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**INFRASTRUCTURE FINANCING DISTRICTS**  
2024 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: James A. Dunnigan**  
Senate Sponsor: Kirk A. Cullimore

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**LONG TITLE**

**General Description:**

This bill enacts and modifies provisions related to infrastructure financing districts.

**Highlighted Provisions:**

This bill:

- ▶ authorizes the creation of a type of special district for the purpose of financing infrastructure;
- ▶ provides a process for the creation of an infrastructure financing district;
- ▶ provides for the powers and governance of an infrastructure financing district;
- ▶ authorizes an infrastructure financing district to impose an assessment on property within the district and to issue assessment bonds to finance infrastructure within the district;
- ▶ authorizes specified local entities to provide for a longer installment payment period for assessments imposed in an assessment area;
- ▶ provides for the district to have bonding authority, with limitations;
- ▶ authorizes the district to levy a property tax;
- ▶ requires a district to provide proof to a county or municipality that an assessment bond has been paid in full on residential property before the county or municipality may conduct a final inspection before issuing a certificate of occupancy;
- ▶ provides for the annexation of an area to an infrastructure financing district, the withdrawal of an area from a district, and for dissolution of a district;
- ▶ authorizes sponsors of a petition to create an infrastructure financing district to create a governing document with provisions that govern the district, including providing for board membership and the transition from appointed board positions to elected board positions; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **10-9a-509**, as last amended by Laws of Utah 2023, Chapter 478

34 **11-42-102**, as last amended by Laws of Utah 2023, Chapter 16

35 **11-42-106**, as last amended by Laws of Utah 2021, Chapters 314, 415

36 **11-42-201**, as last amended by Laws of Utah 2021, Chapter 314

37 **11-42-202**, as last amended by Laws of Utah 2023, Chapter 435

38 **11-42-411**, as last amended by Laws of Utah 2021, Chapters 314, 415

39 **17-27a-508**, as last amended by Laws of Utah 2023, Chapter 478

40 **17B-1-102**, as last amended by Laws of Utah 2023, Chapter 15

41 **17B-1-103**, as last amended by Laws of Utah 2023, Chapter 15

42 **17B-1-105**, as last amended by Laws of Utah 2023, Chapter 15

43 **17B-1-201**, as last amended by Laws of Utah 2023, Chapter 15

44 **17B-1-202**, as last amended by Laws of Utah 2023, Chapter 15

45 **17B-1-203**, as last amended by Laws of Utah 2023, Chapter 15

46 **17B-1-204**, as last amended by Laws of Utah 2023, Chapter 15

47 **17B-1-205**, as last amended by Laws of Utah 2023, Chapters 15, 116

48 **17B-1-208**, as last amended by Laws of Utah 2023, Chapter 15

49 **17B-1-209**, as last amended by Laws of Utah 2023, Chapters 15, 116

50 **17B-1-210**, as last amended by Laws of Utah 2023, Chapter 15

51 **17B-1-211**, as last amended by Laws of Utah 2023, Chapters 15, 435

52 **17B-1-213**, as last amended by Laws of Utah 2023, Chapter 15

53 **17B-1-214**, as last amended by Laws of Utah 2023, Chapter 15

54 **17B-1-215**, as last amended by Laws of Utah 2023, Chapter 15

55 **17B-1-216**, as last amended by Laws of Utah 2023, Chapter 15

56 **17B-1-302**, as last amended by Laws of Utah 2023, Chapters 15, 100

57 **17B-1-303**, as last amended by Laws of Utah 2023, Chapter 15

58 **17B-1-306.5**, as last amended by Laws of Utah 2023, Chapter 15

59 **17B-1-403**, as last amended by Laws of Utah 2023, Chapter 15

60 **17B-1-404**, as last amended by Laws of Utah 2023, Chapter 15

61 **17B-1-405**, as last amended by Laws of Utah 2023, Chapter 15

- 62        **17B-1-406**, as last amended by Laws of Utah 2023, Chapter 15  
63        **17B-1-407**, as last amended by Laws of Utah 2023, Chapter 15  
64        **17B-1-408**, as last amended by Laws of Utah 2023, Chapter 15  
65        **17B-1-409**, as last amended by Laws of Utah 2023, Chapter 15  
66        **17B-1-411**, as last amended by Laws of Utah 2023, Chapter 15  
67        **17B-1-413**, as last amended by Laws of Utah 2023, Chapters 15, 435  
68        **17B-1-414**, as last amended by Laws of Utah 2023, Chapter 15  
69        **17B-1-504**, as last amended by Laws of Utah 2023, Chapter 15  
70        **17B-1-506**, as last amended by Laws of Utah 2023, Chapters 15, 116  
71        **17B-1-511**, as last amended by Laws of Utah 2023, Chapter 15  
72        **17B-1-1001**, as last amended by Laws of Utah 2023, Chapter 15  
73        **17B-1-1002**, as last amended by Laws of Utah 2023, Chapter 15  
74        **17B-1-1302**, as last amended by Laws of Utah 2023, Chapter 15  
75        **17B-1-1303**, as last amended by Laws of Utah 2023, Chapter 15  
76        **17B-1-1310**, as last amended by Laws of Utah 2023, Chapter 15  
77        **17B-1-1402**, as last amended by Laws of Utah 2023, Chapter 15  
78        **17B-2a-404**, as last amended by Laws of Utah 2018, Chapter 112  
79        **17B-2a-405**, as last amended by Laws of Utah 2017, Chapter 112  
80        **17B-2a-407**, as enacted by Laws of Utah 2023, Chapter 15 and further amended by Revisor  
81        Instructions, Laws of Utah 2023, Chapter 16  
82        **17B-2a-604**, as last amended by Laws of Utah 2018, Chapter 112  
83        **17B-2a-704**, as last amended by Laws of Utah 2019, Chapter 40  
84        **17B-2a-905**, as last amended by Laws of Utah 2019, Chapter 108  
85        **20A-1-512**, as last amended by Laws of Utah 2023, Chapters 15, 435  
86        **52-4-207**, as last amended by Laws of Utah 2023, Chapter 100  
87        **67-1a-6.5**, as last amended by Laws of Utah 2023, Chapter 16  
88        ENACTS:  
89        **17B-1-219**, Utah Code Annotated 1953  
90        **17B-1-405.5**, Utah Code Annotated 1953  
91        **17B-2a-1301**, Utah Code Annotated 1953  
92        **17B-2a-1302**, Utah Code Annotated 1953  
93        **17B-2a-1303**, Utah Code Annotated 1953  
94        **17B-2a-1304**, Utah Code Annotated 1953  
95        **17B-2a-1305**, Utah Code Annotated 1953

96 **17B-2a-1306**, Utah Code Annotated 1953

97 **17B-2a-1307**, Utah Code Annotated 1953

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

100 Section 1. Section **10-9a-509** is amended to read:

101 **10-9a-509 . Applicant's entitlement to land use application approval --**  
 102 **Municipality's requirements and limitations -- Vesting upon submission of development**  
 103 **plan and schedule.**

104 (1) (a) (i) An applicant who has submitted a complete land use application as  
 105 described in Subsection (1)(c), including the payment of all application fees, is  
 106 entitled to substantive review of the application under the land use regulations:

107 (A) in effect on the date that the application is complete; and  
 108 (B) applicable to the application or to the information shown on the application.

109 (ii) An applicant is entitled to approval of a land use application if the application  
 110 conforms to the requirements of the applicable land use regulations, land use  
 111 decisions, and development standards in effect when the applicant submits a  
 112 complete application and pays application fees, unless:

113 (A) the land use authority, on the record, formally finds that a compelling,  
 114 countervailing public interest would be jeopardized by approving the  
 115 application and specifies the compelling, countervailing public interest in  
 116 writing; or

117 (B) in the manner provided by local ordinance and before the applicant submits  
 118 the application, the municipality formally initiates proceedings to amend the  
 119 municipality's land use regulations in a manner that would prohibit approval of  
 120 the application as submitted.

121 (b) The municipality shall process an application without regard to proceedings the  
 122 municipality initiated to amend the municipality's ordinances as described in  
 123 Subsection (1)(a)(ii)(B) if:

124 (i) 180 days have passed since the municipality initiated the proceedings; and

125 (ii) (A) the proceedings have not resulted in an enactment that prohibits approval  
 126 of the application as submitted; or

127 (B) during the 12 months prior to the municipality processing the application, or  
 128 multiple applications of the same type, are impaired or prohibited under the  
 129 terms of a temporary land use regulation adopted under Section 10-9a-504.

- 130 (c) A land use application is considered submitted and complete when the applicant  
131 provides the application in a form that complies with the requirements of applicable  
132 ordinances and pays all applicable fees.
- 133 (d) A subsequent incorporation of a municipality or a petition that proposes the  
134 incorporation of a municipality does not affect a land use application approved by a  
135 county in accordance with Section 17-27a-508.
- 136 (e) The continuing validity of an approval of a land use application is conditioned upon  
137 the applicant proceeding after approval to implement the approval with reasonable  
138 diligence.
- 139 (f) A municipality may not impose on an applicant who has submitted a complete  
140 application a requirement that is not expressed in:
- 141 (i) this chapter;
- 142 (ii) a municipal ordinance in effect on the date that the applicant submits a complete  
143 application, subject to Subsection 10-9a-509(1)(a)(ii); or
- 144 (iii) a municipal specification for public improvements applicable to a subdivision or  
145 development that is in effect on the date that the applicant submits an application.
- 146 (g) A municipality may not impose on a holder of an issued land use permit or a final,  
147 unexpired subdivision plat a requirement that is not expressed:
- 148 (i) in a land use permit;
- 149 (ii) on the subdivision plat;
- 150 (iii) in a document on which the land use permit or subdivision plat is based;
- 151 (iv) in the written record evidencing approval of the land use permit or subdivision  
152 plat;
- 153 (v) in this chapter;
- 154 (vi) in a municipal ordinance; or
- 155 (vii) in a municipal specification for residential roadways in effect at the time a  
156 residential subdivision was approved.
- 157 (h) Except as provided in Subsection (1)(i) or (j), a municipality may not withhold  
158 issuance of a certificate of occupancy or acceptance of subdivision improvements  
159 because of an applicant's failure to comply with a requirement that is not expressed:
- 160 (i) in the building permit or subdivision plat, documents on which the building permit  
161 or subdivision plat is based, or the written record evidencing approval of the land  
162 use permit or subdivision plat; or
- 163 (ii) in this chapter or the municipality's ordinances.

- 164 (i) A municipality may not unreasonably withhold issuance of a certificate of occupancy  
165 where an applicant has met all requirements essential for the public health, public  
166 safety, and general welfare of the occupants, in accordance with this chapter, unless:  
167 (i) the applicant and the municipality have agreed in a written document to the  
168 withholding of a certificate of occupancy; or  
169 (ii) the applicant has not provided a financial assurance for required and uncompleted  
170 public landscaping improvements or infrastructure improvements in accordance  
171 with an applicable ordinance that the legislative body adopts under this chapter.
- 172 (j) A municipality may not conduct a final inspection required before issuing a  
173 certificate of occupancy for a residential unit that is within the boundary of an  
174 infrastructure financing district, as defined in Section 17B-1-102, until the applicant  
175 for the certificate of occupancy provides adequate proof to the municipality that any  
176 lien on the unit arising from the infrastructure financing district's assessment against  
177 the unit under Title 11, Chapter 42, Assessment Area Act, has been released after  
178 payment in full of the infrastructure financing district's assessment against that unit.
- 179 (2) A municipality is bound by the terms and standards of applicable land use regulations  
180 and shall comply with mandatory provisions of those regulations.
- 181 (3) A municipality may not, as a condition of land use application approval, require a  
182 person filing a land use application to obtain documentation regarding a school district's  
183 willingness, capacity, or ability to serve the development proposed in the land use  
184 application.
- 185 (4) Upon a specified public agency's submission of a development plan and schedule as  
186 required in Subsection 10-9a-305(8) that complies with the requirements of that  
187 subsection, the specified public agency vests in the municipality's applicable land use  
188 maps, zoning map, hookup fees, impact fees, other applicable development fees, and  
189 land use regulations in effect on the date of submission.
- 190 (5) (a) If sponsors of a referendum timely challenge a project in accordance with  
191 Subsection 20A-7-601(6), the project's affected owner may rescind the project's land  
192 use approval by delivering a written notice:  
193 (i) to the local clerk as defined in Section 20A-7-101; and  
194 (ii) no later than seven days after the day on which a petition for a referendum is  
195 determined sufficient under Subsection 20A-7-607(5).
- 196 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are  
197 rescinded and are of no further force or effect:

- 198 (i) the relevant land use approval; and  
199 (ii) any land use regulation enacted specifically in relation to the land use approval.

200 Section 2. Section **11-42-102** is amended to read:

201 **11-42-102 . Definitions.**

202 (1) As used in this chapter:

203 (a) "Adequate protests" means, for all proposed assessment areas except sewer  
204 assessment areas, timely filed, written protests under Section 11-42-203 that  
205 represent at least 40% of the frontage, area, taxable value, fair market value, lots,  
206 number of connections, or equivalent residential units of the property proposed to be  
207 assessed, according to the same assessment method by which the assessment is  
208 proposed to be levied, after eliminating:

209 (i) protests relating to:

210 (A) property that has been deleted from a proposed assessment area; or

211 (B) an improvement that has been deleted from the proposed improvements to be  
212 provided to property within the proposed assessment area; and

213 (ii) protests that have been withdrawn under Subsection 11-42-203(3).

