate detailed account of all money received under Subsection (3)(b) in
6209 the manner provided in this part and as directed by the district's board of trustees by resolution;
6210 and

6211 (d) collect all special taxes and assessments as provided by law and ordinance.

6212 Section 120. Section **17B-1-635** is amended to read:

6213 **17B-1-635. Duties with respect to issuance of checks.**

6214 (1) The district clerk or other designated person not performing treasurer duties shall
6215 prepare the necessary checks after having determined that:

6216 (a) the claim was authorized by:

6217 (i) the board of trustees; or

6218 (ii) the ~~local~~ special district financial officer, if the financial officer is not the clerk, in
6219 accordance with Section [17B-1-642](#);

6220 (b) the claim does not overexpend the appropriate departmental budget established by
6221 the board of trustees; and

6222 (c) the expenditure was approved in advance by the board of trustees or its designee.

6223 (2) (a) (i) The treasurer or any other person appointed by the board of trustees shall
6224 sign all checks.

6225 (ii) The person maintaining the financial records may not sign any single signature

6226 check.

6227 (b) In a [~~local~~] special district with an expenditure budget of less than \$50,000 per
6228 year, a member of the board of trustees shall also sign all checks.

6229 (c) Before affixing a signature, the treasurer or other designated person shall determine
6230 that a sufficient amount is on deposit in the appropriate bank account of the district to honor
6231 the check.

6232 Section 121. Section **17B-1-639** is amended to read:

6233 **17B-1-639. Annual financial reports -- Audit reports.**

6234 (1) Within 180 days after the close of each fiscal year, the district shall prepare an
6235 annual financial report in conformity with generally accepted accounting principles as
6236 prescribed in the Uniform Accounting Manual for [~~Local~~] Special Districts.

6237 (2) The requirement under Subsection (1) to prepare an annual financial report may be
6238 satisfied by presentation of the audit report furnished by the auditor.

6239 (3) Copies of the annual financial report or the audit report furnished by the auditor
6240 shall be filed with the state auditor and shall be filed as a public document in the district office.

6241 Section 122. Section **17B-1-640** is amended to read:

6242 **17B-1-640. Audits required.**

6243 (1) An audit of each [~~local~~] special district is required to be performed in conformity
6244 with Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal
6245 Organizations, and Other Local Entities Act.

6246 (2) The board of trustees shall appoint an auditor for the purpose of complying with the
6247 requirements of this section and with Title 51, Chapter 2a, Accounting Reports from Political
6248 Subdivisions, Interlocal Organizations, and Other Local Entities Act.

6249 Section 123. Section **17B-1-641** is amended to read:

6250 **17B-1-641. Special district may expand uniform procedures -- Limitation.**

6251 (1) Subject to Subsection (2), a [~~local~~] special district may expand the uniform
6252 accounting, budgeting, and reporting procedure prescribed in the Uniform Accounting Manual
6253 for [~~Local~~] Special Districts prepared by the state auditor under Subsection [67-3-1](#)(16), to
6254 better serve the needs of the district.

6255 (2) A [~~local~~] special district may not deviate from or alter the basic prescribed
6256 classification systems for the identity of funds and accounts set forth in the Uniform

6257 Accounting Manual for [~~Local~~] Special Districts.

6258 Section 124. Section **17B-1-642** is amended to read:

6259 **17B-1-642. Approval of district expenditures.**

6260 (1) The board of trustees of each [~~local~~] special district shall approve all expenditures
6261 of the district except as otherwise provided in this section.

6262 (2) The board of trustees may authorize the district manager or other official approved
6263 by the board to act as the financial officer for the purpose of approving:

6264 (a) payroll checks, if the checks are prepared in accordance with a schedule approved
6265 by the board; and

6266 (b) routine expenditures, such as utility bills, payroll-related expenses, supplies, and
6267 materials.

6268 (3) Notwithstanding Subsection (2), the board of trustees shall, at least quarterly,
6269 review all expenditures authorized by the financial officer.

6270 (4) The board of trustees shall set a maximum sum over which all purchases may not
6271 be made without the board's approval.

6272 Section 125. Section **17B-1-643** is amended to read:

6273 **17B-1-643. Imposing or increasing a fee for service provided by special district.**

6274 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided
6275 by a [~~local~~] special district, each [~~local~~] special district board of trustees shall first hold a public
6276 hearing at which:

6277 (i) the [~~local~~] special district shall demonstrate its need to impose or increase the fee;
6278 and

6279 (ii) any interested person may speak for or against the proposal to impose a fee or to
6280 increase an existing fee.

6281 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning
6282 no earlier than 6 p.m.

6283 (c) A public hearing required under this Subsection (1) may be combined with a public
6284 hearing on a tentative budget required under Section **17B-1-610**.

6285 (d) Except to the extent that this section imposes more stringent notice requirements,
6286 the [~~local~~] special district board shall comply with Title 52, Chapter 4, Open and Public
6287 Meetings Act, in holding the public hearing under Subsection (1)(a).

6288 (2) (a) Each [local] special district board shall give notice of a hearing under
6289 Subsection (1) as provided in Subsections (2)(b) and (c) or Subsection (2)(d).

6290 (b) The [local] special district board shall:

6291 (i) post the notice required under Subsection (2)(a) on the Utah Public Notice Website,
6292 created in Section 63A-16-601; and

6293 (ii) post at least one of the notices required under Subsection (2)(a) per 1,000
6294 population within the [local] special district, at places within the [local] special district that are
6295 most likely to provide actual notice to residents within the [local] special district, subject to a
6296 maximum of 10 notices.

6297 (c) The notice described in Subsection (2)(b) shall state that the [local] special district
6298 board intends to impose or increase a fee for a service provided by the [local] special district
6299 and will hold a public hearing on a certain day, time, and place fixed in the notice, which shall
6300 be not less than seven days after the day the first notice is published, for the purpose of hearing
6301 comments regarding the proposed imposition or increase of a fee and to explain the reasons for
6302 the proposed imposition or increase.

6303 (d) (i) In lieu of providing notice under Subsection (2)(b), the [local] special district
6304 board of trustees may give the notice required under Subsection (2)(a) by mailing the notice to
6305 those within the district who:

6306 (A) will be charged the fee for a district service, if the fee is being imposed for the first
6307 time; or

6308 (B) are being charged a fee, if the fee is proposed to be increased.

6309 (ii) Each notice under Subsection (2)(d)(i) shall comply with Subsection (2)(c).

6310 (iii) A notice under Subsection (2)(d)(i) may accompany a district bill for an existing
6311 fee.

6312 (e) If the hearing required under this section is combined with the public hearing
6313 required under Section 17B-1-610, the notice required under this Subsection (2):

6314 (i) may be combined with the notice required under Section 17B-1-609; and

6315 (ii) shall be posted or mailed in accordance with the notice provisions of this section.

6316 (f) Proof that notice was given as provided in Subsection (2)(b) or (d) is prima facie
6317 evidence that notice was properly given.

6318 (g) If no challenge is made to the notice given of a hearing required by Subsection (1)

6319 within 30 days after the date of the hearing, the notice is considered adequate and proper.

6320 (3) After holding a public hearing under Subsection (1), a [local] special district board
6321 may:

6322 (a) impose the new fee or increase the existing fee as proposed;

6323 (b) adjust the amount of the proposed new fee or the increase of the existing fee and
6324 then impose the new fee or increase the existing fee as adjusted; or

6325 (c) decline to impose the new fee or increase the existing fee.

6326 (4) This section applies to each new fee imposed and each increase of an existing fee
6327 that occurs on or after July 1, 1998.

6328 (5) (a) This section does not apply to an impact fee.

6329 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a,
6330 Impact Fees Act.

6331 Section 126. Section **17B-1-644** is amended to read:

6332 **17B-1-644. Definitions -- Electronic payments -- Fee.**

6333 (1) As used in this section:

6334 (a) "Electronic payment" means the payment of money to a [local] special district by
6335 electronic means, including by means of a credit card, charge card, debit card, prepaid or stored
6336 value card or similar device, or automatic clearinghouse transaction.

6337 (b) "Electronic payment fee" means an amount of money to defray the discount fee,
6338 processing fee, or other fee charged by a credit card company or processing agent to process an
6339 electronic payment.

6340 (c) "Processing agent" means a bank, transaction clearinghouse, or other third party
6341 that charges a fee to process an electronic payment.

6342 (2) A [local] special district may accept an electronic payment for the payment of funds
6343 which the [local] special district could have received through another payment method.

6344 (3) A [local] special district that accepts an electronic payment may charge an
6345 electronic payment fee.

6346 Section 127. Section **17B-1-645** is amended to read:

6347 **17B-1-645. Residential fee credit.**

6348 (1) A [local] special district may create a fee structure under this title that permits:

6349 (a) a home owner or residential tenant to file for a fee credit for a fee charged by the

6350 [local] special district, if the credit is based on:
6351 (i) the home owner's annual income; or
6352 (ii) the residential tenant's annual income; or
6353 (b) an owner of federally subsidized housing to file for a credit for a fee charged by the
6354 [local] special district.

6355 (2) If a [local] special district permits a person to file for a fee credit under Subsection
6356 (1)(a), the [local] special district shall make the credit available to:

- 6357 (a) a home owner; and
- 6358 (b) a residential tenant.

6359 Section 128. Section **17B-1-701** is amended to read:

6360 **Part 7. Special District Budgets and Audit Reports**

6361 **17B-1-701. Definitions.**

6362 As used in this part:

6363 (1) "Audit reports" means the reports of any independent audit of the district performed
6364 by:

- 6365 (a) an independent auditor as required by Title 51, Chapter 2a, Accounting Reports
6366 from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;
- 6367 (b) the state auditor; or
- 6368 (c) the legislative auditor.

6369 (2) "Board" means the [local] special district board of trustees.

6370 (3) "Budget" means a plan of financial operations for a fiscal year that includes:

- 6371 (a) estimates of proposed expenditures for given purposes and the proposed means of
6372 financing them;
- 6373 (b) the source and amount of estimated revenue for the district for the fiscal year;
- 6374 (c) fund balance in each fund at the beginning of the fiscal year and the projected fund
6375 balance for each fund at the end of the fiscal year; and
- 6376 (d) capital projects or budgets for proposed construction or improvement to capital
6377 facilities within the district.

6378 (4) "Constituent entity" means any county, city, or town that levies property taxes
6379 within the boundaries of the district.

6380 (5) (a) "Customer agencies" means those governmental entities, except school districts,

6381 institutions of higher education, and federal government agencies that purchase or obtain
6382 services from the [local] special district.

6383 (b) "Customer agencies" for purposes of state agencies means the state auditor.

6384 Section 129. Section **17B-1-702** is amended to read:

6385 **17B-1-702. Special districts to submit budgets.**

6386 (1) (a) Except as provided in Subsection (1)(b), within 30 days after it is approved by
6387 the board, and at least 30 days before the board adopts a final budget, the board of each [local]
6388 special district with an annual budget of \$50,000 or more shall send a copy of its tentative
6389 budget and notice of the time and place for its budget hearing to:

6390 (i) each of its constituent entities that has in writing requested a copy; and

6391 (ii) to each of its customer agencies that has in writing requested a copy.

6392 (b) Within 30 days after it is approved by the board, and at least 30 days before the
6393 board adopts a final budget, the board of trustees of a large public transit district as defined in
6394 Section **17B-2a-802** shall send a copy of its tentative budget and notice of the time and place
6395 for its budget hearing to:

6396 (i) each of its constituent entities;

6397 (ii) each of its customer agencies that has in writing requested a copy;

6398 (iii) the governor; and

6399 (iv) the Legislature.

6400 (c) The [local] special district shall include with the tentative budget a signature sheet
6401 that includes:

6402 (i) language that the constituent entity or customer agency received the tentative budget
6403 and has no objection to it; and

6404 (ii) a place for the chairperson or other designee of the constituent entity or customer
6405 agency to sign.

6406 (2) Each constituent entity and each customer agency that receives the tentative budget
6407 shall review the tentative budget submitted by the district and either:

6408 (a) sign the signature sheet and return it to the district; or

6409 (b) attend the budget hearing or other meeting scheduled by the district to discuss the
6410 objections to the proposed budget.

6411 (3) (a) If any constituent entity or customer agency that received the tentative budget

6412 has not returned the signature sheet to the [local] special district within 15 calendar days after
6413 the tentative budget was mailed, the [local] special district shall send a written notice of the
6414 budget hearing to each constituent entity or customer agency that did not return a signature
6415 sheet and invite them to attend that hearing.

6416 (b) If requested to do so by any constituent entity or customer agency, the [local]
6417 special district shall schedule a meeting to discuss the budget with the constituent entities and
6418 customer agencies.

6419 (c) At the budget hearing, the [local] special district board shall:

6420 (i) explain its budget and answer any questions about it;

6421 (ii) specifically address any questions or objections raised by the constituent entity,
6422 customer agency, or those attending the meeting; and

6423 (iii) seek to resolve the objections.

6424 (4) Nothing in this part prevents a [local] special district board from approving or
6425 implementing a budget over any or all constituent entity's or customer agency's protests,
6426 objections, or failure to respond.

6427 Section 130. Section **17B-1-703** is amended to read:

6428 **17B-1-703. Special districts to submit audit reports.**

6429 (1) (a) Except as provided in Subsection (1)(b), within 30 days after it is presented to
6430 the board, the board of each [local] special district with an annual budget of \$50,000 or more
6431 shall send a copy of any audit report to:

6432 (i) each of its constituent entities that has in writing requested a copy; and

6433 (ii) each of its customer agencies that has in writing requested a copy.

6434 (b) Within 30 days after it is presented to the board, the board of a large public transit
6435 district as defined in Section **17B-2a-802** shall send a copy of its annual audit report to:

6436 (i) each of its constituent entities; and

6437 (ii) each of its customer agencies that has in writing requested a copy.

6438 (2) Each constituent entity and each customer agency that received the audit report
6439 shall review the audit report submitted by the district and, if necessary, request a meeting with
6440 the district board to discuss the audit report.

6441 (3) At the meeting, the [local] special district board shall:

6442 (a) answer any questions about the audit report; and

6443 (b) discuss their plans to implement suggestions made by the auditor.

6444 Section 131. Section **17B-1-801** is amended to read:

6445 **Part 8. Special District Personnel Management**

6446 **17B-1-801. Establishment of special district merit system.**

6447 (1) A merit system of personnel administration for the [local] special districts of the
6448 state, their departments, offices, and agencies, except as otherwise specifically provided, is
6449 established.

6450 (2) This part does not apply to a [local] special district with annual revenues less than
6451 \$50,000.

6452 Section 132. Section **17B-1-802** is amended to read:

6453 **17B-1-802. Review of personnel policies.**

6454 Each [local] special district that has full or part-time employees shall annually review
6455 its personnel policies to ensure that they conform to the requirements of state and federal law.

6456 Section 133. Section **17B-1-803** is amended to read:

6457 **17B-1-803. Merit principles.**

6458 A [local] special district may establish a personnel system administered in a manner
6459 that will provide for the effective implementation of merit principles that provide for:

6460 (1) recruiting, selecting, and advancing employees on the basis of their relative ability,
6461 knowledge, and skills, including open consideration of qualified applicants for initial
6462 appointment;

6463 (2) providing equitable and adequate compensation;

6464 (3) training employees as needed to assure high-quality performance;

6465 (4) retaining employees on the basis of the adequacy of their performance, and
6466 separation of employees whose inadequate performance cannot be corrected;

6467 (5) fair treatment of applicants and employees in all aspects of personnel
6468 administration without regard to race, color, religion, sex, national origin, political affiliation,
6469 age, or disability, and with proper regard for their privacy and constitutional rights as citizens;

6470 (6) providing information to employees regarding their political rights and prohibited
6471 practices under the Hatch Political Activities Act, 5 U.S.C. Sec. 1501 through 1508 et seq.; and

6472 (7) providing a formal procedure for processing the appeals and grievances of
6473 employees without discrimination, coercion, restraint, or reprisal.

6474 Section 134. Section **17B-1-804** is amended to read:

6475 **17B-1-804. Compliance with Labor Code requirements.**

6476 Each [local] special district shall comply with the requirements of Section [34-32-1.1](#).

6477 Section 135. Section **17B-1-805** is amended to read:

6478 **17B-1-805. Human resource management requirement.**

6479 (1) As used in this section:

6480 (a) "Governing body" means the same as that term is defined in Section [17B-1-201](#).

6481 (b) "Human resource management duties" means the exercise of human resource
6482 management functions and responsibilities, including:

6483 (i) complying with federal and state employment law;

6484 (ii) administering compensation and benefits; and

6485 (iii) ensuring employee safety.

6486 (c) "Human resource management training" means a program designed to instruct an
6487 individual on the performance of human resource management duties.

6488 (2) If a [local] special district has full or part-time employees, the governing body
6489 shall:

6490 (a) adopt human resource management policies;

6491 (b) assign human resource management duties to one of the district's employees or
6492 another person; and

6493 (c) ensure that the employee or person assigned under Subsection (2)(b) receives
6494 human resource management training.

6495 Section 136. Section **17B-1-901** is amended to read:

6496 **17B-1-901. Providing and billing for multiple commodities, services, or facilities**
6497 **-- Suspending service to a delinquent customer.**

6498 (1) If a [local] special district provides more than one commodity, service, or facility,
6499 the district may bill for the fees and charges for all commodities, services, and facilities in a
6500 single bill.

6501 (2) Regardless of the number of commodities, services, or facilities furnished by a
6502 [local] special district, the [local] special district may suspend furnishing any commodity,
6503 service, or facility to a customer if the customer fails to pay all fees and charges when due.

6504 (3) (a) Notwithstanding Subsection (2) and except as provided in Subsection (3)(b), a

6505 [local] special district may not suspend furnishing any commodity, service, or facility to a
6506 customer if discontinuance of the service is requested by a private third party, including an
6507 individual, a private business, or a nonprofit organization, that is not the customer.

6508 (b) (i) An owner of land or the owner's agent may request that service be temporarily
6509 discontinued for maintenance-related activities.

6510 (ii) An owner of land or the owner's agent may not request temporary discontinuance of
6511 service under Subsection (3)(b)(i) if the request is for the purpose of debt collection, eviction,
6512 or any other unlawful purpose.

6513 Section 137. Section **17B-1-902** is amended to read:

6514 **17B-1-902. Lien for past due service fees -- Notice -- Partial payment allocation.**

6515 (1) (a) A [local] special district may hold a lien on a customer's property for past due
6516 fees for commodities, services, or facilities that the district has provided to the customer's
6517 property by certifying, subject to Subsection (3), to the treasurer of the county in which the
6518 customer's property is located the amount of past due fees, including, subject to Section
6519 [17B-1-902.1](#), applicable interest and administrative costs.

6520 (b) (i) Upon certification under Subsection (1)(a), the past due fees, and if applicable,
6521 interest and administrative costs, become a political subdivision lien that is a nonrecurring tax
6522 notice charge, as those terms are defined in Section [11-60-102](#), on the customer's property to
6523 which the commodities, services, or facilities were provided in accordance with Title 11,
6524 Chapter 60, Political Subdivision Lien Authority.

6525 (ii) A lien described in this Subsection (1) has the same priority as, but is separate and
6526 distinct from, a property tax lien.

6527 (2) (a) If a [local] special district certifies past due fees under Subsection (1)(a), the
6528 treasurer of the county shall provide a notice, in accordance with this Subsection (2), to the
6529 owner of the property for which the [local] special district has incurred the past due fees.

6530 (b) In providing the notice required in Subsection (2)(a), the treasurer of the county
6531 shall:

6532 (i) include the amount of past due fees that a [local] special district has certified on or
6533 before July 15 of the current year;

6534 (ii) provide contact information, including a phone number, for the property owner to
6535 contact the [local] special district to obtain more information regarding the amount described in

6536 Subsection (2)(b)(i); and

6537 (iii) notify the property owner that:

6538 (A) if the amount described in Subsection (2)(b)(i) is not paid in full by September 15
6539 of the current year, any unpaid amount will be included on the property tax notice required by
6540 Section 59-2-1317; and

6541 (B) the failure to pay the amount described in Subsection (2)(b)(i) has resulted in a lien
6542 on the property in accordance with Subsection (1)(b).

6543 (c) The treasurer of the county shall provide the notice required by this Subsection (2)
6544 to a property owner on or before August 1.

6545 (3) (a) If a [local] special district certifies an unpaid amount in accordance with
6546 Subsection (1)(a), the county treasurer shall include the unpaid amount on a property tax notice
6547 issued in accordance with Section 59-2-1317.

6548 (b) If an unpaid fee, administrative cost, or interest is included on a property tax notice
6549 in accordance with Subsection (3)(a), the county treasurer shall on the property tax notice:

6550 (i) clearly state that the unpaid fee, administrative cost, or interest is for a service
6551 provided by the [local] special district; and

6552 (ii) itemize the unpaid fee, administrative cost, or interest separate from any other tax,
6553 fee, interest, or penalty that is included on the property tax notice in accordance with Section
6554 59-2-1317.

6555 (4) A lien under Subsection (1) is not valid if the [local] special district makes
6556 certification under Subsection (1)(a) after the filing for record of a document conveying title of
6557 the customer's property to a new owner.

6558 (5) Nothing in this section may be construed to:

6559 (a) waive or release the customer's obligation to pay fees that the district has imposed;

6560 (b) preclude the certification of a lien under Subsection (1) with respect to past due
6561 fees for commodities, services, or facilities provided after the date that title to the property is
6562 transferred to a new owner; or

6563 (c) nullify or terminate a valid lien.

6564 (6) After all amounts owing under a lien established as provided in this section have
6565 been paid, the [local] special district shall file for record in the county recorder's office a
6566 release of the lien.

6567 Section 138. Section **17B-1-902.1** is amended to read:

6568 **17B-1-902.1. Interest -- Collection of administrative costs.**

6569 (1) (a) A [~~local~~] special district may charge interest on a past due fee or past due
6570 charge.

6571 (b) If a [~~local~~] special district charges interest as described in Subsection (1)(b), the
6572 [~~local~~] special district shall calculate the interest rate for a calendar year:

6573 (i) based on the federal short-term rate determined by the secretary of the treasury
6574 under Section 6621, Internal Revenue Code, in effect for the preceding fourth calendar quarter;
6575 and

6576 (ii) as simple interest at the rate of eighteen percentage points above the federal
6577 short-term rate.

6578 (c) If a [~~local~~] special district charges interest on a past due fee collected by the [~~local~~]
6579 special district, regardless of whether the fee is certified, the [~~local~~] special district may charge
6580 the interest monthly but may not compound the interest more frequently than annually.

6581 (2) (a) A [~~local~~] special district may charge and collect only one of the following:

6582 (i) a one-time penalty charge not to exceed 8% for a past-due fee; or

6583 (ii) an administrative cost for some or all of the following:

6584 (A) the collection cost of a past due fee or charge;

6585 (B) reasonable attorney fees actually incurred for collection and foreclosure costs, if
6586 applicable; and

6587 (C) any other cost.

6588 (b) A [~~local~~] special district may not charge interest on an administrative cost.

6589 Section 139. Section **17B-1-903** is amended to read:

6590 **17B-1-903. Authority to require written application for water or sewer service**
6591 **and to terminate for failure to pay -- Limitations.**

6592 (1) A [~~local~~] special district that owns or controls a system for furnishing water or
6593 providing sewer service or both may:

6594 (a) before furnishing water or providing sewer service to a property, require the
6595 property owner or an authorized agent to submit a written application, signed by the owner or
6596 an authorized agent, agreeing to pay for all water furnished or sewer service provided to the
6597 property, whether occupied by the owner or by a tenant or other occupant, according to the

6598 rules and regulations adopted by the [local] special district; and

6599 (b) if a customer fails to pay for water furnished or sewer service provided to the
6600 customer's property, discontinue furnishing water or providing sewer service to the property
6601 until all amounts for water furnished or sewer service provided are paid, subject to Subsection
6602 (2).

6603 (2) Unless a valid lien has been established as provided in Section 17B-1-902, has not
6604 been satisfied, and has not been terminated by a sale as provided in Section 17B-1-902, a
6605 [local] special district may not:

6606 (a) use a customer's failure to pay for water furnished or sewer service provided to the
6607 customer's property as a basis for not furnishing water or providing sewer service to the
6608 property after ownership of the property is transferred to a subsequent owner; or

6609 (b) require an owner to pay for water that was furnished or sewer service that was
6610 provided to the property before the owner's ownership.

6611 Section 140. Section 17B-1-904 is amended to read:

6612 **17B-1-904. Collection of service fees.**

6613 (1) As used in this section:

6614 (a) "Collection costs" means an amount, not to exceed \$20, to reimburse a [local]
6615 special district for expenses associated with its efforts to collect past due service fees from a
6616 customer.

6617 (b) "Customer" means the owner of real property to which a [local] special district has
6618 provided a service for which the [local] special district charges a service fee.

6619 (c) "Damages" means an amount equal to the greater of:

6620 (i) \$100; and

6621 (ii) triple the past due service fees.

6622 (d) "Default date" means the date on which payment for service fees becomes past due.

6623 (e) "Past due service fees" means service fees that on or after the default date have not
6624 been paid.

6625 (f) "Prelitigation damages" means an amount that is equal to the greater of:

6626 (i) \$50; and

6627 (ii) triple the past due service fees.

6628 (g) "Service fee" means an amount charged by a [local] special district to a customer

6629 for a service, including furnishing water, providing sewer service, and providing garbage
6630 collection service, that the district provides to the customer's property.

6631 (2) A customer is liable to a [~~local~~] special district for past due service fees and
6632 collection costs if:

6633 (a) the customer has not paid service fees before the default date;

6634 (b) the [~~local~~] special district mails the customer notice as provided in Subsection (4);

6635 and

6636 (c) the past due service fees remain unpaid 15 days after the [~~local~~] special district has
6637 mailed notice.

6638 (3) If a customer has not paid the [~~local~~] special district the past due service fees and
6639 collection costs within 30 days after the [~~local~~] special district mails notice, the [~~local~~] special
6640 district may make an offer to the customer that the [~~local~~] special district will forego filing a
6641 civil action under Subsection (5) if the customer pays the [~~local~~] special district an amount that:

6642 (a) consists of the past due service fees, collection costs, prelitigation damages, and, if
6643 the [~~local~~] special district retains an attorney to recover the past due service fees, a reasonable
6644 attorney fee not to exceed \$50; and

6645 (b) if the customer's property is residential, may not exceed \$100.

6646 (4) (a) Each notice under Subsection (2)(b) shall:

6647 (i) be in writing;

6648 (ii) be mailed to the customer by the United States mail, postage prepaid;

6649 (iii) notify the customer that:

6650 (A) if the past due service fees are not paid within 15 days after the day on which the
6651 [~~local~~] special district mailed notice, the customer is liable for the past due service fees and
6652 collection costs; and

6653 (B) the [~~local~~] special district may file civil action if the customer does not pay to the
6654 [~~local~~] special district the past due service fees and collection costs within 30 calendar days
6655 from the day on which the [~~local~~] special district mailed notice; and

6656 (iv) be in substantially the following form:

6657 Date: _____

6658 To: _____

6659 Service address: _____

6660 Account or invoice number(s): _____

6661 Date(s) of service: _____

6662 Amount past due: _____

6663 You are hereby notified that water or sewer service fees (or both) owed by you are in
6664 default. In accordance with Section 17B-1-902, Utah Code Annotated, if you do not pay the
6665 past due amount within 15 days from the day on which this notice was mailed to you, you are
6666 liable for the past due amount together with collection costs of \$20.

6667 You are further notified that if you do not pay the past due amount and the \$20
6668 collection costs within 30 calendar days from the day on which this notice was mailed to you,
6669 an appropriate civil legal action may be filed against you for the past due amount, interest,
6670 court costs, attorney fees, and damages in an amount equal to the greater of \$100 or triple the
6671 past due amounts, but the combined total of all these amounts may not exceed \$200 if your
6672 property is residential.

6673 (Signed) _____

6674 Name of [local] special district _____

6675 Address of [local] special district _____

6676 Telephone number of [local] special district _____

6677 (b) Written notice under this section is conclusively presumed to have been given if the
6678 notice is:

6679 (i) properly deposited in the United States mail, postage prepaid, by certified or
6680 registered mail, return receipt requested; and

6681 (ii) addressed to the customer at the customer's:

6682 (A) address as it appears in the records of the [local] special district; or

6683 (B) last-known address.

6684 (5) (a) A [local] special district may file a civil action against the customer if the
6685 customer fails to pay the past due service fees and collection costs within 30 calendar days
6686 from the date on which the [local] special district mailed notice under Subsection (2)(b).

6687 (b) (i) In a civil action under this Subsection (5), a customer is liable to the [local]
6688 special district for an amount that:

6689 (A) consists of past due service fees, collection costs, interest, court costs, a reasonable
6690 attorney fee, and damages; and

6691 (B) if the customer's property is residential, may not exceed \$200.

6692 (ii) Notwithstanding Subsection (5)(b)(i), a court may, upon a finding of good cause,
6693 waive interest, court costs, the attorney fee, and damages, or any combination of them.

6694 (c) If a [local] special district files a civil action under this Subsection (5) before 31
6695 calendar days after the day on which the [local] special district mailed notice under Subsection
6696 (2)(b), a customer may not be held liable for an amount in excess of past due service fees.

6697 (d) A [local] special district may not file a civil action under this Subsection (5) unless
6698 the customer has failed to pay the past due service fees and collection costs within 30 days
6699 from the day on which the [local] special district mailed notice under Subsection (2)(b).

6700 (6) (a) All amounts charged or collected as prelitigation damages or as damages shall
6701 be paid to and be the property of the [local] special district that furnished water or provided
6702 sewer service and may not be retained by a person who is not that [local] special district.

6703 (b) A [local] special district may not contract for a person to retain any amounts
6704 charged or collected as prelitigation damages or as damages.

6705 (7) This section may not be construed to limit a [local] special district from obtaining
6706 relief to which it may be entitled under other applicable statute or cause of action.

6707 Section 141. Section **17B-1-905** is amended to read:

6708 **17B-1-905. Right of entry on premises of water user.**

6709 A person authorized by a [local] special district that provides a service from a water
6710 system or sewer system may enter upon a premise furnished with or provided that water service
6711 or sewer service to:

6712 (1) examine an apparatus related to or used by the water system or sewer system;

6713 (2) examine the amount of water used or wastewater discharged by the water system or
6714 sewer system and the manner of use or discharge; or

6715 (3) make a necessary shutoff for vacancy, delinquency, or a violation of a [local]
6716 special district rule or regulation relating to the water service or sewer service.

6717 Section 142. Section **17B-1-906** is amended to read:

6718 **17B-1-906. Extraterritorial supply of surplus.**

6719 If a [local] special district runs a surplus product or surplus capacity of a service that the
6720 [local] special district is authorized to provide under Section **17B-1-202**, the [local] special
6721 district may sell or deliver the product or service to others beyond the [local] special district

6722 boundaries.

6723 Section 143. Section 17B-1-1001 is amended to read:

6724 **Part 10. Special District Property Tax Levy**

6725 **17B-1-1001. Provisions applicable to property tax levy.**

6726 (1) Each ~~[local]~~ special district that levies and collects property taxes shall levy and
6727 collect them according to the provisions of Title 59, Chapter 2, Property Tax Act.

6728 (2) As used in this section:

6729 (a) "Appointed board of trustees" means a board of trustees of a ~~[local]~~ special district
6730 that includes a member who is appointed to the board of trustees in accordance with Section
6731 17B-1-304, Subsection 17B-1-303(5), Subsection 17B-1-306(5)(h), or any of the applicable
6732 provisions in [~~Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local~~
6733 ~~Districts~~] Title 17B, Chapter 2a, Provisions Applicable to Different Types of Special Districts.

6734 (b) "Elected board of trustees" means a board of trustees of a ~~[local]~~ special district that
6735 consists entirely of members who are elected to the board of trustees in accordance with
6736 Subsection (4), Section 17B-1-306, or any of the applicable provisions in [~~Title 17B, Chapter~~
6737 ~~2a, Provisions Applicable to Different Types of Local Districts~~] Title 17B, Chapter 2a,
6738 Provisions Applicable to Different Types of Special Districts.

6739 (3) (a) For a taxable year beginning on or after January 1, 2018, a ~~[local]~~ special district
6740 may not levy or collect property tax revenue that exceeds the certified tax rate unless:

6741 (i) to the extent that the revenue from the property tax was pledged before January 1,
6742 2018, the ~~[local]~~ special district pledges the property tax revenue to pay for bonds or other
6743 obligations of the ~~[local]~~ special district; or

6744 (ii) the proposed tax or increase in the property tax rate has been approved by:

6745 (A) an elected board of trustees;

6746 (B) subject to Subsection (3)(b), an appointed board of trustees;

6747 (C) a majority of the registered voters within the ~~[local]~~ special district who vote in an
6748 election held for that purpose on a date specified in Section 20A-1-204;

6749 (D) the legislative body of the appointing authority; or

6750 (E) the legislative body of:

6751 (I) a majority of the municipalities partially or completely included within the
6752 boundary of the specified ~~[local]~~ special district; or

6753 (II) the county in which the specified ~~[local]~~ special district is located, if the county has
 6754 some or all of its unincorporated area included within the boundary of the specified ~~[local]~~
 6755 special district.

6756 (b) For a ~~[local]~~ special district with an appointed board of trustees, each appointed
 6757 member of the board of trustees shall comply with the trustee reporting requirements described
 6758 in Section [17B-1-1003](#) before the ~~[local]~~ special district may impose a property tax levy that
 6759 exceeds the certified tax rate.

6760 (4) (a) Notwithstanding provisions to the contrary in ~~[Title 17B, Chapter 2a, Provisions~~
 6761 ~~Applicable to Different Types of Local Districts]~~ Title 17B, Chapter 2a, Provisions Applicable
 6762 to Different Types of Special Districts, and subject to Subsection (4)(b), members of the board
 6763 of trustees of a ~~[local]~~ special district shall be elected, if:

6764 (i) two-thirds of all members of the board of trustees of the ~~[local]~~ special district vote
 6765 in favor of changing to an elected board of trustees; and

6766 (ii) the legislative body of each municipality or county that appoints a member to the
 6767 board of trustees adopts a resolution approving the change to an elected board of trustees.

6768 (b) A change to an elected board of trustees under Subsection (4)(a) may not shorten
 6769 the term of any member of the board of trustees serving at the time of the change.

6770 (5) Subsections (2), (3), and (4) do not apply to:

6771 (a) Title 17B, Chapter 2a, Part 6, Metropolitan Water District Act;

6772 (b) Title 17B, Chapter 2a, Part 10, Water Conservancy District Act; or

6773 (c) a ~~[local]~~ special district in which:

6774 (i) the board of trustees consists solely of:

6775 (A) land owners or the land owners' agents; or

6776 (B) as described in Subsection [17B-1-302\(3\)](#), land owners or the land owners' agents or
 6777 officers; and

6778 (ii) there are no residents within the ~~[local]~~ special district at the time a property tax is
 6779 levied.

6780 Section 144. Section [17B-1-1002](#) is amended to read:

6781 **17B-1-1002. Limit on special district property tax levy -- Exclusions.**

6782 (1) The rate at which a ~~[local]~~ special district levies a property tax for district operation
 6783 and maintenance expenses on the taxable value of taxable property within the district may not

6784 exceed:

6785 (a) .0008, for a basic [~~local~~] special district;

6786 (b) .0004, for a cemetery maintenance district;

6787 (c) .0004, for a drainage district;

6788 (d) .0008, for a fire protection district;

6789 (e) .0008, for an improvement district;

6790 (f) .0005, for a metropolitan water district;

6791 (g) .0004, for a mosquito abatement district;

6792 (h) .0004, for a public transit district;

6793 (i) (i) .0023, for a service area that:

6794 (A) is located in a county of the first or second class; and

6795 (B) (I) provides fire protection, paramedic, and emergency services; or

6796 (II) subject to Subsection (3), provides law enforcement services; or

6797 (ii) .0014, for each other service area;

6798 (j) the rates provided in Section 17B-2a-1006, for a water conservancy district; or

6799 (k) .0008 for a municipal services district.

6800 (2) Property taxes levied by a [~~local~~] special district are excluded from the limit
6801 applicable to that district under Subsection (1) if the taxes are:

6802 (a) levied under Section 17B-1-1103 by a [~~local~~] special district, other than a water
6803 conservancy district, to pay principal of and interest on general obligation bonds issued by the
6804 district;

6805 (b) levied to pay debt and interest owed to the United States; or

6806 (c) levied to pay assessments or other amounts due to a water users association or other
6807 public cooperative or private entity from which the district procures water.

6808 (3) A service area described in Subsection (1)(i)(i)(B)(II) may not collect a tax
6809 described in Subsection (1)(i)(i) if a municipality or a county having a right to appoint a
6810 member to the board of trustees of the service area under Subsection 17B-2a-905(2) assesses
6811 on or after November 30 in the year in which the tax is first collected and each subsequent year
6812 that the tax is collected:

6813 (a) a generally assessed fee imposed under Section 17B-1-643 for law enforcement
6814 services; or

6815 (b) any other generally assessed fee for law enforcement services.

6816 Section 145. Section **17B-1-1003** is amended to read:

6817 **17B-1-1003. Trustee reporting requirement.**

6818 (1) As used in this section:

6819 (a) "Appointed board of trustees" means a board of trustees of a ~~[local]~~ special district
6820 that includes a member who is appointed to the board of trustees in accordance with Section
6821 17B-1-304, Subsection 17B-1-303(5), Subsection 17B-1-306(5)(h), or any of the applicable
6822 provisions in ~~[Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local~~
6823 ~~Districts]~~ Title 17B, Chapter 2a, Provisions Applicable to Different Types of Special Districts.

6824 (b) "Legislative entity" means:

6825 (i) the member's appointing authority, if the appointing authority is a legislative body;

6826 or

6827 (ii) the member's nominating entity, if the appointing authority is not a legislative body.

6828 (c) (i) "Member" means an individual who is appointed to a board of trustees for a

6829 ~~[local]~~ special district in accordance with Section 17B-1-304, Subsection 17B-1-303(5),

6830 Subsection 17B-1-306(5)(h), or any of the applicable provisions in ~~[Title 17B, Chapter 2a,~~

6831 ~~Provisions Applicable to Different Types of Local Districts]~~ Title 17B, Chapter 2a, Provisions

6832 Applicable to Different Types of Special Districts.

6833 (ii) "Member" includes a member of the board of trustees who holds an elected

6834 position with a municipality, county, or another ~~[local]~~ special district that is partially or

6835 completely included within the boundaries of the ~~[local]~~ special district.