214 (b) "Adequate protests" means, for a proposed sewer assessment area, timely filed,  
215 written protests under Section 11-42-203 that represent at least 70% of the frontage,  
216 area, taxable value, fair market value, lots, number of connections, or equivalent  
217 residential units of the property proposed to be assessed, according to the same  
218 assessment method by which the assessment is proposed to be levied, after  
219 eliminating adequate protests under Subsection (1)(a).

220 (2) "Assessment area" means an area, or, if more than one area is designated, the aggregate  
221 of all areas within a local entity's jurisdictional boundaries that is designated by a local  
222 entity under Part 2, Designating an Assessment Area, for the purpose of financing the  
223 costs of improvements, operation and maintenance, or economic promotion activities  
224 that benefit property within the area.

225 (3) "Assessment bonds" means bonds that are:

226 (a) issued under Section 11-42-605; and

227 (b) payable in part or in whole from assessments levied in an assessment area,  
228 improvement revenues, and a guaranty fund or reserve fund.

229 (4) "Assessment fund" means a special fund that a local entity establishes under Section  
230 11-42-412.

231 (5) "Assessment lien" means a lien on property within an assessment area that arises from

- 232 the levy of an assessment, as provided in Section 11-42-501.
- 233 (6) "Assessment method" means the method:
- 234 (a) by which an assessment is levied against benefitted property, whether by frontage,
- 235 area, taxable value, fair market value, lot, parcel, number of connections, equivalent
- 236 residential unit, any combination of these methods, or any other method; and
- 237 (b) that, when applied to a benefitted property, accounts for an assessment that meets the
- 238 requirements of Section 11-42-409.
- 239 (7) "Assessment ordinance" means an ordinance adopted by a local entity under Section
- 240 11-42-404 that levies an assessment on benefitted property within an assessment area.
- 241 (8) "Assessment resolution" means a resolution adopted by a local entity under Section
- 242 11-42-404 that levies an assessment on benefitted property within an assessment area.
- 243 (9) "Benefitted property" means property within an assessment area that directly or
- 244 indirectly benefits from improvements, operation and maintenance, or economic
- 245 promotion activities.
- 246 (10) "Bond anticipation notes" means notes issued under Section 11-42-602 in anticipation
- 247 of the issuance of assessment bonds.
- 248 (11) "Bonds" means assessment bonds and refunding assessment bonds.
- 249 (12) "Commercial area" means an area in which at least 75% of the property is devoted to
- 250 the interchange of goods or commodities.
- 251 (13) (a) "Commercial or industrial real property" means real property used directly or
- 252 indirectly or held for one of the following purposes or activities, regardless of
- 253 whether the purpose or activity is for profit:
- 254 (i) commercial;
- 255 (ii) mining;
- 256 (iii) industrial;
- 257 (iv) manufacturing;
- 258 (v) governmental;
- 259 (vi) trade;
- 260 (vii) professional;
- 261 (viii) a private or public club;
- 262 (ix) a lodge;
- 263 (x) a business; or
- 264 (xi) a similar purpose.
- 265 (b) "Commercial or industrial real property" includes real property that:

- 266 (i) is used as or held for dwelling purposes; and  
267 (ii) contains more than four rental units.
- 268 (14) "Connection fee" means a fee charged by a local entity to pay for the costs of  
269 connecting property to a publicly owned sewer, storm drainage, water, gas,  
270 communications, or electrical system, whether or not improvements are installed on the  
271 property.
- 272 (15) "Contract price" means:  
273 (a) the cost of acquiring an improvement, if the improvement is acquired; or  
274 (b) the amount payable to one or more contractors for the design, engineering,  
275 inspection, and construction of an improvement.
- 276 (16) "Designation ordinance" means an ordinance adopted by a local entity under Section  
277 11-42-206 designating an assessment area.
- 278 (17) "Designation resolution" means a resolution adopted by a local entity under Section  
279 11-42-206 designating an assessment area.
- 280 (18) "Development authority" means:  
281 (a) the Utah Inland Port Authority created in Section 11-58-201; or  
282 (b) the military installation development authority created in Section 63H-1-201.
- 283 (19) "Economic promotion activities" means activities that promote economic growth in a  
284 commercial area of a local entity, including:  
285 (a) sponsoring festivals and markets;  
286 (b) promoting business investment or activities;  
287 (c) helping to coordinate public and private actions; and  
288 (d) developing and issuing publications designed to improve the economic well-being of  
289 the commercial area.
- 290 (20) "Environmental remediation activity" means a surface or subsurface enhancement,  
291 effort, cost, initial or ongoing maintenance expense, facility, installation, system, earth  
292 movement, or change to grade or elevation that improves the use, function, aesthetics, or  
293 environmental condition of publicly owned property.
- 294 (21) "Equivalent residential unit" means a dwelling, unit, or development that is equal to a  
295 single-family residence in terms of the nature of its use or impact on an improvement to  
296 be provided in the assessment area.
- 297 (22) "Governing body" means:  
298 (a) for a county, city, or town, the legislative body of the county, city, or town;  
299 (b) for a special district, the board of trustees of the special district;

- 300 (c) for a special service district:
- 301 (i) the legislative body of the county, city, or town that established the special service
- 302 district, if no administrative control board has been appointed under Section
- 303 17D-1-301; or
- 304 (ii) the administrative control board of the special service district, if an administrative
- 305 control board has been appointed under Section 17D-1-301;
- 306 (d) for the military installation development authority created in Section 63H-1-201, the
- 307 board, as defined in Section 63H-1-102;
- 308 (e) for the Utah Inland Port Authority, created in Section 11-58-201, the board, as
- 309 defined in Section 11-58-102; and
- 310 (f) for a public infrastructure district, the board of the public infrastructure district as
- 311 defined in Section 17D-4-102.
- 312 (23) "Guaranty fund" means the fund established by a local entity under Section 11-42-701.
- 313 (24) "Improved property" means property upon which a residential, commercial, or other
- 314 building has been built.
- 315 (25) "Improvement":
- 316 (a) (i) means a publicly owned infrastructure, facility, system, or environmental
- 317 remediation activity that:
- 318 (A) a local entity is authorized to provide or finance;
- 319 (B) the governing body of a local entity determines is necessary or convenient to
- 320 enable the local entity to provide a service that the local entity is authorized to
- 321 provide; or
- 322 (C) a local entity is requested to provide through an interlocal agreement in
- 323 accordance with Chapter 13, Interlocal Cooperation Act; and
- 324 (ii) includes facilities in an assessment area, including a private driveway, an
- 325 irrigation ditch, and a water turnout, that:
- 326 (A) can be conveniently installed at the same time as an infrastructure, system, or
- 327 other facility described in Subsection (25)(a)(i); and
- 328 (B) are requested by a property owner on whose property or for whose benefit the
- 329 infrastructure, system, or other facility is being installed; or
- 330 (b) for a special district created to assess groundwater rights in accordance with Section
- 331 17B-1-202, means a system or plan to regulate groundwater withdrawals within a
- 332 specific groundwater basin in accordance with Sections 17B-1-202 and 73-5-15.
- 333 (26) "Improvement revenues":

- 334 (a) means charges, fees, impact fees, or other revenues that a local entity receives from  
335 improvements; and
- 336 (b) does not include revenue from assessments.
- 337 (27) "Incidental refunding costs" means any costs of issuing refunding assessment bonds  
338 and calling, retiring, or paying prior bonds, including:
- 339 (a) legal and accounting fees;
- 340 (b) charges of financial advisors, escrow agents, certified public accountant verification  
341 entities, and trustees;
- 342 (c) underwriting discount costs, printing costs, the costs of giving notice;
- 343 (d) any premium necessary in the calling or retiring of prior bonds;
- 344 (e) fees to be paid to the local entity to issue the refunding assessment bonds and to  
345 refund the outstanding prior bonds;
- 346 (f) any other costs that the governing body determines are necessary and proper to incur  
347 in connection with the issuance of refunding assessment bonds; and
- 348 (g) any interest on the prior bonds that is required to be paid in connection with the  
349 issuance of the refunding assessment bonds.
- 350 (28) "Installment payment date" means the date on which an installment payment of an  
351 assessment is payable.
- 352 (29) "Interim warrant" means a warrant issued by a local entity under Section 11-42-601.
- 353 (30) "Jurisdictional boundaries" means:
- 354 (a) for a county, the boundaries of the unincorporated area of the county; and
- 355 (b) for each other local entity, the boundaries of the local entity.
- 356 (31) "Local entity" means:
- 357 (a) a county, city, town, special service district, or special district;
- 358 (b) an interlocal entity as defined in Section 11-13-103;
- 359 (c) the military installation development authority, created in Section 63H-1-201;
- 360 (d) a public infrastructure district under Title 17D, Chapter 4, Public Infrastructure  
361 District Act, including a public infrastructure district created by a development  
362 authority;
- 363 (e) the Utah Inland Port Authority, created in Section 11-58-201; or
- 364 (f) any other political subdivision of the state.
- 365 (32) "Local entity obligations" means assessment bonds, refunding assessment bonds,  
366 interim warrants, and bond anticipation notes issued by a local entity.
- 367 (33) "Mailing address" means:

- 368 (a) a property owner's last-known address using the name and address appearing on the  
369 last completed real property assessment roll of the county in which the property is  
370 located; and
- 371 (b) if the property is improved property:  
372 (i) the property's street number; or  
373 (ii) the post office box, rural route number, or other mailing address of the property,  
374 if a street number has not been assigned.
- 375 (34) "Net improvement revenues" means all improvement revenues that a local entity has  
376 received since the last installment payment date, less all amounts payable by the local  
377 entity from those improvement revenues for operation and maintenance costs.
- 378 (35) "Operation and maintenance costs":  
379 (a) means the costs that a local entity incurs in operating and maintaining improvements  
380 in an assessment area, whether or not those improvements have been financed under  
381 this chapter; and  
382 (b) includes service charges, administrative costs, ongoing maintenance charges, and  
383 tariffs or other charges for electrical, water, gas, or other utility usage.
- 384 (36) "Overhead costs" means the actual costs incurred or the estimated costs to be incurred  
385 by a local entity in connection with an assessment area for appraisals, legal fees, filing  
386 fees, financial advisory charges, underwriting fees, placement fees, escrow, trustee, and  
387 paying agent fees, publishing and mailing costs, costs of levying an assessment,  
388 recording costs, and all other incidental costs.
- 389 (37) "Prior assessment ordinance" means the ordinance levying the assessments from which  
390 the prior bonds are payable.
- 391 (38) "Prior assessment resolution" means the resolution levying the assessments from  
392 which the prior bonds are payable.
- 393 (39) "Prior bonds" means the assessment bonds that are refunded in part or in whole by  
394 refunding assessment bonds.
- 395 (40) "Project engineer" means the surveyor or engineer employed by or the private  
396 consulting engineer engaged by a local entity to perform the necessary engineering  
397 services for and to supervise the construction or installation of the improvements.
- 398 (41) "Property" includes real property and any interest in real property, including water  
399 rights and leasehold rights.
- 400 (42) "Property price" means the price at which a local entity purchases or acquires by  
401 eminent domain property to make improvements in an assessment area.

- 402 (43) "Provide" or "providing," with reference to an improvement, includes the acquisition,  
403 construction, reconstruction, renovation, maintenance, repair, operation, and expansion  
404 of an improvement.
- 405 (44) "Public agency" means:  
406 (a) the state or any agency, department, or division of the state; and  
407 (b) a political subdivision of the state.
- 408 (45) "Reduced payment obligation" means the full obligation of an owner of property  
409 within an assessment area to pay an assessment levied on the property after the  
410 assessment has been reduced because of the issuance of refunding assessment bonds, as  
411 provided in Section 11-42-608.
- 412 (46) "Refunding assessment bonds" means assessment bonds that a local entity issues under  
413 Section 11-42-607 to refund, in part or in whole, assessment bonds.
- 414 (47) "Reserve fund" means a fund established by a local entity under Section 11-42-702.
- 415 (48) "Service" means:  
416 (a) water, sewer, storm drainage, garbage collection, library, recreation,  
417 communications, or electric service;  
418 (b) economic promotion activities; or  
419 (c) any other service that a local entity is required or authorized to provide.
- 420 (49) (a) "Sewer assessment area" means an assessment area that has as the assessment  
421 area's primary purpose the financing and funding of public improvements to provide  
422 sewer service where there is, in the opinion of the local board of health, substantial  
423 evidence of septic system failure in the defined area due to inadequate soils, high  
424 water table, or other factors proven to cause failure.
- 425 (b) "Sewer assessment area" does not include property otherwise located within the  
426 assessment area:  
427 (i) on which an approved conventional or advanced wastewater system has been  
428 installed during the previous five calendar years;  
429 (ii) for which the local health department has inspected the system described in  
430 Subsection (49)(b)(i) to ensure that the system is functioning properly; and  
431 (iii) for which the property owner opts out of the proposed assessment area for the  
432 earlier of a period of 10 calendar years or until failure of the system described in  
433 Subsection (49)(b)(i).
- 434 (50) "Special district" means a special district under Title 17B, Limited Purpose Local  
435 Government Entities - Special Districts.

436 (51) "Special service district" means the same as that term is defined in Section 17D-1-102.