6836 (d) "Nominating entity" means the legislative body that submits nominees for

6837 appointment to the board of trustees to an appointing authority.

6838 (e) "Property tax increase" means a property tax levy that exceeds the certified tax rate

6839 for the taxable year.

6840 (2) (a) If a ~~[local]~~ special district board of trustees adopts a tentative budget that

6841 includes a property tax increase, each member shall report to the member's legislative entity on

6842 the property tax increase.

6843 (b) (i) The ~~[local]~~ special district shall request that each of the legislative entities that

6844 appoint or nominate a member to the ~~[local]~~ special district's board of trustees hear the report

6845 required by Subsection (2)(a) at a public meeting of each legislative entity.

- 6846 (ii) The request to make a report may be made by:
- 6847 (A) the member appointed or nominated by the legislative entity; or
- 6848 (B) another member of the board of trustees.
- 6849 (c) The member appointed or nominated by the legislative entity shall make the report
- 6850 required by Subsection (2)(a) at a public meeting that:
- 6851 (i) complies with Title 52, Chapter 4, Open and Public Meetings Act;
- 6852 (ii) includes the report as a separate agenda item; and
- 6853 (iii) is held within 40 days after the day on which the legislative entity receives a
- 6854 request to hear the report.
- 6855 (d) (i) If the legislative entity does not have a scheduled meeting within 40 days after
- 6856 the day on which the legislative entity receives a request to hear the report required by
- 6857 Subsection (2)(a), the legislative entity shall schedule a meeting for that purpose.
- 6858 (ii) If the legislative entity fails to hear the report at a public meeting that meets the
- 6859 criteria described in Subsection (2)(c), the trustee reporting requirements under this section
- 6860 shall be considered satisfied.
- 6861 (3) (a) A report on a property tax increase at a legislative entity's public meeting shall
- 6862 include:
- 6863 (i) a statement that the [~~local~~] special district intends to levy a property tax at a rate that
- 6864 exceeds the certified tax rate for the taxable year;
- 6865 (ii) the dollar amount of and purpose for additional ad valorem tax revenue that would
- 6866 be generated by the proposed increase in the certified tax rate;
- 6867 (iii) the approximate percentage increase in ad valorem tax revenue for the [~~local~~]
- 6868 special district based on the proposed property tax increase; and
- 6869 (iv) any other information requested by the legislative entity.
- 6870 (b) The legislative entity shall allow time during the meeting for comment from the
- 6871 legislative entity and members of the public on the property tax increase.
- 6872 (4) (a) If more than one member is appointed to the board of trustees by the same
- 6873 legislative entity, a majority of the members appointed or nominated by the legislative entity
- 6874 shall be present to provide the report required by Subsection (2) and described in Subsection
- 6875 (3).
- 6876 (b) The chair of the board of trustees shall appoint another member of the board of

6877 trustees to provide the report described in Subsection (3) to the legislative entity if:

6878 (i) the member appointed or nominated by the legislative entity is unable or unwilling
6879 to provide the report at a public meeting that meets the requirements of Subsection (3)(a); and

6880 (ii) the absence of the member appointed or nominated by the legislative entity results
6881 in:

6882 (A) no member who was appointed or nominated by the legislative entity being present
6883 to provide the report; or

6884 (B) an inability to comply with Subsection (4)(a).

6885 (5) A ~~[local]~~ special district board of trustees may approve a property tax increase only
6886 after the conditions of this section have been satisfied or considered satisfied for each member
6887 of the board of trustees.

6888 Section 146. Section **17B-1-1101** is amended to read:

6889 **Part 11. Special District Bonds**

6890 **17B-1-1101. Provisions applicable to a special district's issuance of bonds.**

6891 Subject to the provisions of this part:

6892 (1) each ~~[local]~~ special district that issues bonds shall:

6893 (a) issue them as provided in, as applicable:

6894 (i) Title 11, Chapter 14, Local Government Bonding Act; or

6895 (ii) Title 11, Chapter 42, Assessment Area Act; and

6896 (b) receive the benefits of Title 11, Chapter 30, Utah Bond Validation Act; and

6897 (2) each ~~[local]~~ special district that issues refunding bonds shall issue them as provided
6898 in Title 11, Chapter 27, Utah Refunding Bond Act.

6899 Section 147. Section **17B-1-1102** is amended to read:

6900 **17B-1-1102. General obligation bonds.**

6901 (1) Except as provided in Subsections (3) and (7), if a district intends to issue general
6902 obligation bonds, the district shall first obtain the approval of district voters for issuance of the
6903 bonds at an election held for that purpose as provided in Title 11, Chapter 14, Local
6904 Government Bonding Act.

6905 (2) General obligation bonds shall be secured by a pledge of the full faith and credit of
6906 the district, subject to, for a water conservancy district, the property tax levy limits of Section
6907 [17B-2a-1006](#).

6908 (3) A district may issue refunding general obligation bonds, as provided in Title 11,
6909 Chapter 27, Utah Refunding Bond Act, without obtaining voter approval.

6910 (4) (a) A [~~local~~] special district may not issue general obligation bonds if the issuance
6911 of the bonds will cause the outstanding principal amount of all of the district's general
6912 obligation bonds to exceed the amount that results from multiplying the fair market value of
6913 the taxable property within the district, as determined under Subsection 11-14-301(3)(b), by a
6914 number that is:

6915 (i) .05, for a basic [~~local~~] special district, except as provided in Subsection (7);

6916 (ii) .004, for a cemetery maintenance district;

6917 (iii) .002, for a drainage district;

6918 (iv) .004, for a fire protection district;

6919 (v) .024, for an improvement district;

6920 (vi) .1, for an irrigation district;

6921 (vii) .1, for a metropolitan water district;

6922 (viii) .0004, for a mosquito abatement district;

6923 (ix) .03, for a public transit district;

6924 (x) .12, for a service area; or

6925 (xi) .05 for a municipal services district.

6926 (b) Bonds or other obligations of a [~~local~~] special district that are not general obligation
6927 bonds are not included in the limit stated in Subsection (4)(a).

6928 (5) A district may not be considered to be a municipal corporation for purposes of the
6929 debt limitation of the Utah Constitution, Article XIV, Section 4.

6930 (6) Bonds issued by an administrative or legal entity created under Title 11, Chapter
6931 13, Interlocal Cooperation Act, may not be considered to be bonds of a [~~local~~] special district
6932 that participates in the agreement creating the administrative or legal entity.

6933 (7) (a) As used in this Subsection (7), "property owner district" means a [~~local~~] special
6934 district whose board members are elected by property owners, as provided in Subsection
6935 17B-1-1402(1)(b).

6936 (b) A property owner district may issue a general obligation bond with the consent of:

6937 (i) the owners of all property within the district; and

6938 (ii) all registered voters, if any, within the boundary of the district.

- 6939 (c) A property owner district may use proceeds from a bond issued under this
6940 Subsection (7) to fund:
- 6941 (i) the acquisition and construction of a system or improvement authorized in the
6942 district's creation resolution; and
- 6943 (ii) a connection outside the boundary of the district between systems or improvements
6944 within the boundary of the district.
- 6945 (d) The consent under Subsection (7)(b) is sufficient for any requirement necessary for
6946 the issuance of a general obligation bond.
- 6947 (e) A general obligation bond issued under this Subsection (7):
- 6948 (i) shall mature no later than 40 years after the date of issuance; and
6949 (ii) is not subject to the limit under Subsection (4)(a)(i).
- 6950 (f) (i) A property owner district may not issue a general obligation bond under this
6951 Subsection (7) if the issuance will cause the outstanding principal amount of all the district's
6952 general obligation bonds to exceed one-half of the market value of all real property within the
6953 district.
- 6954 (ii) Market value under Subsection (7)(f)(i) shall:
- 6955 (A) be based on the value that the real property will have after all improvements
6956 financed by the general obligation bonds are constructed; and
6957 (B) be determined by appraisal by an appraiser who is a member of the Appraisal
6958 Institute.
- 6959 (g) With respect to a general obligation bond issued under this Subsection (7), the
6960 board of a property owner district may, by resolution, delegate to one or more officers of the
6961 district, the authority to:
- 6962 (i) approve the final interest rate, price, principal amount, maturity, redemption
6963 features, and other terms of the bond;
- 6964 (ii) approve and execute a document relating to the issuance of the bond; and
6965 (iii) approve a contract related to the acquisition and construction of an improvement,
6966 facility, or property to be financed with proceeds from the bond.
- 6967 (h) (i) A person may commence a lawsuit or other proceeding to contest the legality of
6968 the issuance of a general obligation bond issued under this Subsection (7) or any provision
6969 relating to the security or payment of the bond if the lawsuit or other proceeding is commenced

6970 within 30 days after the publication of:

6971 (A) the resolution authorizing the issuance of the general obligation bond; or

6972 (B) a notice of the bond issuance containing substantially the items required under
6973 Subsection [11-14-316\(2\)](#).

6974 (ii) Following the period described in Subsection (7)(h)(i), no person may bring a
6975 lawsuit or other proceeding to contest for any reason the regularity, formality, or legality of a
6976 general obligation bond issued under this Subsection (7).

6977 (i) (i) A property owner district that charges and collects an impact fee or other fee on
6978 real property at the time the real property is sold may proportionally pay down a general
6979 obligation bond issued under this Subsection (7) from the money collected from the impact fee
6980 or other fee.

6981 (ii) A property owner district that proportionally pays down a general obligation bond
6982 under Subsection (7)(i)(i) shall reduce the property tax rate on the parcel of real property on
6983 which the district charged and collected an impact fee or other charge, to reflect the amount of
6984 outstanding principal of a general obligation bond issued under this Subsection (7) that was
6985 paid down and is attributable to that parcel.

6986 (j) If a property owner fails to pay a property tax that the property owner district
6987 imposes in connection with a general obligation bond issued under this Subsection (7), the
6988 district may impose a property tax penalty at an annual rate of .07, in addition to any other
6989 penalty allowed by law.

6990 Section 148. Section **17B-1-1103** is amended to read:

6991 **17B-1-1103. Levy to pay for general obligation bonds.**

6992 (1) (a) If a district has issued general obligation bonds, or expects to have debt service
6993 payments due on general obligation bonds during the current year, the district's board of
6994 trustees may make an annual levy of ad valorem property taxes in order to:

6995 (i) pay the principal of and interest on the general obligation bonds;

6996 (ii) establish a sinking fund for defaults and future debt service on the general
6997 obligation bonds; and

6998 (iii) establish a reserve to secure payment of the general obligation bonds.

6999 (b) A levy under Subsection (1)(a) is:

7000 (i) for a water conservancy district, subject to the limit stated in Section [17B-2a-1006](#);

7001 and

7002 (ii) for each other [~~local~~] special district, without limitation as to rate or amount.

7003 (2) (a) Each district that levies a tax under Subsection (1) shall:

7004 (i) levy the tax as a separate and special levy for the specific purposes stated in

7005 Subsection (1); and

7006 (ii) apply the proceeds from the levy solely for the purpose of paying the principal of
7007 and interest on the general obligation bonds, even though the proceeds may be used to establish
7008 or replenish a sinking fund under Subsection (1)(a)(ii) or a reserve under Subsection (1)(a)(iii).

7009 (b) A levy under Subsection (2)(a) is not subject to a priority in favor of a district
7010 obligation in existence at the time the bonds were issued.

7011 Section 149. Section **17B-1-1104** is amended to read:

7012 **17B-1-1104. Pledge of revenues to pay for bonds.**

7013 Bonds may be payable from and secured by the pledge of all or any specified part of:

7014 (1) the revenues to be derived by the special district from providing its services and
7015 from the operation of its facilities and other properties;

7016 (2) sales and use taxes, property taxes, and other taxes;

7017 (3) federal, state, or local grants;

7018 (4) in the case of special assessment bonds, the special assessments pledged to repay
7019 the special assessment bonds; and

7020 (5) other money legally available to the district.

7021 Section 150. Section **17B-1-1105** is amended to read:

7022 **17B-1-1105. Revenue bonds -- Requirement to impose rates and charges to cover**
7023 **revenue bonds -- Authority to make agreements and covenants to provide for bond**
7024 **repayment.**

7025 (1) A [~~local~~] special district intending to issue revenue bonds may, but is not required
7026 to, submit to district voters for their approval the issuance of the revenue bonds at an election
7027 held for that purpose as provided in Title 11, Chapter 14, Local Government Bonding Act.

7028 (2) Each [~~local~~] special district that has issued revenue bonds shall impose rates and
7029 charges for the services or commodities it provides fully sufficient, along with other sources of
7030 district revenues, to carry out all undertakings of the district with respect to its revenue bonds.

7031 (3) A [~~local~~] special district that issues revenue bonds may:

7032 (a) agree to pay operation and maintenance expenses of the district from the proceeds
7033 of the ad valorem taxes authorized in Subsection 17B-1-103(2)(g); and

7034 (b) for the benefit of bondholders, enter into covenants that:

7035 (i) are permitted by Title 11, Chapter 14, Local Government Bonding Act; and

7036 (ii) provide for other pertinent matters that the board of trustees considers proper to
7037 assure the marketability of the bonds.

7038 Section 151. Section 17B-1-1107 is amended to read:

7039 **17B-1-1107. Ratification of previously issued bonds and previously entered**
7040 **contracts.**

7041 All bonds issued or contracts entered into by a [~~local~~] special district before April 30,
7042 2007 are ratified, validated, and confirmed and declared to be valid and legally binding
7043 obligations of the district in accordance with their terms.

7044 Section 152. Section 17B-1-1201 is amended to read:

7045 **Part 12. Special District Validation Proceedings**

7046 **17B-1-1201. Definitions.**

7047 As used in this part:

7048 (1) "Eligible function" means:

7049 (a) a power conferred on a [~~local~~] special district under this title;

7050 (b) a tax or assessment levied by a [~~local~~] special district;

7051 (c) an act or proceeding that a [~~local~~] special district:

7052 (i) has taken; or

7053 (ii) contemplates taking; or

7054 (d) a district contract, whether already executed or to be executed in the future,
7055 including a contract for the acquisition, construction, maintenance, or operation of works for
7056 the district.

7057 (2) "Validation order" means a court order adjudicating the validity of an eligible
7058 function.

7059 (3) "Validation petition" means a petition requesting a validation order.

7060 (4) "Validation proceedings" means judicial proceedings occurring in district court
7061 pursuant to a validation petition.

7062 Section 153. Section 17B-1-1202 is amended to read:

7063 **17B-1-1202. Authority to file a validation petition -- Petition requirements --**
7064 **Amending or supplementing a validation petition.**

7065 (1) The board of trustees of a [~~local~~] special district may at any time file a validation
7066 petition.

7067 (2) Each validation petition shall:

7068 (a) describe the eligible function for which a validation order is sought;

7069 (b) set forth:

7070 (i) the facts upon which the validity of the eligible function is founded; and

7071 (ii) any other information or allegations necessary to a determination of the validation
7072 petition;

7073 (c) be verified by the chair of the board of trustees; and

7074 (d) be filed in the district court of the county in which the district's principal office is
7075 located.

7076 (3) A [~~local~~] special district may amend or supplement a validation petition:

7077 (a) at any time before the hearing under Section 17B-1-1203; or

7078 (b) after the hearing under Section 17B-1-1203, with permission of the court.

7079 Section 154. Section 17B-1-1204 is amended to read:

7080 **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**
7081 **supplemented validation petition.**

7082 (1) Upon the entry of an order under Section 17B-1-1203 setting a hearing on a
7083 validation petition, the [~~local~~] special district that filed the petition shall post notice:

7084 (a) on the Utah Public Notice Website created in Section 63A-16-601, for three weeks
7085 immediately before the hearing; and

7086 (b) in the [~~local~~] special district's principal office at least 21 days before the date set for
7087 the hearing.

7088 (2) Each notice under Subsection (1) shall:

7089 (a) state the date, time, and place of the hearing on the validation petition;

7090 (b) include a general description of the contents of the validation petition; and

7091 (c) if applicable, state the location where a complete copy of a contract that is the
7092 subject of the validation petition may be examined.

7093 (3) If a district amends or supplements a validation petition under Subsection

7094 17B-1-1202(3) after publishing and posting notice as required under Subsection (1), the district
7095 is not required to publish or post notice again unless required by the court.

7096 Section 155. Section 17B-1-1207 is amended to read:

7097 **17B-1-1207. Findings, conclusions, and judgment -- Costs -- Effect of judgment --**
7098 **Appeal.**

7099 (1) After the hearing under Section 17B-1-1203 on a validation petition, the district
7100 court shall:

7101 (a) make and enter written findings of fact and conclusions of law; and

7102 (b) render a judgment as warranted.

7103 (2) A district court may apportion costs among the parties as the court determines
7104 appropriate.

7105 (3) A district court judgment adjudicating matters raised by a validation petition:

7106 (a) is binding and conclusive as to the [local] special district and all other parties to the
7107 validation proceedings; and

7108 (b) constitutes a permanent injunction against any action or proceeding to contest any
7109 matter adjudicated in the validation proceedings.

7110 (4) (a) Each appeal of a final judgment in validation proceedings shall be filed with the
7111 Supreme Court.

7112 (b) An appeal of a final judgment in validation proceedings may be filed only by a
7113 party to the validation proceedings.

7114 (c) The appellate court hearing an appeal under this section shall expedite the hearing
7115 of the appeal.

7116 Section 156. Section 17B-1-1301 is amended to read:

7117 **Part 13. Dissolution of a Special District**

7118 **17B-1-1301. Definitions.**

7119 For purposes of this part:

7120 (1) "Active" means, with respect to a [local] special district, that the district is not
7121 inactive.

7122 (2) "Administrative body" means:

7123 (a) if the [local] special district proposed to be dissolved has a duly constituted board
7124 of trustees in sufficient numbers to form a quorum, the board of trustees; or

7125 (b) except as provided in Subsection (2)(a):

7126 (i) for a [local] special district located entirely within a single municipality, the
7127 legislative body of that municipality;

7128 (ii) for a [local] special district located in multiple municipalities within the same
7129 county or at least partly within the unincorporated area of a county, the legislative body of that
7130 county; or

7131 (iii) for a [local] special district located within multiple counties, the legislative body
7132 of the county whose boundaries include more of the [local] special district than is included
7133 within the boundaries of any other county.

7134 (3) "Clerk" means:

7135 (a) the board of trustees if the board is also the administrative body under Subsection
7136 (2)(a);

7137 (b) the clerk or recorder of the municipality whose legislative body is the
7138 administrative body under Subsection (2)(b)(i); or

7139 (c) the clerk of the county whose legislative body is the administrative body under
7140 Subsection (2)(b)(ii) or (iii).

7141 (4) "Inactive" means, with respect to a [local] special district, that during the preceding
7142 three years the district has not:

7143 (a) provided any service or otherwise operated;

7144 (b) received property taxes or user or other fees; and

7145 (c) expended any funds.

7146 Section 157. Section **17B-1-1302** is amended to read:

7147 **17B-1-1302. Special district dissolution.**

7148 A [local] special district may be dissolved as provided in this part.

7149 Section 158. Section **17B-1-1303** is amended to read:

7150 **17B-1-1303. Initiation of dissolution process.**

7151 The process to dissolve a [local] special district may be initiated by:

7152 (1) for an inactive [local] special district:

7153 (a) (i) for a [local] special district whose board of trustees is elected by electors based
7154 on the acre-feet of water allotted to the land owned by the elector, a petition signed by the

7155 owners of 25% of the acre-feet of water allotted to the land within the [local] special district; or

7156 (ii) for all other districts:
7157 (A) a petition signed by the owners of private real property that:
7158 (I) is located within the [toeat] special district proposed to be dissolved;
7159 (II) covers at least 25% of the private land area within the [toeat] special district; and
7160 (III) is equal in assessed value to at least 25% of the assessed value of all private real
7161 property within the [toeat] special district; or
7162 (B) a petition signed by registered voters residing within the [toeat] special district
7163 proposed to be dissolved equal in number to at least 25% of the number of votes cast in the
7164 district for the office of governor at the last regular general election before the filing of the
7165 petition; or
7166 (b) a resolution adopted by the administrative body; and
7167 (2) for an active [toeat] special district, a petition signed by:
7168 (a) for a [toeat] special district whose board of trustees is elected by electors based on
7169 the acre-feet of water allotted to the land owned by the elector, the owners of 33% of the
7170 acre-feet of water allotted to the land within the [toeat] special district;
7171 (b) for a [toeat] special district created to acquire or assess a groundwater right for the
7172 development and execution of a groundwater management plan in coordination with the state
7173 engineer in accordance with Section 73-5-15, the owners of groundwater rights that:
7174 (i) are diverted within the district; and
7175 (ii) cover at least 33% of the total amount of groundwater diverted in accordance with
7176 the groundwater rights within the district as a whole; or
7177 (c) for all other districts:
7178 (i) the owners of private real property that:
7179 (A) is located within the [toeat] special district proposed to be dissolved;
7180 (B) covers at least 33% of the private land area within the [toeat] special district; and
7181 (C) is equal in assessed value to at least 25% of the assessed value of all private real
7182 property within the [toeat] special district; or
7183 (ii) 33% of registered voters residing within the [toeat] special district proposed to be
7184 dissolved.
7185 Section 159. Section **17B-1-1304** is amended to read:
7186 **17B-1-1304. Petition requirements.**

- 7187 (1) Each petition under Subsection 17B-1-1303(1)(a) or (2) shall:
7188 (a) indicate the typed or printed name and current residence address of each owner of
7189 acre-feet of water, property owner, or registered voter signing the petition;
7190 (b) if it is a petition signed by the owners of acre-feet of water or property owners,
7191 indicate the address of the property as to which the owner is signing;
7192 (c) designate up to three signers of the petition as sponsors, one of whom shall be
7193 designated the contact sponsor, with the mailing address and telephone number of each; and
7194 (d) be filed with the clerk.
7195 (2) A signer of a petition to dissolve a [~~local~~] special district may withdraw, or, once
7196 withdrawn, reinstate the signer's signature at any time until 30 days after the public hearing
7197 under Section 17B-1-1306.

7198 Section 160. Section 17B-1-1305 is amended to read:

7199 **17B-1-1305. Petition certification.**

- 7200 (1) Within 30 days after the filing of a petition under Subsection 17B-1-1303(1)(a) or
7201 (2), the clerk shall:
7202 (a) with the assistance of officers of the county in which the [~~local~~] special district is
7203 located from whom the clerk requests assistance, determine whether the petition meets the
7204 requirements of Section 17B-1-1303 and Subsection 17B-1-1304(1); and
7205 (b) (i) if the clerk determines that the petition complies with the requirements, certify
7206 the petition and mail or deliver written notification of the certification to the contact sponsor;
7207 or
7208 (ii) if the clerk determines that the petition fails to comply with any of the
7209 requirements, reject the petition and mail or deliver written notification of the rejection and the
7210 reasons for the rejection to the contact sponsor.
7211 (2) (a) If the clerk rejects a petition under Subsection (1)(b)(ii), the petition may be
7212 amended to correct the deficiencies for which it was rejected and then refiled.
7213 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be
7214 used toward fulfilling the applicable signature requirement of the petition as amended under
7215 Subsection (2)(a).
7216 (3) The clerk shall process an amended petition filed under Subsection (2)(a) in the
7217 same manner as an original petition under Subsection (1).

7218 Section 161. Section **17B-1-1306** is amended to read:

7219 **17B-1-1306. Public hearing.**

7220 (1) For each petition certified under Section **17B-1-1305** and each resolution that an
7221 administrative body adopts under Subsection **17B-1-1303(1)(b)**, the administrative body shall
7222 hold a public hearing on the proposed dissolution.

7223 (2) The administrative body shall hold a public hearing under Subsection (1):

7224 (a) no later than 45 days after certification of the petition under Section **17B-1-1305** or
7225 adoption of a resolution under Subsection **17B-1-1303(1)(b)**, as the case may be;

7226 (b) within the [toeat] special district proposed to be dissolved;

7227 (c) on a weekday evening other than a holiday beginning no earlier than 6 p.m.; and

7228 (d) for the purpose of allowing:

7229 (i) the administrative body to explain the process the administrative body will follow to
7230 study and prepare the proposed dissolution;

7231 (ii) the public to ask questions and obtain further information about the proposed
7232 dissolution and issues raised by it; and

7233 (iii) any interested person to address the administrative body concerning the proposed
7234 dissolution.

7235 (3) A quorum of the administrative body shall be present throughout each public
7236 hearing under this section.

7237 Section 162. Section **17B-1-1307** is amended to read:

7238 **17B-1-1307. Notice of public hearing and of dissolution.**

7239 (1) Before holding a public hearing required under Section **17B-1-1306**, the
7240 administrative body shall:

7241 (a) post notice of the public hearing and of the proposed dissolution:

7242 (i) on the Utah Public Notice Website created in Section **63A-16-601**, for 30 days
7243 before the public hearing; and

7244 (ii) in at least four conspicuous places within the [toeat] special district proposed to be
7245 dissolved, no less than five and no more than 30 days before the public hearing; or

7246 (b) mail a notice to each owner of property located within the [toeat] special district
7247 and to each registered voter residing within the [toeat] special district.

7248 (2) Each notice required under Subsection (1) shall:

7249 (a) identify the [local] special district proposed to be dissolved and the service it was
7250 created to provide; and

7251 (b) state the date, time, and location of the public hearing.

7252 Section 163. Section **17B-1-1308** is amended to read:

7253 **17B-1-1308. Second public hearing -- Dissolution resolution -- Limitations on**
7254 **dissolution.**

7255 (1) (a) Within 180 days after the day on which the administrative body holds the public
7256 hearing described in Section **17B-1-1306**, the administrative body shall hold a second public
7257 hearing to:

7258 (i) publicly explain the result of the study and preparation described in Subsection
7259 **17B-1-1306(2)(d)(i)**;

7260 (ii) describe whether the proposed dissolution meets each criterion described in
7261 Subsection (2); and

7262 (iii) adopt a resolution in accordance with Subsection (1)(b) or (c).

7263 (b) Subject to Subsection (2), after a proposed dissolution petition has been certified
7264 under Section **17B-1-1305**, the administrative body shall adopt a resolution:

7265 (i) certifying that the proposed dissolution satisfies the criteria described in Subsection
7266 (2); and

7267 (ii) (A) for an inactive [local] special district, approving the dissolution of the [local]
7268 special district; or

7269 (B) for an active [local] special district, initiating the dissolution election described in
7270 Section **17B-1-1309**.

7271 (c) Subject to Subsection (2), for a proposed dissolution of an inactive district that an
7272 administrative body initiates by adopting a resolution under Subsection **17B-1-1303(1)(b)**, the
7273 administrative body may adopt a resolution:

7274 (i) certifying that the proposed dissolution satisfies the criteria described in Subsection
7275 (2); and

7276 (ii) approving the dissolution of the inactive [local] special district.

7277 (2) The administrative body may not adopt a resolution under Subsection (1) unless:

7278 (a) any outstanding debt of the [local] special district is:

7279 (i) satisfied and discharged in connection with the dissolution; or

7280 (ii) assumed by another governmental entity with the consent of all the holders of that
7281 debt and all the holders of other debts of the [local] special district;

7282 (b) for a [local] special district that has provided service during the preceding three
7283 years or undertaken planning or other activity preparatory to providing service:

7284 (i) another entity has committed to:

7285 (A) provide the same service to the area being served or proposed to be served by the
7286 [local] special district; and

7287 (B) purchase, at fair market value, the assets of the [local] special district that are
7288 required to provide the service; and

7289 (ii) all who are to receive the service have consented to the service being provided by
7290 the other entity; and

7291 (c) all outstanding contracts to which the [local] special district is a party are resolved
7292 through mutual termination or the assignment of the [local] special district's rights, duties,
7293 privileges, and responsibilities to another entity with the consent of the other parties to the
7294 contract.

7295 Section 164. Section 17B-1-1309 is amended to read:

7296 **17B-1-1309. Election to dissolve an active special district.**

7297 (1) When an administrative body adopts a resolution to initiate a dissolution election
7298 under Subsection 17B-1-1308(1)(b)(ii), an election shall be held on the question of whether the
7299 [local] special district should be dissolved by:

7300 (a) if the [local] special district proposed to be dissolved is located entirely within a
7301 single county, the [local] special district clerk, in cooperation with the county clerk; or

7302 (b) if the [local] special district proposed to be dissolved is located within more than
7303 one county, in cooperation with the [local] special district clerk:

7304 (i) the clerk of each county where part of the [local] special district is located in more
7305 than one municipality or in an unincorporated area within the same county;

7306 (ii) the clerk or recorder of each municipality where part of the [local] special district is
7307 not located in another municipality or in an unincorporated area within the same county; and

7308 (iii) the clerk of each county where part of the [local] special district is located only in
7309 an unincorporated area within the county.

7310 (2) Each election under Subsection (1) shall be held at the next special or regular

7311 general election that is more than 60 days after the day on which the administrative body
7312 adopts a resolution in accordance with Section 17B-1-1308.

7313 (3) (a) If the [local] special district proposed to be dissolved is located in more than
7314 one county, the [local] special district clerk shall coordinate with the officials described in
7315 Subsection (1)(b) to ensure that the election is held on the same date and in a consistent manner
7316 in each jurisdiction.

7317 (b) The clerk of each county and the clerk or recorder of each municipality involved in
7318 an election under Subsection (1) shall cooperate with the [local] special district clerk in holding
7319 the election.

7320 (4) If the [local] special district proposed to be dissolved is an irrigation district under
7321 Title 17B, Chapter 2a, Part 5, Irrigation District Act:

7322 (a) the electors shall consist of the landowners whose land has allotments of water
7323 through the district; and

7324 (b) each elector may cast one vote for each acre-foot or fraction of an acre-foot of
7325 water allotted to the land the elector owns within the district.

7326 (5) If the [local] special district proposed to be dissolved is a district created to acquire
7327 or assess a groundwater right for the development and execution of a groundwater management
7328 plan in accordance with Section 73-5-15:

7329 (a) the electors shall consist of the owners of groundwater rights within the district; and

7330 (b) each elector may cast one vote for each acre-foot or fraction of an acre-foot of
7331 groundwater that is within the district and reflected in the elector's water right.

7332 (6) If the [local] special district proposed to be dissolved is a basic [local] special
7333 district, except for a district described in Subsection (5), and if the area of the basic [local]
7334 special district contains less than one residential unit per 50 acres of land at the time of the
7335 filing of a petition described in Subsection 17B-1-1303(2):

7336 (a) the electors shall consist of the owners of privately owned real property within a
7337 basic [local] special district under [~~Title 17B, Chapter 1, Part 14, Basic Local District~~] Title
7338 17B, Chapter 1, Part 14, Basic Special District; and

7339 (b) each elector may cast one vote for each acre or fraction of an acre of land that the
7340 elector owns within the district.

7341 (7) Except as otherwise provided in this part, Title 20A, Election Code, governs each

7342 election under Subsection (1).

7343 Section 165. Section **17B-1-1310** is amended to read:

7344 **17B-1-1310. Notice to lieutenant governor -- Recording requirements --**

7345 **Distribution of remaining assets.**

7346 (1) The administrative body, shall file with the lieutenant governor a copy of a notice
7347 of an impending boundary action, as defined in Section **67-1a-6.5**, that meets the requirements
7348 of Subsection **67-1a-6.5(3)**:

7349 (a) within 30 days after the day on which the administrative body adopts a resolution
7350 approving the dissolution of an inactive [~~local~~] special district; or

7351 (b) within 30 days after the day on which a majority of the voters within an active
7352 [~~local~~] special district approve the dissolution of the [~~local~~] special district in an election
7353 described in Subsection **17B-1-1309(2)**.

7354 (2) Upon the lieutenant governor's issuance of a certificate of dissolution under Section
7355 **67-1a-6.5**, the administrative body shall:

7356 (a) if the [~~local~~] special district was located within the boundary of a single county,
7357 submit to the recorder of that county:

7358 (i) the original:

7359 (A) notice of an impending boundary action; and

7360 (B) certificate of dissolution; and

7361 (ii) a certified copy of the resolution that the administrative body adopts under
7362 Subsection **17B-1-1308(1)**; or

7363 (b) if the [~~local~~] special district was located within the boundaries of more than a single
7364 county:

7365 (i) submit to the recorder of one of those counties:

7366 (A) the original notice of an impending boundary action and certificate of dissolution;
7367 and

7368 (B) if applicable, a certified copy of the resolution that the administrative body adopts
7369 under Subsection **17B-1-1308(1)**; and

7370 (ii) submit to the recorder of each other county:

7371 (A) a certified copy of the notice of an impending boundary action and certificate of
7372 dissolution; and

7373 (B) if applicable, a certified copy of the resolution that the administrative body adopts
7374 under Subsection 17B-1-1308(1).

7375 (3) Upon the lieutenant governor's issuance of the certificate of dissolution under
7376 Section 67-1a-6.5, the [local] special district is dissolved.

7377 (4) (a) After the dissolution of a [local] special district under this part, the
7378 administrative body shall use any assets of the [local] special district remaining after paying all
7379 debts and other obligations of the [local] special district to pay costs associated with the
7380 dissolution process.

7381 (b) If the administrative body is not the board of trustees of the dissolved [local]
7382 special district, the administrative body shall pay any costs of the dissolution process remaining
7383 after exhausting the remaining assets of the [local] special district as described in Subsection
7384 (4)(a).

7385 (c) If the administrative body is the board of trustees of the dissolved [local] special
7386 district, each entity that has committed to provide a service that the dissolved [local] special
7387 district previously provided, as described in Subsection 17B-1-1308(2)(b), shall pay, in the
7388 same proportion that the services the entity commits to provide bear to all of the services the
7389 [local] special district provided, any costs of the dissolution process remaining after exhausting
7390 the remaining assets of the dissolved [local] special district described in Subsection (4)(a).

7391 (5) (a) The administrative body shall distribute any assets of the [local] special district
7392 that remain after the payment of debts, obligations, and costs under Subsection (4) in the
7393 following order of priority:

7394 (i) if there is a readily identifiable connection between the remaining assets and a
7395 financial burden borne by the real property owners in the dissolved [local] special district,
7396 proportionately to those real property owners;

7397 (ii) if there is a readily identifiable connection between the remaining assets and a
7398 financial burden borne by the recipients of a service that the dissolved [local] special district
7399 provided, proportionately to those recipients; and

7400 (iii) subject to Subsection (6), to each entity that has committed to provide a service
7401 that the dissolved [local] special district previously provided, as described in Subsection
7402 17B-1-1309(1)(b)(ii), in the same proportion that the services the entity commits to provide
7403 bear to all of the services the [local] special district provided.

7404 (6) An entity that receives cash reserves of the dissolved [local] special district under
7405 Subsection (5)(a)(iii) may not use the cash reserves:

7406 (a) in any way other than for the purpose the [local] special district originally intended;
7407 or

7408 (b) in any area other than within the area that the dissolved [local] special district
7409 previously served.

7410 Section 166. Section 17B-1-1401 is amended to read:

7411 **Part 14. Basic Special District**

7412 **17B-1-1401. Status of and provisions applicable to a basic special district.**

7413 A basic [local] special district:

7414 (1) operates under, is subject to, and has the powers set forth in this chapter; and

7415 (2) is not subject to [~~Chapter 2a, Provisions Applicable to Different Types of Local~~
7416 ~~Districts~~] Chapter 2a, Provisions Applicable to Different Types of Special Districts.

7417 Section 167. Section 17B-1-1402 is amended to read:

7418 **17B-1-1402. Board of trustees of a basic special district.**

7419 (1) As specified in a petition under Subsection 17B-1-203(1)(a) or (b) or a resolution
7420 under Subsection 17B-1-203(1)(d) or (e), and except as provided in Subsection (2), the
7421 members of a board of trustees of a basic [local] special district may be:

7422 (a) (i) elected by registered voters; or

7423 (ii) appointed by the responsible body, as defined in Section 17B-1-201; or

7424 (b) if the area of the [local] special district contains less than one residential dwelling
7425 unit per 50 acres of land at the time the resolution is adopted or the petition is filed, elected by
7426 the owners of real property within the [local] special district based on:

7427 (i) the amount of acreage owned by property owners;

7428 (ii) the assessed value of property owned by property owners; or

7429 (iii) water rights:

7430 (A) relating to the real property within the [local] special district;

7431 (B) that the real property owner:

7432 (I) owns; or

7433 (II) has transferred to the [local] special district.

7434 (2) As specified in a groundwater right owner petition under Subsection

7435 17B-1-203(1)(c) or a resolution under Subsection 17B-1-203(1)(d) or (e), the members of a
7436 board of trustees of a basic ~~[local]~~ special district created to manage groundwater rights the
7437 district acquires or assesses under Section 17B-1-202 shall be:

7438 (a) subject to Section 17B-1-104.5, elected by the owners of groundwater rights that
7439 are diverted within the ~~[local]~~ special district;

7440 (b) appointed by the responsible body, as defined in Section 17B-1-201; or

7441 (c) elected or appointed as provided in Subsection (3).

7442 (3) A petition under Subsection 17B-1-203(1)(a) or (b) and a resolution under
7443 Subsection 17B-1-203(1)(d) or (e) may provide for a transition from one or more methods of
7444 election or appointment under Subsection (1) or (2) to one or more other methods of election or
7445 appointment based upon milestones or events that the petition or resolution identifies.

7446 Section 168. Section 17B-1-1403 is amended to read:

7447 **17B-1-1403. Prohibition against creating new basic special districts.**

7448 A person may not create a basic ~~[local]~~ special district on or after May 12, 2020.

7449 Section 169. Section 17B-2a-102 is amended to read:

7450 **CHAPTER 2a. PROVISIONS APPLICABLE TO DIFFERENT TYPES OF SPECIAL**
7451 **DISTRICTS**

7452 **17B-2a-102. Provisions applicable to cemetery maintenance districts.**

7453 (1) Each cemetery maintenance district is governed by and has the powers stated in:

7454 (a) this part; and

7455 (b) ~~[Chapter 1, Provisions Applicable to All Local Districts]~~ Chapter 1, Provisions
7456 Applicable to All Special Districts.

7457 (2) This part applies only to cemetery maintenance districts.

7458 (3) A cemetery maintenance district is not subject to the provisions of any other part of
7459 this chapter.

7460 (4) If there is a conflict between a provision in ~~[Chapter 1, Provisions Applicable to All~~
7461 ~~Local Districts]~~ Chapter 1, Provisions Applicable to All Special Districts, and a provision in
7462 this part, the provision in this part governs.

7463 (5) A cemetery maintenance district shall comply with the applicable provisions of
7464 Title 8, Cemeteries.

7465 Section 170. Section 17B-2a-104 is amended to read:

7466 **17B-2a-104. Cemetery maintenance district bonding authority.**

7467 A cemetery maintenance district may issue bonds as provided in and subject to [~~Chapter~~
7468 ~~1, Part 11, Local District Bonds~~] Chapter 1, Part 11, Special District Bonds, to carry out the
7469 purposes of the district.

7470 Section 171. Section **17B-2a-203** is amended to read:

7471 **17B-2a-203. Provisions applicable to drainage districts.**

7472 (1) Each drainage district is governed by and has the powers stated in:

7473 (a) this part; and

7474 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions
7475 Applicable to All Special Districts.

7476 (2) This part applies only to drainage districts.

7477 (3) A drainage district is not subject to the provisions of any other part of this chapter.

7478 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~
7479 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in
7480 this part, the provision in this part governs.

7481 Section 172. Section **17B-2a-205** is amended to read:

7482 **17B-2a-205. Additional drainage district powers.**

7483 In addition to the powers conferred on a drainage district under Section **17B-1-103**, a
7484 drainage district may:

7485 (1) enter upon land for the purpose of examining the land or making a survey;

7486 (2) locate a necessary drainage canal with any necessary branches on land that the
7487 district's board of trustees considers best;

7488 (3) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]
7489 Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;

7490 (4) after the payment or tender of compensation allowed, go upon land to construct
7491 proposed works, and thereafter enter upon that land to maintain or repair the works;

7492 (5) appropriate water for useful and beneficial purposes;

7493 (6) regulate and control, for the benefit of landholders within the district, all water
7494 developed, appropriated, or owned by the district;

7495 (7) appropriate, use, purchase, develop, sell, and convey water and water rights in the
7496 same manner and for the same use and purposes as a private person;

7497 (8) widen, straighten, deepen, enlarge, or remove any obstruction or rubbish from any
7498 watercourse, whether inside or outside the district; and

7499 (9) if necessary, straighten a watercourse by cutting a new channel upon land not
7500 already containing the watercourse, subject to the landowner receiving compensation for the
7501 land occupied by the new channel and for any damages, as provided under the law of eminent
7502 domain.

7503 Section 173. Section **17B-2a-209** is amended to read:

7504 **17B-2a-209. State land treated the same as private land -- Consent needed to**
7505 **affect school and institutional trust land -- Owner of state land has same rights as owner**
7506 **of private land.**

7507 (1) Subject to Subsection (2), a drainage district may treat state land the same as
7508 private land with respect to the drainage of land for agricultural purposes.

7509 (2) A drainage district may not affect school or institutional trust land under this part or
7510 [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to
7511 All Special Districts, without the consent of the director of the School and Institutional Trust
7512 Lands Administration acting in accordance with Sections [53C-1-102](#) and [53C-1-303](#).

7513 (3) The state and each person holding unpatented state land under entries or contracts
7514 of purchase from the state have all the rights, privileges, and benefits under this part and
7515 [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to
7516 All Special Districts, that a private owner of that land would have.

7517 Section 174. Section **17B-2a-303** is amended to read:

7518 **17B-2a-303. Provisions applicable to fire protection districts.**

7519 (1) Each fire protection district is governed by and has the powers stated in:

7520 (a) this part; and

7521 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions
7522 Applicable to All Special Districts.

7523 (2) This part applies only to fire protection districts.

7524 (3) A fire protection district is not subject to the provisions of any other part of this
7525 chapter.

7526 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~
7527 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in

7528 this part, the provision in this part governs.

7529 Section 175. Section **17B-2a-304** is amended to read:

7530 **17B-2a-304. Additional fire protection district power.**

7531 In addition to the powers conferred on a fire protection district under Section
7532 **17B-1-103**, a fire protection district may issue bonds as provided in and subject to [~~Chapter 1,~~
7533 ~~Part 11, Local District Bonds~~] Chapter 1, Part 11, Special District Bonds, to carry out the
7534 purposes of the district.

7535 Section 176. Section **17B-2a-402** is amended to read:

7536 **17B-2a-402. Provisions applicable to improvement districts.**

7537 (1) Each improvement district is governed by and has the powers stated in:

7538 (a) this part; and

7539 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions
7540 Applicable to All Special Districts.

7541 (2) This part applies only to improvement districts.

7542 (3) An improvement district is not subject to the provisions of any other part of this
7543 chapter.

7544 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~
7545 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in
7546 this part, the provision in this part governs.

7547 Section 177. Section **17B-2a-403** is amended to read:

7548 **17B-2a-403. Additional improvement district powers.**

7549 (1) In addition to the powers conferred on an improvement district under Section
7550 **17B-1-103**, an improvement district may:

7551 (a) acquire through construction, purchase, gift, or condemnation, or any combination
7552 of these methods, and operate all or any part of a system for:

7553 (i) the supply, treatment, and distribution of water;

7554 (ii) the collection, treatment, and disposition of sewage;

7555 (iii) the collection, retention, and disposition of storm and flood waters;

7556 (iv) the generation, distribution, and sale of electricity, subject to Section **17B-2a-406**;

7557 and

7558 (v) the transmission of natural or manufactured gas if:

- 7559 (A) the system is connected to a gas plant, as defined in Section 54-2-1, of a gas
7560 corporation, as defined in Section 54-2-1, that is regulated under Section 54-4-1;
- 7561 (B) the system is to be used to facilitate gas utility service within the district; and
- 7562 (C) the gas utility service was not available within the district before the acquisition of
7563 the system;
- 7564 (b) issue bonds in accordance with [~~Chapter 1, Part 11, Local District Bonds~~] Chapter
7565 1, Part 11, Special District Bonds, to carry out the purposes of the improvement district;
- 7566 (c) appropriate or acquire water or water rights inside or outside the improvement
7567 district's boundaries;
- 7568 (d) sell water or other services to consumers residing outside the improvement district's
7569 boundaries;
- 7570 (e) enter into a contract with a gas corporation that is regulated under Section 54-4-1
7571 to:
- 7572 (i) provide for the operation or maintenance of all or part of a system for the
7573 transmission of natural or manufactured gas; or
- 7574 (ii) lease or sell all or a portion of a system described in Subsection (1)(e)(i) to a gas
7575 corporation;
- 7576 (f) enter into a contract with a person for:
- 7577 (i) the purchase or sale of water or electricity;
- 7578 (ii) the use of any facility owned by the person; or
- 7579 (iii) the purpose of handling the person's industrial and commercial waste and sewage;
- 7580 (g) require pretreatment of industrial and commercial waste and sewage; and
- 7581 (h) impose a penalty or surcharge against a public entity or other person with which the
7582 improvement district has entered into a contract for the construction, acquisition, or operation
7583 of all or a part of a system for the collection, treatment, and disposal of sewage, if the public
7584 entity or other person fails to comply with the provisions of the contract.
- 7585 (2) The new gas utility service under Subsection (1)(a)(v)(B) shall be provided by a gas
7586 corporation regulated under Section 54-4-1 and not by the district.
- 7587 (3) An improvement district may not begin to provide sewer service to an area where
7588 sewer service is already provided by an existing sewage collection system operated by a
7589 municipality or other political subdivision unless the municipality or other political subdivision

7590 gives its written consent.

7591 (4) An improvement district authorized to operate all or any part of a system for the
7592 collection, treatment, or disposition of sewage may acquire, construct, or operate a resource
7593 recovery project in accordance with Section [19-6-508](#).

7594 Section 178. Section **17B-2a-407** is enacted to read:

7595 **17B-2a-407. Nonfunctioning improvement district -- Replacing board of trustees.**

7596 (1) As used in this section:

7597 (a) "Applicable certificate" means the same as that term is defined in Subsection

7598 [67-1a-6.5\(1\)\(a\)](#).

7599 (b) (i) "Non-functioning improvement district" means an improvement district:

7600 (A) for which the lieutenant governor issues an applicable certificate on or after July 1,
7601 2022, but before October 15, 2023;

7602 (B) for which the legislative body of a county elected to be the board of trustees of the
7603 district under Subsection [17B-2a-404\(3\)\(a\)](#); and

7604 (C) (I) for which the responsible body has not, within 100 days after the day on which
7605 the lieutenant governor issued the applicable certificate, complied with the recording
7606 requirements described in Subsection [17B-1-215\(2\)](#); or

7607 (II) whose board of trustees has not, within 100 days after the day on which the
7608 lieutenant governor issued the applicable certificate, held a meeting as the board of trustees of
7609 the improvement district, that was noticed and held in accordance with the requirements of
7610 Title 52, Chapter 4, Open and Public Meetings Act.

7611 (ii) "Non-functioning improvement district" does not include an improvement district
7612 that has emerged from non-functioning status under Subsection (6)(c)(ii).

7613 (2) (a) The board of trustees of a non-functioning improvement district may not, after
7614 the 100-day period described in Subsection (1)(b)(i)(C)(I), take any action as the board of
7615 trustees or on behalf of the non-functioning improvement district.

7616 (b) Any action taken in violation of Subsection (2)(a) is void.

7617 (3) (a) An owner of land located within the boundaries of a non-functioning
7618 improvement district may file with the lieutenant governor a request to replace the board of
7619 trustees with a new board of trustees.

7620 (b) A new board of trustees described in Subsection (3)(a) shall comprise three

7621 individuals who are:

7622 (i) owners of land located within the boundaries of the improvement district; or

7623 (ii) agents of owners of land located within the boundaries of the improvement district.

7624 (4) A request described in Subsection (3) shall include:

7625 (a) the name and mailing address of the land owner who files the request;

7626 (b) the name of the improvement district;

7627 (c) a copy of the certificate of incorporation for the improvement district;

7628 (d) written consent to the request from each owner of land located within the

7629 boundaries of the improvement district; and

7630 (e) the names and mailing addresses of three individuals who will serve as the board of

7631 trustees of the improvement district until a new board of trustees is organized under Subsection

7632 (9).

7633 (5) Within 14 days after the day on which the lieutenant governor receives a request

7634 described in Subsections (3) and (4), the lieutenant governor shall:

7635 (a) determine whether:

7636 (i) the district is a non-functioning improvement district;

7637 (ii) the request complies with Subsection (4); and

7638 (b) if the lieutenant governor determines that the requirements described in Subsection

7639 (5)(a) are met, grant the request by issuing a certificate of replacement described in Subsection

7640 (6).

7641 (6) A certificate of replacement shall:

7642 (a) state the name of the improvement district;

7643 (b) reference the certificate of incorporation for the improvement district;

7644 (c) declare that, upon issuance of the certificate:

7645 (i) the existing board of trustees for the improvement district is dissolved and replaced

7646 by an interim board of trustees consisting of the three individuals described in Subsection

7647 (4)(e); and

7648 (ii) the improvement district is removed from nonfunctioning status and is, beginning

7649 at that point in time, a functioning improvement district.

7650 (7) The interim board of trustees described in Subsection (6)(c)(i) shall record, in the

7651 recorder's office for a county in which all or a portion of the improvement district exists:

- 7652 (a) the original of the certificate of replacement; and
7653 (b) the original or a copy of:
7654 (i) the items described in Subsections 17B-1-215(2)(a)(i)(A), (B), and (C); and
7655 (ii) if applicable, a copy of each resolution adopted under Subsection 17B-1-213(5).
7656 (8) Until a new board of trustees is organized under Subsection (9):
7657 (a) the interim board of trustees has the full authority of a board of trustees of an
7658 improvement district; and
7659 (b) a majority of the owners of land in the improvement district:
7660 (i) may appoint an individual described in Subsection (3)(b) to fill a vacancy on the
7661 interim board of trustees; and
7662 (ii) shall file written notification of the appointment of an individual described in
7663 Subsection (8)(b)(i) with the lieutenant governor.
7664 (9) Within 90 days after the day on which at least 20 persons own land within the
7665 improvement district, the interim board of trustees described in Subsection (6)(c)(i) shall
7666 dissolve and be replaced by a board of trustees described in Subsections 17B-1-302(1) through
7667 (3)(a), except that:
7668 (a) the board of trustees shall comprise three members, appointed by the lieutenant
7669 governor, who are owners of property in the district, agents of an owner of property in the
7670 district, or residents of the district;
7671 (b) Subsections 17B-1-302(3)(c) through (6) and Section 17B-2a-404 do not apply to
7672 the improvement district; and
7673 (c) a member of the legislative body of the county may not serve as a member of the
7674 board of trustees.
7675 Section 179. Section **17B-2a-502** is amended to read:
7676 **17B-2a-502. Provisions applicable to irrigation districts.**
7677 (1) Each irrigation district is governed by and has the powers stated in:
7678 (a) this part; and
7679 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions
7680 Applicable to All Special Districts.
7681 (2) This part applies only to irrigation districts.
7682 (3) An irrigation district is not subject to the provisions of any other part of this

7683 chapter.

7684 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~
7685 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in
7686 this part, the provision in this part governs.

7687 Section 180. Section **17B-2a-503** is amended to read:

7688 **17B-2a-503. Additional irrigation district powers -- No authority to levy property**
7689 **tax.**

7690 (1) In addition to the powers conferred on an irrigation district under Section
7691 **17B-1-103**, an irrigation district may:

7692 (a) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]
7693 Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;

7694 (b) purchase stock of an irrigation, canal, or reservoir company;

7695 (c) enter upon any land in the district to make a survey and to locate and construct a
7696 canal and any necessary lateral;

7697 (d) convey water rights or other district property to the United States as partial or full
7698 consideration under a contract with the United States;

7699 (e) pursuant to a contract with the United States, lease or rent water to private land, an
7700 entryman, or a municipality in the neighborhood of the district;

7701 (f) if authorized under a contract with the United States, collect money on behalf of the
7702 United States in connection with a federal reclamation project and assume the incident duties
7703 and liabilities;

7704 (g) acquire water from inside or outside the state;

7705 (h) subject to Subsection (2), lease, rent, or sell water not needed by the owners of land
7706 within the district:

7707 (i) to a municipality, corporation, association, or individual inside or outside the
7708 district;

7709 (ii) for irrigation or any other beneficial use; and

7710 (iii) at a price and on terms that the board considers appropriate; and

7711 (i) repair a break in a reservoir or canal or remedy any other district disaster.

7712 (2) (a) The term of a lease or rental agreement under Subsection (1)(h) may not exceed
7713 five years.

7714 (b) A vested or prescriptive right to the use of water may not attach to the land because
7715 of a lease or rental of water under Subsection (1)(h).

7716 (3) Notwithstanding Subsection 17B-1-103(2)(g), an irrigation district may not levy a
7717 property tax.

7718 Section 181. Section 17B-2a-602 is amended to read:

7719 **17B-2a-602. Provisions applicable to metropolitan water districts.**

7720 (1) Each metropolitan water district is governed by and has the powers stated in:

7721 (a) this part; and

7722 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions
7723 Applicable to All Special Districts.

7724 (2) This part applies only to metropolitan water districts.

7725 (3) A metropolitan water district is not subject to the provisions of any other part of
7726 this chapter.

7727 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~
7728 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in
7729 this part, the provision in this part governs.

7730 (5) Before September 30, 2019, a metropolitan water district shall submit a written
7731 report to the Revenue and Taxation Interim Committee that describes, for the metropolitan
7732 water district's fiscal year that ended in 2018, the percentage and amount of revenue in the
7733 metropolitan water district from:

7734 (a) property taxes;

7735 (b) water rates; and

7736 (c) all other sources.

7737 Section 182. Section 17B-2a-603 is amended to read:

7738 **17B-2a-603. Additional metropolitan water district powers.**

7739 In addition to the powers conferred on a metropolitan water district under Section
7740 17B-1-103, a metropolitan water district may:

7741 (1) acquire or lease any real or personal property or acquire any interest in real or
7742 personal property, as provided in Subsections 17B-1-103(2)(a) and (b), whether inside or
7743 outside the district or inside or outside the state;

7744 (2) encumber real or personal property or an interest in real or personal property that

7745 the district owns;

7746 (3) acquire or construct works, facilities, and improvements, as provided in Subsection
7747 [17B-1-103](#)(2)(d), whether inside or outside the district or inside or outside the state;

7748 (4) acquire water, works, water rights, and sources of water necessary or convenient to
7749 the full exercise of the district's powers, whether the water, works, water rights, or sources of
7750 water are inside or outside the district or inside or outside the state, and encumber, transfer an
7751 interest in, or dispose of water, works, water rights, and sources of water;

7752 (5) develop, store, and transport water;

7753 (6) provide, sell, lease, and deliver water inside or outside the district for any lawful
7754 beneficial use;

7755 (7) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]
7756 Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district; and

7757 (8) subscribe for, purchase, lease, or otherwise acquire stock in a canal company,
7758 irrigation company, water company, or water users association, for the purpose of acquiring the
7759 right to use water or water infrastructure.

7760 Section 183. Section **17B-2a-702** is amended to read:

7761 **17B-2a-702. Provisions applicable to mosquito abatement districts.**

7762 (1) Each mosquito abatement district is governed by and has the powers stated in:

7763 (a) this part; and

7764 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions
7765 Applicable to All Special Districts.

7766 (2) This part applies only to mosquito abatement districts.

7767 (3) A mosquito abatement district is not subject to the provisions of any other part of
7768 this chapter.

7769 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~
7770 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in
7771 this part, the provision in this part governs.

7772 Section 184. Section **17B-2a-703** is amended to read:

7773 **17B-2a-703. Additional mosquito abatement district powers.**

7774 In addition to the powers conferred on a mosquito abatement district under Section
7775 [17B-1-103](#), a mosquito abatement district may:

7776 (1) take all necessary and proper steps for the extermination of mosquitos, flies,
7777 crickets, grasshoppers, and other insects:

7778 (a) within the district; or

7779 (b) outside the district, if lands inside the district are benefitted;

7780 (2) abate as nuisances all stagnant pools of water and other breeding places for
7781 mosquitos, flies, crickets, grasshoppers, or other insects anywhere inside or outside the state
7782 from which mosquitos migrate into the district;

7783 (3) enter upon territory referred to in Subsections (1) and (2) in order to inspect and
7784 examine the territory and to remove from the territory, without notice, stagnant water or other
7785 breeding places for mosquitos, flies, crickets, grasshoppers, or other insects;

7786 (4) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]
7787 Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;

7788 (5) make a contract to indemnify or compensate an owner of land or other property for
7789 injury or damage that the exercise of district powers necessarily causes or arising out of the use,
7790 taking, or damage of property for a district purpose; and

7791 (6) in addition to the accumulated fund balance allowed under Section 17B-1-612,
7792 establish a reserve fund, not to exceed the greater of 25% of the district's annual operating
7793 budget or \$50,000, to pay for extraordinary abatement measures, including a vector-borne
7794 public health emergency.

7795 Section 185. Section 17B-2a-802 is amended to read:

7796 **17B-2a-802. Definitions.**

7797 As used in this part:

7798 (1) "Affordable housing" means housing occupied or reserved for occupancy by
7799 households that meet certain gross household income requirements based on the area median
7800 income for households of the same size.

7801 (a) "Affordable housing" may include housing occupied or reserved for occupancy by
7802 households that meet specific area median income targets or ranges of area median income
7803 targets.

7804 (b) "Affordable housing" does not include housing occupied or reserved for occupancy
7805 by households with gross household incomes that are more than 60% of the area median
7806 income for households of the same size.

7807 (2) "Appointing entity" means the person, county, unincorporated area of a county, or
7808 municipality appointing a member to a public transit district board of trustees.

7809 (3) (a) "Chief executive officer" means a person appointed by the board of trustees of a
7810 small public transit district to serve as chief executive officer.

7811 (b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities
7812 defined in Sections 17B-2a-810 and 17B-2a-811 and includes all rights, duties, and
7813 responsibilities assigned to the general manager but prescribed by the board of trustees to be
7814 fulfilled by the chief executive officer.

7815 (4) "Council of governments" means a decision-making body in each county composed
7816 of membership including the county governing body and the mayors of each municipality in the
7817 county.

7818 (5) "Department" means the Department of Transportation created in Section 72-1-201.

7819 (6) "Executive director" means a person appointed by the board of trustees of a large
7820 public transit district to serve as executive director.

7821 (7) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

7822 (8) "Fixed guideway capital development" means the same as that term is defined in
7823 Section 72-1-102.

7824 (9) (a) "General manager" means a person appointed by the board of trustees of a small
7825 public transit district to serve as general manager.

7826 (b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in
7827 Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees of a small public
7828 transit district.

7829 (10) "Large public transit district" means a public transit district that provides public
7830 transit to an area that includes:

7831 (a) more than 65% of the population of the state based on the most recent official
7832 census or census estimate of the United States Census Bureau; and

7833 (b) two or more counties.

7834 (11) (a) "Locally elected public official" means a person who holds an elected position
7835 with a county or municipality.

7836 (b) "Locally elected public official" does not include a person who holds an elected
7837 position if the elected position is not with a county or municipality.

7838 (12) "Metropolitan planning organization" means the same as that term is defined in
7839 Section [72-1-208.5](#).

7840 (13) "Multicounty district" means a public transit district located in more than one
7841 county.

7842 (14) "Operator" means a public entity or other person engaged in the transportation of
7843 passengers for hire.

7844 (15) (a) "Public transit" means regular, continuing, shared-ride, surface transportation
7845 services that are open to the general public or open to a segment of the general public defined
7846 by age, disability, or low income.

7847 (b) "Public transit" does not include transportation services provided by:

7848 (i) chartered bus;

7849 (ii) sightseeing bus;

7850 (iii) taxi;

7851 (iv) school bus service;

7852 (v) courtesy shuttle service for patrons of one or more specific establishments; or

7853 (vi) intra-terminal or intra-facility shuttle services.

7854 (16) "Public transit district" means a ~~local~~ special district that provides public transit
7855 services.

7856 (17) "Small public transit district" means any public transit district that is not a large
7857 public transit district.

7858 (18) "Station area plan" means a plan developed and adopted by a municipality in
7859 accordance with Section [10-9a-403.1](#).

7860 (19) "Transit facility" means a transit vehicle, transit station, depot, passenger loading
7861 or unloading zone, parking lot, or other facility:

7862 (a) leased by or operated by or on behalf of a public transit district; and

7863 (b) related to the public transit services provided by the district, including:

7864 (i) railway or other right-of-way;

7865 (ii) railway line; and

7866 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by
7867 a transit vehicle.

7868 (20) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle

7869 operated as public transportation by a public transit district.

7870 (21) "Transit-oriented development" means a mixed use residential or commercial area
7871 that is designed to maximize access to public transit and includes the development of land
7872 owned by a large public transit district.

7873 (22) "Transit-supportive development" means a mixed use residential or commercial
7874 area that is designed to maximize access to public transit and does not include the development
7875 of land owned by a large public transit district.

7876 Section 186. Section **17B-2a-803** is amended to read:

7877 **17B-2a-803. Provisions applicable to public transit districts.**

7878 (1) (a) Each public transit district is governed by and has the powers stated in:

7879 (i) this part; and

7880 (ii) except as provided in Subsection (1)(b), [~~Chapter 1, Provisions Applicable to All~~
7881 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts.

7882 (b) (i) Except for Sections [17B-1-301](#), [17B-1-311](#), and [17B-1-313](#), the following
7883 provisions do not apply to public transit districts:

7884 (A) Chapter 1, Part 3, Board of Trustees; and

7885 (B) Section [17B-2a-905](#).

7886 (ii) A public transit district is not subject to [~~Chapter 1, Part 6, Fiscal Procedures for~~
7887 ~~Local Districts~~] Chapter 1, Part 6, Fiscal Procedures for Special Districts.

7888 (2) This part applies only to public transit districts.

7889 (3) A public transit district is not subject to the provisions of any other part of this
7890 chapter.

7891 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~
7892 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in
7893 this part, the provision in this part governs.

7894 (5) The provisions of Subsection [53-3-202](#)(3)(b) do not apply to a motor vehicle owned
7895 in whole or in part by a public transit district.

7896 Section 187. Section **17B-2a-804** is amended to read:

7897 **17B-2a-804. Additional public transit district powers.**

7898 (1) In addition to the powers conferred on a public transit district under Section
7899 [17B-1-103](#), a public transit district may:

- 7900 (a) provide a public transit system for the transportation of passengers and their
7901 incidental baggage;
- 7902 (b) notwithstanding Subsection [17B-1-103\(2\)\(g\)](#) and subject to Section [17B-2a-817](#),
7903 levy and collect property taxes only for the purpose of paying:
- 7904 (i) principal and interest of bonded indebtedness of the public transit district; or
7905 (ii) a final judgment against the public transit district if:
- 7906 (A) the amount of the judgment exceeds the amount of any collectable insurance or
7907 indemnity policy; and
- 7908 (B) the district is required by a final court order to levy a tax to pay the judgment;
- 7909 (c) insure against:
- 7910 (i) loss of revenues from damage to or destruction of some or all of a public transit
7911 system from any cause;
- 7912 (ii) public liability;
- 7913 (iii) property damage; or
- 7914 (iv) any other type of event, act, or omission;
- 7915 (d) subject to Section [72-1-202](#) pertaining to fixed guideway capital development
7916 within a large public transit district, acquire, contract for, lease, construct, own, operate,
7917 control, or use:
- 7918 (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal,
7919 parking lot, or any other facility necessary or convenient for public transit service; or
- 7920 (ii) any structure necessary for access by persons and vehicles;
- 7921 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,
7922 equipment, service, employee, or management staff of an operator; and
- 7923 (ii) provide for a sublease or subcontract by the operator upon terms that are in the
7924 public interest;
- 7925 (f) operate feeder bus lines and other feeder or ridesharing services as necessary;
- 7926 (g) accept a grant, contribution, or loan, directly through the sale of securities or
7927 equipment trust certificates or otherwise, from the United States, or from a department,
7928 instrumentality, or agency of the United States;
- 7929 (h) study and plan transit facilities in accordance with any legislation passed by
7930 Congress;

7931 (i) cooperate with and enter into an agreement with the state or an agency of the state
7932 or otherwise contract to finance to establish transit facilities and equipment or to study or plan
7933 transit facilities;

7934 (j) subject to Subsection 17B-2a-808.1(5), issue bonds as provided in and subject to
7935 [~~Chapter 1, Part 11, Local District Bonds~~] Chapter 1, Part 11, Special District Bonds, to carry
7936 out the purposes of the district;

7937 (k) from bond proceeds or any other available funds, reimburse the state or an agency
7938 of the state for an advance or contribution from the state or state agency;

7939 (l) do anything necessary to avail itself of any aid, assistance, or cooperation available
7940 under federal law, including complying with labor standards and making arrangements for
7941 employees required by the United States or a department, instrumentality, or agency of the
7942 United States;

7943 (m) sell or lease property;

7944 (n) except as provided in Subsection (2)(b), assist in or operate transit-oriented or
7945 transit-supportive developments;

7946 (o) subject to Subsections (2) and (3), establish, finance, participate as a limited partner
7947 or member in a development with limited liabilities in accordance with Subsection (1)(p),
7948 construct, improve, maintain, or operate transit facilities, equipment, and, in accordance with
7949 Subsection (3), transit-oriented developments or transit-supportive developments; and

7950 (p) subject to the restrictions and requirements in Subsections (2) and (3), assist in a
7951 transit-oriented development or a transit-supportive development in connection with project
7952 area development as defined in Section 17C-1-102 by:

7953 (i) investing in a project as a limited partner or a member, with limited liabilities; or

7954 (ii) subordinating an ownership interest in real property owned by the public transit
7955 district.

7956 (2) (a) A public transit district may only assist in the development of areas under
7957 Subsection (1)(p) that have been approved by the board of trustees, and in the manners
7958 described in Subsection (1)(p).

7959 (b) A public transit district may not invest in a transit-oriented development or
7960 transit-supportive development as a limited partner or other limited liability entity under the
7961 provisions of Subsection (1)(p)(i), unless the partners, developer, or other investor in the entity,

7962 makes an equity contribution equal to no less than 25% of the appraised value of the property
7963 to be contributed by the public transit district.

7964 (c) (i) For transit-oriented development projects, a public transit district shall adopt
7965 transit-oriented development policies and guidelines that include provisions on affordable
7966 housing.

7967 (ii) For transit-supportive development projects, a public transit district shall work with
7968 the metropolitan planning organization and city and county governments where the project is
7969 located to collaboratively seek to create joint plans for the areas within one-half mile of transit
7970 stations, including plans for affordable housing.

7971 (d) A current board member of a public transit district to which the board member is
7972 appointed may not have any interest in the transactions engaged in by the public transit district
7973 pursuant to Subsection (1)(p)(i) or (ii), except as may be required by the board member's
7974 fiduciary duty as a board member.

7975 (3) For any transit-oriented development or transit-supportive development authorized
7976 in this section, the public transit district shall:

7977 (a) perform a cost-benefit analysis of the monetary investment and expenditures of the
7978 development, including effect on:

7979 (i) service and ridership;

7980 (ii) regional plans made by the metropolitan planning agency;

7981 (iii) the local economy;

7982 (iv) the environment and air quality;

7983 (v) affordable housing; and

7984 (vi) integration with other modes of transportation;

7985 (b) provide evidence to the public of a quantifiable positive return on investment,
7986 including improvements to public transit service; and

7987 (c) coordinate with the Department of Transportation in accordance with Section
7988 72-1-202 pertaining to fixed guideway capital development and associated parking facilities
7989 within a station area plan for a transit oriented development within a large public transit
7990 district.

7991 (4) For any fixed guideway capital development project with oversight by the
7992 Department of Transportation as described in Section 72-1-202, a large public transit district

7993 shall coordinate with the Department of Transportation in all aspects of the project, including
7994 planning, project development, outreach, programming, environmental studies and impact
7995 statements, impacts on public transit operations, and construction.

7996 (5) A public transit district may participate in a transit-oriented development only if:

7997 (a) for a transit-oriented development involving a municipality:

7998 (i) the relevant municipality has developed and adopted a station area plan; and

7999 (ii) the municipality is in compliance with Sections 10-9a-403 and 10-9a-408 regarding

8000 the inclusion of moderate income housing in the general plan and the required reporting

8001 requirements; or

8002 (b) for a transit-oriented development involving property in an unincorporated area of a

8003 county, the county is in compliance with Sections 17-27a-403 and 17-27a-408 regarding

8004 inclusion of moderate income housing in the general plan and required reporting requirements.

8005 (6) A public transit district may be funded from any combination of federal, state,

8006 local, or private funds.

8007 (7) A public transit district may not acquire property by eminent domain.

8008 Section 188. Section 17B-2a-817 is amended to read:

8009 **17B-2a-817. Voter approval required for property tax levy.**

8010 Notwithstanding the provisions of Section 17B-1-1001 and in addition to a property tax

8011 under Section 17B-1-1103 to pay general obligation bonds of the district, a public transit

8012 district may levy a property tax, as provided in and subject to [~~Chapter 1, Part 10, Local~~

8013 ~~District Property Tax Levy~~] Chapter 1, Part 10, Special District Property Tax Levy, if:

8014 (1) the district first submits the proposal to levy the property tax to voters within the
8015 district; and

8016 (2) a majority of voters within the district voting on the proposal vote in favor of the
8017 tax at an election held for that purpose on a date specified in Section 20A-1-204.

8018 Section 189. Section 17B-2a-902 is amended to read:

8019 **17B-2a-902. Provisions applicable to service areas.**

8020 (1) Each service area is governed by and has the powers stated in:

8021 (a) this part; and

8022 (b) except as provided in Subsection (5), [~~Chapter 1, Provisions Applicable to All~~

8023 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts.

- 8024 (2) This part applies only to service areas.
- 8025 (3) A service area is not subject to the provisions of any other part of this chapter.
- 8026 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~
8027 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in
8028 this part, the provision in this part governs.
- 8029 (5) (a) Except as provided in Subsection (5)(b), on or after December 31, 2012, a
8030 service area may not charge or collect a fee under Section [17B-1-643](#) for:
- 8031 (i) law enforcement services;
- 8032 (ii) fire protection services;
- 8033 (iii) 911 ambulance or paramedic services as defined in Section [26-8a-102](#) that are
8034 provided under a contract in accordance with Section [26-8a-405.2](#); or
- 8035 (iv) emergency services.
- 8036 (b) Subsection (5)(a) does not apply to:
- 8037 (i) a fee charged or collected on an individual basis rather than a general basis;
- 8038 (ii) a non-911 service as defined in Section [26-8a-102](#) that is provided under a contract
8039 in accordance with Section [26-8a-405.2](#);
- 8040 (iii) an impact fee charged or collected for a public safety facility as defined in Section
8041 [11-36a-102](#); or
- 8042 (iv) a service area that includes within the boundary of the service area a county of the
8043 fifth or sixth class.
- 8044 Section 190. Section **17B-2a-903** is amended to read:
- 8045 **17B-2a-903. Additional service area powers -- Property tax limitation for service**
8046 **area providing law enforcement service.**
- 8047 (1) In addition to the powers conferred on a service area under Section [17B-1-103](#), a
8048 service area:
- 8049 (a) may issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District~~
8050 ~~Bonds~~] Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;
- 8051 (b) that, until April 30, 2007, was a regional service area, may provide park, recreation,
8052 or parkway services, or any combination of those services; and
- 8053 (c) may, with the consent of the county in which the service area is located, provide
8054 planning and zoning service.

8055 (2) A service area that provides law enforcement service may not levy a property tax or
8056 increase its certified tax rate, as defined in Section 59-2-924, without the prior approval of:

8057 (a) (i) the legislative body of each municipality that is partly or entirely within the
8058 boundary of the service area; and

8059 (ii) the legislative body of the county with an unincorporated area within the boundary
8060 of the service area; or

8061 (b) (i) a majority of the legislative bodies of all municipalities that are partly or entirely
8062 within the boundary of the service area; and

8063 (ii) two-thirds of the legislative body of the county with an unincorporated area within
8064 the boundary of the service area.

8065 Section 191. Section 17B-2a-904 is amended to read:

8066 **17B-2a-904. Regional service areas to become service areas -- Change from**
8067 **regional service area to service area not to affect rights, obligations, board makeup, or**
8068 **property of former regional service area.**

8069 (1) Each regional service area, created and operating under the law in effect before
8070 April 30, 2007, becomes on that date a service area, governed by and subject to [~~Chapter 1,~~
8071 ~~Provisions Applicable to All Local Districts]~~ Chapter 1, Provisions Applicable to All Special
8072 Districts, and this part.

8073 (2) The change of an entity from a regional service area to a service area under
8074 Subsection (1) does not affect:

8075 (a) the entity's basic structure and operations or its nature as a body corporate and
8076 politic and a political subdivision of the state;

8077 (b) the ability of the entity to provide the service that the entity:

8078 (i) was authorized to provide before the change; and

8079 (ii) provided before the change;

8080 (c) the validity of the actions taken, bonds issued, or contracts or other obligations
8081 entered into by the entity before the change;

8082 (d) the ability of the entity to continue to impose and collect taxes, fees, and other
8083 charges for the service it provides;

8084 (e) the makeup of the board of trustees;

8085 (f) the entity's ownership of property acquired before the change; or

8086 (g) any other powers, rights, or obligations that the entity had before the change, except
8087 as modified by this part.

8088 Section 192. Section **17B-2a-907** is amended to read:

8089 **17B-2a-907. Adding a new service within a service area.**

8090 A service area may begin to provide within the boundaries of the service area a service
8091 that it had not previously provided by using the procedures set forth in [~~Chapter 1, Part 2,~~
8092 ~~Creation of a Local District~~] Chapter 1, Part 2, Creation of Special District, for the creation of a
8093 service area as though a new service area were being created to provide that service.

8094 Section 193. Section **17B-2a-1003** is amended to read:

8095 **17B-2a-1003. Provisions applicable to water conservancy districts.**

8096 (1) Each water conservancy district is governed by and has the powers stated in:

8097 (a) this part; and

8098 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions
8099 Applicable to All Special Districts.

8100 (2) This part applies only to water conservancy districts.

8101 (3) A water conservancy district is not subject to the provisions of any other part of this
8102 chapter.

8103 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~
8104 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in
8105 this part, the provision in this part governs.

8106 (5) Before September 30, 2019, a water conservancy district shall submit a written
8107 report to the Revenue and Taxation Interim Committee that describes, for the water
8108 conservancy district's fiscal year that ended in 2018, the percentage and amount of revenue in
8109 the water conservancy district from:

8110 (a) property taxes;

8111 (b) water rates; and

8112 (c) all other sources.

8113 Section 194. Section **17B-2a-1004** is amended to read:

8114 **17B-2a-1004. Additional water conservancy district powers -- Limitations on**
8115 **water conservancy districts.**

8116 (1) In addition to the powers conferred on a water conservancy district under Section

8117 17B-1-103, a water conservancy district may:

8118 (a) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]
8119 Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;

8120 (b) acquire or lease any real or personal property or acquire any interest in real or
8121 personal property, as provided in Subsections 17B-1-103(2)(a) and (b), whether inside or
8122 outside the district;

8123 (c) acquire or construct works, facilities, or improvements, as provided in Subsection
8124 17B-1-103(2)(d), whether inside or outside the district;

8125 (d) acquire water, works, water rights, and sources of water necessary or convenient to
8126 the full exercise of the district's powers, whether the water, works, water rights, or sources of
8127 water are inside or outside the district, and encumber, sell, lease, transfer an interest in, or
8128 dispose of water, works, water rights, and sources of water;

8129 (e) fix rates and terms for the sale, lease, or other disposal of water;

8130 (f) acquire rights to the use of water from works constructed or operated by the district
8131 or constructed or operated pursuant to a contract to which the district is a party, and sell rights
8132 to the use of water from those works;

8133 (g) levy assessments against lands within the district to which water is allotted on the
8134 basis of:

8135 (i) a uniform district-wide value per acre foot of irrigation water; or

8136 (ii) a uniform unit-wide value per acre foot of irrigation water, if the board divides the
8137 district into units and fixes a different value per acre foot of water in the respective units;

8138 (h) fix rates for the sale, lease, or other disposal of water, other than irrigation water, at
8139 rates that are equitable, though not necessarily equal or uniform, for like classes of service;

8140 (i) adopt and modify plans and specifications for the works for which the district was
8141 organized;

8142 (j) investigate and promote water conservation and development;

8143 (k) appropriate and otherwise acquire water and water rights inside or outside the state;

8144 (l) develop, store, treat, and transport water;

8145 (m) acquire stock in canal companies, water companies, and water users associations;

8146 (n) acquire, construct, operate, or maintain works for the irrigation of land;

8147 (o) subject to Subsection (2), sell water and water services to individual customers and

8148 charge sufficient rates for the water and water services supplied;

8149 (p) own property for district purposes within the boundaries of a municipality; and

8150 (q) coordinate water resource planning among public entities.