437 (52) "Unassessed benefitted government property" means property that a local entity may  
 438 not assess in accordance with Section 11-42-408 but is benefitted by an improvement,  
 439 operation and maintenance, or economic promotion activities.

440 (53) "Unimproved property" means property upon which no residential, commercial, or  
 441 other building has been built.

442 (54) "Voluntary assessment area" means an assessment area that contains only property  
 443 whose owners have voluntarily consented to an assessment.

444 Section 3. Section **11-42-106** is amended to read:

445 **11-42-106 . Action to contest assessment or proceeding -- Requirements --**

446 **Exclusive remedy -- Bonds and assessment incontestable.**

447 (1) A person who contests an assessment or any proceeding to designate an assessment area  
 448 or levy an assessment may commence a civil action against the local entity to:

449 (a) set aside a proceeding to designate an assessment area; or

450 (b) enjoin the levy or collection of an assessment.

451 (2) (a) Each action under Subsection (1) shall be commenced in the district court with  
 452 jurisdiction in the county in which the assessment area is located.

453 (b) (i) Except as provided in Subsection (2)(b)(ii), an action under Subsection (1)  
 454 may not be commenced against and a summons relating to the action may not be  
 455 served on the local entity more than 60 days after the effective date of the:

456 (A) designation resolution or designation ordinance, if the challenge is to the  
 457 designation of an assessment area;

458 (B) assessment resolution or ordinance, if the challenge is to an assessment; or

459 (C) amended resolution or ordinance, if the challenge is to an amendment.

460 (ii) The period for commencing an action and serving a summons under Subsection  
 461 (2)(b)(i) is 30 days if ~~the designation resolution, assessment resolution, or~~  
 462 ~~amended resolution was~~]:

463 (A) the designation resolution, assessment resolution, or amended resolution was  
 464 adopted by a development authority[-or] , an infrastructure financing district  
 465 under Title 17B, Chapter 2a, Part 13, Infrastructure Financing Districts, or a  
 466 public infrastructure district created by a development authority under Title  
 467 17D, Chapter 4, Public Infrastructure District Act; and

468 (B) all owners of property within the assessment area or proposed assessment area  
 469 consent in writing to the designation resolution, assessment resolution, or

- 470 amended resolution.
- 471 (3) (a) An action under Subsection (1) is the exclusive remedy of a person who:
- 472 (i) claims an error or irregularity in an assessment or in any proceeding to designate
- 473 an assessment area or levy an assessment; or
- 474 (ii) challenges a bondholder's right to repayment.
- 475 (b) A court may not hear any complaint under Subsection (1) that a person was
- 476 authorized to make but did not make in a protest under Section 11-42-203 or at a
- 477 hearing under Section 11-42-204.
- 478 (c) (i) If a person has not brought a claim for which the person was previously
- 479 authorized to bring but is otherwise barred from making under Subsection (2)(b),
- 480 the claim may not be brought later because of an amendment to the resolution or
- 481 ordinance unless the claim arises from the amendment itself.
- 482 (ii) In an action brought pursuant to Subsection (1), a person may not contest a
- 483 previous decision, proceeding, or determination for which the service deadline
- 484 described in Subsection (2)(b) has expired by challenging a subsequent decision,
- 485 proceeding, or determination.
- 486 (4) An assessment or a proceeding to designate an assessment area or to levy an assessment
- 487 may not be declared invalid or set aside in part or in whole because of an error or
- 488 irregularity that does not go to the equity or justice of the proceeding or the assessment
- 489 meeting the requirements of Section 11-42-409.
- 490 (5) After the expiration of the period referred to in Subsection (2)(b):
- 491 (a) assessment bonds and refunding assessment bonds issued or to be issued with respect
- 492 to an assessment area and assessments levied on property in the assessment area
- 493 become at that time incontestable against all persons who have not commenced an
- 494 action and served a summons as provided in this section; and
- 495 (b) a suit to enjoin the issuance or payment of assessment bonds or refunding assessment
- 496 bonds, the levy, collection, or enforcement of an assessment, or to attack or question
- 497 in any way the legality of assessment bonds, refunding assessment bonds, or an
- 498 assessment may not be commenced, and a court may not inquire into those matters.
- 499 (6) (a) This section may not be interpreted to insulate a local entity from a claim of
- 500 misuse of assessment funds after the expiration of the period described in Subsection
- 501 (2)(b).
- 502 (b) (i) Except as provided in Subsection (6)(b)(ii), an action in the nature of
- 503 mandamus is the sole form of relief available to a party challenging the misuse of

504 assessment funds.

505 (ii) The limitation in Subsection (6)(b)(i) does not prohibit the filing of criminal  
506 charges against or the prosecution of a party for the misuse of assessment funds.

507 Section 4. Section **11-42-201** is amended to read:

508 **11-42-201 . Resolution or ordinance designating an assessment area --**  
509 **Classifications within an assessment area -- Preconditions to adoption of a**  
510 **resolution or ordinance.**

511 (1) (a) Subject to the requirements of this part, a governing body of a local entity  
512 intending to levy an assessment on property to pay some or all of the cost of providing  
513 or financing improvements benefitting the property, performing operation and  
514 maintenance benefitting the property, or conducting economic promotion activities  
515 benefitting the property shall adopt a resolution or ordinance designating an  
516 assessment area.

517 (b) A designation resolution or designation ordinance described in Subsection (1)(a)  
518 may divide the assessment area into multiple classifications to allow the governing  
519 body to:

520 (i) levy a different level of assessment; or

521 (ii) use a different assessment method in each classification to reflect more fairly the  
522 benefits that property within the different classifications is expected to receive  
523 because of the proposed improvement, operation and maintenance, or economic  
524 promotion activities.

525 (c) The boundaries of a proposed assessment area:

526 (i) may include property that is not intended to be assessed; and

527 (ii) except for an assessment area within a public infrastructure district created under  
528 Title 17D, Chapter 4, Public Infrastructure District Act, or within an infrastructure  
529 financing district as defined in Section 17B-1-102, may not be coextensive or  
530 substantially coterminous with the boundaries of the local entity.

531 (d) The boundary of an assessment area proposed to be designated in an ordinance or  
532 resolution of an infrastructure financing district may not include an area that is, at the  
533 time of adoption of the ordinance or resolution, part of an assessment area designated  
534 under an ordinance or resolution previously adopted by the infrastructure financing  
535 district.

536 (2) Before adopting a designation resolution or designation ordinance described in  
537 Subsection (1)(a), the governing body of the local entity shall:

- 538 (a) give notice as provided in Section 11-42-202;  
539 (b) receive and consider all protests filed under Section 11-42-203; and  
540 (c) hold a public hearing as provided in Section 11-42-204.

541 Section 5. Section **11-42-202** is amended to read:

542 **11-42-202 . Requirements applicable to a notice of a proposed assessment area**  
543 **designation -- Notice.**

544 (1) Each notice required under Subsection 11-42-201(2)(a) shall:

545 (a) state that the local entity proposes to:

546 (i) designate one or more areas within the local entity's jurisdictional boundaries as an  
547 assessment area; and

548 (ii) (A) provide an improvement to property within the proposed assessment area[;]  
549 and

550 [~~(iii)~~] finance some or all of the cost of improvements by an assessment on  
551 benefitted property within the assessment area; or

552 (B) finance improvements to property through an assessment on benefitted  
553 property within the assessment area;

554 (b) describe the proposed assessment area by any reasonable method that allows an  
555 owner of property in the proposed assessment area to determine that the owner's  
556 property is within the proposed assessment area;

557 (c) describe, in a general and reasonably accurate way, the improvements to be provided  
558 to the assessment area, including:

559 (i) the nature of the improvements; and

560 (ii) the location of the improvements, by reference to streets or portions or extensions  
561 of streets or by any other means that the governing body chooses that reasonably  
562 describes the general location of the improvements;

563 (d) state the estimated cost of the improvements as determined by a project engineer;

564 (e) for the notice mailed under Subsection (4), state the estimated total assessment  
565 specific to the benefitted property for which the notice is mailed;

566 (f) state that the local entity proposes to levy an assessment on benefitted property  
567 within the assessment area to pay some or all of the cost of the improvements  
568 according to the estimated benefits to the property from the improvements;

569 (g) if applicable, state that an unassessed benefitted government property will receive  
570 improvements for which the cost will be allocated proportionately to the remaining  
571 benefitted properties within the proposed assessment area and that a description of

- 572 each unassessed benefitted government property is available for public review at the  
573 location or website described in Subsection (6);
- 574 (h) state the assessment method by which the governing body proposes to calculate the  
575 proposed assessment, including, if the local entity is a municipality or county,  
576 whether the assessment will be collected:
- 577 (i) by directly billing a property owner; or  
578 (ii) by inclusion on a property tax notice issued in accordance with Section 59-2-1317  
579 and in compliance with Section 11-42-401;
- 580 (i) state:
- 581 (i) the date described in Section 11-42-203 and the location at which protests against  
582 designation of the proposed assessment area or of the proposed improvements are  
583 required to be filed;
- 584 (ii) the method by which the governing body will determine the number of protests  
585 required to defeat the designation of the proposed assessment area or acquisition  
586 or construction of the proposed improvements; and
- 587 (iii) in large, boldface, and conspicuous type that a property owner must protest the  
588 designation of the assessment area in writing if the owner objects to the area  
589 designation or being assessed for the proposed improvements, operation and  
590 maintenance costs, or economic promotion activities;
- 591 (j) state the date, time, and place of the public hearing required in Section 11-42-204;
- 592 (k) if the governing body elects to create and fund a reserve fund under Section  
593 11-42-702, include a description of:
- 594 (i) how the reserve fund will be funded and replenished; and  
595 (ii) how remaining money in the reserve fund is to be disbursed upon full payment of  
596 the bonds;
- 597 (l) if the governing body intends to designate a voluntary assessment area, include a  
598 property owner consent form that:
- 599 (i) estimates the total assessment to be levied against the particular parcel of property;  
600 (ii) describes any additional benefits that the governing body expects the assessed  
601 property to receive from the improvements;
- 602 (iii) designates the date and time by which the fully executed consent form is  
603 required to be submitted to the governing body; and
- 604 (iv) if the governing body intends to enforce an assessment lien on the property in  
605 accordance with Subsection 11-42-502.1(2)(a)(ii)(C):

- 606 (A) appoints a trustee that satisfies the requirements described in Section 57-1-21;
- 607 (B) gives the trustee the power of sale;
- 608 (C) is binding on the property owner and all successors; and
- 609 (D) explains that if an assessment or an installment of an assessment is not paid
- 610 when due, the local entity may sell the property owner's property to satisfy the
- 611 amount due plus interest, penalties, and costs, in the manner described in Title
- 612 57, Chapter 1, Conveyances;
- 613 (m) if the local entity intends to levy an assessment to pay operation and maintenance
- 614 costs or for economic promotion activities, include:
- 615 (i) a description of the operation and maintenance costs or economic promotion
- 616 activities to be paid by assessments and the initial estimated annual assessment to
- 617 be levied;
- 618 (ii) a description of how the estimated assessment will be determined;
- 619 (iii) a description of how and when the governing body will adjust the assessment to
- 620 reflect the costs of:
- 621 (A) in accordance with Section 11-42-406, current economic promotion activities;
- 622 or
- 623 (B) current operation and maintenance costs;
- 624 (iv) a description of the method of assessment if different from the method of
- 625 assessment to be used for financing any improvement; and
- 626 (v) a statement of the maximum number of years over which the assessment will be
- 627 levied for:
- 628 (A) operation and maintenance costs; or
- 629 (B) economic promotion activities;
- 630 (n) if the governing body intends to divide the proposed assessment area into
- 631 classifications under Subsection 11-42-201(1)(b), include a description of the
- 632 proposed classifications;
- 633 (o) if applicable, state the portion and value of the improvement that will be increased in
- 634 size or capacity to serve property outside of the assessment area and how the
- 635 increases will be financed; and
- 636 (p) state whether the improvements will be financed with a bond and, if so, the currently
- 637 estimated interest rate and term of financing, subject to Subsection (2), for which the
- 638 benefitted properties within the assessment area may be obligated.
- 639 (2) The estimated interest rate and term of financing in Subsection (1)(p) may not be

- 640 interpreted as a limitation to the actual interest rate incurred or the actual term of  
641 financing as subject to the market rate at the time of the issuance of the bond.
- 642 (3) A notice required under Subsection 11-42-201(2)(a) may contain other information that  
643 the governing body considers to be appropriate, including:
- 644 (a) the amount or proportion of the cost of the improvement to be paid by the local entity  
645 or from sources other than an assessment;
- 646 (b) the estimated total amount of each type of assessment for the various improvements  
647 to be financed according to the method of assessment that the governing body  
648 chooses; and
- 649 (c) provisions for any improvements described in Subsection 11-42-102(25)(a)(ii).
- 650 (4) Each notice required under Subsection 11-42-201(2)(a) shall be published for the  
651 governing body's jurisdiction, as a class B notice under Section 63G-30-102, for at least  
652 20 days, but not more than 35 days, before the day of the hearing required in Section  
653 11-42-204.
- 654 (5) (a) The local entity may record the version of the notice that is published or posted in  
655 accordance with Subsection (4) with the office of the county recorder, by legal  
656 description and tax identification number as identified in county records, against the  
657 property proposed to be assessed.
- 658 (b) The notice recorded under Subsection (5)(a) expires and is no longer valid one year  
659 after the day on which the local entity records the notice if the local entity has failed  
660 to adopt the designation ordinance or resolution under Section 11-42-201 designating  
661 the assessment area for which the notice was recorded.
- 662 (6) A local entity shall make available on the local entity's website, or, if no website is  
663 available, at the local entity's place of business, the address and type of use of each  
664 unassessed benefitted government property described in Subsection (1)(g).
- 665 (7) If a governing body fails to provide actual or constructive notice under this section, the  
666 local entity may not assess a levy against a benefitted property omitted from the notice  
667 unless:
- 668 (a) the property owner gives written consent;
- 669 (b) the property owner received notice under Subsection 11-42-401(2)(a)(iii) and did not  
670 object to the levy of the assessment before the final hearing of the board of  
671 equalization; or
- 672 (c) the benefitted property is conveyed to a subsequent purchaser and, before the date of  
673 conveyance, the requirements of Subsections 11-42-206(3)(a)(i) and (ii), or, if

674 applicable, Subsection 11-42-207(1)(d)(i) are met.