8151 (2) (a) A water conservancy district and another political subdivision of the state may
8152 contract with each other, and a water conservancy district may contract with one or more public
8153 entities and private persons, for:

8154 (i) the joint operation or use of works owned by any party to the contract; or

8155 (ii) the sale, purchase, lease, exchange, or loan of water, water rights, works, or related
8156 services.

8157 (b) An agreement under Subsection (2)(a) may provide for the joint use of works
8158 owned by one of the contracting parties if the agreement provides for reasonable compensation.

8159 (c) A statutory requirement that a district supply water to its own residents on a priority
8160 basis does not apply to a contract under Subsection (2)(a).

8161 (d) An agreement under Subsection (2)(a) may include terms that the parties determine,
8162 including:

8163 (i) a term of years specified by the contract;

8164 (ii) a requirement that the purchasing party make specified payments, without regard to
8165 actual taking or use;

8166 (iii) a requirement that the purchasing party pay user charges, charges for the
8167 availability of water or water facilities, or other charges for capital costs, debt service,
8168 operating and maintenance costs, and the maintenance of reasonable reserves, whether or not
8169 the related water, water rights, or facilities are acquired, completed, operable, or operating, and
8170 notwithstanding the suspension, interruption, interference, reduction, or curtailment of water or
8171 services for any reason;

8172 (iv) provisions for one or more parties to acquire an undivided ownership interest in, or
8173 a contractual right to the capacity, output, or services of, joint water facilities, and establishing:

8174 (A) the methods for financing the costs of acquisition, construction, and operation of
8175 the joint facilities;

8176 (B) the method for allocating the costs of acquisition, construction, and operation of
8177 the facilities among the parties consistent with their respective interests in or rights to the
8178 facilities;

8179 (C) a management committee comprised of representatives of the parties, which may
8180 be responsible for the acquisition, construction, and operation of the facilities as the parties
8181 determine; and

8182 (D) the remedies upon a default by any party in the performance of its obligations
8183 under the contract, which may include a provision obligating or enabling the other parties to
8184 succeed to all or a portion of the ownership interest or contractual rights and obligations of the
8185 defaulting party; and

8186 (v) provisions that a purchasing party make payments from:

8187 (A) general or other funds of the purchasing party;

8188 (B) the proceeds of assessments levied under this part;

8189 (C) the proceeds of impact fees imposed by any party under Title 11, Chapter 36a,
8190 Impact Fees Act;

8191 (D) revenues from the operation of the water system of a party receiving water or
8192 services under the contract;

8193 (E) proceeds of any revenue-sharing arrangement between the parties, including
8194 amounts payable as a percentage of revenues or net revenues of the water system of a party
8195 receiving water or services under the contract; and

8196 (F) any combination of the sources of payment listed in Subsections (2)(d)(v)(A)
8197 through (E).

8198 (3) (a) A water conservancy district may enter into a contract with another state or a
8199 political subdivision of another state for the joint construction, operation, or ownership of a
8200 water facility.

8201 (b) Water from any source in the state may be appropriated and used for beneficial
8202 purposes within another state only as provided in Title 73, Chapter 3a, Water Exports.

8203 (4) (a) Except as provided in Subsection (4)(b), a water conservancy district may not
8204 sell water to a customer located within a municipality for domestic or culinary use without the
8205 consent of the municipality.

8206 (b) Subsection (4)(a) does not apply if:

8207 (i) the property of a customer to whom a water conservancy district sells water was, at
8208 the time the district began selling water to the customer, within an unincorporated area of a
8209 county; and

8210 (ii) after the district begins selling water to the customer, the property becomes part of
8211 a municipality through municipal incorporation or annexation.

8212 (5) A water conservancy district may not carry or transport water in transmountain
8213 diversion if title to the water was acquired by a municipality by eminent domain.

8214 (6) A water conservancy district may not be required to obtain a franchise for the
8215 acquisition, ownership, operation, or maintenance of property.

8216 (7) A water conservancy district may not acquire by eminent domain title to or
8217 beneficial use of vested water rights for transmountain diversion.

8218 Section 195. Section **17B-2a-1007** is amended to read:

8219 **17B-2a-1007. Contract assessments.**

8220 (1) As used in this section:

8221 (a) "Assessed land" means:

8222 (i) for a contract assessment under a water contract with a private water user, the land
8223 owned by the private water user that receives the beneficial use of water under the water
8224 contract; or

8225 (ii) for a contract assessment under a water contract with a public water user, the land
8226 within the boundaries of the public water user that is within the boundaries of the water
8227 conservancy district and that receives the beneficial use of water under the water contract.

8228 (b) "Contract assessment" means an assessment levied as provided in this section by a
8229 water conservancy district on assessed land.

8230 (c) "Governing body" means:

8231 (i) for a county, city, or town, the legislative body of the county, city, or town;

8232 (ii) for a [~~local~~] special district, the board of trustees of the [~~local~~] special district;

8233 (iii) for a special service district:

8234 (A) the legislative body of the county, city, or town that established the special service
8235 district, if no administrative control board has been appointed under Section **17D-1-301**; or

8236 (B) the administrative control board of the special service district, if an administrative
8237 control board has been appointed under Section **17D-1-301**; and

8238 (iv) for any other political subdivision of the state, the person or body with authority to
8239 govern the affairs of the political subdivision.

8240 (d) "Petitioner" means a private petitioner or a public petitioner.

8241 (e) "Private petitioner" means an owner of land within a water conservancy district
8242 who submits a petition to a water conservancy district under Subsection (3) to enter into a
8243 water contract with the district.

8244 (f) "Private water user" means an owner of land within a water conservancy district
8245 who enters into a water contract with the district.

8246 (g) "Public petitioner" means a political subdivision of the state:

8247 (i) whose territory is partly or entirely within the boundaries of a water conservancy
8248 district; and

8249 (ii) that submits a petition to a water conservancy district under Subsection (3) to enter
8250 into a water contract with the district.

8251 (h) "Public water user" means a political subdivision of the state:

8252 (i) whose territory is partly or entirely within the boundaries of a water conservancy
8253 district; and

8254 (ii) that enters into a water contract with the district.

8255 (i) "Water contract" means a contract between a water conservancy district and a
8256 private water user or a public water user under which the water user purchases, leases, or
8257 otherwise acquires the beneficial use of water from the water conservancy district for the
8258 benefit of:

8259 (i) land owned by the private water user; or

8260 (ii) land within the public water user's boundaries that is also within the boundaries of
8261 the water conservancy district.

8262 (j) "Water user" means a private water user or a public water user.

8263 (2) A water conservancy district may levy a contract assessment as provided in this
8264 section.

8265 (3) (a) The governing body of a public petitioner may authorize its chief executive
8266 officer to submit a written petition on behalf of the public petitioner to a water conservancy
8267 district requesting to enter into a water contract.

8268 (b) A private petitioner may submit a written petition to a water conservancy district
8269 requesting to enter into a water contract.

8270 (c) Each petition under this Subsection (3) shall include:

8271 (i) the petitioner's name;

8272 (ii) the quantity of water the petitioner desires to purchase or otherwise acquire;
8273 (iii) a description of the land upon which the water will be used;
8274 (iv) the price to be paid for the water;
8275 (v) the amount of any service, turnout, connection, distribution system, or other charge
8276 to be paid;
8277 (vi) whether payment will be made in cash or annual installments;
8278 (vii) a provision requiring the contract assessment to become a lien on the land for
8279 which the water is petitioned and is to be allotted; and
8280 (viii) an agreement that the petitioner is bound by the provisions of this part and the
8281 rules and regulations of the water conservancy district board of trustees.
8282 (4) (a) If the board of a water conservancy district desires to consider a petition
8283 submitted by a petitioner under Subsection (3), the board shall:
8284 (i) post notice of the petition and of the hearing required under Subsection (4)(a)(ii) on
8285 the Utah Public Notice Website, created in Section [63A-16-601](#), for at least two successive
8286 weeks immediately before the date of the hearing; and
8287 (ii) hold a public hearing on the petition.
8288 (b) Each notice under Subsection (4)(a)(i) shall:
8289 (i) state that a petition has been filed and that the district is considering levying a
8290 contract assessment; and
8291 (ii) give the date, time, and place of the hearing required under Subsection (4)(a)(ii).
8292 (c) (i) At each hearing required under Subsection (4)(a)(ii), the board of trustees of the
8293 water conservancy district shall:
8294 (A) allow any interested person to appear and explain why the petition should not be
8295 granted; and
8296 (B) consider each written objection to the granting of the petition that the board
8297 receives before or at the hearing.
8298 (ii) The board of trustees may adjourn and reconvene the hearing as the board
8299 considers appropriate.
8300 (d) (i) Any interested person may file with the board of the water conservancy district,
8301 at or before the hearing under Subsection (4)(a)(ii), a written objection to the district's granting
8302 a petition.

8303 (ii) Each person who fails to submit a written objection within the time provided under
8304 Subsection (4)(d)(i) is considered to have consented to the district's granting the petition and
8305 levying a contract assessment.

8306 (5) After holding a public hearing as required under Subsection (4)(a)(ii), the board of
8307 trustees of a water conservancy district may:

8308 (a) deny the petition; or

8309 (b) grant the petition, if the board considers granting the petition to be in the best
8310 interests of the district.

8311 (6) The board of a water conservancy district that grants a petition under this section
8312 may:

8313 (a) make an allotment of water for the benefit of assessed land;

8314 (b) authorize any necessary construction to provide for the use of water upon the terms
8315 and conditions stated in the water contract;

8316 (c) divide the district into units and fix a different rate for water purchased or otherwise
8317 acquired and for other charges within each unit, if the rates and charges are equitable, although
8318 not equal and uniform, for similar classes of services throughout the district; and

8319 (d) levy a contract assessment on assessed land.

8320 (7) (a) The board of trustees of each water conservancy district that levies a contract
8321 assessment under this section shall:

8322 (i) cause a certified copy of the resolution, ordinance, or order levying the assessment
8323 to be recorded in the office of the recorder of each county in which assessed land is located;
8324 and

8325 (ii) on or before July 1 of each year after levying the contract assessment, certify to the
8326 auditor of each county in which assessed land is located the amount of the contract assessment.

8327 (b) Upon the recording of the resolution, ordinance, or order, in accordance with
8328 Subsection (7)(a)(i):

8329 (i) the contract assessment associated with allotting water to the assessed land under
8330 the water contract becomes a political subdivision lien, as that term is defined in Section

8331 [11-60-102](#), on the assessed land, in accordance with Title 11, Chapter 60, Political Subdivision
8332 Lien Authority, as of the effective date of the resolution, ordinance, or order; and

8333 (ii) (A) the board of trustees of the water conservancy district shall certify the amount

8334 of the assessment to the county treasurer; and

8335 (B) the county treasurer shall include the certified amount on the property tax notice
8336 required by Section 59-2-1317 for that year.

8337 (c) (i) Each county in which assessed land is located shall collect the contract
8338 assessment in the same manner as taxes levied by the county.

8339 (ii) If the amount of a contract assessment levied under this section is not paid in full in
8340 a given year:

8341 (A) by September 15, the governing body of the water conservancy district that levies
8342 the contract assessment shall certify any unpaid amount to the treasurer of the county in which
8343 the property is located; and

8344 (B) the county treasurer shall include the certified amount on the property tax notice
8345 required by Section 59-2-1317 for that year.

8346 (8) (a) The board of trustees of each water conservancy district that levies a contract
8347 assessment under this section shall:

8348 (i) hold a public hearing, before August 8 of each year in which a contract assessment
8349 is levied, to hear and consider objections filed under Subsection (8)(b); and

8350 (ii) post a notice:

8351 (A) on the Utah Public Notice Website, created in Section 63A-16-601, for at least the
8352 two consecutive weeks before the public hearing; and

8353 (B) that contains a general description of the assessed land, the amount of the contract
8354 assessment, and the time and place of the public hearing under Subsection (8)(a)(i).

8355 (b) An owner of assessed land within the water conservancy district who believes that
8356 the contract assessment on the owner's land is excessive, erroneous, or illegal may, before the
8357 hearing under Subsection (8)(a)(i), file with the board of trustees a verified, written objection to
8358 the assessment, stating the grounds for the objection.

8359 (c) (i) At each hearing under Subsection (8)(a)(i), the board of trustees shall hear and
8360 consider the evidence and arguments supporting each objection.

8361 (ii) After hearing and considering the evidence and arguments supporting an objection,
8362 the board of trustees:

8363 (A) shall enter a written order, stating its decision; and

8364 (B) may modify the assessment.

8365 (d) (i) An owner of assessed land may file a petition in district court seeking review of
8366 a board of trustees' order under Subsection (8)(c)(ii)(A).

8367 (ii) Each petition under Subsection (8)(d)(i) shall:

8368 (A) be filed within 30 days after the board enters its written order;

8369 (B) state specifically the part of the board's order for which review is sought; and

8370 (C) be accompanied by a bond with good and sufficient security in an amount not
8371 exceeding \$200, as determined by the court clerk.

8372 (iii) If more than one owner of assessed land seeks review, the court may, upon a
8373 showing that the reviews may be consolidated without injury to anyone's interests, consolidate
8374 the reviews and hear them together.

8375 (iv) The court shall act as quickly as possible after a petition is filed.

8376 (v) A court may not disturb a board of trustees' order unless the court finds that the
8377 contract assessment on the petitioner's assessed land is manifestly disproportionate to
8378 assessments imposed upon other land in the district.

8379 (e) If no petition under Subsection (8)(d) is timely filed, the contract assessment is
8380 conclusively considered to have been made in proportion to the benefits conferred on the land
8381 in the district.

8382 (9) Each resolution, ordinance, or order under which a water conservancy district
8383 levied a Class B, Class C, or Class D assessment before April 30, 2007, under the law in effect
8384 at the time of the levy is validated, ratified, and confirmed, and a water conservancy district
8385 may continue to levy the assessment according to the terms of the resolution, ordinance, or
8386 order.

8387 (10) A contract assessment is not a levy of an ad valorem property tax and is not
8388 subject to the limits stated in Section [17B-2a-1006](#).

8389 Section 196. Section **17B-2a-1102** is amended to read:

8390 **17B-2a-1102. Definitions.**

8391 As used in this part:

8392 (1) "Municipal services" means one or more of the services identified in Section
8393 [17-34-1](#), [17-36-3](#), or [17B-1-202](#).

8394 (2) "Metro township" means:

8395 (a) a metro township for which the electors at an election under Section [10-2a-404](#)

8396 chose a metro township that is included in a municipal services district; or

8397 (b) a metro township that subsequently joins a municipal services district.

8398 Section 197. Section **17B-2a-1104** is amended to read:

8399 **17B-2a-1104. Additional municipal services district powers.**

8400 In addition to the powers conferred on a municipal services district under Section
8401 **17B-1-103**, a municipal services district may:

8402 (1) notwithstanding Subsection **17B-1-202**(3), provide no more than six municipal
8403 services;

8404 (2) assist a municipality or a county located within a municipal services district by
8405 providing staffing and administrative services, including:

8406 (a) human resources staffing and services;

8407 (b) finance and budgeting staffing and services; and

8408 (c) information technology staffing and services; and

8409 (3) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]

8410 Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district.

8411 Section 198. Section **17B-2a-1106** is amended to read:

8412 **17B-2a-1106. Municipal services district board of trustees -- Governance.**

8413 (1) Notwithstanding any other provision of law regarding the membership of a [~~local~~]
8414 special district board of trustees, the initial board of trustees of a municipal services district
8415 shall consist of the county legislative body.

8416 (2) (a) If, after the initial creation of a municipal services district, an area within the
8417 district is incorporated as a municipality as defined in Section **10-1-104** and the area is not
8418 withdrawn from the district in accordance with Section **17B-1-502** or **17B-1-505**, or an area
8419 within the municipality is annexed into the municipal services district in accordance with
8420 Section **17B-2a-1103**, the district's board of trustees shall be as follows:

8421 (i) subject to Subsection (2)(b), a member of that municipality's governing body;

8422 (ii) one member of the county council of the county in which the municipal services
8423 district is located; and

8424 (iii) the total number of board members is not required to be an odd number.

8425 (b) A member described in Subsection (2)(a)(i) shall be:

8426 (i) for a municipality other than a metro township, designated by the municipal

8427 legislative body; and

8428 (ii) for a metro township, the mayor of the metro township or, during any period of
8429 time when the mayor is absent, unable, or refuses to act, the mayor pro tempore that the metro
8430 township council elects in accordance with Subsection 10-3b-503(4).

8431 (3) For a board of trustees described in Subsection (2), each board member's vote is
8432 weighted using the proportion of the municipal services district population that resides:

8433 (a) for each member described in Subsection (2)(a)(i), within that member's
8434 municipality; and

8435 (b) for the member described in Subsection (2)(a)(ii), within the unincorporated
8436 county.

8437 (4) The board may adopt a resolution providing for future board members to be
8438 appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.

8439 (5) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of trustees
8440 may adopt a resolution to determine the internal governance of the board.

8441 (6) The municipal services district and the county may enter into an agreement for the
8442 provision of legal services to the municipal services district.

8443 Section 199. Section 17C-1-102 is amended to read:

8444 **17C-1-102. Definitions.**

8445 As used in this title:

8446 (1) "Active project area" means a project area that has not been dissolved in accordance
8447 with Section 17C-1-702.

8448 (2) "Adjusted tax increment" means the percentage of tax increment, if less than
8449 100%, that an agency is authorized to receive:

8450 (a) for a pre-July 1, 1993, project area plan, under Section 17C-1-403, excluding tax
8451 increment under Subsection 17C-1-403(3);

8452 (b) for a post-June 30, 1993, project area plan, under Section 17C-1-404, excluding tax
8453 increment under Section 17C-1-406;

8454 (c) under a project area budget approved by a taxing entity committee; or

8455 (d) under an interlocal agreement that authorizes the agency to receive a taxing entity's
8456 tax increment.

8457 (3) "Affordable housing" means housing owned or occupied by a low or moderate

8458 income family, as determined by resolution of the agency.

8459 (4) "Agency" or "community reinvestment agency" means a separate body corporate
8460 and politic, created under Section 17C-1-201.5 or as a redevelopment agency or community
8461 development and renewal agency under previous law:

8462 (a) that is a political subdivision of the state;

8463 (b) that is created to undertake or promote project area development as provided in this
8464 title; and

8465 (c) whose geographic boundaries are coterminous with:

8466 (i) for an agency created by a county, the unincorporated area of the county; and

8467 (ii) for an agency created by a municipality, the boundaries of the municipality.

8468 (5) "Agency funds" means money that an agency collects or receives for agency
8469 operations, implementing a project area plan or an implementation plan as defined in Section
8470 17C-1-1001, or other agency purposes, including:

8471 (a) project area funds;

8472 (b) income, proceeds, revenue, or property derived from or held in connection with the
8473 agency's undertaking and implementation of project area development or agency-wide project
8474 development as defined in Section 17C-1-1001;

8475 (c) a contribution, loan, grant, or other financial assistance from any public or private
8476 source;

8477 (d) project area incremental revenue as defined in Section 17C-1-1001; or

8478 (e) property tax revenue as defined in Section 17C-1-1001.

8479 (6) "Annual income" means the same as that term is defined in regulations of the
8480 United States Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as
8481 amended or as superseded by replacement regulations.

8482 (7) "Assessment roll" means the same as that term is defined in Section 59-2-102.

8483 (8) "Base taxable value" means, unless otherwise adjusted in accordance with
8484 provisions of this title, a property's taxable value as shown upon the assessment roll last
8485 equalized during the base year.

8486 (9) "Base year" means, except as provided in Subsection 17C-1-402(4)(c), the year
8487 during which the assessment roll is last equalized:

8488 (a) for a pre-July 1, 1993, urban renewal or economic development project area plan,

8489 before the project area plan's effective date;

8490 (b) for a post-June 30, 1993, urban renewal or economic development project area
8491 plan, or a community reinvestment project area plan that is subject to a taxing entity
8492 committee:

8493 (i) before the date on which the taxing entity committee approves the project area
8494 budget; or

8495 (ii) if taxing entity committee approval is not required for the project area budget,
8496 before the date on which the community legislative body adopts the project area plan;

8497 (c) for a project on an inactive airport site, after the later of:

8498 (i) the date on which the inactive airport site is sold for remediation and development;

8499 or

8500 (ii) the date on which the airport that operated on the inactive airport site ceased
8501 operations; or

8502 (d) for a community development project area plan or a community reinvestment
8503 project area plan that is subject to an interlocal agreement, as described in the interlocal
8504 agreement.

8505 (10) "Basic levy" means the portion of a school district's tax levy constituting the
8506 minimum basic levy under Section [59-2-902](#).

8507 (11) "Board" means the governing body of an agency, as described in Section
8508 [17C-1-203](#).

8509 (12) "Budget hearing" means the public hearing on a proposed project area budget
8510 required under Subsection [17C-2-201\(2\)\(d\)](#) for an urban renewal project area budget,
8511 Subsection [17C-3-201\(2\)\(d\)](#) for an economic development project area budget, or Subsection
8512 [17C-5-302\(2\)\(e\)](#) for a community reinvestment project area budget.

8513 (13) "Closed military base" means land within a former military base that the Defense
8514 Base Closure and Realignment Commission has voted to close or realign when that action has
8515 been sustained by the president of the United States and Congress.

8516 (14) "Combined incremental value" means the combined total of all incremental values
8517 from all project areas, except project areas that contain some or all of a military installation or
8518 inactive industrial site, within the agency's boundaries under project area plans and project area
8519 budgets at the time that a project area budget for a new project area is being considered.

8520 (15) "Community" means a county or municipality.

8521 (16) "Community development project area plan" means a project area plan adopted
8522 under Chapter 4, Part 1, Community Development Project Area Plan.

8523 (17) "Community legislative body" means the legislative body of the community that
8524 created the agency.

8525 (18) "Community reinvestment project area plan" means a project area plan adopted
8526 under Chapter 5, Part 1, Community Reinvestment Project Area Plan.

8527 (19) "Contest" means to file a written complaint in the district court of the county in
8528 which the agency is located.

8529 (20) "Development impediment" means a condition of an area that meets the
8530 requirements described in Section 17C-2-303 for an urban renewal project area or Section
8531 17C-5-405 for a community reinvestment project area.

8532 (21) "Development impediment hearing" means a public hearing regarding whether a
8533 development impediment exists within a proposed:

8534 (a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section
8535 17C-2-302; or

8536 (b) community reinvestment project area under Section 17C-5-404.

8537 (22) "Development impediment study" means a study to determine whether a
8538 development impediment exists within a survey area as described in Section 17C-2-301 for an
8539 urban renewal project area or Section 17C-5-403 for a community reinvestment project area.

8540 (23) "Economic development project area plan" means a project area plan adopted
8541 under Chapter 3, Part 1, Economic Development Project Area Plan.

8542 (24) "Fair share ratio" means the ratio derived by:

8543 (a) for a municipality, comparing the percentage of all housing units within the
8544 municipality that are publicly subsidized income targeted housing units to the percentage of all
8545 housing units within the county in which the municipality is located that are publicly
8546 subsidized income targeted housing units; or

8547 (b) for the unincorporated part of a county, comparing the percentage of all housing
8548 units within the unincorporated county that are publicly subsidized income targeted housing
8549 units to the percentage of all housing units within the whole county that are publicly subsidized
8550 income targeted housing units.

8551 (25) "Family" means the same as that term is defined in regulations of the United
8552 States Department of Housing and Urban Development, 24 C.F.R. Section 5.403, as amended
8553 or as superseded by replacement regulations.

8554 (26) "Greenfield" means land not developed beyond agricultural, range, or forestry use.

8555 (27) "Hazardous waste" means any substance defined, regulated, or listed as a
8556 hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant,
8557 or toxic substance, or identified as hazardous to human health or the environment, under state
8558 or federal law or regulation.

8559 (28) "Housing allocation" means project area funds allocated for housing under Section
8560 17C-2-203, 17C-3-202, or 17C-5-307 for the purposes described in Section 17C-1-412.

8561 (29) "Housing fund" means a fund created by an agency for purposes described in
8562 Section 17C-1-411 or 17C-1-412 that is comprised of:

8563 (a) project area funds, project area incremental revenue as defined in Section
8564 17C-1-1001, or property tax revenue as defined in Section 17C-1-1001 allocated for the
8565 purposes described in Section 17C-1-411; or

8566 (b) an agency's housing allocation.

8567 (30) (a) "Inactive airport site" means land that:

8568 (i) consists of at least 100 acres;

8569 (ii) is occupied by an airport:

8570 (A) (I) that is no longer in operation as an airport; or

8571 (II) (Aa) that is scheduled to be decommissioned; and

8572 (Bb) for which a replacement commercial service airport is under construction; and

8573 (B) that is owned or was formerly owned and operated by a public entity; and

8574 (iii) requires remediation because:

8575 (A) of the presence of hazardous waste or solid waste; or

8576 (B) the site lacks sufficient public infrastructure and facilities, including public roads,
8577 electric service, water system, and sewer system, needed to support development of the site.

8578 (b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land
8579 described in Subsection (30)(a).

8580 (31) (a) "Inactive industrial site" means land that:

8581 (i) consists of at least 1,000 acres;

8582 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial
8583 facility; and

8584 (iii) requires remediation because of the presence of hazardous waste or solid waste.

8585 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land
8586 described in Subsection (31)(a).

8587 (32) "Income targeted housing" means housing that is owned or occupied by a family
8588 whose annual income is at or below 80% of the median annual income for a family within the
8589 county in which the housing is located.

8590 (33) "Incremental value" means a figure derived by multiplying the marginal value of
8591 the property located within a project area on which tax increment is collected by a number that
8592 represents the adjusted tax increment from that project area that is paid to the agency.

8593 (34) "Loan fund board" means the Olene Walker Housing Loan Fund Board,
8594 established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.

8595 (35) (a) "Local government building" means a building owned and operated by a
8596 community for the primary purpose of providing one or more primary community functions,
8597 including:

8598 (i) a fire station;

8599 (ii) a police station;

8600 (iii) a city hall; or

8601 (iv) a court or other judicial building.

8602 (b) "Local government building" does not include a building the primary purpose of
8603 which is cultural or recreational in nature.

8604 (36) "Major transit investment corridor" means the same as that term is defined in
8605 Section [10-9a-103](#).

8606 (37) "Marginal value" means the difference between actual taxable value and base
8607 taxable value.

8608 (38) "Military installation project area" means a project area or a portion of a project
8609 area located within a federal military installation ordered closed by the federal Defense Base
8610 Realignment and Closure Commission.

8611 (39) "Municipality" means a city, town, or metro township as defined in Section
8612 [10-2a-403](#).

8613 (40) "Participant" means one or more persons that enter into a participation agreement
8614 with an agency.

8615 (41) "Participation agreement" means a written agreement between a person and an
8616 agency that:

8617 (a) includes a description of:

8618 (i) the project area development that the person will undertake;

8619 (ii) the amount of project area funds the person may receive; and

8620 (iii) the terms and conditions under which the person may receive project area funds;

8621 and

8622 (b) is approved by resolution of the board.

8623 (42) "Plan hearing" means the public hearing on a proposed project area plan required
8624 under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan, Subsection
8625 17C-3-102(1)(d) for an economic development project area plan, Subsection 17C-4-102(1)(d)
8626 for a community development project area plan, or Subsection 17C-5-104(3)(e) for a
8627 community reinvestment project area plan.

8628 (43) "Post-June 30, 1993, project area plan" means a project area plan adopted on or
8629 after July 1, 1993, and before May 10, 2016, whether or not amended subsequent to the project
8630 area plan's adoption.

8631 (44) "Pre-July 1, 1993, project area plan" means a project area plan adopted before July
8632 1, 1993, whether or not amended subsequent to the project area plan's adoption.

8633 (45) "Private," with respect to real property, means property not owned by a public
8634 entity or any other governmental entity.

8635 (46) "Project area" means the geographic area described in a project area plan within
8636 which the project area development described in the project area plan takes place or is
8637 proposed to take place.

8638 (47) "Project area budget" means a multiyear projection of annual or cumulative
8639 revenues and expenses and other fiscal matters pertaining to a project area prepared in
8640 accordance with:

8641 (a) for an urban renewal project area, Section 17C-2-201;

8642 (b) for an economic development project area, Section 17C-3-201;

8643 (c) for a community development project area, Section 17C-4-204; or

- 8644 (d) for a community reinvestment project area, Section 17C-5-302.
- 8645 (48) "Project area development" means activity within a project area that, as
- 8646 determined by the board, encourages, promotes, or provides development or redevelopment for
- 8647 the purpose of implementing a project area plan, including:
- 8648 (a) promoting, creating, or retaining public or private jobs within the state or a
- 8649 community;
- 8650 (b) providing office, manufacturing, warehousing, distribution, parking, or other
- 8651 facilities or improvements;
- 8652 (c) planning, designing, demolishing, clearing, constructing, rehabilitating, or
- 8653 remediating environmental issues;
- 8654 (d) providing residential, commercial, industrial, public, or other structures or spaces,
- 8655 including recreational and other facilities incidental or appurtenant to the structures or spaces;
- 8656 (e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating
- 8657 existing structures;
- 8658 (f) providing open space, including streets or other public grounds or space around
- 8659 buildings;
- 8660 (g) providing public or private buildings, infrastructure, structures, or improvements;
- 8661 (h) relocating a business;
- 8662 (i) improving public or private recreation areas or other public grounds;
- 8663 (j) eliminating a development impediment or the causes of a development impediment;
- 8664 (k) redevelopment as defined under the law in effect before May 1, 2006; or
- 8665 (l) any activity described in this Subsection (48) outside of a project area that the board
- 8666 determines to be a benefit to the project area.
- 8667 (49) "Project area funds" means tax increment or sales and use tax revenue that an
- 8668 agency receives under a project area budget adopted by a taxing entity committee or an
- 8669 interlocal agreement.
- 8670 (50) "Project area funds collection period" means the period of time that:
- 8671 (a) begins the day on which the first payment of project area funds is distributed to an
- 8672 agency under a project area budget approved by a taxing entity committee or an interlocal
- 8673 agreement; and
- 8674 (b) ends the day on which the last payment of project area funds is distributed to an

8675 agency under a project area budget approved by a taxing entity committee or an interlocal
8676 agreement.

8677 (51) "Project area plan" means an urban renewal project area plan, an economic
8678 development project area plan, a community development project area plan, or a community
8679 reinvestment project area plan that, after the project area plan's effective date, guides and
8680 controls the project area development.

8681 (52) (a) "Property tax" means each levy on an ad valorem basis on tangible or
8682 intangible personal or real property.

8683 (b) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4, Privilege
8684 Tax.

8685 (53) "Public entity" means:

8686 (a) the United States, including an agency of the United States;

8687 (b) the state, including any of the state's departments or agencies; or

8688 (c) a political subdivision of the state, including a county, municipality, school district,
8689 [~~local~~] special district, special service district, community reinvestment agency, or interlocal
8690 cooperation entity.

8691 (54) "Publicly owned infrastructure and improvements" means water, sewer, storm
8692 drainage, electrical, natural gas, telecommunication, or other similar systems and lines, streets,
8693 roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation facilities, or
8694 other facilities, infrastructure, and improvements benefitting the public and to be publicly
8695 owned or publicly maintained or operated.

8696 (55) "Record property owner" or "record owner of property" means the owner of real
8697 property, as shown on the records of the county in which the property is located, to whom the
8698 property's tax notice is sent.

8699 (56) "Sales and use tax revenue" means revenue that is:

8700 (a) generated from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act;

8701 and

8702 (b) distributed to a taxing entity in accordance with Sections [59-12-204](#) and [59-12-205](#).

8703 (57) "Superfund site":

8704 (a) means an area included in the National Priorities List under the Comprehensive
8705 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

8706 (b) includes an area formerly included in the National Priorities List, as described in
8707 Subsection (57)(a), but removed from the list following remediation that leaves on site the
8708 waste that caused the area to be included in the National Priorities List.

8709 (58) "Survey area" means a geographic area designated for study by a survey area
8710 resolution to determine whether:

8711 (a) one or more project areas within the survey area are feasible; or

8712 (b) a development impediment exists within the survey area.

8713 (59) "Survey area resolution" means a resolution adopted by a board that designates a
8714 survey area.

8715 (60) "Taxable value" means:

8716 (a) the taxable value of all real property a county assessor assesses in accordance with
8717 Title 59, Chapter 2, Part 3, County Assessment, for the current year;

8718 (b) the taxable value of all real and personal property the commission assesses in
8719 accordance with Title 59, Chapter 2, Part 2, Assessment of Property, for the current year; and

8720 (c) the year end taxable value of all personal property a county assessor assesses in
8721 accordance with Title 59, Chapter 2, Part 3, County Assessment, contained on the prior year's
8722 tax rolls of the taxing entity.

8723 (61) (a) "Tax increment" means the difference between:

8724 (i) the amount of property tax revenue generated each tax year by a taxing entity from
8725 the area within a project area designated in the project area plan as the area from which tax
8726 increment is to be collected, using the current assessed value of the property and each taxing
8727 entity's current certified tax rate as defined in Section 59-2-924; and

8728 (ii) the amount of property tax revenue that would be generated from that same area
8729 using the base taxable value of the property and each taxing entity's current certified tax rate as
8730 defined in Section 59-2-924.

8731 (b) "Tax increment" does not include taxes levied and collected under Section
8732 59-2-1602 on or after January 1, 1994, upon the taxable property in the project area unless:

8733 (i) the project area plan was adopted before May 4, 1993, whether or not the project
8734 area plan was subsequently amended; and

8735 (ii) the taxes were pledged to support bond indebtedness or other contractual
8736 obligations of the agency.

- 8737 (62) "Taxing entity" means a public entity that:
- 8738 (a) levies a tax on property located within a project area; or
- 8739 (b) imposes a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.
- 8740 (63) "Taxing entity committee" means a committee representing the interests of taxing
- 8741 entities, created in accordance with Section [17C-1-402](#).
- 8742 (64) "Unincorporated" means not within a municipality.
- 8743 (65) "Urban renewal project area plan" means a project area plan adopted under
- 8744 Chapter 2, Part 1, Urban Renewal Project Area Plan.
- 8745 Section 200. Section **17C-1-409** is amended to read:
- 8746 **17C-1-409. Allowable uses of agency funds.**
- 8747 (1) (a) An agency may use agency funds:
- 8748 (i) for any purpose authorized under this title;
- 8749 (ii) for administrative, overhead, legal, or other operating expenses of the agency,
- 8750 including consultant fees and expenses under Subsection [17C-2-102\(1\)\(b\)\(ii\)\(B\)](#) or funding for
- 8751 a business resource center;
- 8752 (iii) subject to Section [11-41-103](#), to pay for, including financing or refinancing, all or
- 8753 part of:
- 8754 (A) project area development in a project area, including environmental remediation
- 8755 activities occurring before or after adoption of the project area plan;
- 8756 (B) housing-related expenditures, projects, or programs as described in Section
- 8757 [17C-1-411](#) or [17C-1-412](#);
- 8758 (C) an incentive or other consideration paid to a participant under a participation
- 8759 agreement;
- 8760 (D) subject to Subsections (1)(c) and (4), the value of the land for and the cost of the
- 8761 installation and construction of any publicly owned building, facility, structure, landscaping, or
- 8762 other improvement within the project area from which the project area funds are collected; or
- 8763 (E) the cost of the installation of publicly owned infrastructure and improvements
- 8764 outside the project area from which the project area funds are collected if the board and the
- 8765 community legislative body determine by resolution that the publicly owned infrastructure and
- 8766 improvements benefit the project area;
- 8767 (iv) in an urban renewal project area that includes some or all of an inactive industrial

8768 site and subject to Subsection (1)(e), to reimburse the Department of Transportation created
8769 under Section 72-1-201, or a public transit district created under [~~Title 17B, Chapter 2a, Part 8;~~
8770 ~~Public Transit District Act~~] Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special
8771 Districts, for the cost of:

- 8772 (A) construction of a public road, bridge, or overpass;
- 8773 (B) relocation of a railroad track within the urban renewal project area; or
- 8774 (C) relocation of a railroad facility within the urban renewal project area;
- 8775 (v) subject to Subsection (5), to transfer funds to a community that created the agency;

8776 or

- 8777 (vi) subject to Subsection (1)(f), for agency-wide project development under Part 10,
8778 Agency Taxing Authority.

8779 (b) The determination of the board and the community legislative body under
8780 Subsection (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.

8781 (c) An agency may not use project area funds received from a taxing entity for the
8782 purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal project area plan, an
8783 economic development project area plan, or a community reinvestment project area plan
8784 without the community legislative body's consent.

8785 (d) (i) Subject to Subsection (1)(d)(ii), an agency may loan project area funds from a
8786 project area fund to another project area fund if:

- 8787 (A) the board approves; and
- 8788 (B) the community legislative body approves.

8789 (ii) An agency may not loan project area funds under Subsection (1)(d)(i) unless the
8790 projections for agency funds are sufficient to repay the loan amount.

8791 (iii) A loan described in Subsection (1)(d) is not subject to Title 10, Chapter 5,
8792 Uniform Fiscal Procedures Act for Utah Towns, Title 10, Chapter 6, Uniform Fiscal
8793 Procedures Act for Utah Cities, Title 17, Chapter 36, Uniform Fiscal Procedures Act for
8794 Counties, or Title 17B, Chapter 1, Part 6, Fiscal Procedures for [~~Local~~] Special Districts.

8795 (e) Before an agency may pay any tax increment or sales tax revenue under Subsection
8796 (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the
8797 reimbursement with:

- 8798 (i) the Department of Transportation; or

8799 (ii) a public transit district.

8800 (f) Before an agency may use project area funds for agency-wide project development,
8801 as defined in Section 17C-1-1001, the agency shall obtain the consent of the taxing entity
8802 committee or each taxing entity party to an interlocal agreement with the agency.

8803 (2) (a) Sales and use tax revenue that an agency receives from a taxing entity is not
8804 subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Retail Facility
8805 Incentive Payments Act.

8806 (b) An agency may use sales and use tax revenue that the agency receives under an
8807 interlocal agreement under Section 17C-4-201 or 17C-5-204 for the uses authorized in the
8808 interlocal agreement.