675 Section 6. Section **11-42-411** is amended to read:

676 **11-42-411 . Installment payment of assessments.**

677 (1) (a) In an assessment resolution or ordinance, the governing body may, subject to  
678 Subsection (1)(b), provide that some or all of the assessment be paid in installments  
679 over a period:

680 (i) not to exceed 20 years from the effective date of the resolution or ordinance,  
681 except as provided in Subsection (1)(a)(ii); or

682 (ii) not to exceed 30 years from the effective date of the resolution, for a resolution  
683 adopted by:

684 (A) a development authority; [~~or~~]

685 (B) an infrastructure financing district under Title 17B, Chapter 2a, Part 13,  
686 Infrastructure Financing Districts;

687 [~~(B)~~] (C) a public infrastructure district created by a development authority under  
688 Title 17D, Chapter 4, Public Infrastructure District Act[.]; or

689 (D) any other local entity, if the resolution is adopted with the consent of all  
690 owners of surface property within the assessment area.

691 (b) If an assessment resolution or ordinance provides that some or all of the assessment  
692 be paid in installments for a period exceeding 10 years from the effective date of the  
693 resolution or ordinance, the governing body:

694 (i) shall make a determination that:

695 (A) the improvement for which the assessment is made has a reasonable useful  
696 life for the full period during which installments are to be paid; or

697 (B) it would be in the best interests of the local entity and the property owners for  
698 installments to be paid for more than 10 years; and

699 (ii) may provide in the resolution or ordinance that no assessment is payable during  
700 some or all of the period ending three years after the effective date of the  
701 resolution or ordinance.

702 (2) An assessment resolution or ordinance that provides for the assessment to be paid in  
703 installments may provide that the unpaid balance be paid over the period of time that  
704 installments are payable:

705 (a) in substantially equal installments of principal; or

706 (b) in substantially equal installments of principal and interest.

707 (3) (a) Each assessment resolution or ordinance that provides for the assessment to be

- 708 paid in installments shall, subject to Subsections (3)(b) and (c), provide that the  
709 unpaid balance of the assessment bear interest at a fixed rate, variable rate, or a  
710 combination of fixed and variable rates, as determined by the governing body, from  
711 the effective date of the resolution or ordinance or another date specified in the  
712 resolution or ordinance.
- 713 (b) If the assessment is for operation and maintenance costs or for the costs of economic  
714 promotion activities:
- 715 (i) a local entity may charge interest only from the date each installment is due; and  
716 (ii) the first installment of an assessment shall be due 15 days after the effective date  
717 of the assessment resolution or ordinance.
- 718 (c) If an assessment resolution or ordinance provides for the unpaid balance of the  
719 assessment to bear interest at a variable rate, the assessment resolution or ordinance  
720 shall specify:
- 721 (i) the basis upon which the rate is to be determined from time to time;  
722 (ii) the manner in which and schedule upon which the rate is to be adjusted; and  
723 (iii) a maximum rate that the assessment may bear.
- 724 (4) Interest payable on assessments may include:
- 725 (a) interest on assessment bonds;  
726 (b) ongoing local entity costs incurred for administration of the assessment area; and  
727 (c) any costs incurred with respect to:
- 728 (i) securing a letter of credit or other instrument to secure payment or repurchase of  
729 bonds; or  
730 (ii) retaining a marketing agent or an indexing agent.
- 731 (5) Interest imposed in an assessment resolution or ordinance shall be paid in addition to the  
732 amount of each installment annually or at more frequent intervals as provided in the  
733 assessment resolution or ordinance.
- 734 (6) (a) Except for an assessment for operation and maintenance costs or for the costs of  
735 economic promotion activities, a property owner may pay some or all of the entire  
736 assessment without interest if paid within 25 days after the assessment resolution or  
737 ordinance takes effect.
- 738 (b) After the 25-day period stated in Subsection (6)(a), a property owner may at any time  
739 prepay some or all of the assessment levied against the owner's property.
- 740 (c) A local entity may require a prepayment of an installment to include:
- 741 (i) an amount equal to the interest that would accrue on the assessment to the next

742 date on which interest is payable on bonds issued in anticipation of the collection  
743 of the assessment; and

744 (ii) the amount necessary, in the governing body's opinion or the opinion of the  
745 officer designated by the governing body, to assure the availability of money to  
746 pay:

747 (A) interest that becomes due and payable on those bonds; and

748 (B) any premiums that become payable on bonds that are called in order to use the  
749 money from the prepaid assessment installment.

750 Section 7. Section **17-27a-508** is amended to read:

751 **17-27a-508 . Applicant's entitlement to land use application approval --**

752 **Application relating to land in a high priority transportation corridor --**

753 **County's requirements and limitations -- Vesting upon submission of**

754 **development plan and schedule.**

755 (1) (a) (i) An applicant who has submitted a complete land use application, including  
756 the payment of all application fees, is entitled to substantive review of the  
757 application under the land use regulations:

758 (A) in effect on the date that the application is complete; and

759 (B) applicable to the application or to the information shown on the submitted  
760 application.

761 (ii) An applicant is entitled to approval of a land use application if the application  
762 conforms to the requirements of the applicable land use regulations, land use  
763 decisions, and development standards in effect when the applicant submits a  
764 complete application and pays all application fees, unless:

765 (A) the land use authority, on the record, formally finds that a compelling,  
766 countervailing public interest would be jeopardized by approving the  
767 application and specifies the compelling, countervailing public interest in  
768 writing; or

769 (B) in the manner provided by local ordinance and before the applicant submits  
770 the application, the county formally initiates proceedings to amend the county's  
771 land use regulations in a manner that would prohibit approval of the  
772 application as submitted.

773 (b) The county shall process an application without regard to proceedings the county  
774 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

775 (i) 180 days have passed since the county initiated the proceedings; and

- 776 (ii) (A) the proceedings have not resulted in an enactment that prohibits approval  
777 of the application as submitted; or  
778 (B) during the 12 months prior to the county processing the application or  
779 multiple applications of the same type, the application is impaired or prohibited  
780 under the terms of a temporary land use regulation adopted under Section  
781 17-27a-504.
- 782 (c) A land use application is considered submitted and complete when the applicant  
783 provides the application in a form that complies with the requirements of applicable  
784 ordinances and pays all applicable fees.
- 785 (d) The continuing validity of an approval of a land use application is conditioned upon  
786 the applicant proceeding after approval to implement the approval with reasonable  
787 diligence.
- 788 (e) A county may not impose on an applicant who has submitted a complete application  
789 a requirement that is not expressed in:  
790 (i) this chapter;  
791 (ii) a county ordinance in effect on the date that the applicant submits a complete  
792 application, subject to Subsection [~~17-27a-508(1)(a)(ii)~~] (1)(a)(ii); or  
793 (iii) a county specification for public improvements applicable to a subdivision or  
794 development that is in effect on the date that the applicant submits an application.
- 795 (f) A county may not impose on a holder of an issued land use permit or a final,  
796 unexpired subdivision plat a requirement that is not expressed:  
797 (i) in a land use permit;  
798 (ii) on the subdivision plat;  
799 (iii) in a document on which the land use permit or subdivision plat is based;  
800 (iv) in the written record evidencing approval of the land use permit or subdivision  
801 plat;  
802 (v) in this chapter;  
803 (vi) in a county ordinance; or  
804 (vii) in a county specification for residential roadways in effect at the time a  
805 residential subdivision was approved.
- 806 (g) Except as provided in Subsection (1)(h) or (i), a county may not withhold issuance of  
807 a certificate of occupancy or acceptance of subdivision improvements because of an  
808 applicant's failure to comply with a requirement that is not expressed:  
809 (i) in the building permit or subdivision plat, documents on which the building permit

- 810 or subdivision plat is based, or the written record evidencing approval of the  
811 building permit or subdivision plat; or  
812 (ii) in this chapter or the county's ordinances.
- 813 (h) A county may not unreasonably withhold issuance of a certificate of occupancy  
814 where an applicant has met all requirements essential for the public health, public  
815 safety, and general welfare of the occupants, in accordance with this chapter, unless:
- 816 (i) the applicant and the county have agreed in a written document to the withholding  
817 of a certificate of occupancy; or  
818 (ii) the applicant has not provided a financial assurance for required and uncompleted  
819 public landscaping improvements or infrastructure improvements in accordance  
820 with an applicable ordinance that the legislative body adopts under this chapter.
- 821 (i) A county may not conduct a final inspection required before issuing a certificate of  
822 occupancy for a residential unit that is within the boundary of an infrastructure  
823 financing district, as defined in Section 17B-1-102, until the applicant for the  
824 certificate of occupancy provides adequate proof to the county that any lien on the  
825 unit arising from the infrastructure financing district's assessment against the unit  
826 under Title 11, Chapter 42, Assessment Area Act, has been released after payment in  
827 full of the infrastructure financing district's assessment against that unit.
- 828 (2) A county is bound by the terms and standards of applicable land use regulations and  
829 shall comply with mandatory provisions of those regulations.
- 830 (3) A county may not, as a condition of land use application approval, require a person  
831 filing a land use application to obtain documentation regarding a school district's  
832 willingness, capacity, or ability to serve the development proposed in the land use  
833 application.
- 834 (4) Upon a specified public agency's submission of a development plan and schedule as  
835 required in Subsection 17-27a-305(8) that complies with the requirements of that  
836 subsection, the specified public agency vests in the county's applicable land use maps,  
837 zoning map, hookup fees, impact fees, other applicable development fees, and land use  
838 regulations in effect on the date of submission.
- 839 (5) (a) If sponsors of a referendum timely challenge a project in accordance with  
840 Subsection 20A-7-601(6), the project's affected owner may rescind the project's land  
841 use approval by delivering a written notice:
- 842 (i) to the local clerk as defined in Section 20A-7-101; and  
843 (ii) no later than seven days after the day on which a petition for a referendum is

844 determined sufficient under Subsection 20A-7-607(5).

845 (b) Upon delivery of a written notice described in Subsection(5)(a) the following are  
846 rescinded and are of no further force or effect:

847 (i) the relevant land use approval; and

848 (ii) any land use regulation enacted specifically in relation to the land use approval.

849 Section 8. Section **17B-1-102** is amended to read:

850 **17B-1-102 . Definitions.**

851 As used in this title:

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

854 (2) "Basic special district":

855 (a) means a special district that is not a specialized special district; and

856 (b) includes an entity that was, under the law in effect before April 30, 2007, created and  
857 operated as a special district, as defined under the law in effect before April 30, 2007.

858 (3) "Bond" means:

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

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

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

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

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

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

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

- 878 or furnishing.
- 879 (7) "Fire protection district" means a special district that operates under and is subject to the  
880 provisions of this chapter and Chapter 2a, Part 3, Fire Protection District Act, including  
881 an entity that was created and operated as a fire protection district under the law in effect  
882 before April 30, 2007.
- 883 (8) "General obligation bond":
- 884 (a) means a bond that is directly payable from and secured by ad valorem property taxes  
885 that are:
- 886 (i) levied:
- 887 (A) by the district that issues the bond; and  
888 (B) on taxable property within the district; and
- 889 (ii) in excess of the ad valorem property taxes of the district for the current fiscal  
890 year; and
- 891 (b) does not include:
- 892 (i) a short-term bond;  
893 (ii) a tax and revenue anticipation bond; or  
894 (iii) a special assessment bond.
- 895 (9) "Improvement assurance" means a surety bond, letter of credit, cash, or other security:
- 896 (a) to guarantee the proper completion of an improvement;  
897 (b) that is required before a special district may provide a service requested by a service  
898 applicant; and  
899 (c) that is offered to a special district to induce the special district before construction of  
900 an improvement begins to:
- 901 (i) provide the requested service; or  
902 (ii) commit to provide the requested service.
- 903 (10) "Improvement assurance warranty" means a promise that the materials and  
904 workmanship of an improvement:
- 905 (a) comply with standards adopted by a special district; and  
906 (b) will not fail in any material respect within an agreed warranty period.
- 907 (11) "Improvement district" means a special district that operates under and is subject to the  
908 provisions of this chapter and Chapter 2a, Part 4, Improvement District Act, including an  
909 entity that was created and operated as a county improvement district under the law in  
910 effect before April 30, 2007.
- 911 (12) "Infrastructure financing district" means a special district that operates under and is

912 subject to the provisions of this chapter and Chapter 2a, Part 13, Infrastructure Financing  
 913 Districts.

914 ~~[(12)]~~ (13) "Irrigation district" means a special district that operates under and is subject to  
 915 the provisions of this chapter and Chapter 2a, Part 5, Irrigation District Act, including an  
 916 entity that was created and operated as an irrigation district under the law in effect  
 917 before April 30, 2007.

918 ~~[(13)]~~ (14) "Metropolitan water district" means a special district that operates under and is  
 919 subject to the provisions of this chapter and Chapter 2a, Part 6, Metropolitan Water  
 920 District Act, including an entity that was created and operated as a metropolitan water  
 921 district under the law in effect before April 30, 2007.

922 ~~[(14)]~~ (15) "Mosquito abatement district" means a special district that operates under and is  
 923 subject to the provisions of this chapter and Chapter 2a, Part 7, Mosquito Abatement  
 924 District Act, including an entity that was created and operated as a mosquito abatement  
 925 district under the law in effect before April 30, 2007.

926 ~~[(15)]~~ (16) "Municipal" means of or relating to a municipality.

927 ~~[(16)]~~ (17) "Municipality" means a city, town, or metro township.

928 ~~[(17)]~~ (18) "Municipal services district" means a special district that operates under and is  
 929 subject to the provisions of this chapter and Chapter 2a, Part 11, Municipal Services  
 930 District Act.

931 ~~[(18)]~~ (19) "Person" means an individual, corporation, partnership, organization,  
 932 association, trust, governmental agency, or other legal entity.

933 ~~[(19)]~~ (20) "Political subdivision" means a county, city, town, metro township, special  
 934 district under this title, special service district under Title 17D, Chapter 1, Special  
 935 Service District Act, an entity created by interlocal cooperation agreement under Title  
 936 11, Chapter 13, Interlocal Cooperation Act, or any other governmental entity designated  
 937 in statute as a political subdivision of the state.

938 ~~[(20)]~~ (21) "Private," with respect to real property, means not owned by the United States or  
 939 any agency of the federal government, the state, a county, or a political subdivision.

940 ~~[(21)]~~ (22) "Public entity" means:

- 941 (a) the United States or an agency of the United States;
- 942 (b) the state or an agency of the state;
- 943 (c) a political subdivision of the state or an agency of a political subdivision of the state;
- 944 (d) another state or an agency of that state; or
- 945 (e) a political subdivision of another state or an agency of that political subdivision.

946 ~~[(22)]~~ (23) "Public transit district" means a special district that operates under and is subject  
947 to the provisions of this chapter and Chapter 2a, Part 8, Public Transit District Act,  
948 including an entity that was created and operated as a public transit district under the law  
949 in effect before April 30, 2007.

950 ~~[(23)]~~ (24) "Revenue bond":

951 (a) means a bond payable from designated taxes or other revenues other than the special  
952 district's ad valorem property taxes; and

953 (b) does not include:

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

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

957 (iii) a special assessment bond.

958 ~~[(24)]~~ (25) "Rules of order and procedure" means a set of rules that govern and prescribe in  
959 a public meeting:

960 (a) parliamentary order and procedure;

961 (b) ethical behavior; and

962 (c) civil discourse.

963 ~~[(25)]~~ (26) "Service applicant" means a person who requests that a special district provide a  
964 service that the special district is authorized to provide.

965 ~~[(26)]~~ (27) "Service area" means a special district that operates under and is subject to the  
966 provisions of this chapter and Chapter 2a, Part 9, Service Area Act, including an entity  
967 that was created and operated as a county service area or a regional service area under  
968 the law in effect before April 30, 2007.

969 ~~[(27)]~~ (28) "Short-term bond" means a bond that is required to be repaid during the fiscal  
970 year in which the bond is issued.

971 ~~[(28)]~~ (29) "Special assessment" means an assessment levied against property to pay all or a  
972 portion of the costs of making improvements that benefit the property.

973 ~~[(29)]~~ (30) "Special assessment bond" means a bond payable from special assessments.

974 ~~[(30)]~~ (31) "Special district" means a limited purpose local government entity, as described  
975 in Section 17B-1-103, that operates under, is subject to, and has the powers described in:

976 (a) this chapter; or

977 (b) (i) this chapter; and

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

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

- 980 (C) Chapter 2a, Part 3, Fire Protection District Act;  
 981 (D) Chapter 2a, Part 4, Improvement District Act;  
 982 (E) Chapter 2a, Part 5, Irrigation District Act;  
 983 (F) Chapter 2a, Part 6, Metropolitan Water District Act;  
 984 (G) Chapter 2a, Part 7, Mosquito Abatement District Act;  
 985 (H) Chapter 2a, Part 8, Public Transit District Act;  
 986 (I) Chapter 2a, Part 9, Service Area Act;  
 987 (J) Chapter 2a, Part 10, Water Conservancy District Act; [or]  
 988 (K) Chapter 2a, Part 11, Municipal Services District Act[-] ; or  
 989 (L) Chapter 2a, Part 13, Infrastructure Financing Districts.

990 [(31)] (32) "Specialized special district" means a special district that is a cemetery  
 991 maintenance district, a drainage district, a fire protection district, an improvement  
 992 district, an irrigation district, a metropolitan water district, a mosquito abatement district,  
 993 a public transit district, a service area, a water conservancy district, a municipal services  
 994 district[~~, or a public infrastructure district~~] , or an infrastructure financing district.

995 [(32)] (33) "Taxable value" means the taxable value of property as computed from the most  
 996 recent equalized assessment roll for county purposes.

997 [(33)] (34) "Tax and revenue anticipation bond" means a bond:

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

1000 (b) that matures within the same fiscal year as the fiscal year in which the bond is issued.

1001 [(34)] (35) "Unincorporated" means not included within a municipality.

1002 [(35)] (36) "Water conservancy district" means a special district that operates under and is  
 1003 subject to the provisions of this chapter and Chapter 2a, Part 10, Water Conservancy  
 1004 District Act, including an entity that was created and operated as a water conservancy  
 1005 district under the law in effect before April 30, 2007.

1006 [(36)] (37) "Works" includes a dam, reservoir, well, canal, conduit, pipeline, drain, tunnel,  
 1007 power plant, and any facility, improvement, or property necessary or convenient for  
 1008 supplying or treating water for any beneficial use, and for otherwise accomplishing the  
 1009 purposes of a special district.

1010 Section 9. Section **17B-1-103** is amended to read:

1011 **17B-1-103 . Special district status and powers -- Registration as a limited**  
 1012 **purpose entity.**

1013 (1) A special district:

- 1014 (a) is:
- 1015 (i) a body corporate and politic with perpetual succession;
- 1016 (ii) a quasi-municipal corporation; [~~and~~]
- 1017 (iii) a political subdivision of the state; and
- 1018 (iv) separate and distinct from and independent of any other political subdivision of
- 1019 the state; and
- 1020 (b) may sue and be sued.
- 1021 (2) A special district may:
- 1022 (a) acquire, by any lawful means, or lease any real property, personal property, or a
- 1023 groundwater right necessary or convenient to the full exercise of the district's powers;
- 1024 (b) acquire, by any lawful means, any interest in real property, personal property, or a
- 1025 groundwater right necessary or convenient to the full exercise of the district's powers;
- 1026 (c) transfer an interest in or dispose of any property or interest described in Subsections
- 1027 (2)(a) and (b);
- 1028 (d) acquire or construct works, facilities, and improvements necessary or convenient to
- 1029 the full exercise of the district's powers, and operate, control, maintain, and use those
- 1030 works, facilities, and improvements;
- 1031 (e) borrow money and incur indebtedness for any lawful district purpose;
- 1032 (f) issue bonds, including refunding bonds:
- 1033 (i) for any lawful district purpose; and
- 1034 (ii) as provided in and subject to Part 11, Special District Bonds;
- 1035 (g) levy and collect property taxes:
- 1036 (i) for any lawful district purpose or expenditure, including to cover a deficit
- 1037 resulting from tax delinquencies in a preceding year; and
- 1038 (ii) as provided in and subject to Part 10, Special District Property Tax Levy;
- 1039 (h) as provided in Title 78B, Chapter 6, Part 5, Eminent Domain, acquire by eminent
- 1040 domain property necessary to the exercise of the district's powers;
- 1041 (i) invest money as provided in Title 51, Chapter 7, State Money Management Act;
- 1042 (j) (i) impose fees or other charges for commodities, services, or facilities provided
- 1043 by the district, to pay some or all of the district's costs of providing the
- 1044 commodities, services, and facilities, including the costs of:
- 1045 (A) maintaining and operating the district;
- 1046 (B) acquiring, purchasing, constructing, improving, or enlarging district facilities;
- 1047 (C) issuing bonds and paying debt service on district bonds; and

- 1048 (D) providing a reserve established by the board of trustees; and
- 1049 (ii) take action the board of trustees considers appropriate and adopt regulations to
- 1050 assure the collection of all fees and charges that the district imposes;
- 1051 (k) if applicable, charge and collect a fee to pay for the cost of connecting a customer's
- 1052 property to district facilities in order for the district to provide service to the property;
- 1053 (l) enter into a contract that the special district board of trustees considers necessary,
- 1054 convenient, or desirable to carry out the district's purposes, including a contract:
- 1055 (i) with the United States or any department or agency of the United States;
- 1056 (ii) to indemnify and save harmless; or
- 1057 (iii) to do any act to exercise district powers;
- 1058 (m) purchase supplies, equipment, and materials;
- 1059 (n) encumber district property upon terms and conditions that the board of trustees
- 1060 considers appropriate;
- 1061 (o) exercise other powers and perform other functions that are provided by law;
- 1062 (p) construct and maintain works and establish and maintain facilities, including works
- 1063 or facilities:
- 1064 (i) across or along any public street or highway, subject to Subsection (3) and if the
- 1065 district:
- 1066 (A) promptly restores the street or highway, as much as practicable, to its former
- 1067 state of usefulness; and
- 1068 (B) does not use the street or highway in a manner that completely or
- 1069 unnecessarily impairs the usefulness of it;
- 1070 (ii) in, upon, or over any vacant public lands that are or become the property of the
- 1071 state, including school and institutional trust lands, as defined in Section
- 1072 53C-1-103, if the director of the School and Institutional Trust Lands
- 1073 Administration, acting under Sections 53C-1-102 and 53C-1-303, consents; or
- 1074 (iii) across any stream of water or watercourse, subject to Section 73-3-29;
- 1075 (q) perform any act or exercise any power reasonably necessary for the efficient
- 1076 operation of the special district in carrying out its purposes;
- 1077 (r) (i) except for a special district described in Subsection (2)(r)(ii), designate an
- 1078 assessment area and levy an assessment on land within the assessment area, as
- 1079 provided in Title 11, Chapter 42, Assessment Area Act; or
- 1080 (ii) for a special district created to assess a groundwater right in a critical
- 1081 management area described in Subsection 17B-1-202(1), designate an assessment

- 1082 area and levy an assessment, as provided in Title 11, Chapter 42, Assessment Area  
1083 Act, on a groundwater right to facilitate a groundwater management plan;
- 1084 (s) contract with another political subdivision of the state to allow the other political  
1085 subdivision to use the district's surplus water or capacity or have an ownership  
1086 interest in the district's works or facilities, upon the terms and for the consideration,  
1087 whether monetary or nonmonetary consideration or no consideration, that the  
1088 district's board of trustees considers to be in the best interests of the district and the  
1089 public;
- 1090 (t) upon the terms and for the consideration, whether monetary or nonmonetary  
1091 consideration or no consideration, that the district's board of trustees considers to be  
1092 in the best interests of the district and the public, agree:
- 1093 (i) (A) with another political subdivision of the state; or  
1094 (B) with a public or private owner of property on which the district has a  
1095 right-of-way or adjacent to which the district owns fee title to property; and  
1096 (ii) to allow the use of property:  
1097 (A) owned by the district; or  
1098 (B) on which the district has a right-of-way; and
- 1099 (u) if the special district receives, as determined by the special district board of trustees,  
1100 adequate monetary or nonmonetary consideration in return:
- 1101 (i) provide services or nonmonetary assistance to a nonprofit entity;  
1102 (ii) waive fees required to be paid by a nonprofit entity; or  
1103 (iii) provide monetary assistance to a nonprofit entity, whether from the special  
1104 district's own funds or from funds the special district receives from the state or any  
1105 other source.
- 1106 (3) With respect to a special district's use of a street or highway, as provided in Subsection  
1107 (2)(p)(i):
- 1108 (a) the district shall comply with the reasonable rules and regulations of the  
1109 governmental entity, whether state, county, or municipal, with jurisdiction over the  
1110 street or highway, concerning:
- 1111 (i) an excavation and the refilling of an excavation;  
1112 (ii) the relaying of pavement; and  
1113 (iii) the protection of the public during a construction period; and
- 1114 (b) the governmental entity, whether state, county, or municipal, with jurisdiction over  
1115 the street or highway:

- 1116 (i) may not require the district to pay a license or permit fee or file a bond; and  
 1117 (ii) may require the district to pay a reasonable inspection fee.
- 1118 (4) (a) A special district may:
- 1119 (i) acquire, lease, or construct and operate electrical generation, transmission, and  
 1120 distribution facilities, if:
- 1121 (A) the purpose of the facilities is to harness energy that results inherently from  
 1122 the district's operation of a project or facilities that the district is authorized to  
 1123 operate or from the district providing a service that the district is authorized to  
 1124 provide;
- 1125 (B) the generation of electricity from the facilities is incidental to the primary  
 1126 operations of the district; and
- 1127 (C) operation of the facilities will not hinder or interfere with the primary  
 1128 operations of the district;
- 1129 (ii) (A) use electricity generated by the facilities; or  
 1130 (B) subject to Subsection (4)(b), sell electricity generated by the facilities to an  
 1131 electric utility or municipality with an existing system for distributing  
 1132 electricity.
- 1133 (b) A district may not act as a retail distributor or seller of electricity.
- 1134 (c) Revenue that a district receives from the sale of electricity from electrical generation  
 1135 facilities it owns or operates under this section may be used for any lawful district  
 1136 purpose, including the payment of bonds issued to pay some or all of the cost of  
 1137 acquiring or constructing the facilities.
- 1138 (5) A special district may adopt and, after adoption, alter a corporate seal.
- 1139 (6) (a) Each special district shall register and maintain the special district's registration  
 1140 as a limited purpose entity, in accordance with Section 67-1a-15.
- 1141 (b) A special district that fails to comply with Subsection (6)(a) or Section 67-1a-15 is  
 1142 subject to enforcement by the state auditor, in accordance with Section 67-3-1.
- 1143 (7) (a) As used in this Subsection (7), "knife" means a cutting instrument that includes a  
 1144 sharpened or pointed blade.
- 1145 (b) The authority to regulate a knife is reserved to the state except where the Legislature  
 1146 specifically delegates responsibility to a special district.
- 1147 (c) Unless specifically authorized by the Legislature by statute, a special district may not  
 1148 adopt or enforce a regulation or rule pertaining to a knife.
- 1149 Section 10. Section **17B-1-105** is amended to read:

1150 **17B-1-105 . Name of special district -- Name change.**

1151 (1) (a) The name of each special district created on or after May 1, 2000 shall comply  
1152 with Subsection 17-50-103(2)(a).

1153 (b) The board of each special district affected by Subsection 17-50-103(2)(b) shall  
1154 ensure that after January 1, 2005 the special district name complies with the  
1155 requirements of Subsection 17-50-103(2)(b).

1156 (2) The name of a special district created after April 30, 2007 may not include the name of  
1157 a county or municipality.

1158 (3) The name of a special district may include words descriptive of the type of service that  
1159 the district provides.

1160 (4) The name of an infrastructure financing district shall comply with Subsection 17B-1-208  
1161 (1)(b)(ii).

1162 [~~(4)~~] (5) (a) A special district board may change the name of that special district as  
1163 provided in this Subsection [~~(4)~~] (5).

1164 (b) To initiate a name change, the special district board shall:

1165 (i) hold a public hearing on the proposed name change;

1166 (ii) adopt a resolution approving the name change; and

1167 (iii) file with the lieutenant governor a notice of an impending name change, as  
1168 defined in Section 67-1a-6.7, that meets the requirements of Subsection 67-1a-6.7

1169 (3).

1170 (c) Upon the lieutenant governor's issuance of a certificate of name change under  
1171 Section 67-1a-6.7, the special district board shall:

1172 (i) if the special district is located within the boundary of a single county, submit to  
1173 the recorder of that county:

1174 (A) the original:

1175 (I) notice of an impending name change; and

1176 (II) certificate of name change; and

1177 (B) a certified copy of the resolution approving the name change; or

1178 (ii) if the special district is located within the boundaries of more than a single county:

1179 (A) submit to the recorder of one of those counties:

1180 (I) the original of the documents listed in Subsections [~~(4)(e)(i)(A)(I)]~~

1181 (5)(c)(i)(A)(I) and (II); and

1182 (II) a certified copy of the resolution approving the name change; and

1183 (B) submit to the recorder of each other county:

- 1184 (I) a certified copy of the documents listed in Subsections [~~(4)(e)(i)(A)(I)~~  
 1185 ~~(5)(c)(i)(A)(I)~~ and (II); and
- 1186 (II) a certified copy of the resolution approving the name change.
- 1187 (d) (i) A name change under this Subsection [~~(4)~~ (5) becomes effective upon the  
 1188 lieutenant governor's issuance of a certificate of name change under Section  
 1189 67-1a-6.7.
- 1190 (ii) Notwithstanding Subsection [~~(4)(d)(i)~~ (5)(d)(i), the special district may not  
 1191 operate under the new name until the documents listed in Subsection [~~(4)(e)~~ (5)(c)  
 1192 are recorded in the office of the recorder of each county in which the special  
 1193 district is located.
- 1194 Section 11. Section **17B-1-201** is amended to read:
- 1195 **17B-1-201 . Definitions.**
- 1196 As used in this part:
- 1197 (1) "Applicable area" means:
- 1198 (a) for a county, the unincorporated area of the county that is included within the  
 1199 proposed special district; or
- 1200 (b) for a municipality, the area of the municipality that is included within the proposed  
 1201 special district.
- 1202 (2) "Governing body" means:
- 1203 (a) for a county or municipality, the legislative body of the county or municipality; and  
 1204 (b) for a special district, the board of trustees of the special district.
- 1205 (3) "Groundwater right owner petition" means a petition under Subsection 17B-1-203(1)(c).
- 1206 (4) "Groundwater right owner request" means a request under Section 17B-1-204 that is  
 1207 signed by owners of water rights as provided in Subsection 17B-1-204(2)(b)(ii).
- 1208 (5) "Initiating special district" means a special district that adopts a resolution proposing the  
 1209 creation of a special district under Subsection [~~17B-1-203(1)(e)~~ 17B-1-203(1)(f).
- 1210 (6) "Petition" means a petition under Subsection 17B-1-203(1)(a), (b), [~~or~~] (c), or (d).
- 1211 (7) "Property owner petition" means a petition under Subsection 17B-1-203(1)(a).
- 1212 (8) "Property owner request" means a request under Section 17B-1-204 that is signed by  
 1213 owners of real property as provided in Subsection 17B-1-204(2)(b)(i).
- 1214 (9) "Registered voter request" means a request under Section 17B-1-204 that is signed by  
 1215 registered voters as provided in Subsection 17B-1-204(2)(b)(iii).
- 1216 (10) "Registered voter petition" means a petition under Subsection 17B-1-203(1)(b).
- 1217 (11) "Request" means a request as described in Section 17B-1-204.

- 1218 (12) "Responsible body" means the governing body of:
- 1219 (a) the municipality in which the proposed special district is located, if the petition or
- 1220 resolution proposes the creation of a special district located entirely within a single
- 1221 municipality;
- 1222 (b) the county in which the proposed special district is located, if the petition or
- 1223 resolution proposes the creation of a special district located entirely within a single
- 1224 county and all or part of the proposed special district is located within:
- 1225 (i) the unincorporated part of the county; or
- 1226 (ii) more than one municipality within the county;
- 1227 (c) if the petition or resolution proposes the creation of a special district located within
- 1228 more than one county, the county whose boundaries include more of the area of the
- 1229 proposed special district than is included within the boundaries of any other county;
- 1230 or
- 1231 (d) the initiating special district, if a resolution proposing the creation of a special
- 1232 district is adopted under Subsection [~~17B-1-203(1)(e)~~] 17B-1-203(1)(f).
- 1233 (13) "Responsible clerk" means:
- 1234 (a) except as provided in Subsection (13)(b), the clerk of the county or the clerk or
- 1235 recorder of the municipality whose legislative body is the responsible body; or
- 1236 (b) for the proposed creation of an infrastructure financing district, the clerk of the
- 1237 county in which the majority of the acreage within the boundary of the proposed
- 1238 infrastructure financing district is located.
- 1239 Section 12. Section **17B-1-202** is amended to read:
- 1240 **17B-1-202 . Special district may be created -- Services that may be provided --**
- 1241 **Limitations.**
- 1242 (1) (a) A special district may be created as provided in this part to provide within its
- 1243 boundaries service consisting of:
- 1244 (i) the operation of an airport;
- 1245 (ii) the operation of a cemetery;
- 1246 (iii) fire protection, paramedic, and emergency services, including consolidated 911
- 1247 and emergency dispatch services;
- 1248 (iv) garbage collection and disposal;
- 1249 (v) health care, including health department or hospital service;
- 1250 (vi) the operation of a library;
- 1251 (vii) abatement or control of mosquitos and other insects;

- 1252 (viii) the operation of parks or recreation facilities or services;
- 1253 (ix) the operation of a sewage system;
- 1254 (x) the construction and maintenance of a right-of-way, including:
- 1255 (A) a curb;
- 1256 (B) a gutter;
- 1257 (C) a sidewalk;
- 1258 (D) a street;
- 1259 (E) a road;
- 1260 (F) a water line;
- 1261 (G) a sewage line;
- 1262 (H) a storm drain;
- 1263 (I) an electricity line;
- 1264 (J) a communications line;
- 1265 (K) a natural gas line; or
- 1266 (L) street lighting;
- 1267 (xi) transportation, including public transit and providing streets and roads;
- 1268 (xii) the operation of a system, or one or more components of a system, for the
- 1269 collection, storage, retention, control, conservation, treatment, supplying,
- 1270 distribution, or reclamation of water, including storm, flood, sewage, irrigation,
- 1271 and culinary water, whether the system is operated on a wholesale or retail level
- 1272 or both;
- 1273 (xiii) in accordance with Subsection (1)(c), the acquisition or assessment of a
- 1274 groundwater right for the development and execution of a groundwater
- 1275 management plan in cooperation with and approved by the state engineer in
- 1276 accordance with Section 73-5-15;
- 1277 (xiv) law enforcement service;
- 1278 (xv) subject to Subsection (1)(b), the underground installation of an electric utility
- 1279 line or the conversion to underground of an existing electric utility line;
- 1280 (xvi) the control or abatement of earth movement or a landslide;
- 1281 (xvii) the operation of animal control services and facilities; [or]
- 1282 (xviii) an energy efficiency upgrade, a renewable energy system, or electric vehicle
- 1283 charging infrastructure as defined in Section 11-42a-102, in accordance with Title
- 1284 11, Chapter 42a, Commercial Property Assessed Clean Energy Act; or
- 1285 (xix) the financing of infrastructure, as provided in Chapter 2a, Part 13, Infrastructure

1286                    Financing Districts.

1287            (b) Each special district that provides the service of the underground installation of an  
1288            electric utility line or the conversion to underground of an existing electric utility line  
1289            shall, in installing or converting the line, provide advance notice to and coordinate  
1290            with the utility that owns the line.

1291            (c) A groundwater management plan described in Subsection (1)(a)(xiii) may include  
1292            the banking of groundwater rights by a special district in a critical management area  
1293            as defined in Section 73-5-15 following the adoption of a groundwater management  
1294            plan by the state engineer under Section 73-5-15.

1295            (i) A special district may manage the groundwater rights it acquires under Subsection  
1296            17B-1-103(2)(a) or (b) consistent with the provisions of a groundwater  
1297            management plan described in this Subsection (1)(c).

1298            (ii) A groundwater right held by a special district to satisfy the provisions of a  
1299            groundwater management plan is not subject to the forfeiture provisions of  
1300            Section 73-1-4.

1301            (iii) (A) A special district may divest itself of a groundwater right subject to a  
1302            determination that the groundwater right is not required to facilitate the  
1303            groundwater management plan described in this Subsection (1)(c).

1304            (B) The groundwater right described in Subsection (1)(c)(iii)(A) is subject to  
1305            Section 73-1-4 beginning on the date of divestiture.

1306            (iv) Upon a determination by the state engineer that an area is no longer a critical  
1307            management area as defined in Section 73-5-15, a groundwater right held by the  
1308            special district is subject to Section 73-1-4.

1309            (v) A special district created in accordance with Subsection (1)(a)(xiii) to develop  
1310            and execute a groundwater management plan may hold or acquire a right to  
1311            surface waters that are naturally tributary to the groundwater basin subject to the  
1312            groundwater management plan if the surface waters are appropriated in  
1313            accordance with Title 73, Water and Irrigation, and used in accordance with Title  
1314            73, Chapter 3b, Groundwater Recharge and Recovery Act.

1315            (2) As used in this section:

1316            (a) "Operation" means all activities involved in providing the indicated service including  
1317            acquisition and ownership of property reasonably necessary to provide the indicated  
1318            service and acquisition, construction, and maintenance of facilities and equipment  
1319            reasonably necessary to provide the indicated service.