8809 (3) (a) An agency may contract with the community that created the agency or another
8810 public entity to use agency funds to reimburse the cost of items authorized by this title to be
8811 paid by the agency that are paid by the community or other public entity.

8812 (b) If land is acquired or the cost of an improvement is paid by another public entity
8813 and the land or improvement is leased to the community, an agency may contract with and
8814 make reimbursement from agency funds to the community.

8815 (4) Notwithstanding any other provision of this title, an agency may not use project
8816 area funds, project area incremental revenue as defined in Section 17C-1-1001, or property tax
8817 revenue as defined in Section 17C-1-1001, to construct a local government building unless the
8818 taxing entity committee or each taxing entity party to an interlocal agreement with the agency
8819 consents.

8820 (5) For the purpose of offsetting the community's annual local contribution to the
8821 Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in
8822 a calendar year to a community under Subsections (1)(a)(v), 17C-1-411(1)(d), and
8823 17C-1-412(1)(a)(x) may not exceed the community's annual local contribution as defined in
8824 Subsection 59-12-205(5).

8825 Section 201. Section 17D-1-102 is amended to read:

8826 **17D-1-102. Definitions.**

8827 As used in this chapter:

8828 (1) "Adequate protests" means written protests timely filed by:

8829 (a) the owners of private real property that:

- 8830 (i) is located within the applicable area;
- 8831 (ii) covers at least 25% of the total private land area within the applicable area; and
- 8832 (iii) is equal in value to at least 15% of the value of all private real property within the
- 8833 applicable area; or
- 8834 (b) registered voters residing within the applicable area equal in number to at least 25%
- 8835 of the number of votes cast in the applicable area for the office of president of the United States
- 8836 at the most recent election prior to the adoption of the resolution or filing of the petition.
- 8837 (2) "Applicable area" means:
- 8838 (a) for a proposal to create a special service district, the area included within the
- 8839 proposed special service district;
- 8840 (b) for a proposal to annex an area to an existing special service district, the area
- 8841 proposed to be annexed;
- 8842 (c) for a proposal to add a service to the service or services provided by a special
- 8843 service district, the area included within the special service district; and
- 8844 (d) for a proposal to consolidate special service districts, the area included within each
- 8845 special service district proposed to be consolidated.
- 8846 (3) "Facility" or "facilities" includes any structure, building, system, land, water right,
- 8847 water, or other real or personal property required to provide a service that a special service
- 8848 district is authorized to provide, including any related or appurtenant easement or right-of-way,
- 8849 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.
- 8850 (4) "General obligation bond":
- 8851 (a) means a bond that is directly payable from and secured by ad valorem property
- 8852 taxes that are:
- 8853 (i) levied:
- 8854 (A) by the county or municipality that created the special service district that issues the
- 8855 bond; and
- 8856 (B) on taxable property within the special service district; and
- 8857 (ii) in excess of the ad valorem property taxes for the current fiscal year; and
- 8858 (b) does not include:
- 8859 (i) a short-term bond;
- 8860 (ii) a tax and revenue anticipation bond; or

- 8861 (iii) a special assessment bond.
- 8862 (5) "Governing body" means:
- 8863 (a) the legislative body of the county or municipality that creates the special service
- 8864 district, to the extent that the county or municipal legislative body has not delegated authority
- 8865 to an administrative control board created under Section [17D-1-301](#); or
- 8866 (b) the administrative control board of the special service district, to the extent that the
- 8867 county or municipal legislative body has delegated authority to an administrative control board
- 8868 created under Section [17D-1-301](#).
- 8869 (6) "Guaranteed bonds" means bonds:
- 8870 (a) issued by a special service district; and
- 8871 (b) the debt service of which is guaranteed by one or more taxpayers owning property
- 8872 within the special service district.
- 8873 [~~(7) "Local district" has the same meaning as defined in Section [17B-1-102](#).]~~
- 8874 [~~(8)~~ (7) "Revenue bond":
- 8875 (a) means a bond payable from designated taxes or other revenues other than the ad
- 8876 valorem property taxes of the county or municipality that created the special service district;
- 8877 and
- 8878 (b) does not include:
- 8879 (i) an obligation constituting an indebtedness within the meaning of an applicable
- 8880 constitutional or statutory debt limit;
- 8881 (ii) a tax and revenue anticipation bond; or
- 8882 (iii) a special assessment bond.
- 8883 [~~(9)~~ (8) "Special assessment" means an assessment levied against property to pay all
- 8884 or a portion of the costs of making improvements that benefit the property.
- 8885 [~~(10)~~ (9) "Special assessment bond" means a bond payable from special assessments.
- 8886 (10) "Special district" has the same meaning as that term is defined in Section
- 8887 [17B-1-102](#).
- 8888 (11) "Special service district" means a limited purpose local government entity, as
- 8889 described in Section [17D-1-103](#), that:
- 8890 (a) is created under authority of the Utah Constitution Article XI, Section 7; and
- 8891 (b) operates under, is subject to, and has the powers set forth in this chapter.

8892 (12) "Tax and revenue anticipation bond" means a bond:

8893 (a) issued in anticipation of the collection of taxes or other revenues or a combination
8894 of taxes and other revenues; and

8895 (b) that matures within the same fiscal year as the fiscal year in which the bond is
8896 issued.

8897 Section 202. Section **17D-1-103** is amended to read:

8898 **17D-1-103. Special service district status, powers, and duties -- Registration as a**
8899 **limited purpose entity -- Limitation on districts providing jail service.**

8900 (1) A special service district:

8901 (a) is:

8902 (i) a body corporate and politic with perpetual succession, separate and distinct from
8903 the county or municipality that creates it;

8904 (ii) a quasi-municipal corporation; and

8905 (iii) a political subdivision of the state; and

8906 (b) may sue and be sued.

8907 (2) A special service district may:

8908 (a) exercise the power of eminent domain possessed by the county or municipality that
8909 creates the special service district;

8910 (b) enter into a contract that the governing authority considers desirable to carry out
8911 special service district functions, including a contract:

8912 (i) with the United States or an agency of the United States, the state, an institution of
8913 higher education, a county, a municipality, a school district, a [hoef] special district, another
8914 special service district, or any other political subdivision of the state; or

8915 (ii) that includes provisions concerning the use, operation, and maintenance of special
8916 service district facilities and the collection of fees or charges with respect to commodities,
8917 services, or facilities that the district provides;

8918 (c) acquire or construct facilities;

8919 (d) acquire real or personal property, or an interest in real or personal property,
8920 including water and water rights, whether by purchase, lease, gift, devise, bequest, or
8921 otherwise, and whether the property is located inside or outside the special service district, and
8922 own, hold, improve, use, finance, or otherwise deal in and with the property or property right;

- 8923 (e) sell, convey, lease, exchange, transfer, or otherwise dispose of all or any part of the
8924 special service district's property or assets, including water and water rights;
- 8925 (f) mortgage, pledge, or otherwise encumber all or any part of the special service
8926 district's property or assets, including water and water rights;
- 8927 (g) enter into a contract with respect to the use, operation, or maintenance of all or any
8928 part of the special service district's property or assets, including water and water rights;
- 8929 (h) accept a government grant or loan and comply with the conditions of the grant or
8930 loan;
- 8931 (i) use an officer, employee, property, equipment, office, or facility of the county or
8932 municipality that created the special service district, subject to reimbursement as provided in
8933 Subsection (4);
- 8934 (j) employ one or more officers, employees, or agents, including one or more
8935 engineers, accountants, attorneys, or financial consultants, and establish their compensation;
- 8936 (k) designate an assessment area and levy an assessment as provided in Title 11,
8937 Chapter 42, Assessment Area Act;
- 8938 (l) contract with a franchised, certificated public utility for the construction and
8939 operation of an electrical service distribution system within the special service district;
- 8940 (m) borrow money and incur indebtedness;
- 8941 (n) as provided in Part 5, Special Service District Bonds, issue bonds for the purpose of
8942 acquiring, constructing, and equipping any of the facilities required for the services the special
8943 service district is authorized to provide, including:
- 8944 (i) bonds payable in whole or in part from taxes levied on the taxable property in the
8945 special service district;
- 8946 (ii) bonds payable from revenues derived from the operation of revenue-producing
8947 facilities of the special service district;
- 8948 (iii) bonds payable from both taxes and revenues;
- 8949 (iv) guaranteed bonds, payable in whole or in part from taxes levied on the taxable
8950 property in the special service district;
- 8951 (v) tax anticipation notes;
- 8952 (vi) bond anticipation notes;
- 8953 (vii) refunding bonds;

8954 (viii) special assessment bonds; and
8955 (ix) bonds payable in whole or in part from mineral lease payments as provided in
8956 Section 11-14-308;
8957 (o) except as provided in Subsection (5), impose fees or charges or both for
8958 commodities, services, or facilities that the special service district provides;
8959 (p) provide to an area outside the special service district's boundary, whether inside or
8960 outside the state, a service that the special service district is authorized to provide within its
8961 boundary, if the governing body makes a finding that there is a public benefit to providing the
8962 service to the area outside the special service district's boundary;
8963 (q) provide other services that the governing body determines will more effectively
8964 carry out the purposes of the special service district; and
8965 (r) adopt an official seal for the special service district.
8966 (3) (a) Each special service district shall register and maintain the special service
8967 district's registration as a limited purpose entity, in accordance with Section 67-1a-15.
8968 (b) A special service district that fails to comply with Subsection (3)(a) or Section
8969 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.
8970 (4) Each special service district that uses an officer, employee, property, equipment,
8971 office, or facility of the county or municipality that created the special service district shall
8972 reimburse the county or municipality a reasonable amount for what the special service district
8973 uses.
8974 (5) (a) A special service district that provides jail service as provided in Subsection
8975 17D-1-201(10) may not impose a fee or charge for the service it provides.
8976 (b) Subsection (5)(a) may not be construed to limit a special service district that
8977 provides jail service from:
8978 (i) entering into a contract with the federal government, the state, or a political
8979 subdivision of the state to provide jail service for compensation; or
8980 (ii) receiving compensation for jail service it provides under a contract described in
8981 Subsection (5)(b)(i).
8982 Section 203. Section 17D-1-106 is amended to read:
8983 **17D-1-106. Special service districts subject to other provisions.**
8984 (1) A special service district is, to the same extent as if it were a [local] special district,

8985 subject to and governed by:

8986 (a) (i) Sections [17B-1-105](#), [17B-1-107](#), [17B-1-108](#), [17B-1-110](#), [17B-1-111](#), [17B-1-113](#),
8987 [17B-1-116](#), [17B-1-118](#), [17B-1-119](#), [17B-1-120](#), [17B-1-121](#), [17B-1-304](#), [17B-1-307](#),
8988 [17B-1-310](#), [17B-1-311](#), [17B-1-312](#), [17B-1-313](#), and [17B-1-314](#); and

8989 (ii) Sections [17B-1-305](#) and [17B-1-306](#), to the extent that a county legislative body or a
8990 municipal legislative body, as applicable, has delegated authority to an administrative control
8991 board with elected members, under Section [17D-1-301](#).

8992 (b) Subsections:

8993 (i) [17B-1-301](#)(3) and (4); and

8994 (ii) [17B-1-303](#)(1), (2)(a) and (b), (3), (4), (5), (6), (7), and (9);

8995 (c) Section [20A-1-512](#);

8996 (d) [~~Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts~~] Title 17B,
8997 Chapter 1, Part 6, Fiscal Procedures for Special Districts;

8998 (e) [~~Title 17B, Chapter 1, Part 7, Local District Budgets and Audit Reports~~] Title 17B,
8999 Chapter 1, Part 7, Special District Budgets and Audit Reports;

9000 (f) [~~Title 17B, Chapter 1, Part 8, Local District Personnel Management~~] Title 17B,
9001 Chapter 1, Part 8, Special District Personnel Management; and

9002 (g) Title 17B, Chapter 1, Part 9, Collection of Service Fees and Charges.

9003 (2) For purposes of applying the provisions listed in Subsection (1) to a special service
9004 district, each reference in those provisions to the [~~local~~] special district board of trustees means
9005 the governing body.

9006 Section 204. Section **17D-1-202** is amended to read:

9007 **17D-1-202. Limitations on the creation of a special service district.**

9008 (1) Subject to Subsection (2), the boundary of a proposed special service district may
9009 include all or part of the area within the boundary of the county or municipality that creates the
9010 special service district.

9011 (2) (a) The boundary of a proposed special service district may not include an area
9012 included within the boundary of an existing special service district that provides the same
9013 service that the proposed special service district is proposed to provide.

9014 (b) The boundary of a proposed special service district may not include an area
9015 included within the boundary of an existing [~~local~~] special district that provides the same

9016 service that the proposed special service district is proposed to provide, unless the [local]
9017 special district consents.

9018 (c) A proposed special service district may not include land that will not be benefitted
9019 by the service that the special service district is proposed to provide, unless the owner of the
9020 nonbenefitted land consents to the inclusion.

9021 (d) A county may not create a special service district that includes some or all of the
9022 area within a municipality unless the legislative body of that municipality adopts a resolution or
9023 ordinance consenting to the inclusion.

9024 (3) All areas included within a special service district need not be contiguous.
9025 Section 205. Section **17D-1-303** is amended to read:

9026 **17D-1-303. Election or appointment of administrative control board members.**

9027 (1) Except as provided in Subsection (5), a county or municipal legislative body that
9028 creates an administrative control board may provide for board members to be elected or
9029 appointed, or for some members to be elected and some appointed.

9030 (2) Except as provided in Subsection (3), each member of an administrative control
9031 board shall be elected or appointed as provided for the election or appointment, respectively, of
9032 a member of a board of trustees of a [local] special district under Title 17B, Chapter 1, Part 3,
9033 Board of Trustees.

9034 (3) A municipality or improvement district under Title 17B, Chapter 2a, Part 4,
9035 Improvement District Act, may appoint one member to represent it on an administrative control
9036 board created for a special service district if:

9037 (a) the special service district was created by a county;

9038 (b) the municipality or improvement district:

9039 (i) provides the same service as the special service district; or

9040 (ii) provided the same service as the special service district:

9041 (A) prior to the creation of the special service district, if all or part of the municipality
9042 or improvement district was then included in the special service district; or

9043 (B) prior to all or part of the municipality or improvement district being annexed into
9044 the special service district; and

9045 (c) the special service district includes some or all of the area included within the
9046 municipality or improvement district.

9047 (4) An institution of higher education for which a special service district provides
9048 commodities, services, or facilities may appoint the number of members of an administrative
9049 control board of that special service district that are equal in number to at least 1/3 of the total
9050 number of board members.

9051 (5) With respect to an administrative control board created for a special service district
9052 created by a county of the first class to provide jail service as provided in Subsection
9053 [17D-1-201](#)(10), the county legislative body shall appoint:

9054 (a) three members from a list of at least six recommendations from the county sheriff;

9055 (b) three members from a list of at least six recommendations from municipalities
9056 within the county; and

9057 (c) three members from a list of at least six recommendations from the county
9058 executive.

9059 Section 206. Section **17D-1-305** is amended to read:

9060 **17D-1-305. Compensation for administrative control board members.**

9061 An administrative control board member may receive compensation and reimbursement
9062 of expenses as provided in Section [17B-1-307](#) to the same extent as if the member were a
9063 member of a board of trustees of a ~~[local]~~ special district.

9064 Section 207. Section **17D-1-401** is amended to read:

9065 **17D-1-401. Annexing an area or adding a service to an existing special service**
9066 **district.**

9067 (1) Except as provided in Subsections (3) and (4), a county or municipal legislative
9068 body acting as the governing body of the special service district may, as provided in this part:

9069 (a) annex an area to an existing special service district to provide to that area a service
9070 that the special service district is authorized to provide;

9071 (b) add a service under Section [17D-1-201](#) within the area of an existing special service
9072 district that the special service district is not already authorized to provide; or

9073 (c) both annex an area under Subsection (1)(a) and add a service under Subsection
9074 (1)(b).

9075 (2) Except for Section [17D-1-209](#), the provisions of Part 2, Creating a Special Service
9076 District, apply to and govern the process of annexing an area to an existing special service
9077 district or adding a service that the special service district is not already authorized to provide,

9078 to the same extent as if the annexation or addition were the creation of a special service district.

9079 (3) A county or municipal legislative body may not:

9080 (a) annex an area to an existing special service district if a ~~[local]~~ special district
9081 provides to that area the same service that the special service district is proposed to provide to
9082 the area, unless the ~~[local]~~ special district consents to the annexation; or

9083 (b) add a service within the area of an existing special service district if a ~~[local]~~
9084 special district provides to that area the same service that is proposed to be added, unless the
9085 ~~[local]~~ special district consents to the addition.

9086 (4) A county or municipal legislative body may not annex an area to an existing special
9087 service district or add a service within the area of an existing special service district if the
9088 creation of a special service district including that area or providing that service would not be
9089 allowed under Part 2, Creating a Special Service District.

9090 (5) A county or municipal legislative body may not annex an area to an existing special
9091 service district or add a service within the area of an existing special service district if the area
9092 is located within a project area described in a project area plan adopted by the military
9093 installation development authority under Title 63H, Chapter 1, Military Installation
9094 Development Authority Act, unless the county or municipal legislative body has first obtained
9095 the authority's approval.

9096 Section 208. Section **17D-1-601** is amended to read:

9097 **17D-1-601. Adoption of a resolution to approve withdrawal, dissolution,**
9098 **discontinuance of a service, or reorganization.**

9099 Subject to and as provided in this part, the legislative body of the county or
9100 municipality that created a special service district may by resolution:

9101 (1) approve the withdrawal of an area from the special service district if the legislative
9102 body determines that the area should not or cannot be provided the service that the special
9103 service district provides;

9104 (2) approve the dissolution of the special service district if the legislative body
9105 determines that the special service district is no longer needed for the purposes for which it was
9106 created;

9107 (3) discontinue a service that the special service district provides; or

9108 (4) reorganize the special service district as a ~~[local]~~ special district.

9109 Section 209. Section **17D-1-603** is amended to read:

9110 **17D-1-603. Notice and plat to lieutenant governor -- Recording requirements.**

9111 (1) If a county or municipal legislative body adopts a resolution approving the
9112 withdrawal of an area from a special service district, the dissolution of a special service district,
9113 or the reorganization of a special service district as a [~~local~~] special district, the county or
9114 municipal legislative body, as the case may be, shall:

9115 (a) within 30 days after adopting the resolution, file with the lieutenant governor:

9116 (i) a copy of a notice of an impending boundary action, as defined in Section [67-1a-6.5](#),
9117 that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and

9118 (ii) in the case of a withdrawal, a copy of an approved final local entity plat, as defined
9119 in Section [67-1a-6.5](#); and

9120 (b) upon the lieutenant governor's issuance of a certificate of withdrawal, dissolution,
9121 or incorporation, as the case may be, under Section [67-1a-6.5](#), submit to the recorder of the
9122 county in which the special service district is located:

9123 (i) the original notice of an impending boundary action;

9124 (ii) the original certificate of withdrawal or dissolution, as the case may be;

9125 (iii) in the case of a withdrawal, the original approved final local entity plat; and

9126 (iv) a certified copy of the resolution approving the withdrawal, dissolution, or
9127 incorporation.

9128 (2) (a) Upon the lieutenant governor's issuance of the certificate of withdrawal under
9129 Section [67-1a-6.5](#), the area to be withdrawn that is the subject of the legislative body's
9130 resolution is withdrawn from the special service district.

9131 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under
9132 Section [67-1a-6.5](#), the special service district is dissolved.

9133 (3) (a) Upon the lieutenant governor's issuance of a certificate of incorporation as
9134 provided in Section [67-1a-6.5](#), the special service district is:

9135 (i) reorganized and incorporated as a [~~local~~] special district subject to the provisions of
9136 [~~Title 17B, Chapter 1, Provisions Applicable to All Local Districts~~] Title 17B, Chapter 1,
9137 Provisions Applicable to All Special Districts;

9138 (ii) subject to Subsection (3)(b), if the special service district is reorganized as a [~~local~~]
9139 special district described in and subject to [~~Title 17B, Chapter 2a, Provisions Applicable to~~

9140 ~~Different Types of Local Districts]~~ Title 17B, Chapter 2a, Provisions Applicable to Different
9141 Types of Special Districts, the applicable part of that chapter; and

9142 (iii) no longer a special service district.

9143 (b) A special service district reorganized as a ~~[local]~~ special district is a basic ~~[local]~~
9144 special district as provided in ~~[Title 17B, Chapter 1, Part 14, Basic Local District]~~ Title 17B,
9145 Chapter 1, Part 14, Basic Special District, unless the resolution adopted in accordance with
9146 Subsection 17D-1-604(5):

9147 (i) specifies that the reorganized ~~[local]~~ special district is a different type of ~~[local]~~
9148 special district other than a basic ~~[local]~~ special district; and

9149 (ii) states the type of that ~~[local]~~ special district, including the governing part in ~~[Title~~
9150 ~~17B, Chapter 2a, Provisions Applicable to Different Types of Local Districts]~~ Title 17B,
9151 Chapter 2a, Provisions Applicable to Different Types of Special Districts.

9152 Section 210. Section **17D-1-604** is amended to read:

9153 **17D-1-604. Reorganization as a special district.**

9154 (1) The legislative body of a county or municipality that has created a special service
9155 district may reorganize the special service district as a ~~[local]~~ special district in accordance
9156 with this section.

9157 (2) The process to reorganize a special service district as a ~~[local]~~ special district is
9158 initiated if the legislative body of the county or municipality that originally created the special
9159 service district adopts a resolution that:

9160 (a) indicates the legislative body's intent to reorganize the special service district as a
9161 ~~[local]~~ special district; and

9162 (b) complies with the requirements of Subsection (3).

9163 (3) A resolution to initiate reorganization described in Subsection (2) shall:

9164 (a) state the name of the special service district that is proposed to be reorganized as a
9165 ~~[local]~~ special district;

9166 (b) generally describe the boundaries of the special service district, whether or not
9167 those boundaries coincide with the boundaries of the creating county or municipality; and

9168 (c) specify each service that the special service district is authorized to provide.

9169 (4) After adopting the resolution described in Subsection (3), the legislative body of the
9170 county or municipality that created the special service district shall hold a public hearing

9171 following the notice requirements of Section 17D-1-205 applicable to the creation of a special
9172 service district, with changes as appropriate for the reorganization of the special service district
9173 as a [local] special district.

9174 (5) (a) At or following the public hearing, the county or municipal legislative body
9175 shall:

9176 (i) subject to Subsection (5)(b), adopt a resolution approving the reorganization of the
9177 special service district as a [local] special district; or

9178 (ii) abandon the reorganization.

9179 (b) A resolution approving reorganization shall:

9180 (i) state the name of the special service district that is being reorganized as a [local]
9181 special district;

9182 (ii) state the name of the [local] special district in accordance with Subsection (7);

9183 (iii) subject to Subsection (5)(c), describe the boundaries of the [local] special district;

9184 (iv) subject to Subsection (8)(a), specify the service or services to be provided by the
9185 [local] special district;

9186 (v) state:

9187 (A) whether the [local] special district is a different type of [local] special district other
9188 than a basic [local] special district; and

9189 (B) if the reorganized [local] special district is not a basic [local] special district, the
9190 type of [local] special district, including the governing part in [Title 17B, Chapter 2a,

9191 ~~Provisions Applicable to Different Types of Local Districts]~~ Title 17B, Chapter 2a, Provisions
9192 Applicable to Different Types of Special Districts;

9193 (vi) state whether the [local] special district is to be governed by an appointed or an
9194 elected board of trustees, or a combination of appointed and elected trustees, in accordance
9195 with Title 17B, Chapter 1, Part 3, Board of Trustees;

9196 (vii) state whether an administrative control board established for the special service
9197 district that is being reorganized as a [local] special district will serve as the first board of
9198 trustees of the [local] special district; and

9199 (viii) contain additional provisions as necessary.

9200 (c) The boundaries of the [local] special district shall reflect the boundaries of the
9201 reorganized special service district.

9202 (6) A county may not reorganize a special service district as a ~~[local]~~ special district to
9203 include some or all of the area within a municipality unless the legislative body of the
9204 municipality adopts a resolution or ordinance consenting to the reorganization.

9205 (7) The name of the ~~[local]~~ special district:

9206 (a) shall comply with Subsection 17-50-103(2)(a); and

9207 (b) may not include the phrase "special service district."

9208 (8) A ~~[local]~~ special district created under this section may not provide:

9209 (a) (i) at the time of reorganization, a service that it could not have provided as the
9210 special service district prior to reorganization; or

9211 (ii) after reorganization, an additional service listed in Section 17B-1-202, unless the
9212 ~~[local]~~ special district adds the service in accordance with the provisions of ~~[Title 17B, Chapter~~
9213 ~~1, Provisions Applicable to All Local Districts]~~ Title 17B, Chapter 1, Provisions Applicable to
9214 All Special Districts; and

9215 (b) more than four of the services listed in Section 17B-1-202 at any time.

9216 (9) After the lieutenant governor issues, in accordance with Section 67-1a-6.5, a
9217 certificate of incorporation for a ~~[local]~~ special district created under this section, the ~~[local]~~
9218 special district:

9219 (a) is:

9220 (i) a body corporate and politic with perpetual succession;

9221 (ii) a quasi-municipal corporation; and

9222 (iii) a political subdivision of the state as provided in Section 17B-1-103; and

9223 (b) may, subject to Subsection (8), provide a service that:

9224 (i) the special service district was authorized to provide before reorganization; and

9225 (ii) the ~~[local]~~ special district is authorized to provide under the resolution adopted in
9226 accordance with Subsection (5).

9227 (10) An action taken, a bond issued, or a contract or other obligation entered into by
9228 the reorganized special service district before reorganization is a valid action, bond issuance,
9229 contract, or other obligation of the ~~[local]~~ special district.

9230 (11) A ~~[local]~~ special district created under this section:

9231 (a) may impose and collect taxes, fees, and other charges for services provided in
9232 accordance with applicable law;

9233 (b) shall own all property acquired by the special service district before reorganization;
9234 and

9235 (c) shall have a power, right, or obligation that the reorganized special service district
9236 had before the reorganization, unless otherwise provided by law.

9237 Section 211. Section 17D-2-102 is amended to read:

9238 **17D-2-102. Definitions.**

9239 As used in this chapter:

9240 (1) "Authority board" means the board of directors of a local building authority, as
9241 described in Section 17D-2-203.

9242 (2) "Bond" includes a bond, note, or other instrument issued under this chapter
9243 evidencing an indebtedness of a local building authority.

9244 (3) "Creating local entity" means the local entity that creates or created the local
9245 building authority.

9246 (4) "Governing body" means:

9247 (a) for a county, city, or town, the legislative body of the county, city, or town;

9248 (b) for a school district, the local school board for the school district;

9249 (c) for a ~~[local]~~ special district, the ~~[local]~~ special district's board of trustees; and

9250 (d) for a special service district, the special service district's governing body, as defined
9251 in Section 17D-1-102.

9252 (5) "Local building authority":

9253 (a) means a nonprofit corporation that is:

9254 (i) created as provided in Section 17D-2-201;

9255 (ii) described in Section 17D-2-103; and

9256 (iii) subject to and governed by the provisions of this chapter; and

9257 (b) includes a nonprofit corporation created as a municipal building authority before
9258 May 5, 2008 under the law then in effect.

9259 ~~[(6) "Local district" has the same meaning as provided in Section 17B-1-102.]~~

9260 ~~[(7)]~~ (6) "Local entity" means a county, city, town, school district, ~~[local]~~ special
9261 district, or special service district.

9262 ~~[(8)]~~ (7) "Mortgage" means any instrument under which property may be encumbered
9263 as security for an obligation, including a mortgage, trust deed, indenture, pledge, assignment,

9264 security agreement, and financing statement.

9265 ~~[(9)]~~ (8) "Project" means an improvement, facility, property, or appurtenance to
9266 property that a local entity is permitted under law to own or acquire, whether located inside or
9267 outside the local entity's boundary, including:

9268 (a) a public building or other structure of any kind; and

9269 (b) a joint or partial interest in the improvement, facility, property, or appurtenance to
9270 property.

9271 ~~[(10)]~~ (9) "Project costs":

9272 (a) means all costs incurred in the development of a project; and

9273 (b) includes:

9274 (i) organizational and incorporation fees, including filing, legal, and financial advisor
9275 fees;

9276 (ii) the cost of a site for the project;

9277 (iii) the cost of equipment and furnishings for the project;

9278 (iv) the cost of planning and designing the project, including architectural, planning,
9279 engineering, legal, and fiscal advisor fees;

9280 (v) contractor fees associated with the project;

9281 (vi) the cost of issuing local building authority bonds to finance the project, including
9282 printing costs, document preparation costs, filing fees, recording fees, legal and other
9283 professional fees, underwriting costs, bond discount costs, any premium on the bonds, and any
9284 fees required to be paid to retire outstanding bonds;

9285 (vii) interest on local building authority bonds issued to finance the project;

9286 (viii) carrying costs;

9287 (ix) interest estimated to accrue on local building authority bonds during the period of
9288 construction of the project and for 12 months after;

9289 (x) any amount the governing body finds necessary to establish one or more reserve
9290 funds;

9291 (xi) any amount the governing body finds necessary to provide working capital for the
9292 project;

9293 (xii) all costs of transferring title of the project to the creating local entity;

9294 (xiii) all costs of dissolving the local building authority; and

9295 (xiv) all other reasonable costs associated with the project.

9296 (10) "Special district" means the same as that term is defined in Section [17B-1-102](#).

9297 (11) "Special service district" [~~has the same meaning as provided~~] means the same as
9298 that term is defined in Section [17D-1-102](#).

9299 Section 212. Section **17D-2-108** is amended to read:

9300 **17D-2-108. Other statutory provisions.**

9301 (1) This chapter is supplemental to existing laws relating to a local entity's acquisition,
9302 use, maintenance, management, or operation of a project.

9303 (2) Except as provided in this chapter, a local entity or local building authority that
9304 complies with the provisions of this chapter need not comply with any other statutory provision
9305 concerning the acquisition, construction, use, or maintenance of a project, including:

9306 (a) a statute relating to public bidding; and

9307 (b) Title 63G, Chapter 6a, Utah Procurement Code.

9308 (3) A local building authority is, to the same extent as if it were a [~~local~~] special
9309 district, subject to and governed by:

9310 (a) [~~Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts~~] Title 17B,
9311 Chapter 1, Part 6, Fiscal Procedures for Special Districts;

9312 (b) [~~Title 17B, Chapter 1, Part 8, Local District Personnel Management~~] Title 17B,
9313 Chapter 1, Part 8, Special District Personnel Management; and

9314 (c) Section [17B-1-108](#).

9315 Section 213. Section **17D-3-105** is amended to read:

9316 **17D-3-105. Conservation districts subject to other provisions.**

9317 (1) Subject to Subsection (3), a conservation district is, to the same extent as if it were
9318 a [~~local~~] special district, subject to and governed by:

9319 (a) Sections [17B-1-105](#), [17B-1-107](#), [17B-1-108](#), [17B-1-110](#), [17B-1-113](#), [17B-1-116](#),
9320 [17B-1-121](#), [17B-1-307](#), [17B-1-311](#), [17B-1-313](#), and [17B-1-314](#);

9321 (b) [~~Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts~~] Title 17B,
9322 Chapter 1, Part 6, Fiscal Procedures for Special Districts;

9323 (c) [~~Title 17B, Chapter 1, Part 7, Local District Budgets and Audit Reports~~] Title 17B,
9324 Chapter 1, Part 7, Special District Budgets and Audit Reports;

9325 (d) [~~Title 17B, Chapter 1, Part 8, Local District Personnel Management~~] Title 17B,

9326 Chapter 1, Part 8, Special District Personnel Management; and

9327 (e) Title 17B, Chapter 1, Part 9, Collection of Service Fees and Charges.

9328 (2) For purposes of applying the provisions listed in Subsection (1) to a conservation
9329 district, each reference in those provisions to the ~~[local]~~ special district board of trustees means
9330 the board of supervisors described in Section 17D-3-301.

9331 (3) A conservation district may not exercise taxing authority.

9332 Section 214. Section **17D-4-102** is amended to read:

9333 **17D-4-102. Definitions.**

9334 As used in this chapter:

9335 (1) "Board" means the board of trustees of a public infrastructure district.

9336 (2) "Creating entity" means the county, municipality, or development authority that
9337 approves the creation of a public infrastructure district.

9338 (3) "Development authority" means:

9339 (a) the Utah Inland Port Authority created in Section 11-58-201;

9340 (b) the Point of the Mountain State Land Authority created in Section 11-59-201; or

9341 (c) the military installation development authority created in Section 63H-1-201.

9342 (4) "District applicant" means the person proposing the creation of a public
9343 infrastructure district.

9344 (5) "Division" means a division of a public infrastructure district:

9345 (a) that is relatively equal in number of eligible voters or potential eligible voters to all
9346 other divisions within the public infrastructure district, taking into account existing or potential
9347 developments which, when completed, would increase or decrease the population within the
9348 public infrastructure district; and

9349 (b) which a member of the board represents.

9350 (6) "Governing document" means the document governing a public infrastructure
9351 district to which the creating entity agrees before the creation of the public infrastructure
9352 district, as amended from time to time, and subject to the limitations of [~~Title 17B, Chapter 1,~~
9353 ~~Provisions Applicable to All Local Districts]~~ Title 17B, Chapter 1, Provisions Applicable to
9354 All Special Districts, and this chapter.

9355 (7) (a) "Limited tax bond" means a bond:

9356 (i) that is directly payable from and secured by ad valorem property taxes that are

9357 levied:

9358 (A) by a public infrastructure district that issues the bond; and

9359 (B) on taxable property within the district;

9360 (ii) that is a general obligation of the public infrastructure district; and

9361 (iii) for which the ad valorem property tax levy for repayment of the bond does not

9362 exceed the property tax levy rate limit established under Section 17D-4-303 for any fiscal year,

9363 except as provided in Subsection 17D-4-301(8).

9364 (b) "Limited tax bond" does not include:

9365 (i) a short-term bond;

9366 (ii) a tax and revenue anticipation bond; or

9367 (iii) a special assessment bond.

9368 (8) "Public infrastructure and improvements" means:

9369 (a) the same as that term is defined in Section 11-58-102, for a public infrastructure
9370 district created by the Utah Inland Port Authority created in Section 11-58-201; and

9371 (b) the same as that term is defined in Section 63H-1-102, for a public infrastructure
9372 district created by the military installation development authority created in Section 63H-1-201.

9373 Section 215. Section 17D-4-103 is amended to read:

9374 **17D-4-103. Provisions applicable to public infrastructure districts.**

9375 (1) Each public infrastructure district is governed by and has the powers stated in:

9376 (a) this chapter; and

9377 (b) [~~Title 17B, Chapter 1, Provisions Applicable to All Local Districts~~] Title 17B,
9378 Chapter 1, Provisions Applicable to All Special Districts.

9379 (2) This chapter applies only to a public infrastructure district.

9380 (3) Except as modified or exempted by this chapter, a public infrastructure district is,
9381 to the same extent as if the public infrastructure district were a [~~local~~] special district, subject to
9382 the provisions in:

9383 (a) [~~Title 17B, Chapter 1, Provisions Applicable to All Local Districts~~] Title 17B,
9384 Chapter 1, Provisions Applicable to All Special Districts; and

9385 (b) Title 20A, Election Code.

9386 (4) If there is a conflict between a provision in [~~Title 17B, Chapter 1, Provisions~~

9387 ~~Applicable to All Local Districts~~] Title 17B, Chapter 1, Provisions Applicable to All Special

9388 Districts, and a provision in this chapter, the provision in this chapter supersedes the
9389 conflicting provision in [~~Title 17B, Chapter 1, Provisions Applicable to All Local Districts~~]
9390 Title 17B, Chapter 1, Provisions Applicable to All Special Districts.

9391 (5) The annexation of an unincorporated area by a municipality or the adjustment of a
9392 boundary shared by more than one municipality does not affect the boundaries of a public
9393 infrastructure district.

9394 Section 216. Section **17D-4-201** is amended to read:

9395 **17D-4-201. Creation -- Annexation or withdrawal of property.**

9396 (1) (a) Except as provided in Subsection (1)(b), Subsection (2), and in addition to the
9397 provisions regarding creation of a [~~local~~] special district in [~~Title 17B, Chapter 1, Provisions~~
9398 ~~Applicable to All Local Districts~~] Title 17B, Chapter 1, Provisions Applicable to All Special
9399 Districts, a public infrastructure district may not be created unless:

9400 (i) if there are any registered voters within the applicable area, a petition is filed with
9401 the creating entity that contains the signatures of 100% of registered voters within the
9402 applicable area approving the creation of the public infrastructure district; and

9403 (ii) a petition is filed with the creating entity that contains the signatures of 100% of
9404 surface property owners within the applicable area consenting to the creation of the public
9405 infrastructure district.

9406 (b) Notwithstanding [~~Title 17B, Chapter 1, Part 2, Creation of a Local District~~] Title
9407 17B, Chapter 1, Part 2, Creation of a Special District, and any other provision of this chapter,
9408 the development authority may adopt a resolution creating a public infrastructure district as a
9409 subsidiary of the development authority if all owners of surface property proposed to be
9410 included within the public infrastructure district consent in writing to the creation of the public
9411 infrastructure district.

9412 (2) (a) The following do not apply to the creation of a public infrastructure district:

9413 (i) Section [17B-1-203](#);

9414 (ii) Section [17B-1-204](#);

9415 (iii) Subsection [17B-1-208\(2\)](#);

9416 (iv) Section [17B-1-212](#); or

9417 (v) Section [17B-1-214](#).

9418 (b) The protest period described in Section [17B-1-213](#) may be waived in whole or in

9419 part with the consent of:

9420 (i) 100% of registered voters within the applicable area approving the creation of the
9421 public infrastructure district; and

9422 (ii) 100% of the surface property owners within the applicable area approving the
9423 creation of the public infrastructure district.

9424 (c) If the protest period is waived under Subsection (2)(b), a resolution approving the
9425 creation of the public infrastructure district may be adopted in accordance with Subsection
9426 17B-1-213(5).

9427 (d) A petition meeting the requirements of Subsection (1):

9428 (i) may be certified under Section 17B-1-209; and

9429 (ii) shall be filed with the lieutenant governor in accordance with Subsection
9430 17B-1-215(1)(b)(iii).