- 1320 (b) "System" means the aggregate of interrelated components that combine together to  
1321 provide the indicated service including, for a sewage system, collection and treatment.
- 1322 (3) (a) A special district may not be created to provide and may not after its creation  
1323 provide more than four of the services listed in Subsection (1).
- 1324 (b) Subsection (3)(a) may not be construed to prohibit a special district from providing  
1325 more than four services if, before April 30, 2007, the special district was authorized  
1326 to provide those services.
- 1327 (4) (a) Except as provided in Subsection (4)(b), a special district may not be created to  
1328 provide and may not after its creation provide to an area the same service that may  
1329 already be provided to that area by another political subdivision, unless the other  
1330 political subdivision gives its written consent.
- 1331 (b) For purposes of Subsection (4)(a), a special district does not provide the same  
1332 service as another political subdivision if it operates a component of a system that is  
1333 different from a component operated by another political subdivision but within the  
1334 same:
- 1335 (i) sewage system; or  
1336 (ii) water system.
- 1337 (5) (a) Except for a special district in the creation of which an election is not required  
1338 under Subsection 17B-1-214(3)(d), the area of a special district may include all or  
1339 part of the unincorporated area of one or more counties and all or part of one or more  
1340 municipalities.
- 1341 (b) The area of a special district need not be contiguous.
- 1342 (6) For a special district created before May 5, 2008, the authority to provide fire protection  
1343 service also includes the authority to provide:
- 1344 (a) paramedic service; and  
1345 (b) emergency service, including hazardous materials response service.
- 1346 (7) A special district created before May 11, 2010, authorized to provide the construction  
1347 and maintenance of curb, gutter, or sidewalk may provide a service described in  
1348 Subsection (1)(a)(x) on or after May 11, 2010.
- 1349 (8) A special district created before May 10, 2011, authorized to provide culinary,  
1350 irrigation, sewage, or storm water services may provide a service described in  
1351 Subsection (1)(a)(xii) on or after May 10, 2011.
- 1352 (9) A special district may not be created under this chapter for two years after the date on  
1353 which a special district is dissolved as provided in Section 17B-1-217 if the special

- 1354 district proposed for creation:
- 1355 (a) provides the same or a substantially similar service as the dissolved special district;
- 1356 and
- 1357 (b) is located in substantially the same area as the dissolved special district.
- 1358 (10) An infrastructure financing district may not be created unless the estimated cost of the
- 1359 public infrastructure and improvements to be constructed within the boundary of the
- 1360 proposed infrastructure financing district exceeds \$1,000,000, as certified under
- 1361 Subsection 17B-1-208(1)(c).
- 1362 (11) (a) Except as provided in Subsection (11)(b), the inclusion of an area within an
- 1363 infrastructure financing district does not affect whether the area may be included
- 1364 within another special district.
- 1365 (b) An infrastructure financing district may not include an area included within another
- 1366 infrastructure financing district.
- 1367 Section 13. Section **17B-1-203** is amended to read:
- 1368 **17B-1-203 . Process to initiate the creation of a special district -- Petition or**
- 1369 **resolution.**
- 1370 (1) The process to create a special district may be initiated by:
- 1371 (a) unless the proposed special district is a special district to acquire or assess a
- 1372 groundwater right under Section 17B-1-202, and subject to Section 17B-1-204, a
- 1373 petition signed by the owners of private real property that:
- 1374 (i) is located within the proposed special district;
- 1375 (ii) covers at least 33% of the total private land area within the proposed special
- 1376 district as a whole and within each applicable area;
- 1377 (iii) is equal in value to at least 25% of the value of all private real property within
- 1378 the proposed special district as a whole and within each applicable area; and
- 1379 (iv) complies with the requirements of Subsection 17B-1-205(1) and Section
- 1380 17B-1-208;
- 1381 (b) subject to Section 17B-1-204, a petition that:
- 1382 (i) is signed by registered voters residing within the proposed special district as a
- 1383 whole and within each applicable area, equal in number to at least 33% of the
- 1384 number of votes cast in the proposed special district as a whole and in each
- 1385 applicable area, respectively, for the office of governor at the last regular general
- 1386 election prior to the filing of the petition; and
- 1387 (ii) complies with the requirements of Subsection 17B-1-205(1) and Section

- 1388 17B-1-208;
- 1389 (c) if the proposed special district is a special district to acquire or assess a groundwater  
 1390 right under Section 17B-1-202, and subject to Section 17B-1-204, a petition signed  
 1391 by the owners of groundwater rights that:
- 1392 (i) are diverted within the proposed special district;
- 1393 (ii) cover at least 33% of the total amount of groundwater diverted in accordance  
 1394 with groundwater rights within the proposed special district as a whole and within  
 1395 each applicable area; and
- 1396 (iii) comply with the requirements of Subsection 17B-1-205(1) and Section  
 1397 17B-1-208;
- 1398 (d) for the creation of an infrastructure financing district, a petition signed by 100% of  
 1399 the owners of surface property within the applicable area;
- 1400 ~~[(d)]~~ (e) a resolution proposing the creation of a special district, adopted by the  
 1401 legislative body of each county whose unincorporated area, whether in whole or in  
 1402 part, includes and each municipality whose boundaries include any of the proposed  
 1403 special district; or
- 1404 ~~[(e)]~~ (f) a resolution proposing the creation of a special district, adopted by the board of  
 1405 trustees of an existing special district whose boundaries completely encompass the  
 1406 proposed special district, if:
- 1407 (i) the proposed special district is being created to provide one or more components  
 1408 of the same service that the initiating special district is authorized to provide; and
- 1409 (ii) the initiating special district is not providing to the area of the proposed special  
 1410 district any of the components that the proposed special district is being created to  
 1411 provide.
- 1412 (2) (a) Each resolution under Subsection ~~[(1)(d) or (e)]~~ (1)(e) or (f) shall:
- 1413 (i) describe the area proposed to be included in the proposed special district;
- 1414 (ii) be accompanied by a map that shows the boundaries of the proposed special  
 1415 district;
- 1416 (iii) describe the service proposed to be provided by the proposed special district;
- 1417 (iv) if the resolution proposes the creation of a specialized special district, specify the  
 1418 type of specialized special district proposed to be created;
- 1419 (v) explain the anticipated method of paying the costs of providing the proposed  
 1420 service;
- 1421 (vi) state the estimated average financial impact on a household within the proposed

- 1422 special district;
- 1423 (vii) state the number of members that the board of trustees of the proposed special
- 1424 district will have, consistent with the requirements of Subsection [~~17B-1-302(4)~~]
- 1425 17B-1-302(8);
- 1426 (viii) for a proposed basic special district:
- 1427 (A) state whether the members of the board of trustees will be elected or
- 1428 appointed or whether some members will be elected and some appointed, as
- 1429 provided in Section 17B-1-1402;
- 1430 (B) if one or more members will be elected, state the basis upon which each
- 1431 elected member will be elected; and
- 1432 (C) if applicable, explain how the election or appointment of board members will
- 1433 transition from one method to another based on stated milestones or events, as
- 1434 provided in Section 17B-1-1402;
- 1435 (ix) for a proposed improvement district whose remaining area members or county
- 1436 members, as those terms are defined in Section 17B-2a-404, are to be elected,
- 1437 state that those members will be elected; and
- 1438 (x) for a proposed service area that is entirely within the unincorporated area of a
- 1439 single county, state whether the initial board of trustees will be:
- 1440 (A) the county legislative body;
- 1441 (B) appointed as provided in Section 17B-1-304; or
- 1442 (C) elected as provided in Section 17B-1-306.
- 1443 (b) Each county or municipal legislative body adopting a resolution under Subsection [~~(1)(d)~~]
- 1444 (1)(e) shall, on or before the first public hearing under Section 17B-1-210,
- 1445 mail or deliver a copy of the resolution to the responsible body if the county or
- 1446 municipal legislative body's resolution is one of multiple resolutions adopted by
- 1447 multiple county or municipal legislative bodies proposing the creation of the same
- 1448 special district.
- 1449 Section 14. Section **17B-1-204** is amended to read:
- 1450 **17B-1-204 . Request for service required before filing of petition -- Request**
- 1451 **requirements.**
- 1452 (1) [A] Except for a petition for the creation of an infrastructure financing district, a petition
- 1453 may not be filed until after:
- 1454 (a) a request has been filed with:
- 1455 (i) the clerk of each county in whose unincorporated area any part of the proposed

- 1456 special district is located; and
- 1457 (ii) the clerk or recorder of each municipality in which any part of the proposed
- 1458 special district is located; and
- 1459 (b) each county and municipality with which a request under Subsection (1)(a) is filed:
- 1460 (i) has adopted a resolution under Subsection 17B-1-212(1) indicating whether it will
- 1461 provide the requested service; or
- 1462 (ii) is considered to have declined to provide the requested service under Subsection
- 1463 17B-1-212(2) or (3).
- 1464 (2) Each request under Subsection (1)(a) shall:
- 1465 (a) ask the county or municipality to provide the service proposed to be provided by the
- 1466 proposed special district within the applicable area; and
- 1467 (b) be signed by:
- 1468 (i) unless the request is a request to create a special district to acquire or assess a
- 1469 groundwater right under Section 17B-1-202, the owners of private real property
- 1470 that:
- 1471 (A) is located within the proposed special district;
- 1472 (B) covers at least 10% of the total private land area within the applicable area; and
- 1473 (C) is equal in value to at least 7% of the value of all private real property within
- 1474 the applicable area;
- 1475 (ii) if the request is a request to create a special district to acquire or assess a
- 1476 groundwater right under Section 17B-1-202, the owners of groundwater rights that:
- 1477 (A) are diverted within the proposed special district; and
- 1478 (B) cover at least 10% of the amount of groundwater diverted in accordance with
- 1479 groundwater rights within the applicable area; or
- 1480 (iii) registered voters residing within the applicable area equal in number to at least
- 1481 10% of the number of votes cast in the applicable area for the office of governor at
- 1482 the last general election prior to the filing of the request.
- 1483 (3) For purposes of Subsections (1) and (2), an area proposed to be annexed to a
- 1484 municipality in a petition under Section 10-2-403 filed before and still pending at the
- 1485 time of filing of a petition shall be considered to be part of that municipality.

1486 Section 15. Section **17B-1-205** is amended to read:

1487 **17B-1-205 . Petition and request requirements -- Withdrawal of signature.**

- 1488 (1) Each petition and request shall:
- 1489 (a) indicate the typed or printed name and current residence address of each property

- 1490 owner, groundwater right owner, or registered voter signing the petition;
- 1491 (b) (i) if it is a property owner request or petition, indicate the address of the property
- 1492 as to which the owner is signing the request or petition; or
- 1493 (ii) if it is a groundwater right owner request or petition, indicate the location of the
- 1494 diversion of the groundwater as to which the owner is signing the groundwater
- 1495 right owner request or petition;
- 1496 (c) describe the entire area of the proposed special district;
- 1497 (d) be accompanied by a map showing the boundaries of the entire proposed special
- 1498 district;
- 1499 (e) specify the service proposed to be provided by the proposed special district;
- 1500 (f) if the petition or request proposes the creation of a specialized special district, specify
- 1501 the type of specialized special district proposed to be created;
- 1502 (g) for a proposed basic special district:
- 1503 (i) state whether the members of the board of trustees will be elected or appointed or
- 1504 whether some members will be elected and some appointed, as provided in
- 1505 Section 17B-1-1402;
- 1506 (ii) if one or more members will be elected, state the basis upon which each elected
- 1507 member will be elected; and
- 1508 (iii) if applicable, explain how the election or appointment of board members will
- 1509 transition from one method to another based on stated milestones or events, as
- 1510 provided in Section 17B-1-1402;
- 1511 (h) for a proposed improvement district whose remaining area members or county
- 1512 members, as those terms are defined in Section 17B-2a-404, are to be elected, state
- 1513 that those members will be elected; [and]
- 1514 (i) for a proposed service area that is entirely within the unincorporated area of a single
- 1515 county, state whether the initial board of trustees will be:
- 1516 (i) the county legislative body;
- 1517 (ii) appointed as provided in Section 17B-1-304; or
- 1518 (iii) elected as provided in Section 17B-1-306;
- 1519 (j) designate up to five signers of the petition or request as sponsors, one of whom shall
- 1520 be designated as the contact sponsor, with the mailing address and telephone number
- 1521 of each;
- 1522 (k) if the petition or request is a groundwater right owner petition or request proposing
- 1523 the creation of a special district to acquire a groundwater right under Section

- 1524 17B-1-202, explain the anticipated method:
- 1525 (i) of paying for the groundwater right acquisition; and
- 1526 (ii) of addressing blowing dust created by the reduced use of water; ~~and~~
- 1527 (l) if the petition or request is a groundwater right owner petition or request proposing
- 1528 the creation of a special district to assess a groundwater right under Section
- 1529 17B-1-202, explain the anticipated method:
- 1530 (i) of assessing the groundwater right and securing payment of the assessment; and
- 1531 (ii) of addressing blowing dust created by the reduced use of water[-] ; and
- 1532 (m) for a proposed infrastructure financing district:
- 1533 (i) state whether the members of the board of trustees will be elected or appointed or
- 1534 whether some members will be elected and some appointed;
- 1535 (ii) if one or more members will be elected, state the basis upon which each elected
- 1536 member will be elected;
- 1537 (iii) explain how appointed board member positions will transition to elected board
- 1538 member positions based on stated milestones or events, as provided in Section
- 1539 17B-2a-1303;
- 1540 (iv) state whether divisions will be established within the boundary of the
- 1541 infrastructure financing district so that some or all board members represent a
- 1542 division rather than the district at large and, if so, describe the boundary of each
- 1543 division; and
- 1544 (v) if applicable, be accompanied by the governing document prepared according to
- 1545 Section 17B-2a-1303.
- 1546 (2) (a) [A] Subject to Subsection (2)(b), a signer of a request or petition may withdraw
- 1547 or, once withdrawn, reinstate the signer's signature at any time before the filing of the
- 1548 request or petition by filing a written withdrawal or reinstatement with:
- 1549 [~~a~~] (i) in the case of a request:
- 1550 [(~~i~~)] (A) the clerk of the county or the clerk or recorder of the municipality in
- 1551 whose applicable area the signer's property is located, if the request is a
- 1552 property owner request;
- 1553 [(~~ii~~)] (B) the clerk of the county or the clerk or recorder of the municipality in
- 1554 whose applicable area the signer's groundwater diversion point is located, if the
- 1555 request is a groundwater right owner request; or
- 1556 [(~~iii~~)] (C) the clerk of the county or the clerk or recorder of the municipality in
- 1557 whose applicable area the signer resides, if the request is a registered voter