9431 (3) (a) Notwithstanding Title 17B, Chapter 1, Part 4, Annexation, an area outside of the
9432 boundaries of a public infrastructure district may be annexed into the public infrastructure
9433 district if the following requirements are met:

9434 (i) (A) adoption of resolutions of the board and the creating entity, each approving of
9435 the annexation; or

9436 (B) adoption of a resolution of the board to annex the area, provided that the governing
9437 document or creation resolution for the public infrastructure district authorizes the board to
9438 annex an area outside of the boundaries of the public infrastructure district without future
9439 consent of the creating entity;

9440 (ii) if there are any registered voters within the area proposed to be annexed, a petition
9441 is filed with the creating entity that contains the signatures of 100% of registered voters within
9442 the area, demonstrating that the registered voters approve of the annexation into the public
9443 infrastructure district; and

9444 (iii) a petition is filed with the creating entity that contains the signatures of 100% of
9445 surface property owners within the area proposed to be annexed, demonstrating the surface
9446 property owners' consent to the annexation into the public infrastructure district.

9447 (b) Within 30 days of meeting the requirements of Subsection (3)(a), the board shall
9448 file with the lieutenant governor:

9449 (i) a copy of a notice of impending boundary action, as defined in Section 67-1a-6.5,

9450 that meets the requirements of Subsection 67-1a-6.5(3); and

9451 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

9452 (4) (a) Notwithstanding Title 17B, Chapter 1, Part 5, Withdrawal, property may be
9453 withdrawn from a public infrastructure district if the following requirements are met:

9454 (i) (A) adoption of resolutions of the board and the creating entity, each approving of
9455 the withdrawal; or

9456 (B) adoption of a resolution of the board to withdraw the property, provided that the
9457 governing document or creation resolution for the public infrastructure district authorizes the
9458 board to withdraw property from the public infrastructure district without further consent from
9459 the creating entity;

9460 (ii) if there are any registered voters within the area proposed to be withdrawn, a
9461 petition is filed with the creating entity that contains the signatures of 100% of registered voters
9462 within the area, demonstrating that the registered voters approve of the withdrawal from the
9463 public infrastructure district; and

9464 (iii) a petition is filed with the creating entity that contains the signatures of 100% of
9465 surface property owners within the area proposed to be withdrawn, demonstrating that the
9466 surface property owners consent to the withdrawal from the public infrastructure district.

9467 (b) If any bonds that the public infrastructure district issues are allocable to the area to
9468 be withdrawn remain unpaid at the time of the proposed withdrawal, the property remains
9469 subject to any taxes, fees, or assessments that the public infrastructure district imposes until the
9470 bonds or any associated refunding bonds are paid.

9471 (c) Upon meeting the requirements of Subsections (4)(a) and (b), the board shall
9472 comply with the requirements of Section 17B-1-512.

9473 (5) A creating entity may impose limitations on the powers of a public infrastructure
9474 district through the governing document.

9475 (6) (a) A public infrastructure district is separate and distinct from the creating entity.

9476 (b) (i) Except as provided in Subsection (6)(b)(ii), any financial burden of a public
9477 infrastructure district:

9478 (A) is borne solely by the public infrastructure district; and

9479 (B) is not borne by the creating entity, by the state, or by any municipality, county, or
9480 other political subdivision.

9481 (ii) Notwithstanding Subsection (6)(b)(i) and Section 17B-1-216, the governing
9482 document may require:

9483 (A) the district applicant to bear the initial costs of the public infrastructure district;
9484 and

9485 (B) the public infrastructure district to reimburse the district applicant for the initial
9486 costs the creating entity bears.

9487 (c) Any liability, judgment, or claim against a public infrastructure district:

9488 (i) is the sole responsibility of the public infrastructure district; and

9489 (ii) does not constitute a liability, judgment, or claim against the creating entity, the
9490 state, or any municipality, county, or other political subdivision.

9491 (d) (i) (A) The public infrastructure district solely bears the responsibility of any
9492 collection, enforcement, or foreclosure proceeding with regard to any tax, fee, or assessment
9493 the public infrastructure district imposes.

9494 (B) The creating entity does not bear the responsibility described in Subsection
9495 (6)(d)(i)(A).

9496 (ii) A public infrastructure district, and not the creating entity, shall undertake the
9497 enforcement responsibility described in, as applicable, Subsection (6)(d)(i) in accordance with
9498 Title 59, Chapter 2, Property Tax Act, or Title 11, Chapter 42, Assessment Area Act.

9499 (7) A creating entity may establish criteria in determining whether to approve or
9500 disapprove of the creation of a public infrastructure district, including:

9501 (a) historical performance of the district applicant;

9502 (b) compliance with the creating entity's master plan;

9503 (c) credit worthiness of the district applicant;

9504 (d) plan of finance of the public infrastructure district; and

9505 (e) proposed development within the public infrastructure district.

9506 (8) (a) The creation of a public infrastructure district is subject to the sole discretion of
9507 the creating entity responsible for approving or rejecting the creation of the public
9508 infrastructure district.

9509 (b) The proposed creating entity bears no liability for rejecting the proposed creation of
9510 a public infrastructure district.

9511 Section 217. Section 17D-4-203 is amended to read:

9512 **17D-4-203. Public infrastructure district powers.**

9513 A public infrastructure district shall have all of the authority conferred upon a ~~local~~
9514 special district under Section 17B-1-103, and in addition a public infrastructure district may:

9515 (1) issue negotiable bonds to pay:

9516 (a) all or part of the costs of acquiring, acquiring an interest in, improving, or extending
9517 any of the improvements, facilities, or property allowed under Section 11-14-103;

9518 (b) capital costs of improvements in an energy assessment area, as defined in Section
9519 11-42a-102, and other related costs, against the funds that the public infrastructure district will
9520 receive because of an assessment in an energy assessment area, as defined in Section
9521 11-42a-102;

9522 (c) public improvements related to the provision of housing;

9523 (d) capital costs related to public transportation; and

9524 (e) for a public infrastructure district created by a development authority, the cost of
9525 acquiring or financing public infrastructure and improvements;

9526 (2) enter into an interlocal agreement in accordance with Title 11, Chapter 13,
9527 Interlocal Cooperation Act, provided that the interlocal agreement may not expand the powers
9528 of the public infrastructure district, within the limitations of Title 11, Chapter 13, Interlocal
9529 Cooperation Act, without the consent of the creating entity;

9530 (3) acquire completed or partially completed improvements for fair market value as
9531 reasonably determined by:

9532 (a) the board;

9533 (b) the creating entity, if required in the governing document; or

9534 (c) a surveyor or engineer that a public infrastructure district employs or engages to
9535 perform the necessary engineering services for and to supervise the construction or installation
9536 of the improvements;

9537 (4) contract with the creating entity for the creating entity to provide administrative
9538 services on behalf of the public infrastructure district, when agreed to by both parties, in order
9539 to achieve cost savings and economic efficiencies, at the discretion of the creating entity; and

9540 (5) for a public infrastructure district created by a development authority:

9541 (a) (i) operate and maintain public infrastructure and improvements the district
9542 acquires or finances; and

9543 (ii) use fees, assessments, or taxes to pay for the operation and maintenance of those
9544 public infrastructure and improvements; and

9545 (b) issue bonds under Title 11, Chapter 42, Assessment Area Act.

9546 Section 218. Section **17D-4-204** is amended to read:

9547 **17D-4-204. Relation to other local entities.**

9548 (1) Notwithstanding the creation of a public infrastructure district, the creating entity
9549 and any other public entity, as applicable, retains all of the entity's authority over all zoning,
9550 planning, design specifications and approvals, and permitting within the public infrastructure
9551 district.

9552 (2) The inclusion of property within the boundaries of a public infrastructure district
9553 does not preclude the inclusion of the property within any other [~~local~~] special district.

9554 (3) (a) All infrastructure that is connected to another public entity's system:

9555 (i) belongs to that public entity, regardless of inclusion within the boundaries of a
9556 public infrastructure district, unless the public infrastructure district and the public entity
9557 otherwise agree; and

9558 (ii) shall comply with the design, inspection requirements, and other standards of the
9559 public entity.

9560 (b) A public infrastructure district shall convey or transfer the infrastructure described
9561 in Subsection (3)(a) free of liens or financial encumbrances to the public entity at no cost to the
9562 public entity.

9563 Section 219. Section **17D-4-301** is amended to read:

9564 **17D-4-301. Public infrastructure district bonds.**

9565 (1) (a) Subject to Subsection (1)(b), a public infrastructure district may issue negotiable
9566 bonds for the purposes described in Section **17D-4-203**, as provided in, as applicable:

9567 (i) Title 11, Chapter 14, Local Government Bonding Act;

9568 (ii) Title 11, Chapter 27, Utah Refunding Bond Act;

9569 (iii) Title 11, Chapter 42, Assessment Area Act; and

9570 (iv) this section.

9571 (b) A public infrastructure district created by a bonding political subdivision, as
9572 defined in Section **63C-25-101**, may not issue bonds under this part unless the board first:

9573 (i) adopts a parameters resolution for the bonds that sets forth:

9574 (A) the maximum:
9575 (I) amount of bonds;
9576 (II) term; and
9577 (III) interest rate; and
9578 (B) the expected security for the bonds; and
9579 (ii) submits the parameters resolution for review and recommendation to the State
9580 Finance Review Commission created in Section [63C-25-201](#).
9581 (2) A public infrastructure district bond:
9582 (a) shall mature within 40 years of the date of issuance; and
9583 (b) may not be secured by any improvement or facility paid for by the public
9584 infrastructure district.
9585 (3) (a) A public infrastructure district may issue a limited tax bond, in the same manner
9586 as a general obligation bond:
9587 (i) with the consent of 100% of surface property owners within the boundaries of the
9588 public infrastructure district and 100% of the registered voters, if any, within the boundaries of
9589 the proposed public infrastructure district; or
9590 (ii) upon approval of a majority of the registered voters within the boundaries of the
9591 public infrastructure district voting in an election held for that purpose under Title 11, Chapter
9592 14, Local Government Bonding Act.
9593 (b) A limited tax bond described in Subsection (3)(a):
9594 (i) is not subject to the limitation on a general obligation bond described in Subsection
9595 ~~[17B-1-1102(4)(a)(xii)]~~ [17B-1-1102\(4\)](#); and
9596 (ii) is subject to a limitation, if any, on the principal amount of indebtedness as
9597 described in the governing document.
9598 (c) Unless limited tax bonds are initially purchased exclusively by one or more
9599 qualified institutional buyers as defined in Rule 144A, 17 C.F.R. Sec. 230.144A, the public
9600 infrastructure district may only issue limited tax bonds in denominations of not less than
9601 \$500,000, and in integral multiples above \$500,000 of not less than \$1,000 each.
9602 (d) (i) Without any further election or consent of property owners or registered voters,
9603 a public infrastructure district may convert a limited tax bond described in Subsection (3)(a) to
9604 a general obligation bond if the principal amount of the related limited tax bond together with

9605 the principal amount of other related outstanding general obligation bonds of the public
9606 infrastructure district does not exceed 15% of the fair market value of taxable property in the
9607 public infrastructure district securing the general obligation bonds, determined by:

9608 (A) an appraisal from an appraiser who is a member of the Appraisal Institute that is
9609 addressed to the public infrastructure district or a financial institution; or

9610 (B) the most recent market value of the property from the assessor of the county in
9611 which the property is located.

9612 (ii) The consent to the issuance of a limited tax bond described in Subsection (3)(a) is
9613 sufficient to meet any statutory or constitutional election requirement necessary for the
9614 issuance of the limited tax bond and any general obligation bond to be issued in place of the
9615 limited tax bond upon meeting the requirements of this Subsection (3)(d).

9616 (iii) A general obligation bond resulting from a conversion of a limited tax bond under
9617 this Subsection (3)(d) is not subject to the limitation on general obligation bonds described in
9618 Subsection 17B-1-1102(4)(a)(xii).

9619 (e) A public infrastructure district that levies a property tax for payment of debt service
9620 on a limited tax bond issued under this section is not required to comply with the notice and
9621 hearing requirements of Section 59-2-919 unless the rate exceeds the rate established in:

9622 (i) Section 17D-4-303, except as provided in Subsection (8);

9623 (ii) the governing document; or

9624 (iii) the documents relating to the issuance of the limited tax bond.

9625 (4) There is no limitation on the duration of revenues that a public infrastructure
9626 district may receive to cover any shortfall in the payment of principal of and interest on a bond
9627 that the public infrastructure district issues.

9628 (5) A public infrastructure district is not a municipal corporation for purposes of the
9629 debt limitation of Utah Constitution, Article XIV, Section 4.

9630 (6) The board may, by resolution, delegate to one or more officers of the public
9631 infrastructure district the authority to:

9632 (a) in accordance and within the parameters set forth in a resolution adopted in
9633 accordance with Section 11-14-302, approve the final interest rate, price, principal amount,
9634 maturity, redemption features, and other terms of the bond;

9635 (b) approve and execute any document relating to the issuance of a bond; and

9636 (c) approve any contract related to the acquisition and construction of the
9637 improvements, facilities, or property to be financed with a bond.

9638 (7) (a) Any person may contest the legality of the issuance of a public infrastructure
9639 district bond or any provisions for the security and payment of the bond for a period of 30 days
9640 after:

9641 (i) publication of the resolution authorizing the bond; or

9642 (ii) publication of a notice of bond containing substantially the items required under
9643 Subsection 11-14-316(2).

9644 (b) After the 30-day period described in Subsection (7)(a), no person may bring a
9645 lawsuit or other proceeding contesting the regularity, formality, or legality of the bond for any
9646 reason.

9647 (8) (a) In the event of any statutory change in the methodology of assessment or
9648 collection of property taxes in a manner that reduces the amounts which are devoted or pledged
9649 to the repayment of limited tax bonds, a public infrastructure district may charge a rate
9650 sufficient to receive the amount of property taxes or assessment the public infrastructure
9651 district would have received before the statutory change in order to pay the debt service on
9652 outstanding limited tax bonds.

9653 (b) The rate increase described in Subsection (8)(a) may exceed the limit described in
9654 Section 17D-4-303.

9655 (c) The public infrastructure district may charge the rate increase described in
9656 Subsection (8)(a) until the bonds, including any associated refunding bonds, or other securities,
9657 together with applicable interest, are fully met and discharged.

9658 (9) No later than 60 days after the closing of any bonds by a public infrastructure
9659 district created by a bonding political subdivision, as defined in Section 63C-25-101, the public
9660 infrastructure district shall report the bond issuance, including the amount of the bonds, terms,
9661 interest rate, and security, to:

9662 (a) the Executive Appropriations Committee; and

9663 (b) the State Finance Review Commission created in Section 63C-25-101.

9664 Section 220. Section 20A-1-102 is amended to read:

9665 **20A-1-102. Definitions.**

9666 As used in this title:

9667 (1) "Active voter" means a registered voter who has not been classified as an inactive
9668 voter by the county clerk.

9669 (2) "Automatic tabulating equipment" means apparatus that automatically examines
9670 and counts votes recorded on ballots and tabulates the results.

9671 (3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic
9672 storage medium, that records an individual voter's vote.

9673 (b) "Ballot" does not include a record to tally multiple votes.

9674 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
9675 on the ballot for their approval or rejection including:

9676 (a) an opinion question specifically authorized by the Legislature;

9677 (b) a constitutional amendment;

9678 (c) an initiative;

9679 (d) a referendum;

9680 (e) a bond proposition;

9681 (f) a judicial retention question;

9682 (g) an incorporation of a city or town; or

9683 (h) any other ballot question specifically authorized by the Legislature.

9684 (5) "Bind," "binding," or "bound" means securing more than one piece of paper
9685 together using staples or another means in at least three places across the top of the paper in the
9686 blank space reserved for securing the paper.

9687 (6) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
9688 [20A-4-306](#) to canvass election returns.

9689 (7) "Bond election" means an election held for the purpose of approving or rejecting
9690 the proposed issuance of bonds by a government entity.

9691 (8) "Business reply mail envelope" means an envelope that may be mailed free of
9692 charge by the sender.

9693 (9) "Canvass" means the review of election returns and the official declaration of
9694 election results by the board of canvassers.

9695 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at
9696 the canvass.

9697 (11) "Contracting election officer" means an election officer who enters into a contract

9698 or interlocal agreement with a provider election officer.

9699 (12) "Convention" means the political party convention at which party officers and
9700 delegates are selected.

9701 (13) "Counting center" means one or more locations selected by the election officer in
9702 charge of the election for the automatic counting of ballots.

9703 (14) "Counting judge" means a poll worker designated to count the ballots during
9704 election day.

9705 (15) "Counting room" means a suitable and convenient private place or room for use
9706 by the poll workers and counting judges to count ballots.

9707 (16) "County officers" means those county officers that are required by law to be
9708 elected.

9709 (17) "Date of the election" or "election day" or "day of the election":

9710 (a) means the day that is specified in the calendar year as the day that the election
9711 occurs; and

9712 (b) does not include:

9713 (i) deadlines established for voting by mail, military-overseas voting, or emergency
9714 voting; or

9715 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early
9716 Voting.

9717 (18) "Elected official" means:

9718 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,
9719 Municipal Alternate Voting Methods Pilot Project;

9720 (b) a person who is considered to be elected to a municipal office in accordance with
9721 Subsection 20A-1-206(1)(c)(ii); or

9722 (c) a person who is considered to be elected to a ~~local~~ special district office in
9723 accordance with Subsection 20A-1-206(3)(b)(ii).

9724 (19) "Election" means a regular general election, a municipal general election, a
9725 statewide special election, a local special election, a regular primary election, a municipal
9726 primary election, and a ~~local~~ special district election.

9727 (20) "Election Assistance Commission" means the commission established by the Help
9728 America Vote Act of 2002, Pub. L. No. 107-252.

9729 (21) "Election cycle" means the period beginning on the first day persons are eligible to
 9730 file declarations of candidacy and ending when the canvass is completed.

9731 (22) "Election judge" means a poll worker that is assigned to:

9732 (a) preside over other poll workers at a polling place;

9733 (b) act as the presiding election judge; or

9734 (c) serve as a canvassing judge, counting judge, or receiving judge.

9735 (23) "Election officer" means:

9736 (a) the lieutenant governor, for all statewide ballots and elections;

9737 (b) the county clerk for:

9738 (i) a county ballot and election; and

9739 (ii) a ballot and election as a provider election officer as provided in Section

9740 [20A-5-400.1](#) or [20A-5-400.5](#);

9741 (c) the municipal clerk for:

9742 (i) a municipal ballot and election; and

9743 (ii) a ballot and election as a provider election officer as provided in Section

9744 [20A-5-400.1](#) or [20A-5-400.5](#);

9745 (d) the ~~local~~ special district clerk or chief executive officer for:

9746 (i) a ~~local~~ special district ballot and election; and

9747 (ii) a ballot and election as a provider election officer as provided in Section

9748 [20A-5-400.1](#) or [20A-5-400.5](#); or

9749 (e) the business administrator or superintendent of a school district for:

9750 (i) a school district ballot and election; and

9751 (ii) a ballot and election as a provider election officer as provided in Section

9752 [20A-5-400.1](#) or [20A-5-400.5](#).

9753 (24) "Election official" means any election officer, election judge, or poll worker.

9754 (25) "Election results" means:

9755 (a) for an election other than a bond election, the count of votes cast in the election and
 9756 the election returns requested by the board of canvassers; or

9757 (b) for bond elections, the count of those votes cast for and against the bond

9758 proposition plus any or all of the election returns that the board of canvassers may request.

9759 (26) "Election returns" includes the pollbook, the military and overseas absentee voter

9760 registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted
9761 ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and
9762 the total votes cast form.

9763 (27) "Electronic signature" means an electronic sound, symbol, or process attached to
9764 or logically associated with a record and executed or adopted by a person with the intent to sign
9765 the record.

9766 (28) "Inactive voter" means a registered voter who is listed as inactive by a county
9767 clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

9768 (29) "Judicial office" means the office filled by any judicial officer.

9769 (30) "Judicial officer" means any justice or judge of a court of record or any county
9770 court judge.

9771 ~~[(31) "Local district" means a local government entity under Title 17B, Limited~~
9772 ~~Purpose Local Government Entities - Local Districts, and includes a special service district~~
9773 ~~under Title 17D, Chapter 1, Special Service District Act.]~~

9774 ~~[(32) "Local district officers" means those local district board members that are~~
9775 ~~required by law to be elected.]~~

9776 ~~[(33)]~~ (31) "Local election" means a regular county election, a regular municipal
9777 election, a municipal primary election, a local special election, a ~~[local]~~ special district election,
9778 and a bond election.

9779 ~~[(34)]~~ (32) "Local political subdivision" means a county, a municipality, a ~~[local]~~
9780 special district, or a local school district.

9781 ~~[(35)]~~ (33) "Local special election" means a special election called by the governing
9782 body of a local political subdivision in which all registered voters of the local political
9783 subdivision may vote.

9784 ~~[(36)]~~ (34) "Manual ballot" means a paper document produced by an election officer on
9785 which an individual records an individual's vote by directly placing a mark on the paper
9786 document using a pen or other marking instrument.

9787 ~~[(37)]~~ (35) "Mechanical ballot" means a record, including a paper record, electronic
9788 record, or mechanical record, that:

9789 (a) is created via electronic or mechanical means; and

9790 (b) records an individual voter's vote cast via a method other than an individual directly

9791 placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

9792 [~~(38)~~] (36) "Municipal executive" means:

9793 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

9794 (b) the mayor in the council-manager form of government defined in Subsection

9795 10-3b-103(7); or

9796 (c) the chair of a metro township form of government defined in Section 10-3b-102.

9797 [~~(39)~~] (37) "Municipal general election" means the election held in municipalities and,

9798 as applicable, [~~local~~] special districts on the first Tuesday after the first Monday in November

9799 of each odd-numbered year for the purposes established in Section 20A-1-202.

9800 [~~(40)~~] (38) "Municipal legislative body" means:

9801 (a) the council of the city or town in any form of municipal government; or

9802 (b) the council of a metro township.

9803 [~~(41)~~] (39) "Municipal office" means an elective office in a municipality.

9804 [~~(42)~~] (40) "Municipal officers" means those municipal officers that are required by

9805 law to be elected.

9806 [~~(43)~~] (41) "Municipal primary election" means an election held to nominate

9807 candidates for municipal office.

9808 [~~(44)~~] (42) "Municipality" means a city, town, or metro township.

9809 [~~(45)~~] (43) "Official ballot" means the ballots distributed by the election officer for

9810 voters to record their votes.

9811 [~~(46)~~] (44) "Official endorsement" means the information on the ballot that identifies:

9812 (a) the ballot as an official ballot;

9813 (b) the date of the election; and

9814 (c) (i) for a ballot prepared by an election officer other than a county clerk, the

9815 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

9816 (ii) for a ballot prepared by a county clerk, the words required by Subsection

9817 20A-6-301(1)(b)(iii).

9818 [~~(47)~~] (45) "Official register" means the official record furnished to election officials

9819 by the election officer that contains the information required by Section 20A-5-401.

9820 [~~(48)~~] (46) "Political party" means an organization of registered voters that has

9821 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party

9822 Formation and Procedures.

9823 ~~[(49)]~~ (47) (a) "Poll worker" means a person assigned by an election official to assist
9824 with an election, voting, or counting votes.

9825 (b) "Poll worker" includes election judges.

9826 (c) "Poll worker" does not include a watcher.

9827 ~~[(50)]~~ (48) "Pollbook" means a record of the names of voters in the order that they
9828 appear to cast votes.

9829 ~~[(51)]~~ (49) "Polling place" means a building where voting is conducted.

9830 ~~[(52)]~~ (50) "Position" means a square, circle, rectangle, or other geometric shape on a
9831 ballot in which the voter marks the voter's choice.

9832 ~~[(53)]~~ (51) "Presidential Primary Election" means the election established in Chapter 9,
9833 Part 8, Presidential Primary Election.

9834 ~~[(54)]~~ (52) "Primary convention" means the political party conventions held during the
9835 year of the regular general election.

9836 ~~[(55)]~~ (53) "Protective counter" means a separate counter, which cannot be reset, that:

9837 (a) is built into a voting machine; and

9838 (b) records the total number of movements of the operating lever.

9839 ~~[(56)]~~ (54) "Provider election officer" means an election officer who enters into a
9840 contract or interlocal agreement with a contracting election officer to conduct an election for
9841 the contracting election officer's local political subdivision in accordance with Section
9842 [20A-5-400.1](#).

9843 ~~[(57)]~~ (55) "Provisional ballot" means a ballot voted provisionally by a person:

9844 (a) whose name is not listed on the official register at the polling place;

9845 (b) whose legal right to vote is challenged as provided in this title; or

9846 (c) whose identity was not sufficiently established by a poll worker.

9847 ~~[(58)]~~ (56) "Provisional ballot envelope" means an envelope printed in the form
9848 required by Section [20A-6-105](#) that is used to identify provisional ballots and to provide
9849 information to verify a person's legal right to vote.

9850 ~~[(59)]~~ (57) (a) "Public figure" means an individual who, due to the individual being
9851 considered for, holding, or having held a position of prominence in a public or private capacity,
9852 or due to the individual's celebrity status, has an increased risk to the individual's safety.

9853 (b) "Public figure" does not include an individual:

9854 (i) elected to public office; or

9855 (ii) appointed to fill a vacancy in an elected public office.

9856 ~~[(60)]~~ (58) "Qualify" or "qualified" means to take the oath of office and begin

9857 performing the duties of the position for which the individual was elected.

9858 ~~[(61)]~~ (59) "Receiving judge" means the poll worker that checks the voter's name in the

9859 official register at a polling place and provides the voter with a ballot.

9860 ~~[(62)]~~ (60) "Registration form" means a form by which an individual may register to

9861 vote under this title.

9862 ~~[(63)]~~ (61) "Regular ballot" means a ballot that is not a provisional ballot.

9863 ~~[(64)]~~ (62) "Regular general election" means the election held throughout the state on

9864 the first Tuesday after the first Monday in November of each even-numbered year for the

9865 purposes established in Section [20A-1-201](#).

9866 ~~[(65)]~~ (63) "Regular primary election" means the election, held on the date specified in

9867 Section [20A-1-201.5](#), to nominate candidates of political parties and candidates for nonpartisan

9868 local school board positions to advance to the regular general election.

9869 ~~[(66)]~~ (64) "Resident" means a person who resides within a specific voting precinct in

9870 Utah.

9871 ~~[(67)]~~ (65) "Return envelope" means the envelope, described in Subsection

9872 [20A-3a-202\(4\)](#), provided to a voter with a manual ballot:

9873 (a) into which the voter places the manual ballot after the voter has voted the manual
9874 ballot in order to preserve the secrecy of the voter's vote; and

9875 (b) that includes the voter affidavit and a place for the voter's signature.

9876 ~~[(68)]~~ (66) "Sample ballot" means a mock ballot similar in form to the official ballot,

9877 published as provided in Section [20A-5-405](#).

9878 (67) "Special district" means a local government entity under Title 17B, Limited

9879 Purpose Local Government Entities - Special Districts, and includes a special service district

9880 under Title 17D, Chapter 1, Special Service District Act.

9881 (68) "Special district officers" means those special district board members who are

9882 required by law to be elected.

9883 (69) "Special election" means an election held as authorized by Section [20A-1-203](#).

- 9884 (70) "Spoiled ballot" means each ballot that:
- 9885 (a) is spoiled by the voter;
- 9886 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- 9887 (c) lacks the official endorsement.
- 9888 (71) "Statewide special election" means a special election called by the governor or the
- 9889 Legislature in which all registered voters in Utah may vote.
- 9890 (72) "Tabulation system" means a device or system designed for the sole purpose of
- 9891 tabulating votes cast by voters at an election.
- 9892 (73) "Ticket" means a list of:
- 9893 (a) political parties;
- 9894 (b) candidates for an office; or
- 9895 (c) ballot propositions.
- 9896 (74) "Transfer case" means the sealed box used to transport voted ballots to the
- 9897 counting center.
- 9898 (75) "Vacancy" means the absence of a person to serve in any position created by
- 9899 statute, whether that absence occurs because of death, disability, disqualification, resignation,
- 9900 or other cause.
- 9901 (76) "Valid voter identification" means:
- 9902 (a) a form of identification that bears the name and photograph of the voter which may
- 9903 include:
- 9904 (i) a currently valid Utah driver license;
- 9905 (ii) a currently valid identification card that is issued by:
- 9906 (A) the state; or
- 9907 (B) a branch, department, or agency of the United States;
- 9908 (iii) a currently valid Utah permit to carry a concealed weapon;
- 9909 (iv) a currently valid United States passport; or
- 9910 (v) a currently valid United States military identification card;
- 9911 (b) one of the following identification cards, whether or not the card includes a
- 9912 photograph of the voter:
- 9913 (i) a valid tribal identification card;
- 9914 (ii) a Bureau of Indian Affairs card; or

- 9915 (iii) a tribal treaty card; or
- 9916 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear
- 9917 the name of the voter and provide evidence that the voter resides in the voting precinct, which
- 9918 may include:
- 9919 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
- 9920 election;
- 9921 (ii) a bank or other financial account statement, or a legible copy thereof;
- 9922 (iii) a certified birth certificate;
- 9923 (iv) a valid social security card;
- 9924 (v) a check issued by the state or the federal government or a legible copy thereof;
- 9925 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 9926 (vii) a currently valid Utah hunting or fishing license;
- 9927 (viii) certified naturalization documentation;
- 9928 (ix) a currently valid license issued by an authorized agency of the United States;
- 9929 (x) a certified copy of court records showing the voter's adoption or name change;
- 9930 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 9931 (xii) a currently valid identification card issued by:
- 9932 (A) a local government within the state;
- 9933 (B) an employer for an employee; or
- 9934 (C) a college, university, technical school, or professional school located within the
- 9935 state; or
- 9936 (xiii) a current Utah vehicle registration.
- 9937 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 9938 candidate by following the procedures and requirements of this title.
- 9939 (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:
- 9940 (a) mailing the ballot to the location designated in the mailing; or
- 9941 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 9942 (79) "Voter" means an individual who:
- 9943 (a) meets the requirements for voting in an election;
- 9944 (b) meets the requirements of election registration;
- 9945 (c) is registered to vote; and

- 9946 (d) is listed in the official register book.
- 9947 (80) "Voter registration deadline" means the registration deadline provided in Section
9948 [20A-2-102.5](#).
- 9949 (81) "Voting area" means the area within six feet of the voting booths, voting
9950 machines, and ballot box.
- 9951 (82) "Voting booth" means:
- 9952 (a) the space or compartment within a polling place that is provided for the preparation
9953 of ballots, including the voting enclosure or curtain; or
- 9954 (b) a voting device that is free standing.
- 9955 (83) "Voting device" means any device provided by an election officer for a voter to
9956 vote a mechanical ballot.
- 9957 (84) "Voting precinct" means the smallest geographical voting unit, established under
9958 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.
- 9959 (85) "Watcher" means an individual who complies with the requirements described in
9960 Section [20A-3a-801](#) to become a watcher for an election.
- 9961 (86) "Write-in ballot" means a ballot containing any write-in votes.
- 9962 (87) "Write-in vote" means a vote cast for an individual, whose name is not printed on
9963 the ballot, in accordance with the procedures established in this title.
- 9964 Section 221. Section **20A-1-201** is amended to read:
- 9965 **20A-1-201. Date and purpose of regular general elections.**
- 9966 (1) A regular general election shall be held throughout the state on the first Tuesday
9967 after the first Monday in November of each even-numbered year.
- 9968 (2) At the regular general election, the voters shall:
- 9969 (a) choose persons to serve the terms established by law for the following offices:
- 9970 (i) electors of President and Vice President of the United States;
- 9971 (ii) United States Senators;
- 9972 (iii) Representatives to the United States Congress;
- 9973 (iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;
- 9974 (v) senators and representatives to the Utah Legislature;
- 9975 (vi) county officers;
- 9976 (vii) State School Board members;

- 9977 (viii) local school board members;
- 9978 (ix) except as provided in Subsection (3), [~~local~~] special district officers, as applicable;
- 9979 and
- 9980 (x) any elected judicial officers; and
- 9981 (b) approve or reject:
- 9982 (i) any proposed amendments to the Utah Constitution that have qualified for the ballot
- 9983 under procedures established in the Utah Code;
- 9984 (ii) any proposed initiatives or referenda that have qualified for the ballot under
- 9985 procedures established in the Utah Code; and
- 9986 (iii) any other ballot propositions submitted to the voters that are authorized by the
- 9987 Utah Code.
- 9988 (3) This section:
- 9989 (a) applies to a special service district for which the county legislative body or the
- 9990 municipal legislative body, as applicable, has delegated authority for the special service district
- 9991 to an administrative control board; and
- 9992 (b) does not apply to a special service district for which the county legislative body or
- 9993 the municipal legislative body, as applicable, has not delegated authority for the special service
- 9994 district to an administrative control board.
- 9995 Section 222. Section **20A-1-202** is amended to read:
- 9996 **20A-1-202. Date and purpose of municipal general election.**
- 9997 (1) Except as provided in Section [20A-1-206](#), a municipal general election shall be
- 9998 held in municipalities, and [~~local~~] special districts as applicable, on the first Tuesday after the
- 9999 first Monday in November of each odd-numbered year.
- 10000 (2) At the municipal general election, the voters shall:
- 10001 (a) (i) choose persons to serve as municipal officers; and
- 10002 (ii) for a [~~local~~] special district that holds an election during an odd-numbered year,
- 10003 choose persons to serve as [~~local~~] special district officers; and
- 10004 (b) approve or reject:
- 10005 (i) any proposed initiatives or referenda that have qualified for the ballot as provided
- 10006 by law; and
- 10007 (ii) any other ballot propositions submitted to the voters that are authorized by the Utah

10008 Code.

10009 Section 223. Section **20A-1-206** is amended to read:

10010 **20A-1-206. Cancellation of local election or local race -- Municipalities -- Special**
10011 **districts -- Notice.**

10012 (1) As used in this section:

10013 (a) "Contested race" means a race in a general election where the number of
10014 candidates, including any eligible write-in candidates, exceeds the number of offices to be
10015 filled in the race.

10016 (b) "Election" means an event, run by an election officer, that includes one or more
10017 races for public office or one or more ballot propositions.

10018 (c) (i) "Race" means a contest between candidates to obtain the number of votes
10019 necessary to take a particular public office.

10020 (ii) "Race," as the term relates to a contest for an at-large position, includes all open
10021 positions for the same at-large office.

10022 (iii) "Race," as the term relates to a contest for a municipal council position that is not
10023 an at-large position, includes only the contest to represent a particular district on the council.

10024 (2) A municipal legislative body may cancel a local election if:

10025 (a) the ballot for the local election will not include any contested races or ballot
10026 propositions; and

10027 (b) the municipal legislative body passes, no later than 20 days before the day of the
10028 scheduled election, a resolution that cancels the election and certifies that:

10029 (i) the ballot for the election would not include any contested races or ballot
10030 propositions; and

10031 (ii) the candidates who qualified for the ballot are considered elected.

10032 (3) A municipal legislative body may cancel a race in a local election if:

10033 (a) the ballot for the race will not include any contested races or ballot propositions;
10034 and

10035 (b) the municipal legislative body passes, no later than 20 days before the day of the
10036 scheduled election, a resolution that cancels the race and certifies that:

10037 (i) the ballot for the race would not include any contested races or ballot propositions;
10038 and

- 10039 (ii) the candidate for the race is considered elected.
- 10040 (4) A municipal legislative body that cancels a local election in accordance with
- 10041 Subsection (2) shall give notice that the election is cancelled by:
- 10042 (a) subject to Subsection (8), providing notice to the lieutenant governor's office to be
- 10043 posted on the Statewide Electronic Voter Information Website described in Section [20A-7-801](#),
- 10044 for 15 consecutive days before the day of the scheduled election;
- 10045 (b) if the municipality has a public website, posting notice on the municipality's public
- 10046 website for 15 days before the day of the scheduled election;
- 10047 (c) if the elected officials or departments of the municipality regularly publish a printed
- 10048 or electronic newsletter or other periodical, publishing notice in the next scheduled newsletter
- 10049 or other periodical published before the day of the scheduled election;
- 10050 (d) (i) publishing notice at least twice in a newspaper of general circulation in the
- 10051 municipality before the day of the scheduled election;
- 10052 (ii) at least 10 days before the day of the scheduled election, posting one notice, and at
- 10053 least one additional notice per 2,000 population within the municipality, in places within the
- 10054 municipality that are most likely to give notice to the voters in the municipality, subject to a
- 10055 maximum of 10 notices; or
- 10056 (iii) at least 10 days before the day of the scheduled election, mailing notice to each
- 10057 registered voter in the municipality; and
- 10058 (e) posting notice on the Utah Public Notice Website, created in Section [63A-16-601](#),
- 10059 for at least 10 days before the day of the scheduled election.
- 10060 (5) A ~~[local]~~ special district board may cancel a local election if:
- 10061 (a) the ballot for the local election will not include any contested races or ballot
- 10062 propositions; and
- 10063 (b) the ~~[local]~~ special district board passes, no later than 20 days before the day of the
- 10064 scheduled election, a resolution that cancels the election and certifies that:
- 10065 (i) the ballot for the election would not include any contested races or ballot
- 10066 propositions; and
- 10067 (ii) the candidates who qualified for the ballot are considered elected.
- 10068 (6) A ~~[local]~~ special district board may cancel a ~~[local]~~ special district race if:
- 10069 (a) the race is uncontested; and

10070 (b) the [local] special district board passes, no later than 20 days before the day of the
10071 scheduled election, a resolution that cancels the race and certifies that the candidate who
10072 qualified for the ballot for that race is considered elected.

10073 (7) A [local] special district that cancels a local election in accordance with Subsection
10074 (5) shall provide notice that the election is cancelled:

10075 (a) subject to Subsection (8), by posting notice on the Statewide Electronic Voter
10076 Information Website described in Section 20A-7-801, for 15 consecutive days before the day of
10077 the scheduled election;

10078 (b) if the [local] special district has a public website, by posting notice on the [local]
10079 special district's public website for 15 days before the day of the scheduled election;

10080 (c) if the [local] special district publishes a newsletter or other periodical, by
10081 publishing notice in the next scheduled newsletter or other periodical published before the day
10082 of the scheduled election;

10083 (d) (i) by publishing notice at least twice in a newspaper of general circulation in the
10084 [local] special district before the scheduled election;

10085 (ii) at least 10 days before the day of the scheduled election, by posting one notice, and
10086 at least one additional notice per 2,000 population of the [local] special district, in places
10087 within the [local] special district that are most likely to give notice to the voters in the [local]
10088 special district, subject to a maximum of 10 notices; or

10089 (iii) at least 10 days before the day of the scheduled election, by mailing notice to each
10090 registered voter in the [local] special district; and

10091 (e) by posting notice on the Utah Public Notice Website, created in Section
10092 63A-16-601, for at least 10 days before the day of the scheduled election.

10093 (8) A municipal legislative body that posts a notice in accordance with Subsection
10094 (4)(a) or a [local] special district that posts a notice in accordance with Subsection (7)(a) is not
10095 liable for a notice that fails to post due to technical or other error by the publisher of the
10096 Statewide Electronic Voter Information Website.

10097 Section 224. Section 20A-1-512 is amended to read:

10098 **20A-1-512. Midterm vacancies on special district boards.**

10099 (1) (a) When a vacancy occurs on any [local] special district board for any reason, the
10100 following shall appoint a replacement to serve out the unexpired term in accordance with this

10101 section:

10102 (i) the [local] special district board, if the person vacating the position was elected; or

10103 (ii) the appointing authority, as that term is defined in Section 17B-1-102, if the

10104 appointing authority appointed the person vacating the position.

10105 (b) Except as provided in Subsection (1)(c) or (d), before acting to fill the vacancy, the

10106 [local] special district board or appointing authority shall:

10107 (i) give public notice of the vacancy at least two weeks before the [local] special

10108 district board or appointing authority meets to fill the vacancy by:

10109 (A) if there is a newspaper of general circulation, as that term is defined in Section

10110 45-1-201, within the district, publishing the notice in the newspaper of general circulation;

10111 (B) posting the notice in three public places within the [local] special district; and

10112 (C) posting on the Utah Public Notice Website created under Section 63A-16-601; and

10113 (ii) identify, in the notice:

10114 (A) the date, time, and place of the meeting where the vacancy will be filled;

10115 (B) the individual to whom an individual who is interested in an appointment to fill the

10116 vacancy may submit the individual's name for consideration; and

10117 (C) any submission deadline.

10118 (c) An appointing authority is not subject to Subsection (1)(b) if:

10119 (i) the appointing authority appoints one of the appointing authority's own members;

10120 and

10121 (ii) that member meets all applicable statutory board member qualifications.

10122 (d) When a vacancy occurs on the board of a water conservancy district located in

10123 more than one county:

10124 (i) the board shall give notice of the vacancy to the county legislative bodies that

10125 nominated the vacating trustee as provided in Section 17B-2a-1005;

10126 (ii) the county legislative bodies described in Subsection (1)(d)(i) shall collectively

10127 compile a list of three nominees to fill the vacancy; and

10128 (iii) the governor shall, with the advice and consent of the Senate, appoint an

10129 individual to fill the vacancy from nominees submitted as provided in Subsection

10130 17B-2a-1005(2)(c).

10131 (2) If the [local] special district board fails to appoint an individual to complete an

10132 elected board member's term within 90 days, the legislative body of the county or municipality
10133 that created the [local] special district shall fill the vacancy in accordance with the procedure
10134 for a [local] special district described in Subsection (1)(b).

10135 Section 225. Section **20A-1-513** is amended to read:

10136 **20A-1-513. Temporary absence in elected office of a political subdivision for**
10137 **military service.**

10138 (1) As used in this section:

10139 (a) "Armed forces" means the same as that term is defined in Section [68-3-12.5](#), and
10140 includes:

10141 (i) the National Guard; and

10142 (ii) the national guard and armed forces reserves.

10143 (b) (i) "Elected official" is a person who holds an office of a political subdivision that
10144 is required by law to be filled by an election.

10145 (ii) "Elected official" includes a person who is appointed to fill a vacancy in an office
10146 described in Subsection (1)(b)(i).

10147 (c) (i) "Military leave" means the temporary absence from an office:

10148 (A) by an elected official called to active, full-time duty in the armed forces; and

10149 (B) for a period of time that exceeds 30 days and does not exceed 400 days.

10150 (ii) "Military leave" includes the time a person on leave, as described in Subsection
10151 (1)(c)(i), spends for:

10152 (A) out processing;

10153 (B) an administrative delay;

10154 (C) accrued leave; and

10155 (D) on rest and recuperation leave program of the armed forces.

10156 (d) "Political subdivision's governing body" means:

10157 (i) for a county, city, or town, the legislative body of the county, city, or town;

10158 (ii) for a [local] special district, the board of trustees of the [local] special district;

10159 (iii) for a local school district, the local school board;

10160 (iv) for a special service district:

10161 (A) the legislative body of the county, city, or town that established the special service
10162 district, if no administrative control board has been appointed under Section [17D-1-301](#); or

10163 (B) the administrative control board of the special service district, if an administrative
10164 control board has been appointed under Section 17D-1-301; and

10165 (v) for a political subdivision not listed in Subsections (1)(d)(i) through (iv), the body
10166 that governs the affairs of the political subdivision.

10167 (e) "Temporary replacement" means the person appointed by the political subdivision's
10168 governing body in accordance with this section to exercise the powers and duties of the office
10169 of the elected official who takes military leave.

10170 (2) An elected official creates a vacancy in the elected official's office if the elected
10171 official is called to active, full-time duty in the armed forces in accordance with Title 10,
10172 U.S.C.A. unless the elected official takes military leave as provided by this section.

10173 (3) (a) An elected official who is called to active, full-time duty in the armed forces in
10174 a status other than in accordance with Title 10, U.S.C.A. shall notify the political subdivision's
10175 governing body of the elected official's orders not later than five days after receipt of orders.

10176 (b) The elected official described in Subsection (3)(a) may:

10177 (i) continue to carry out the official's duties if possible while on active, full-time duty;
10178 or

10179 (ii) take military leave if the elected official submits to the political subdivision's
10180 governing body written notice of the intent to take military leave and the expected duration of
10181 the military leave.

10182 (4) (a) An elected official who chooses to continue to carry out the official's duties
10183 while on active, full-time duty shall, within 10 days after arrival at the official's place of
10184 deployment, confirm in writing to the political subdivision's governing body that the official
10185 has the ability to carry out the official's duties.

10186 (b) If no confirmation is received by the political subdivision within the time period
10187 described in Subsection (4)(a), the elected official shall be placed in a military leave status and
10188 a temporary replacement appointed in accordance with Subsection (6).

10189 (5) An elected official's military leave:

10190 (a) begins the later of:

10191 (i) the day after the day on which the elected official notifies the political subdivision's
10192 governing body of the intent to take military leave;

10193 (ii) day 11 after the elected official's deployment if no confirmation is received in

10194 accordance with Subsection (4)(a); or
10195 (iii) the day on which the elected official begins active, full-time duty in the armed
10196 forces; and
10197 (b) ends the sooner of:
10198 (i) the expiration of the elected official's term of office; or
10199 (ii) the day on which the elected official ends active, full-time duty in the armed forces.
10200 (6) A temporary replacement shall:
10201 (a) meet the qualifications required to hold the office; and
10202 (b) be appointed:
10203 (i) in the same manner as provided by this part for a midterm vacancy if a registered
10204 political party nominated the elected official who takes military leave as a candidate for the
10205 office; or
10206 (ii) by the political subdivision's governing body after submitting an application in
10207 accordance with Subsection (8)(b) if a registered political party did not nominate the elected
10208 official who takes military leave as a candidate for office.
10209 (7) (a) A temporary replacement shall exercise the powers and duties of the office for
10210 which the temporary replacement is appointed for the duration of the elected official's military
10211 leave.
10212 (b) An elected official may not exercise the powers or duties of the office while on
10213 military leave.
10214 (c) If a temporary replacement is not appointed as required by Subsection (6)(b), no
10215 person may exercise the powers and duties of the elected official's office during the elected
10216 official's military leave.
10217 (8) The political subdivision's governing body shall establish:
10218 (a) the distribution of the emoluments of the office between the elected official and the
10219 temporary replacement; and
10220 (b) an application form and the date and time before which a person shall submit the
10221 application to be considered by the political subdivision's governing body for appointment as a
10222 temporary replacement.
10223 Section 226. Section **20A-2-101** is amended to read:
10224 **20A-2-101. Eligibility for registration.**

- 10225 (1) Except as provided in Subsection (2), an individual may register to vote in an
10226 election who:
- 10227 (a) is a citizen of the United States;
 - 10228 (b) has been a resident of Utah for at least the 30 days immediately before the election;
 - 10229 (c) will be:
 - 10230 (i) at least 18 years of age on the day of the election; or
 - 10231 (ii) if the election is a regular primary election, a municipal primary election, or a
10232 presidential primary election:
 - 10233 (A) 17 years of age on or before the day of the regular primary election, municipal
10234 primary election, or presidential primary election; and
 - 10235 (B) 18 years of age on or before the day of the general election that immediately
10236 follows the regular primary election, municipal primary election, or presidential primary
10237 election; and
 - 10238 (d) currently resides within the voting district or precinct in which the individual
10239 applies to register to vote.
- 10240 (2) (a) (i) An individual who is involuntarily confined or incarcerated in a jail, prison,
10241 or other facility within a voting precinct is not a resident of that voting precinct and may not
10242 register to vote in that voting precinct unless the individual was a resident of that voting
10243 precinct before the confinement or incarceration.
- 10244 (ii) An individual who is involuntarily confined or incarcerated in a jail or prison is a
10245 resident of the voting precinct in which the individual resided before the confinement or
10246 incarceration.
- 10247 (b) An individual who has been convicted of a felony or a misdemeanor for an offense
10248 under this title may not register to vote or remain registered to vote unless the individual's right
10249 to vote has been restored as provided in Section [20A-2-101.3](#) or [20A-2-101.5](#).
 - 10250 (c) An individual whose right to vote has been restored, as provided in Section
10251 [20A-2-101.3](#) or [20A-2-101.5](#), is eligible to register to vote.
- 10252 (3) An individual who is eligible to vote and who resides within the geographic
10253 boundaries of the entity in which the election is held may register to vote in a:
- 10254 (a) regular general election;
 - 10255 (b) regular primary election;

- 10256 (c) municipal general election;
- 10257 (d) municipal primary election;
- 10258 (e) statewide special election;
- 10259 (f) local special election;
- 10260 (g) [~~local~~] special district election;
- 10261 (h) bond election; and
- 10262 (i) presidential primary election.

10263 Section 227. Section **20A-3a-102** is amended to read:

10264 **20A-3a-102. Residency and age requirements of voters.**

10265 (1) An individual may vote in any regular general election or statewide special election
10266 if that individual has registered to vote in accordance with Chapter 2, Voter Registration.

10267 (2) An individual may vote in the presidential primary election or a regular primary
10268 election if:

10269 (a) that individual has registered to vote in accordance with Chapter 2, Voter
10270 Registration; and

10271 (b) that individual's political party affiliation, or unaffiliated status, allows the person
10272 to vote in the election.

10273 (3) An individual may vote in a municipal general election, municipal primary election,
10274 local special election, [~~local~~] special district election, and bond election if that individual:

10275 (a) has registered to vote in accordance with Chapter 2, Voter Registration; and

10276 (b) is a resident of a voting district or precinct within the local entity that is holding the
10277 election.

10278 Section 228. Section **20A-3a-104** is amended to read:

10279 **20A-3a-104. Voting by secret ballot.**

10280 All voting at each regular and municipal general election, at each statewide or local
10281 special election, at each primary election, at each [~~local~~] special district election, and at each
10282 bond election shall be by secret ballot.

10283 Section 229. Section **20A-3a-501** is amended to read:

10284 **20A-3a-501. Prohibited conduct at polling place -- Other prohibited activities.**

10285 (1) As used in this section:

10286 (a) "electioneering" includes any oral, printed, or written attempt to persuade persons to

10287 refrain from voting or to vote for or vote against any candidate or issue; and

10288 (b) "polling place" means the physical place where ballots are cast and includes the
10289 physical place where a ballot drop box is located.

10290 (2) (a) An individual may not, within a polling place or in any public area within 150
10291 feet of the building where a polling place is located:

10292 (i) do any electioneering;

10293 (ii) circulate cards or handbills of any kind;

10294 (iii) solicit signatures to any kind of petition; or

10295 (iv) engage in any practice that interferes with the freedom of voters to vote or disrupts
10296 the administration of the polling place.

10297 (b) A county, municipality, school district, or [~~local~~] special district may not prohibit
10298 electioneering that occurs more than 150 feet from the building where a polling place is
10299 located, but may regulate the place and manner of that electioneering to protect the public
10300 safety.

10301 (3) (a) An individual may not obstruct the doors or entries to a building in which a
10302 polling place is located or prevent free access to and from any polling place.

10303 (b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the
10304 obstruction of the entrance to a polling place and may arrest an individual creating an
10305 obstruction.

10306 (4) An individual may not solicit any voter to show the voter's ballot.

10307 (5) (a) An individual may not knowingly possess or control another individual's voted
10308 manual ballot, unless:

10309 (i) the individual is an election official or postal worker acting in the capacity of an
10310 election official or postal worker;

10311 (ii) the individual possesses or controls the voted ballot in accordance with Section
10312 [20A-3a-301](#), relating to emergency ballots;

10313 (iii) the possession or control is authorized in order to deliver a military-overseas ballot
10314 in accordance with Chapter 16, Uniform Military and Overseas Voters Act;

10315 (iv) subject to Section [20A-3a-208](#), the individual is authorized by a voter to possess or
10316 control the voter's voted ballot if the voter needs assistance delivering the ballot due to the
10317 voter's age, illness, or disability; or

- 10318 (v) the individual resides in the same household as the voter.
- 10319 (b) A violation of Subsection (5)(a) does not invalidate the ballot.
- 10320 (6) An individual who violates any provision of this section is, in addition to the
- 10321 penalties described in Subsections 20A-1-609(2) and (3), guilty of a class A misdemeanor.
- 10322 (7) A political subdivision may not prohibit political signs that are located more than
- 10323 150 feet away from a polling place, but may regulate their placement to protect public safety.
- 10324 Section 230. Section 20A-3a-605 is amended to read:
- 10325 **20A-3a-605. Exemptions from early voting.**
- 10326 (1) (a) This part does not apply to an election of a board member of a [toeat] special
- 10327 district.
- 10328 (b) Notwithstanding Subsection (1)(a), a [toeat] special district may, in the [toeat]
- 10329 special district's discretion, provide early voting in accordance with this part for election of a
- 10330 board member.
- 10331 (2) Notwithstanding the requirements of Section 20A-3a-601, a municipality of the
- 10332 fifth class or a town as described in Section 10-2-301 may provide early voting as provided
- 10333 under this part for:
- 10334 (a) a municipal primary election; or
- 10335 (b) a municipal general election.
- 10336 (3) A municipality is not required to conduct early voting for the election.
- 10337 Section 231. Section 20A-4-301 is amended to read:
- 10338 **20A-4-301. Board of canvassers.**
- 10339 (1) (a) Each county legislative body is the board of county canvassers for:
- 10340 (i) the county; and
- 10341 (ii) each [toeat] special district whose election is conducted by the county if:
- 10342 (A) the election relates to the creation of the [toeat] special district;
- 10343 (B) the county legislative body serves as the governing body of the [toeat] special
- 10344 district; or
- 10345 (C) there is no duly constituted governing body of the [toeat] special district.
- 10346 (b) The board of county canvassers shall meet to canvass the returns at the usual place
- 10347 of meeting of the county legislative body, at a date and time determined by the county clerk
- 10348 that is no sooner than seven days after the election and no later than 14 days after the election.

10349 (c) If one or more of the county legislative body fails to attend the meeting of the board
10350 of county canvassers, the remaining members shall replace the absent member by appointing in
10351 the order named:

10352 (i) the county treasurer;

10353 (ii) the county assessor; or

10354 (iii) the county sheriff.

10355 (d) Attendance of the number of persons equal to a simple majority of the county
10356 legislative body, but not less than three persons, shall constitute a quorum for conducting the
10357 canvass.

10358 (e) The county clerk is the clerk of the board of county canvassers.

10359 (2) (a) The mayor and the municipal legislative body are the board of municipal
10360 canvassers for the municipality.

10361 (b) The board of municipal canvassers shall meet to canvass the returns at the usual
10362 place of meeting of the municipal legislative body:

10363 (i) for canvassing of returns from a municipal general election, no sooner than seven
10364 days after the election and no later than 14 days after the election; or

10365 (ii) for canvassing of returns from a municipal primary election, no sooner than seven
10366 days after the election and no later than 14 days after the election.

10367 (c) Attendance of a simple majority of the municipal legislative body shall constitute a
10368 quorum for conducting the canvass.

10369 (3) (a) The legislative body of the entity authorizing a bond election is the board of
10370 canvassers for each bond election.

10371 (b) The board of canvassers for the bond election shall comply with the canvassing
10372 procedures and requirements of Section [11-14-207](#).

10373 (c) Attendance of a simple majority of the legislative body of the entity authorizing a
10374 bond election shall constitute a quorum for conducting the canvass.

10375 Section 232. Section **20A-4-304** is amended to read:

10376 **20A-4-304. Declaration of results -- Canvassers' report.**

10377 (1) Each board of canvassers shall:

10378 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,
10379 declare "elected" or "nominated" those persons who:

- 10380 (i) had the highest number of votes; and
- 10381 (ii) sought election or nomination to an office completely within the board's
- 10382 jurisdiction;
- 10383 (b) declare:
- 10384 (i) "approved" those ballot propositions that:
- 10385 (A) had more "yes" votes than "no" votes; and
- 10386 (B) were submitted only to the voters within the board's jurisdiction; or
- 10387 (ii) "rejected" those ballot propositions that:
- 10388 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
- 10389 votes; and
- 10390 (B) were submitted only to the voters within the board's jurisdiction;
- 10391 (c) certify the vote totals for persons and for and against ballot propositions that were
- 10392 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
- 10393 the lieutenant governor; and
- 10394 (d) if applicable, certify the results of each ~~local~~ special district election to the ~~local~~
- 10395 special district clerk.
- 10396 (2) As soon as the result is declared, the election officer shall prepare a report of the
- 10397 result, which shall contain:
- 10398 (a) the total number of votes cast in the board's jurisdiction;
- 10399 (b) the names of each candidate whose name appeared on the ballot;
- 10400 (c) the title of each ballot proposition that appeared on the ballot;
- 10401 (d) each office that appeared on the ballot;
- 10402 (e) from each voting precinct:
- 10403 (i) the number of votes for each candidate;
- 10404 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate
- 10405 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each
- 10406 potential ballot-counting phase and the name of the candidate excluded in each ballot-counting
- 10407 phase; and
- 10408 (iii) the number of votes for and against each ballot proposition;
- 10409 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
- 10410 and against each ballot proposition;

- 10411 (g) the number of ballots that were rejected; and
- 10412 (h) a statement certifying that the information contained in the report is accurate.
- 10413 (3) The election officer and the board of canvassers shall:
- 10414 (a) review the report to ensure that it is correct; and
- 10415 (b) sign the report.
- 10416 (4) The election officer shall:
- 10417 (a) record or file the certified report in a book kept for that purpose;
- 10418 (b) prepare and transmit a certificate of nomination or election under the officer's seal
- 10419 to each nominated or elected candidate;
- 10420 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 10421 (d) file a copy of the certified report with the lieutenant governor.
- 10422 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
- 10423 days after the day on which the board of canvassers declares the election results, publicize the
- 10424 certified report described in Subsection (2):
- 10425 (a) (i) by publishing notice at least once in a newspaper of general circulation within
- 10426 the jurisdiction;
- 10427 (ii) by posting one notice, and at least one additional notice per 2,000 population of the
- 10428 jurisdiction, in places within the jurisdiction that are most likely to give notice to the residents
- 10429 of the jurisdiction, subject to a maximum of 10 notices; or
- 10430 (iii) by mailing notice to each residence within the jurisdiction;
- 10431 (b) by posting notice on the Utah Public Notice Website, created in Section
- 10432 [63A-16-601](#), for one week; and
- 10433 (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for
- 10434 one week.
- 10435 (6) Instead of including a copy of the entire certified report, a notice required under
- 10436 Subsection (5) may contain a statement that:
- 10437 (a) includes the following: "The Board of Canvassers for [indicate name of
- 10438 jurisdiction] has prepared a report of the election results for the [indicate type and date of
- 10439 election]."; and
- 10440 (b) specifies the following sources where an individual may view or obtain a copy of
- 10441 the entire certified report:

- 10442 (i) if the jurisdiction has a website, the jurisdiction's website;
- 10443 (ii) the physical address for the jurisdiction; and
- 10444 (iii) a mailing address and telephone number.

10445 (7) When there has been a regular general or a statewide special election for statewide
10446 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
10447 or more county ballot proposition, each board of canvassers shall:

10448 (a) prepare a separate report detailing the number of votes for each candidate and the
10449 number of votes for and against each ballot proposition; and

10450 (b) transmit the separate report by registered mail to the lieutenant governor.

10451 (8) In each county election, municipal election, school election, [~~local~~] special district
10452 election, and local special election, the election officer shall transmit the reports to the
10453 lieutenant governor within 14 days after the date of the election.

10454 (9) In a regular primary election and in a presidential primary election, the board shall
10455 transmit to the lieutenant governor:

10456 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
10457 governor not later than the second Tuesday after the election; and

10458 (b) a complete tabulation showing voting totals for all primary races, precinct by
10459 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
10460 primary election.

10461 Section 233. Section **20A-4-305** is amended to read:

10462 **20A-4-305. Delivery of checked official register to county clerk after canvass.**

10463 Within 10 days after the canvass of a November municipal election, [~~local~~] special
10464 district election, bond election, or special election, the clerk or recorder shall transmit the
10465 checked official register to the county clerk.

10466 Section 234. Section **20A-4-401** is amended to read:

10467 **20A-4-401. Recounts -- Procedure.**

10468 (1) (a) This section does not apply to a race conducted by instant runoff voting under
10469 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

10470 (b) Except as provided in Subsection (1)(c), for a race between candidates, if the
10471 difference between the number of votes cast for a winning candidate in the race and a losing
10472 candidate in the race is equal to or less than .25% of the total number of votes cast for all

10473 candidates in the race, that losing candidate may file a request for a recount in accordance with
10474 Subsection (1)(d).

10475 (c) For a race between candidates where the total of all votes cast in the race is 400 or
10476 less, if the difference between the number of votes cast for a winning candidate in the race and
10477 a losing candidate in the race is one vote, that losing candidate may file a request for a recount
10478 in accordance with Subsection (1)(d).

10479 (d) A candidate who files a request for a recount under Subsection (1) (b) or (c) shall
10480 file the request:

10481 (i) for a municipal primary election, with the municipal clerk, before 5 p.m. within
10482 three days after the canvass; or

10483 (ii) for all other elections, before 5 p.m. within seven days after the canvass with:

10484 (A) the municipal clerk, if the election is a municipal general election;

10485 (B) the ~~local~~ special district clerk, if the election is a ~~local~~ special district election;

10486 (C) the county clerk, for races voted on entirely within a single county; or

10487 (D) the lieutenant governor, for statewide races and multicounty races.

10488 (e) The election officer shall:

10489 (i) supervise the recount;

10490 (ii) recount all ballots cast for that race;

10491 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,
10492 Disposition of Ballots;

10493 (iv) for a race where only one candidate may win, declare elected the candidate who
10494 receives the highest number of votes on the recount; and

10495 (v) for a race where multiple candidates may win, declare elected the applicable
10496 number of candidates who receive the highest number of votes on the recount.

10497 (2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond
10498 proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of
10499 the total votes cast for or against the proposition, any 10 voters who voted in the election where
10500 the proposition was on the ballot may file a request for a recount before 5 p.m. within seven
10501 days after the day of the canvass with the person described in Subsection (2)(c).

10502 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or
10503 against the proposition is 400 or less, if the difference between the number of votes cast for the

10504 proposition and the number of votes cast against the proposition is one vote, any 10 voters who
10505 voted in the election where the proposition was on the ballot may file a request for a recount
10506 before 5 p.m. within seven days after the day of the canvass with the person described in
10507 Subsection (2)(c).

10508 (c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall
10509 file the request with:

- 10510 (i) the municipal clerk, if the election is a municipal election;
- 10511 (ii) the ~~local~~ special district clerk, if the election is a ~~local~~ special district election;
- 10512 (iii) the county clerk, for propositions voted on entirely within a single county; or
- 10513 (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

10514 (d) The election officer shall:

- 10515 (i) supervise the recount;
- 10516 (ii) recount all ballots cast for that ballot proposition or bond proposition;
- 10517 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,

10518 Disposition of Ballots; and

10519 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
10520 based upon the results of the recount.

10521 (e) Proponents and opponents of the ballot proposition or bond proposition may
10522 designate representatives to witness the recount.

10523 (f) The voters requesting the recount shall pay the costs of the recount.

10524 (3) Costs incurred by recount under Subsection (1) may not be assessed against the
10525 person requesting the recount.

10526 (4) (a) Upon completion of the recount, the election officer shall immediately convene
10527 the board of canvassers.

10528 (b) The board of canvassers shall:

10529 (i) canvass the election returns for the race or proposition that was the subject of the
10530 recount; and

10531 (ii) with the assistance of the election officer, prepare and sign the report required by
10532 Section [20A-4-304](#) or [20A-4-306](#).

10533 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,
10534 the board of county canvassers shall prepare and transmit a separate report to the lieutenant

10535 governor as required by Subsection 20A-4-304(7).

10536 (d) The canvassers' report prepared as provided in this Subsection (4) is the official
10537 result of the race or proposition that is the subject of the recount.

10538 Section 235. Section 20A-5-302 is amended to read:

10539 **20A-5-302. Automated voting system.**

10540 (1) (a) Any county or municipal legislative body or [~~local~~] special district board may:

10541 (i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any
10542 automated voting system that meets the requirements of this section; and

10543 (ii) use that system in any election, in all or a part of the voting precincts within its
10544 boundaries, or in combination with manual ballots.

10545 (b) Nothing in this title shall be construed to require the use of electronic voting
10546 devices in local special elections, municipal primary elections, or municipal general elections.

10547 (2) Each automated voting system shall:

10548 (a) provide for voting in secrecy, except in the case of voters who have received
10549 assistance as authorized by Section 20A-3a-208;

10550 (b) permit each voter at any election to:

10551 (i) vote for all persons and offices for whom and for which that voter is lawfully
10552 entitled to vote;

10553 (ii) vote for as many persons for an office as that voter is entitled to vote; and

10554 (iii) vote for or against any ballot proposition upon which that voter is entitled to vote;

10555 (c) permit each voter, at presidential elections, by one mark, to vote for the candidates
10556 of that party for president, vice president, and for their presidential electors;

10557 (d) at elections other than primary elections, permit each voter to vote for the nominees
10558 of one or more parties and for independent candidates;

10559 (e) at primary elections:

10560 (i) permit each voter to vote for candidates of the political party of the voter's choice;

10561 and

10562 (ii) reject any votes cast for candidates of another party;

10563 (f) prevent the voter from voting for the same person more than once for the same
10564 office;

10565 (g) provide the opportunity for each voter to change the ballot and to correct any error

10566 before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub.
10567 L. No. 107-252;

10568 (h) include automatic tabulating equipment that rejects choices recorded on a voter's
10569 ballot if the number of the voter's recorded choices is greater than the number which the voter
10570 is entitled to vote for the office or on the measure;

10571 (i) be of durable construction, suitably designed so that it may be used safely,
10572 efficiently, and accurately in the conduct of elections and counting ballots;

10573 (j) when properly operated, record correctly and count accurately each vote cast;

10574 (k) for voting equipment certified after January 1, 2005, produce a permanent paper
10575 record that:

10576 (i) shall be available as an official record for any recount or election contest conducted
10577 with respect to an election where the voting equipment is used;

10578 (ii) (A) shall be available for the voter's inspection prior to the voter leaving the polling
10579 place; and

10580 (B) shall permit the voter to inspect the record of the voter's selections independently
10581 only if reasonably practicable commercial methods permitting independent inspection are
10582 available at the time of certification of the voting equipment by the lieutenant governor;

10583 (iii) shall include, at a minimum, human readable printing that shows a record of the
10584 voter's selections;

10585 (iv) may also include machine readable printing which may be the same as the human
10586 readable printing; and

10587 (v) allows a watcher to observe the election process to ensure the integrity of the
10588 election process; and

10589 (l) meet the requirements of Section [20A-5-802](#).

10590 (3) For the purposes of a recount or an election contest, if the permanent paper record
10591 contains a conflict or inconsistency between the human readable printing and the machine
10592 readable printing, the human readable printing shall supercede the machine readable printing
10593 when determining the intent of the voter.

10594 (4) Notwithstanding any other provisions of this section, the election officers shall
10595 ensure that the ballots to be counted by means of electronic or electromechanical devices are of
10596 a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable

10597 for use in the counting devices in which they are intended to be placed.

10598 Section 236. Section **20A-5-400.5** is amended to read:

10599 **20A-5-400.5. Election officer for bond and leeway elections.**

10600 (1) When a voted leeway or bond election is held on the regular general election date,
10601 the county clerk shall serve as the provider election officer to conduct that election.

10602 (2) (a) When a voted leeway or bond election is held on the municipal general election
10603 date or any other election date permitted for special elections under Section [20A-1-204](#), and the
10604 local political subdivision calling the election is entirely within the boundaries of the
10605 unincorporated county, the county clerk shall serve as the provider election officer to conduct
10606 that election subject to Subsection (3).

10607 (b) When a voted leeway or bond election is held on the municipal general election
10608 date or any other election date permitted for special elections under Section [20A-1-204](#), and the
10609 local political subdivision calling the election is entirely within the boundaries of a
10610 municipality, the municipal clerk for that municipality shall, except as provided in Subsection
10611 (3), serve as the provider election officer to conduct that election.

10612 (c) When a voted leeway or bond election is held on the municipal general election
10613 date or any other election date permitted for special elections under Section [20A-1-204](#), and the
10614 local political subdivision calling the election extends beyond the boundaries of a single
10615 municipality:

10616 (i) except as provided in Subsection (3), the municipal clerk shall serve as the provider
10617 election officer to conduct the election for those portions of the local political subdivision
10618 where the municipal general election or other election is being held; and

10619 (ii) except as provided in Subsection (3), the county clerk shall serve as the provider
10620 election officer to conduct the election for the unincorporated county and for those portions of
10621 any municipality where no municipal general election or other election is being held.

10622 (3) When a voted leeway or bond election is held on a date when no other election,
10623 other than another voted leeway or bond election, is being held in the entire area comprising
10624 the local political subdivision calling the voted leeway or bond election:

10625 (a) the clerk or chief executive officer of a ~~local~~ special district or the business
10626 administrator or superintendent of the school district, as applicable, shall serve as the election
10627 officer to conduct the bond election for those portions of the local political subdivision in

10628 which no other election, other than another voted leeway or bond election, is being held, unless
10629 the ~~local~~ special district or school district has contracted with a provider election officer; and

10630 (b) the county clerk, municipal clerk, or both, as determined by the local political
10631 subdivision holding the bond election, shall serve as the provider election officer to conduct the
10632 bond election for those portions of the local political subdivision in which another election,
10633 other than another voted leeway or bond election, is being held.

10634 (4) A provider election officer required by this section to conduct an election for a local
10635 political subdivision shall comply with Section [20A-5-400.1](#).

10636 Section 237. Section **20A-5-401** is amended to read:

10637 **20A-5-401. Official register -- Preparation -- Contents.**

10638 (1) (a) Before the registration days for each regular general, municipal general, regular
10639 primary, municipal primary, or presidential primary election, each county clerk shall prepare an
10640 official register of all voters that will participate in the election.

10641 (b) The county clerk shall ensure that the official register is prepared and contains the
10642 following for each registered voter:

10643 (i) name;

10644 (ii) party affiliation;

10645 (iii) an entry field for a voter challenge, including the name of the individual making
10646 the challenge and the grounds for the challenge;

10647 (iv) election name and date;

10648 (v) date of birth;

10649 (vi) place of current residence;

10650 (vii) street address of current residence;

10651 (viii) zip code;

10652 (ix) identification and provisional ballot information as required under Subsection

10653 (1)(d); and

10654 (x) space for the voter to sign the voter's name for the election.

10655 (c) When preparing the official register for the presidential primary election, the county
10656 clerk shall include:

10657 (i) an entry field to record the name of the political party whose ballot the voter voted;

10658 and

10659 (ii) an entry field for the poll worker to record changes in the voter's party affiliation.

10660 (d) When preparing the official register for any regular general election, municipal
10661 general election, statewide special election, local special election, regular primary election,
10662 municipal primary election, [~~local~~] special district election, or election for federal office, the
10663 county clerk shall include:

10664 (i) an entry field for the poll worker to record the type of identification provided by the
10665 voter;

10666 (ii) a space for the poll worker to record the provisional envelope ballot number for
10667 voters who receive a provisional ballot; and

10668 (iii) a space for the poll worker to record the type of identification that was provided by
10669 voters who receive a provisional ballot.

10670 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal
10671 elections, [~~local~~] special district elections, and bond elections, the county clerk shall make an
10672 official register only for voting precincts affected by the primary, municipal, [~~local~~] special
10673 district, or bond election.

10674 (ii) If a polling place to be used in a bond election serves both voters residing in the
10675 local political subdivision calling the bond election and voters residing outside of that local
10676 political subdivision, the official register shall designate whether each voter resides in or
10677 outside of the local political subdivision.

10678 (iii) Each county clerk, with the assistance of the clerk of each affected [~~local~~] special
10679 district, shall provide a detailed map or an indication on the registration list or other means to
10680 enable a poll worker to determine the voters entitled to vote at an election of [~~local~~] special
10681 district officers.

10682 (b) Municipalities shall pay the costs of making the official register for municipal
10683 elections.

10684 Section 238. Section **20A-5-403** is amended to read:

10685 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --**
10686 **Arrangements.**

10687 (1) Except as provided in Section **20A-7-609.5**, each election officer shall:

10688 (a) designate polling places for each voting precinct in the jurisdiction; and

10689 (b) obtain the approval of the county or municipal legislative body or [~~local~~] special

10690 district governing board for those polling places.

10691 (2) (a) For each polling place, the election officer shall provide:

10692 (i) an American flag;

10693 (ii) a sufficient number of voting booths or compartments;

10694 (iii) the voting devices, voting booths, ballots, ballot boxes, and any other records and

10695 supplies necessary to enable a voter to vote;

10696 (iv) the constitutional amendment cards required by Part 1, Election Notices and

10697 Instructions;

10698 (v) the instructions required by Section [20A-5-102](#); and

10699 (vi) a sign, to be prominently displayed in the polling place, indicating that valid voter

10700 identification is required for every voter before the voter may vote and listing the forms of

10701 identification that constitute valid voter identification.

10702 (b) Each election officer shall ensure that:

10703 (i) each voting booth is at a convenient height for writing, and is arranged so that the

10704 voter can prepare the voter's ballot screened from observation;

10705 (ii) there are a sufficient number of voting booths or voting devices to accommodate

10706 the voters at that polling place; and

10707 (iii) there is at least one voting booth or voting device that is configured to

10708 accommodate persons with disabilities.

10709 (c) Each county clerk shall provide a ballot box for each polling place that is large

10710 enough to properly receive and hold the ballots to be cast.

10711 (3) (a) All polling places shall be physically inspected by each county clerk to ensure

10712 access by a person with a disability.

10713 (b) Any issues concerning inaccessibility to polling places by a person with a disability

10714 discovered during the inspections referred to in Subsection (3)(a) or reported to the county

10715 clerk shall be:

10716 (i) forwarded to the Office of the Lieutenant Governor; and

10717 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be

10718 either:

10719 (A) remedied at the particular location by the county clerk;

10720 (B) the county clerk shall designate an alternative accessible location for the particular

10721 precinct; or

10722 (C) if no practical solution can be identified, file with the Office of the Lieutenant
10723 Governor a written explanation identifying the reasons compliance cannot reasonably be met.

10724 (4) (a) The municipality in which the election is held shall pay the cost of conducting
10725 each municipal election, including the cost of printing and supplies.

10726 (b) (i) Costs assessed by a county clerk to a municipality under this section may not
10727 exceed the actual costs incurred by the county clerk.

10728 (ii) The actual costs shall include:

10729 (A) costs of or rental fees associated with the use of election equipment and supplies;
10730 and

10731 (B) reasonable and necessary administrative costs.

10732 (5) The county clerk shall make detailed entries of all proceedings had under this
10733 chapter.

10734 (6) (a) Each county clerk shall, to the extent possible, ensure that the amount of time
10735 that an individual waits in line before the individual can vote at a polling place in the county
10736 does not exceed 30 minutes.

10737 (b) The lieutenant governor may require a county clerk to submit a line management
10738 plan before the next election if an individual waits in line at a polling place in the county longer
10739 than 30 minutes before the individual can vote.

10740 (c) The lieutenant governor may consider extenuating circumstances in deciding
10741 whether to require the county clerk to submit a plan described in Subsection (6)(b).

10742 (d) The lieutenant governor shall review each plan submitted under Subsection (6)(b)
10743 and consult with the county clerk submitting the plan to ensure, to the extent possible, that the
10744 amount of time an individual waits in line before the individual can vote at a polling place in
10745 the county does not exceed 30 minutes.

10746 Section 239. Section **20A-5-407** is amended to read:

10747 **20A-5-407. Election officer to provide ballot boxes.**

10748 (1) Except as provided in Subsection (3), an election officer shall:

10749 (a) provide one ballot box with a lock and key for each polling place; and

10750 (b) deliver the ballot boxes, locks, and keys to the polling place before the polls open.

10751 (2) An election officer for a municipality or ~~local~~ special district may obtain ballot

10752 boxes from the county clerk's office.

10753 (3) If locks and keys are unavailable, the election officer shall ensure that the ballot
10754 box lid is secured by tape.

10755 Section 240. Section **20A-5-601** is amended to read:

10756 **20A-5-601. Appointment of poll workers in elections where candidates are**
10757 **distinguished by registered political parties.**

10758 (1) (a) This section governs appointment of poll workers in elections where candidates
10759 are distinguished by registered political parties.

10760 (b) On or before March 1 of each even-numbered year, an election officer shall provide
10761 to the county chair of each registered political party a list of the number of poll workers that the
10762 party must nominate for each polling place.

10763 (c) On or before April 1 of each even-numbered year, the county chair and secretary of
10764 each registered political party shall file a list with the election officer containing the names of
10765 individuals in the county who are willing to serve as poll workers, who are qualified to serve as
10766 poll workers in accordance with this section, and who are competent and trustworthy.

10767 (d) The county chair and secretary shall submit names equal in number to the number
10768 required by the election officer, plus one.

10769 (2) Each election officer shall provide for the appointment of individuals to serve as
10770 poll workers at each election.

10771 (3) (a) For each election, each election officer shall provide for the appointment of at
10772 least three registered voters, or one individual who is 16 or 17 years old and two registered
10773 voters, one of whom is at least 21 years old, from the list to serve as poll workers.

10774 (b) An election officer may appoint additional poll workers, as needed.

10775 (4) For each set of three poll workers appointed for a polling place for an election, the
10776 election officer shall ensure that:

10777 (a) two poll workers are appointed from the political party that cast the highest number
10778 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,
10779 excluding votes for unopposed candidates, in the jurisdiction holding the election at the last
10780 regular general election before the appointment of the poll workers; and

10781 (b) one poll worker is appointed from the political party that cast the second highest
10782 number of votes for governor, lieutenant governor, attorney general, state auditor, and state

10783 treasurer, excluding votes for unopposed candidates, in the county, city, or [local] special
10784 district, as applicable, at the last regular general election before the appointment of the poll
10785 workers.

10786 (5) The election officer shall provide for the appointment of any qualified county voter
10787 as a poll worker when:

10788 (a) a political party fails to file the poll worker list by the filing deadline; or

10789 (b) the list is incomplete.

10790 (6) A registered voter of the county may serve as a poll worker at any polling place in
10791 the county, municipality, or district, as applicable.

10792 (7) An election officer may not appoint a candidate's parent, sibling, spouse, child,
10793 mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to
10794 serve as a poll worker in a polling place where the candidate appears on the ballot.

10795 (8) The election officer shall fill all poll worker vacancies.

10796 (9) If a conflict arises over the right to certify the poll worker lists for any political
10797 party, the election officer may decide between conflicting lists, but may only select names from
10798 a properly submitted list.

10799 (10) The clerk shall establish compensation for poll workers.

10800 (11) The election officer may appoint additional poll workers to serve in the polling
10801 place as needed.

10802 Section 241. Section **20A-5-602** is amended to read:

10803 **20A-5-602. Appointment of poll workers in elections where candidates are not**
10804 **distinguished by registered political parties.**

10805 (1) (a) This section governs appointment of poll workers in elections where candidates
10806 are not distinguished by registered political parties.

10807 (b) An election officer shall appoint the poll worker at least 15 days before the date of
10808 the local election.

10809 (2) (a) The election officer shall appoint, or provide for the appointment of, at least
10810 three poll workers as follows:

10811 (i) three registered voters; or

10812 (ii) two registered voters, one of whom is at least 21 years old, and one individual who
10813 is 16 or 17 years old.

10814 (b) The election officer may appoint additional poll workers to serve in the polling
10815 place as needed.

10816 (3) The election officer may not appoint any candidate's parent, sibling, spouse, child,
10817 mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to
10818 serve as a poll worker at a polling place where the candidate appears on the ballot.

10819 (4) (a) The clerk shall compensate poll workers for their services.

10820 (b) The clerk of a municipality or [~~local~~] special district may not compensate poll
10821 workers at a rate higher than that paid by the county to the county's poll workers.

10822 Section 242. Section **20A-9-101** is amended to read:

10823 **20A-9-101. Definitions.**

10824 As used in this chapter:

10825 (1) (a) "Candidates for elective office" means persons who file a declaration of
10826 candidacy under Section **20A-9-202** to run in a regular general election for a federal office,
10827 constitutional office, multicounty office, or county office.

10828 (b) "Candidates for elective office" does not mean candidates for:

10829 (i) justice or judge of court of record or not of record;

10830 (ii) presidential elector;

10831 (iii) any political party offices; and

10832 (iv) municipal or [~~local~~] special district offices.

10833 (2) "Constitutional office" means the state offices of governor, lieutenant governor,
10834 attorney general, state auditor, and state treasurer.

10835 (3) "Continuing political party" means the same as that term is defined in Section
10836 **20A-8-101**.

10837 (4) (a) "County office" means an elective office where the officeholder is selected by
10838 voters entirely within one county.

10839 (b) "County office" does not mean:

10840 (i) the office of justice or judge of any court of record or not of record;

10841 (ii) the office of presidential elector;

10842 (iii) any political party offices;

10843 (iv) any municipal or [~~local~~] special district offices; and

10844 (v) the office of United States Senator and United States Representative.

- 10845 (5) "Electronic candidate qualification process" means:
- 10846 (a) as it relates to a registered political party that is not a qualified political party, the
- 10847 process for gathering signatures electronically to seek the nomination of a registered political
- 10848 party, described in:
- 10849 (i) Section [20A-9-403](#);
- 10850 (ii) Section [20a-9-405](#), except Subsections [20A-9-405\(3\)](#) and (5); and
- 10851 (iii) Section [20A-21-201](#); and
- 10852 (b) as it relates to a qualified political party, the process, for gathering signatures
- 10853 electronically to seek the nomination of a registered political party, described in:
- 10854 (i) Section [20A-9-405](#), except Subsections [20A-9-405\(3\)](#) and (5);
- 10855 (ii) Section [20A-9-408](#); and
- 10856 (iii) Section [20A-21-201](#).
- 10857 (6) "Federal office" means an elective office for United States Senator and United
- 10858 States Representative.
- 10859 (7) "Filing officer" means:
- 10860 (a) the lieutenant governor, for:
- 10861 (i) the office of United States Senator and United States Representative; and
- 10862 (ii) all constitutional offices;
- 10863 (b) for the office of a state senator or state representative, the lieutenant governor or the
- 10864 applicable clerk described in Subsection (7)(c) or (d);
- 10865 (c) the county clerk, for county offices and local school district offices;
- 10866 (d) the county clerk in the filer's county of residence, for multicounty offices;
- 10867 (e) the city or town clerk, for municipal offices; or
- 10868 (f) the ~~[local]~~ special district clerk, for ~~[local]~~ special district offices.
- 10869 ~~[(8) "Local district office" means an elected office in a local district.]~~
- 10870 ~~[(9)]~~ (8) "Local government office" includes county offices, municipal offices, and
- 10871 ~~[local]~~ special district offices and other elective offices selected by the voters from a political
- 10872 division entirely within one county.
- 10873 ~~[(10)]~~ (9) "Manual candidate qualification process" means the process for gathering
- 10874 signatures to seek the nomination of a registered political party, using paper signature packets
- 10875 that a signer physically signs.

10876 [~~(11)~~] (10) (a) "Multicounty office" means an elective office where the officeholder is
10877 selected by the voters from more than one county.

10878 (b) "Multicounty office" does not mean:

10879 (i) a county office;

10880 (ii) a federal office;

10881 (iii) the office of justice or judge of any court of record or not of record;

10882 (iv) the office of presidential elector;

10883 (v) any political party offices; or

10884 (vi) any municipal or [~~local~~] special district offices.

10885 [~~(12)~~] (11) "Municipal office" means an elective office in a municipality.

10886 [~~(13)~~] (12) (a) "Political division" means a geographic unit from which an officeholder
10887 is elected and that an officeholder represents.

10888 (b) "Political division" includes a county, a city, a town, a [~~local~~] special district, a
10889 school district, a legislative district, and a county prosecution district.

10890 [~~(14)~~] (13) "Qualified political party" means a registered political party that:

10891 (a) (i) permits a delegate for the registered political party to vote on a candidate
10892 nomination in the registered political party's convention remotely; or

10893 (ii) provides a procedure for designating an alternate delegate if a delegate is not
10894 present at the registered political party's convention;

10895 (b) does not hold the registered political party's convention before the fourth Saturday
10896 in March of an even-numbered year;

10897 (c) permits a member of the registered political party to seek the registered political
10898 party's nomination for any elective office by the member choosing to seek the nomination by
10899 either or both of the following methods:

10900 (i) seeking the nomination through the registered political party's convention process,
10901 in accordance with the provisions of Section [20A-9-407](#); or

10902 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
10903 of Section [20A-9-408](#); and

10904 (d) (i) if the registered political party is a continuing political party, no later than 5 p.m.
10905 on the first Monday of October of an odd-numbered year, certifies to the lieutenant governor
10906 that, for the election in the following year, the registered political party intends to nominate the

10907 registered political party's candidates in accordance with the provisions of Section 20A-9-406;
10908 or

10909 (ii) if the registered political party is not a continuing political party, certifies at the
10910 time that the registered political party files the petition described in Section 20A-8-103 that, for
10911 the next election, the registered political party intends to nominate the registered political
10912 party's candidates in accordance with the provisions of Section 20A-9-406.

10913 ~~[(15)]~~ (14) "Signature," as it relates to a petition for a candidate to seek the nomination
10914 of a registered political party, means:

10915 (a) when using the manual candidate qualification process, a holographic signature
10916 collected physically on a nomination petition described in Subsection 20A-9-405(3); or

10917 (b) when using the electronic candidate qualification process:

10918 (i) an electronic signature collected under Subsection 20A-21-201(6)(c)(ii)(A); or

10919 (ii) a holographic signature collected electronically under Subsection
10920 20A-21-201(6)(c)(ii)(B).

10921 (15) "Special district office" means an elected office in a special district.

10922 Section 243. Section 20A-9-503 is amended to read:

10923 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

10924 (1) Except as provided in Subsection (1)(b), after the certificate of nomination has been
10925 certified, executed, and acknowledged by the county clerk, the candidate shall:

10926 (a) (i) file the petition in person with the lieutenant governor, if the office the candidate
10927 seeks is a constitutional office or a federal office, or the county clerk, if the office the candidate
10928 seeks is a county office, during the declaration of candidacy filing period described in Section
10929 20A-9-201.5; and

10930 (ii) pay the filing fee; or

10931 (b) not later than the close of normal office hours on June 15 of any odd-numbered
10932 year:

10933 (i) file the petition in person with the municipal clerk, if the candidate seeks an office
10934 in a city or town, or the ~~[local]~~ special district clerk, if the candidate seeks an office in a ~~[local]~~
10935 special district; and

10936 (ii) pay the filing fee.

10937 (2) (a) The provisions of this Subsection (2) do not apply to an individual who files a

10938 declaration of candidacy for president of the United States.

10939 (b) Subject to Subsections (4)(c) and 20A-9-502(2), an individual may designate an
10940 agent to file a declaration of candidacy with the appropriate filing officer if:

10941 (i) the individual is located outside of the state during the entire filing period;

10942 (ii) the designated agent appears in person before the filing officer; and

10943 (iii) the individual communicates with the filing officer using an electronic device that
10944 allows the individual and filing officer to see and hear each other.

10945 (3) (a) At the time of filing, and before accepting the petition, the filing officer shall
10946 read the constitutional and statutory requirements for candidacy to the candidate.

10947 (b) If the candidate states that the candidate does not meet the requirements, the filing
10948 officer may not accept the petition.

10949 (4) (a) An individual filing a certificate of nomination for president or vice president of
10950 the United States under this section shall pay a filing fee of \$500.

10951 (b) Notwithstanding Subsection (1), an individual filing a certificate of nomination for
10952 president or vice president of the United States:

10953 (i) may file the certificate of nomination during the declaration of candidacy filing
10954 period described in Section 20A-9-201.5; and

10955 (ii) may use a designated agent to file the certificate of nomination.

10956 (c) An agent designated under Subsection (2) or described in Subsection (4)(b)(ii) may
10957 not sign the certificate of nomination form.

10958 Section 244. Section 20A-11-101 is amended to read:

10959 **20A-11-101. Definitions.**

10960 As used in this chapter:

10961 (1) (a) "Address" means the number and street where an individual resides or where a
10962 reporting entity has its principal office.

10963 (b) "Address" does not include a post office box.

10964 (2) "Agent of a reporting entity" means:

10965 (a) a person acting on behalf of a reporting entity at the direction of the reporting
10966 entity;

10967 (b) a person employed by a reporting entity in the reporting entity's capacity as a
10968 reporting entity;

- 10969 (c) the personal campaign committee of a candidate or officeholder;
- 10970 (d) a member of the personal campaign committee of a candidate or officeholder in the
- 10971 member's capacity as a member of the personal campaign committee of the candidate or
- 10972 officeholder; or
- 10973 (e) a political consultant of a reporting entity.
- 10974 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
- 10975 amendments, and any other ballot propositions submitted to the voters that are authorized by
- 10976 the Utah Code Annotated 1953.
- 10977 (4) "Candidate" means any person who:
- 10978 (a) files a declaration of candidacy for a public office; or
- 10979 (b) receives contributions, makes expenditures, or gives consent for any other person to
- 10980 receive contributions or make expenditures to bring about the person's nomination or election
- 10981 to a public office.
- 10982 (5) "Chief election officer" means:
- 10983 (a) the lieutenant governor for state office candidates, legislative office candidates,
- 10984 officeholders, political parties, political action committees, corporations, political issues
- 10985 committees, state school board candidates, judges, and labor organizations, as defined in
- 10986 Section [20A-11-1501](#); and
- 10987 (b) the county clerk for local school board candidates.
- 10988 (6) (a) "Contribution" means any of the following when done for political purposes:
- 10989 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
- 10990 value given to the filing entity;
- 10991 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
- 10992 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
- 10993 anything of value to the filing entity;
- 10994 (iii) any transfer of funds from another reporting entity to the filing entity;
- 10995 (iv) compensation paid by any person or reporting entity other than the filing entity for
- 10996 personal services provided without charge to the filing entity;
- 10997 (v) remuneration from:
- 10998 (A) any organization or its directly affiliated organization that has a registered lobbyist;
- 10999 or

- 11000 (B) any agency or subdivision of the state, including school districts;
- 11001 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
- 11002 (vii) in-kind contributions.
- 11003 (b) "Contribution" does not include:
- 11004 (i) services provided by individuals volunteering a portion or all of their time on behalf
- 11005 of the filing entity if the services are provided without compensation by the filing entity or any
- 11006 other person;
- 11007 (ii) money lent to the filing entity by a financial institution in the ordinary course of
- 11008 business;
- 11009 (iii) goods or services provided for the benefit of a political entity at less than fair
- 11010 market value that are not authorized by or coordinated with the political entity; or
- 11011 (iv) data or information described in Subsection (24)(b).
- 11012 (7) "Coordinated with" means that goods or services provided for the benefit of a
- 11013 political entity are provided:
- 11014 (a) with the political entity's prior knowledge, if the political entity does not object;
- 11015 (b) by agreement with the political entity;
- 11016 (c) in coordination with the political entity; or
- 11017 (d) using official logos, slogans, and similar elements belonging to a political entity.
- 11018 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
- 11019 organization that is registered as a corporation or is authorized to do business in a state and
- 11020 makes any expenditure from corporate funds for:
- 11021 (i) the purpose of expressly advocating for political purposes; or
- 11022 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
- 11023 proposition.
- 11024 (b) "Corporation" does not mean:
- 11025 (i) a business organization's political action committee or political issues committee; or
- 11026 (ii) a business entity organized as a partnership or a sole proprietorship.
- 11027 (9) "County political party" means, for each registered political party, all of the persons
- 11028 within a single county who, under definitions established by the political party, are members of
- 11029 the registered political party.
- 11030 (10) "County political party officer" means a person whose name is required to be

11031 submitted by a county political party to the lieutenant governor in accordance with Section
11032 20A-8-402.

11033 (11) "Detailed listing" means:

11034 (a) for each contribution or public service assistance:

11035 (i) the name and address of the individual or source making the contribution or public
11036 service assistance, except to the extent that the name or address of the individual or source is
11037 unknown;

11038 (ii) the amount or value of the contribution or public service assistance; and

11039 (iii) the date the contribution or public service assistance was made; and

11040 (b) for each expenditure:

11041 (i) the amount of the expenditure;

11042 (ii) the goods or services acquired by the expenditure; and

11043 (iii) the date the expenditure was made.

11044 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
11045 for membership in the corporation, to a corporation without receiving full and adequate
11046 consideration for the money.

11047 (b) "Donor" does not include a person that signs a statement that the corporation may
11048 not use the money for an expenditure or political issues expenditure.

11049 (13) "Election" means each:

11050 (a) regular general election;

11051 (b) regular primary election; and

11052 (c) special election at which candidates are eliminated and selected.

11053 (14) "Electioneering communication" means a communication that:

11054 (a) has at least a value of \$10,000;

11055 (b) clearly identifies a candidate or judge; and

11056 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
11057 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
11058 identified candidate's or judge's election date.

11059 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
11060 agent of a reporting entity on behalf of the reporting entity:

11061 (i) any disbursement from contributions, receipts, or from the separate bank account

11062 required by this chapter;

11063 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
11064 or anything of value made for political purposes;

11065 (iii) an express, legally enforceable contract, promise, or agreement to make any
11066 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
11067 value for political purposes;

11068 (iv) compensation paid by a filing entity for personal services rendered by a person
11069 without charge to a reporting entity;

11070 (v) a transfer of funds between the filing entity and a candidate's personal campaign
11071 committee;

11072 (vi) goods or services provided by the filing entity to or for the benefit of another
11073 reporting entity for political purposes at less than fair market value; or

11074 (vii) an independent expenditure, as defined in Section [20A-11-1702](#).

11075 (b) "Expenditure" does not include:

11076 (i) services provided without compensation by individuals volunteering a portion or all
11077 of their time on behalf of a reporting entity;

11078 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
11079 business; or

11080 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
11081 candidates for office or officeholders in states other than Utah.

11082 (16) "Federal office" means the office of president of the United States, United States
11083 Senator, or United States Representative.

11084 (17) "Filing entity" means the reporting entity that is required to file a financial
11085 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

11086 (18) "Financial statement" includes any summary report, interim report, verified
11087 financial statement, or other statement disclosing contributions, expenditures, receipts,
11088 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
11089 Retention Elections.

11090 (19) "Governing board" means the individual or group of individuals that determine the
11091 candidates and committees that will receive expenditures from a political action committee,
11092 political party, or corporation.

11093 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal
11094 Incorporation, by which a geographical area becomes legally recognized as a city, town, or
11095 metro township.

11096 (21) "Incorporation election" means the election conducted under Section 10-2a-210 or
11097 10-2a-404.

11098 (22) "Incorporation petition" means a petition described in Section 10-2a-208.

11099 (23) "Individual" means a natural person.

11100 (24) (a) "In-kind contribution" means anything of value, other than money, that is
11101 accepted by or coordinated with a filing entity.

11102 (b) "In-kind contribution" does not include survey results, voter lists, voter contact
11103 information, demographic data, voting trend data, or other information that:

11104 (i) is not commissioned for the benefit of a particular candidate or officeholder; and

11105 (ii) is offered at no cost to a candidate or officeholder.

11106 (25) "Interim report" means a report identifying the contributions received and
11107 expenditures made since the last report.

11108 (26) "Legislative office" means the office of state senator, state representative, speaker
11109 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
11110 whip of any party caucus in either house of the Legislature.

11111 (27) "Legislative office candidate" means a person who:

11112 (a) files a declaration of candidacy for the office of state senator or state representative;

11113 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
11114 speaker of the House of Representatives, president of the Senate, or the leader, whip, and
11115 assistant whip of any party caucus in either house of the Legislature; or

11116 (c) receives contributions, makes expenditures, or gives consent for any other person to
11117 receive contributions or make expenditures to bring about the person's nomination, election, or
11118 appointment to a legislative office.

11119 (28) "Loan" means any of the following provided by a person that benefits a filing
11120 entity if the person expects repayment or reimbursement:

11121 (a) an expenditure made using any form of payment;

11122 (b) money or funds received by the filing entity;

11123 (c) the provision of a good or service with an agreement or understanding that payment

11124 or reimbursement will be delayed; or

11125 (d) use of any line of credit.

11126 (29) "Major political party" means either of the two registered political parties that
11127 have the greatest number of members elected to the two houses of the Legislature.

11128 (30) "Officeholder" means a person who holds a public office.

11129 (31) "Party committee" means any committee organized by or authorized by the
11130 governing board of a registered political party.

11131 (32) "Person" means both natural and legal persons, including individuals, business
11132 organizations, personal campaign committees, party committees, political action committees,
11133 political issues committees, and labor organizations, as defined in Section [20A-11-1501](#).

11134 (33) "Personal campaign committee" means the committee appointed by a candidate to
11135 act for the candidate as provided in this chapter.

11136 (34) "Personal use expenditure" has the same meaning as provided under Section
11137 [20A-11-104](#).

11138 (35) (a) "Political action committee" means an entity, or any group of individuals or
11139 entities within or outside this state, a major purpose of which is to:

11140 (i) solicit or receive contributions from any other person, group, or entity for political
11141 purposes; or

11142 (ii) make expenditures to expressly advocate for any person to refrain from voting or to
11143 vote for or against any candidate or person seeking election to a municipal or county office.

11144 (b) "Political action committee" includes groups affiliated with a registered political
11145 party but not authorized or organized by the governing board of the registered political party
11146 that receive contributions or makes expenditures for political purposes.

11147 (c) "Political action committee" does not mean:

11148 (i) a party committee;

11149 (ii) any entity that provides goods or services to a candidate or committee in the regular
11150 course of its business at the same price that would be provided to the general public;

11151 (iii) an individual;

11152 (iv) individuals who are related and who make contributions from a joint checking
11153 account;

11154 (v) a corporation, except a corporation a major purpose of which is to act as a political

11155 action committee; or

11156 (vi) a personal campaign committee.

11157 (36) (a) "Political consultant" means a person who is paid by a reporting entity, or paid
11158 by another person on behalf of and with the knowledge of the reporting entity, to provide
11159 political advice to the reporting entity.

11160 (b) "Political consultant" includes a circumstance described in Subsection (36)(a),
11161 where the person:

11162 (i) has already been paid, with money or other consideration;

11163 (ii) expects to be paid in the future, with money or other consideration; or

11164 (iii) understands that the person may, in the discretion of the reporting entity or another
11165 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
11166 money or other consideration.

11167 (37) "Political convention" means a county or state political convention held by a
11168 registered political party to select candidates.

11169 (38) "Political entity" means a candidate, a political party, a political action committee,
11170 or a political issues committee.

11171 (39) (a) "Political issues committee" means an entity, or any group of individuals or
11172 entities within or outside this state, a major purpose of which is to:

11173 (i) solicit or receive donations from any other person, group, or entity to assist in
11174 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
11175 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

11176 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
11177 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
11178 proposed ballot proposition or an incorporation in an incorporation election; or

11179 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
11180 ballot or to assist in keeping a ballot proposition off the ballot.

11181 (b) "Political issues committee" does not mean:

11182 (i) a registered political party or a party committee;

11183 (ii) any entity that provides goods or services to an individual or committee in the
11184 regular course of its business at the same price that would be provided to the general public;

11185 (iii) an individual;

- 11186 (iv) individuals who are related and who make contributions from a joint checking
11187 account;
- 11188 (v) a corporation, except a corporation a major purpose of which is to act as a political
11189 issues committee; or
- 11190 (vi) a group of individuals who:
- 11191 (A) associate together for the purpose of challenging or supporting a single ballot
11192 proposition, ordinance, or other governmental action by a county, city, town, [~~local~~] special
11193 district, special service district, or other local political subdivision of the state;
- 11194 (B) have a common liberty, property, or financial interest that is directly impacted by
11195 the ballot proposition, ordinance, or other governmental action;
- 11196 (C) do not associate together, for the purpose described in Subsection (39)(b)(vi)(A),
11197 via a legal entity;
- 11198 (D) do not receive funds for challenging or supporting the ballot proposition,
11199 ordinance, or other governmental action from a person other than an individual in the group;
11200 and
- 11201 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection
11202 (39)(b)(vi)(A).
- 11203 (40) (a) "Political issues contribution" means any of the following:
- 11204 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
11205 anything of value given to a political issues committee;
- 11206 (ii) an express, legally enforceable contract, promise, or agreement to make a political
11207 issues donation to influence the approval or defeat of any ballot proposition;
- 11208 (iii) any transfer of funds received by a political issues committee from a reporting
11209 entity;
- 11210 (iv) compensation paid by another reporting entity for personal services rendered
11211 without charge to a political issues committee; and
- 11212 (v) goods or services provided to or for the benefit of a political issues committee at
11213 less than fair market value.
- 11214 (b) "Political issues contribution" does not include:
- 11215 (i) services provided without compensation by individuals volunteering a portion or all
11216 of their time on behalf of a political issues committee; or

11217 (ii) money lent to a political issues committee by a financial institution in the ordinary
11218 course of business.

11219 (41) (a) "Political issues expenditure" means any of the following when made by a
11220 political issues committee or on behalf of a political issues committee by an agent of the
11221 reporting entity:

11222 (i) any payment from political issues contributions made for the purpose of influencing
11223 the approval or the defeat of:

11224 (A) a ballot proposition; or

11225 (B) an incorporation petition or incorporation election;

11226 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
11227 the express purpose of influencing the approval or the defeat of:

11228 (A) a ballot proposition; or

11229 (B) an incorporation petition or incorporation election;

11230 (iii) an express, legally enforceable contract, promise, or agreement to make any
11231 political issues expenditure;

11232 (iv) compensation paid by a reporting entity for personal services rendered by a person
11233 without charge to a political issues committee; or

11234 (v) goods or services provided to or for the benefit of another reporting entity at less
11235 than fair market value.

11236 (b) "Political issues expenditure" does not include:

11237 (i) services provided without compensation by individuals volunteering a portion or all
11238 of their time on behalf of a political issues committee; or

11239 (ii) money lent to a political issues committee by a financial institution in the ordinary
11240 course of business.

11241 (42) "Political purposes" means an act done with the intent or in a way to influence or
11242 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
11243 against any:

11244 (a) candidate or a person seeking a municipal or county office at any caucus, political
11245 convention, or election; or

11246 (b) judge standing for retention at any election.

11247 (43) (a) "Poll" means the survey of a person regarding the person's opinion or

11248 knowledge of an individual who has filed a declaration of candidacy for public office, or of a
11249 ballot proposition that has legally qualified for placement on the ballot, which is conducted in
11250 person or by telephone, facsimile, Internet, postal mail, or email.

11251 (b) "Poll" does not include:

11252 (i) a ballot; or

11253 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

11254 (A) the focus group consists of more than three, and less than thirteen, individuals; and

11255 (B) all individuals in the focus group are present during the interview.

11256 (44) "Primary election" means any regular primary election held under the election
11257 laws.

11258 (45) "Publicly identified class of individuals" means a group of 50 or more individuals
11259 sharing a common occupation, interest, or association that contribute to a political action
11260 committee or political issues committee and whose names can be obtained by contacting the
11261 political action committee or political issues committee upon whose financial statement the
11262 individuals are listed.

11263 (46) "Public office" means the office of governor, lieutenant governor, state auditor,
11264 state treasurer, attorney general, state school board member, state senator, state representative,
11265 speaker of the House of Representatives, president of the Senate, and the leader, whip, and
11266 assistant whip of any party caucus in either house of the Legislature.

11267 (47) (a) "Public service assistance" means the following when given or provided to an
11268 officeholder to defray the costs of functioning in a public office or aid the officeholder to
11269 communicate with the officeholder's constituents:

11270 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
11271 money or anything of value to an officeholder; or

11272 (ii) goods or services provided at less than fair market value to or for the benefit of the
11273 officeholder.

11274 (b) "Public service assistance" does not include:

11275 (i) anything provided by the state;

11276 (ii) services provided without compensation by individuals volunteering a portion or all
11277 of their time on behalf of an officeholder;

11278 (iii) money lent to an officeholder by a financial institution in the ordinary course of

- 11279 business;
- 11280 (iv) news coverage or any publication by the news media; or
- 11281 (v) any article, story, or other coverage as part of any regular publication of any
- 11282 organization unless substantially all the publication is devoted to information about the
- 11283 officeholder.
- 11284 (48) "Receipts" means contributions and public service assistance.
- 11285 (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11,
- 11286 Lobbyist Disclosure and Regulation Act.
- 11287 (50) "Registered political action committee" means any political action committee that
- 11288 is required by this chapter to file a statement of organization with the Office of the Lieutenant
- 11289 Governor.
- 11290 (51) "Registered political issues committee" means any political issues committee that
- 11291 is required by this chapter to file a statement of organization with the Office of the Lieutenant
- 11292 Governor.
- 11293 (52) "Registered political party" means an organization of voters that:
- 11294 (a) participated in the last regular general election and polled a total vote equal to 2%
- 11295 or more of the total votes cast for all candidates for the United States House of Representatives
- 11296 for any of its candidates for any office; or
- 11297 (b) has complied with the petition and organizing procedures of Chapter 8, Political
- 11298 Party Formation and Procedures.
- 11299 (53) (a) "Remuneration" means a payment:
- 11300 (i) made to a legislator for the period the Legislature is in session; and
- 11301 (ii) that is approximately equivalent to an amount a legislator would have earned
- 11302 during the period the Legislature is in session in the legislator's ordinary course of business.
- 11303 (b) "Remuneration" does not mean anything of economic value given to a legislator by:
- 11304 (i) the legislator's primary employer in the ordinary course of business; or
- 11305 (ii) a person or entity in the ordinary course of business:
- 11306 (A) because of the legislator's ownership interest in the entity; or
- 11307 (B) for services rendered by the legislator on behalf of the person or entity.
- 11308 (54) "Reporting entity" means a candidate, a candidate's personal campaign committee,
- 11309 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political

11310 action committee, a political issues committee, a corporation, or a labor organization, as
11311 defined in Section 20A-11-1501.

11312 (55) "School board office" means the office of state school board.

11313 (56) (a) "Source" means the person or entity that is the legal owner of the tangible or
11314 intangible asset that comprises the contribution.

11315 (b) "Source" means, for political action committees and corporations, the political
11316 action committee and the corporation as entities, not the contributors to the political action
11317 committee or the owners or shareholders of the corporation.

11318 (57) "State office" means the offices of governor, lieutenant governor, attorney general,
11319 state auditor, and state treasurer.

11320 (58) "State office candidate" means a person who:

11321 (a) files a declaration of candidacy for a state office; or

11322 (b) receives contributions, makes expenditures, or gives consent for any other person to
11323 receive contributions or make expenditures to bring about the person's nomination, election, or
11324 appointment to a state office.

11325 (59) "Summary report" means the year end report containing the summary of a
11326 reporting entity's contributions and expenditures.

11327 (60) "Supervisory board" means the individual or group of individuals that allocate
11328 expenditures from a political issues committee.

11329 Section 245. Section 20A-11-1202 is amended to read:

11330 **20A-11-1202. Definitions.**

11331 As used in this part:

11332 (1) "Applicable election officer" means:

11333 (a) a county clerk, if the email relates only to a local election; or

11334 (b) the lieutenant governor, if the email relates to an election other than a local
11335 election.

11336 (2) "Ballot proposition" means constitutional amendments, initiatives, referenda,
11337 judicial retention questions, opinion questions, bond approvals, or other questions submitted to
11338 the voters for their approval or rejection.

11339 (3) "Campaign contribution" means any of the following when done for a political
11340 purpose or to advocate for or against a ballot proposition:

11341 (a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value
11342 given to a filing entity;

11343 (b) an express, legally enforceable contract, promise, or agreement to make a gift,
11344 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything
11345 of value to a filing entity;

11346 (c) any transfer of funds from another reporting entity to a filing entity;

11347 (d) compensation paid by any person or reporting entity other than the filing entity for
11348 personal services provided without charge to the filing entity;

11349 (e) remuneration from:

11350 (i) any organization or the organization's directly affiliated organization that has a
11351 registered lobbyist; or

11352 (ii) any agency or subdivision of the state, including a school district; or

11353 (f) an in-kind contribution.

11354 (4) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation
11355 agency that receives its revenues from conduct of its commercial operations.

11356 (b) "Commercial interlocal cooperation agency" does not mean an interlocal
11357 cooperation agency that receives some or all of its revenues from:

11358 (i) government appropriations;

11359 (ii) taxes;

11360 (iii) government fees imposed for regulatory or revenue raising purposes; or

11361 (iv) interest earned on public funds or other returns on investment of public funds.

11362 (5) "Expenditure" means:

11363 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
11364 or anything of value;

11365 (b) an express, legally enforceable contract, promise, or agreement to make any
11366 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
11367 value;

11368 (c) a transfer of funds between a public entity and a candidate's personal campaign
11369 committee;

11370 (d) a transfer of funds between a public entity and a political issues committee; or

11371 (e) goods or services provided to or for the benefit of a candidate, a candidate's

11372 personal campaign committee, or a political issues committee for political purposes at less than
11373 fair market value.

11374 (6) "Filing entity" means the same as that term is defined in Section 20A-11-101.

11375 (7) "Governmental interlocal cooperation agency" means an interlocal cooperation
11376 agency that receives some or all of its revenues from:

11377 (a) government appropriations;

11378 (b) taxes;

11379 (c) government fees imposed for regulatory or revenue raising purposes; or

11380 (d) interest earned on public funds or other returns on investment of public funds.

11381 (8) "Influence" means to campaign or advocate for or against a ballot proposition.

11382 (9) "Interlocal cooperation agency" means an entity created by interlocal agreement
11383 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.

11384 [~~(10) "Local district" means an entity under Title 17B, Limited Purpose Local
11385 Government Entities - Local Districts, and includes a special service district under Title 17D,
11386 Chapter 1, Special Service District Act.]~~

11387 [(11)] (10) "Political purposes" means an act done with the intent or in a way to
11388 influence or intend to influence, directly or indirectly, any person to refrain from voting or to
11389 vote for or against any:

11390 (a) candidate for public office at any caucus, political convention, primary, or election;
11391 or

11392 (b) judge standing for retention at any election.

11393 [(12)] (11) "Proposed initiative" means an initiative proposed in an application filed
11394 under Section 20A-7-202 or 20A-7-502.

11395 [(13)] (12) "Proposed referendum" means a referendum proposed in an application
11396 filed under Section 20A-7-302 or 20A-7-602.

11397 [(14)] (13) (a) "Public entity" includes the state, each state agency, each county,
11398 municipality, school district, [~~local~~] special district, governmental interlocal cooperation
11399 agency, and each administrative subunit of each of them.

11400 (b) "Public entity" does not include a commercial interlocal cooperation agency.

11401 (c) "Public entity" includes local health departments created under Title 26, Chapter 1,
11402 Department of Health Organization.

11403 [~~(15)~~] (14) (a) "Public funds" means any money received by a public entity from
11404 appropriations, taxes, fees, interest, or other returns on investment.

11405 (b) "Public funds" does not include money donated to a public entity by a person or
11406 entity.

11407 [~~(16)~~] (15) (a) "Public official" means an elected or appointed member of government
11408 with authority to make or determine public policy.

11409 (b) "Public official" includes the person or group that:

11410 (i) has supervisory authority over the personnel and affairs of a public entity; and

11411 (ii) approves the expenditure of funds for the public entity.

11412 [~~(17)~~] (16) "Reporting entity" means the same as that term is defined in Section
11413 [20A-11-101](#).

11414 (17) (a) "Special district" means an entity under Title 17B, Limited Purpose Local
11415 Government Entities - Special Districts.

11416 (b) "Special district" includes a special service district under Title 17D, Chapter 1,
11417 Special Service District Act.

11418 (18) (a) "State agency" means each department, commission, board, council, agency,
11419 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
11420 unit, bureau, panel, or other administrative unit of the state.

11421 (b) "State agency" includes the legislative branch, the Utah Board of Higher Education,
11422 each institution of higher education board of trustees, and each higher education institution.

11423 Section 246. Section **20A-17-103** is amended to read:

11424 **20A-17-103. Posting political signs on public property.**

11425 (1) As used in this section:

11426 (a) "Local government entity" means:

11427 (i) a county, municipality, or other political subdivision;

11428 (ii) a ~~[local]~~ special district, as defined in Section [17B-1-102](#);

11429 (iii) a special service district, as defined in Section [17D-1-102](#);

11430 (iv) a local building authority, as defined in Section [17D-2-102](#);

11431 (v) a conservation district, as defined in Section [17D-3-102](#);

11432 (vi) an independent entity, as defined in Section [63E-1-102](#);

11433 (vii) a public corporation, as defined in Section [63E-1-102](#);

11434 (viii) a public transit district, organized under Title 17B, Chapter 2a, Part 8, Public
11435 Transit District Act;

11436 (ix) a school district;

11437 (x) a public school, including a charter school or other publicly funded school;

11438 (xi) a state institution of higher education;

11439 (xii) an entity that expends public funds; and

11440 (xiii) each office, agency, or other division of an entity described in Subsections
11441 (1)(a)(i) through (xii).

11442 (b) "Political sign" means any sign or document that advocates:

11443 (i) the election or defeat of a candidate for public office; or

11444 (ii) the approval or defeat of a ballot proposition.

11445 (c) (i) "Public property" means any real property, building, or structure owned or leased
11446 by a local government entity.

11447 (ii) "Public property" does not include any real property, building, or structure during a
11448 period of time that the real property, building, or structure is rented out by a government entity
11449 to a private party for a meeting, convention, or similar event.

11450 (2) A local government entity, a local government officer, a local government
11451 employee, or another person with authority or control over public property that posts or permits
11452 a person to post a political sign on public property:

11453 (a) shall permit any other person to post a political sign on the public property, subject
11454 to the same requirements and restrictions imposed on all other political signs permitted to be
11455 posted on the public property; and

11456 (b) may not impose a requirement or restriction on the posting of a political sign if the
11457 requirement or restriction is not politically neutral and content neutral.

11458 Section 247. **Repealer.**

11459 This bill repeals:

11460 Section 17B-1-101, Title.

11461 Section 17B-2a-101, Title.

11462 Section 248. **Effective date -- Retrospective operation.**

11463 (1) If approved by two-thirds of all the members elected to each house, this bill takes
11464 effect upon approval by the governor, or the day following the constitutional time limit of Utah

11465 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
11466 the date of veto override.

11467 (2) Section 17B-1-218, enacted by this bill, has retrospective operation to January 1,
11468 2023.

11469 Section 249. **Revisor instructions.**

11470 The Legislature intends that the Office of Legislative Research and General Counsel, in
11471 preparing the Utah Code database for publication, not enroll this bill if H.B. 77, Local District
11472 Revisions, does not pass.

11473 The Legislature intends that the Office of Legislative Research and General Counsel, in
11474 preparing the Utah Code database for publication, on May 3, 2023, replace "local district" with
11475 "special district" in any new language added to the Utah Code by legislation passed during the
11476 2023 General Session.