- 1558 request; or
- 1559 ~~[(b)]~~ (ii) in the case of a petition, the responsible clerk.
- 1560 (b) The time for a signer of a petition for the creation of an infrastructure financing
- 1561 district to withdraw or reinstate the signer's signature is any time before the petition is
- 1562 certified under Section 17B-1-209.
- 1563 (3) (a) A clerk of the county who receives a timely, valid written withdrawal or
- 1564 reinstatement from a signer of a registered voter request or registered voter petition
- 1565 shall use the procedures described in Subsection 20A-1-1003(3) to determine
- 1566 whether to remove or reinstate the individual's signature.
- 1567 (b) If a municipal clerk or recorder receives a timely, valid written withdrawal or
- 1568 reinstatement from a signer of a registered voter request or registered voter petition,
- 1569 the clerk of the municipality's county shall assist the municipal clerk or recorder with
- 1570 determining whether to remove or reinstate the individual's signature using the
- 1571 procedures described in Subsection 20A-1-1003(3).
- 1572 Section 16. Section **17B-1-208** is amended to read:
- 1573 **17B-1-208 . Additional petition requirements and limitations.**
- 1574 (1) (a) Each petition shall:
- 1575 ~~[(a)]~~ (i) be filed with the responsible clerk;
- 1576 ~~[(b)]~~ (ii) separately group signatures by county and municipality, so that all signatures
- 1577 of the owners of real property located within or of registered voters residing
- 1578 within each county whose unincorporated area includes and each municipality
- 1579 whose boundaries include part of the proposed special district are grouped
- 1580 separately; and
- 1581 ~~[(c)]~~ (iii) (A) state the number of members that the board of trustees of the
- 1582 proposed special district will have, consistent with the requirements of
- 1583 Subsection ~~[17B-1-302(4).]~~ 17B-1-302(8); and
- 1584 (B) for a petition proposing the creation of an infrastructure financing district,
- 1585 include the name and address of each of the proposed board members.
- 1586 (b) (i) A petition for the creation of an infrastructure financing district shall state the
- 1587 name of the proposed infrastructure financing district.
- 1588 (ii) The name of an infrastructure financing district shall include the phrase
- 1589 "infrastructure financing district."
- 1590 (c) A petition for the creation of an infrastructure financing district shall be accompanied
- 1591 by a written statement, signed by an engineer licensed under Title 58, Chapter 22,

1592 Professional Engineers and Professional Land Surveyors Licensing Act, certifying  
 1593 that the estimated cost of the public infrastructure and improvements to be  
 1594 constructed in the proposed infrastructure financing district exceeds \$1,000,000.

1595 (2) (a) A petition may not propose the creation of a special district that includes an area  
 1596 located within the unincorporated part of a county or within a municipality if the  
 1597 legislative body of that county or municipality has adopted a resolution under  
 1598 Subsection 17B-1-212(1) indicating that the county or municipality will provide to  
 1599 that area the service proposed to be provided by the proposed special district.

1600 (b) Subsection (2)(a) does not apply if the county or municipal legislative body is  
 1601 considered to have declined to provide the requested service under Subsection  
 1602 17B-1-212(3).

1603 (c) Subsection (2)(a) may not be construed to prevent the filing of a petition that  
 1604 proposes the creation of a special district whose area excludes that part of the  
 1605 unincorporated area of a county or that part of a municipality to which the county or  
 1606 municipality has indicated, in a resolution adopted under Section 17B-1-212, it will  
 1607 provide the requested service.

1608 (3) A petition may not propose the creation of a special district whose area includes:

1609 (a) some or all of an area described in a previously filed petition that, subject to  
 1610 Subsection 17B-1-202(4)(b):

1611 (i) proposes the creation of a special district to provide the same service as proposed  
 1612 by the later filed petition; and

1613 (ii) is still pending at the time the later petition is filed; or

1614 (b) some or all of an area within a political subdivision that provides in that area the  
 1615 same service proposed to be provided by the proposed special district.

1616 (4) A petition may not be filed more than 12 months after a county or municipal legislative  
 1617 body declines to provide the requested service under Subsection 17B-1-212(1) or is  
 1618 considered to have declined to provide the requested service under Subsection 17B-1-212  
 1619 (2) or (3).

1620 Section 17. Section **17B-1-209** is amended to read:

1621 **17B-1-209 . Petition certification -- Amended petition.**

1622 (1) No later than five days after the day on which a petition is filed, the responsible clerk  
 1623 shall mail a copy of the petition to the clerk of each other county and the clerk or  
 1624 recorder of each municipality in which any part of the proposed special district is located.

1625 (2) (a) No later than 35 days after the day on which a petition is filed, the clerk of each

- 1626 county whose unincorporated area includes and the clerk or recorder of each  
 1627 municipality whose boundaries include part of the proposed special district shall:
- 1628 (i) with the assistance of other county or municipal officers from whom the county  
 1629 clerk or municipal clerk or recorder requests assistance, determine, for the clerk or  
 1630 recorder's respective county or municipality, whether the petition complies with  
 1631 the requirements of Subsection 17B-1-203(1)(a), (b), ~~(c), or (d),~~ as the case  
 1632 may be, and Subsections 17B-1-208(2), (3), and (4); and
- 1633 (ii) notify the responsible clerk in writing of the clerk or recorder's determination  
 1634 under Subsection (2)(a)(i).
- 1635 (b) The responsible clerk may rely on the determinations of other county clerks or  
 1636 municipal clerks or recorders under Subsection (2)(a) in making the responsible  
 1637 clerk's determinations and certification or rejection under Subsection (3).
- 1638 (3) (a) Within 45 days after the filing of a petition, the responsible clerk shall~~;~~  
 1639 ~~(i)~~  
 1640 determine whether the petition complies with Subsection 17B-1-203(1)(a), (b), ~~(c),~~  
 1641 ~~or (d),~~ as the case may be, Subsection 17B-1-205(1), and Section 17B-1-208~~;~~  
 1642 ~~and~~ .
- 1643 ~~(ii)~~ (b) ~~(A)~~ (i) ~~if~~ If the responsible clerk determines that the petition complies with  
 1644 the applicable requirements, the responsible clerk shall, within the time specified  
 1645 in Subsection (3)(a):
- 1646 ~~(F)~~ (A) ~~(Aa)~~ certify the petition ~~and~~ as complying with all applicable  
 1647 requirements;
- 1648 (B) deliver the certified petition ~~[to the responsible body]~~ as provided in  
 1649 Subsection (3)(b)(iii); and
- 1650 ~~(Bb)~~ (C) mail or deliver written notification of the certification and a copy of the  
 1651 certified petition to the contact sponsor~~;~~ .
- 1652 ~~(H)~~ (ii) ~~for~~ For each petition described in Subsection ~~[(3)(b)(i);]~~ (3)(d)(i), the  
 1653 responsible clerk shall, within the time specified in Subsection (3)(a), deliver a  
 1654 copy of the petition to the legislative body of each county whose unincorporated  
 1655 area includes and each municipality whose boundaries include any of the  
 1656 proposed basic special district, with a notice indicating that the clerk has  
 1657 determined that the petition complies with all applicable requirements~~;~~ .
- 1658 (iii) (A) Except as provided in Subsection (3)(b)(iii)(B), the responsible clerk shall  
deliver the certified petition to the responsible body.

- 1659            (B) For a petition proposing the creation of an infrastructure financing district, the  
 1660            responsible clerk shall deliver the certified petition to the lieutenant governor.
- 1661            (iv) If the responsible clerk certifies a petition proposing the creation of an  
 1662            infrastructure financing district, the responsible clerk shall, within the time  
 1663            specified in Subsection (3)(a), file with the lieutenant governor, in addition to the  
 1664            certified petition:
- 1665            (A) a copy of a notice of an impending boundary action, as defined in Section  
 1666            67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
- 1667            (B) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.
- 1668            ~~[(B)]~~ (c) [if] If the responsible clerk determines that the petition fails to comply with any  
 1669            of the applicable requirements, the responsible clerk shall reject the petition and  
 1670            notify the contact sponsor in writing of the rejection and the reasons for the rejection.
- 1671            ~~[(b)]~~ (d) (i) A petition for which an election is not required under Subsection  
 1672            17B-1-214(3) and that proposes the creation of a basic special district that has  
 1673            within its boundaries fewer than one residential dwelling unit per 10 acres of land  
 1674            may not be certified without the approval, by resolution, of the legislative body of  
 1675            each county whose unincorporated area includes and each municipality whose  
 1676            boundaries include any of the proposed special district.
- 1677            (ii) Before adopting a resolution giving its approval under Subsection ~~[(3)(b)(i)]~~  
 1678            ~~(3)(d)(i)~~, a county or municipal legislative body may hold one or more public  
 1679            hearings on the petition.
- 1680            (iii) If a petition described in Subsection ~~[(3)(b)(i)]~~ ~~(3)(d)(i)~~ is approved as provided  
 1681            in that subsection, the responsible clerk shall, within 10 days after its approval:
- 1682            (A) certify the petition and deliver the certified petition to the responsible body;  
 1683            and
- 1684            (B) mail or deliver written notification of the certification to the contact sponsor.
- 1685            (4) Except for a petition described in Subsection ~~[(3)(b)(i)]~~ ~~(3)(d)(i)~~, if the responsible clerk  
 1686            fails to certify or reject a petition within 45 days after ~~[its filing]~~ the petition is filed, the  
 1687            petition ~~[shall be]~~ is considered to be certified.
- 1688            (5) (a) If a petition for the creation of an infrastructure financing district is considered to  
 1689            be certified under Subsection (4) and the responsible clerk has failed to comply with  
 1690            the requirements of Subsection (3)(b)(iv), the petition sponsors may notify the  
 1691            lieutenant governor in writing that the petition is considered to be certified.
- 1692            (b) The petition sponsors notification to the lieutenant governor under Subsection (5)(a)

- 1693 shall be accompanied by:
- 1694 (i) the petition proposing the creation of an infrastructure financing district;
- 1695 (ii) a statement indicating the date that the petition was filed and certifying that the
- 1696 responsible clerk failed to certify the petition within the time specified in
- 1697 Subsection (3)(a);
- 1698 (iii) a copy of the engineer's written statement described in Subsection 17B-1-208
- 1699 (1)(c);
- 1700 (iv) a copy of a notice of an impending boundary action, as defined in Section
- 1701 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
- 1702 (v) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.
- 1703 ~~[(5)]~~ (6) The responsible clerk shall certify or reject petitions in the order in which they are
- 1704 filed.
- 1705 ~~[(6)]~~ (7) (a) If the responsible clerk rejects a petition under Subsection ~~[(3)(a)(ii)(B)]~~ (3)(c),
- 1706 the petition may be amended to correct the deficiencies for which it was rejected and
- 1707 then refiled.
- 1708 (b) A valid signature on a petition that was rejected under Subsection ~~[(3)(a)(ii)(B)]~~ (3)(c)
- 1709 may be used toward fulfilling the applicable signature requirement of the petition as
- 1710 amended under Subsection (6)(a).
- 1711 (c) If a petition is amended and refiled under Subsection (6)(a) after having been
- 1712 rejected by the responsible clerk under Subsection ~~[(3)(a)(ii)(B)]~~ (3)(c), the amended
- 1713 petition shall be considered as newly filed, and its processing priority shall be
- 1714 determined by the date on which it is refiled.
- 1715 ~~[(7)]~~ (8) The responsible clerk and each county clerk and municipal clerk or recorder shall:
- 1716 (a) act in good faith in making the determinations under this section; and
- 1717 (b) with the assistance of the county clerk if necessary, and as applicable, use the
- 1718 procedures described in Section 20A-1-1002 to determine whether a signer is a
- 1719 registered voter.

1720 Section 18. Section **17B-1-210** is amended to read:

1721 **17B-1-210 . Public hearing.**

- 1722 (1) The legislative body of each county and municipality with which a request is filed or
- 1723 that adopts a resolution under Subsection ~~[17B-1-203(1)(d)]~~ 17B-1-203(1)(e) and the
- 1724 board of trustees of each special district that adopts a resolution under Subsection [
- 1725 ~~17B-1-203(1)(e)]~~ 17B-1-203(1)(f) shall hold a public hearing or a set of public hearings,
- 1726 sufficient in number and location to ensure that no substantial group of residents of the

- 1727 proposed special district need travel an unreasonable distance to attend a public hearing.
- 1728 (2) Each public hearing under Subsection (1) shall be held:
- 1729 (a) no later than 45 days after:
- 1730 (i) for a public hearing on a request, certification of a request under Subsection
- 1731 17B-1-206(1)(b)(i); or
- 1732 (ii) for a public hearing on a resolution, adoption of a resolution under Subsection [
- 1733 ~~17B-1-203(1)(d) or (e)~~ 17B-1-203(1)(e) or (f);
- 1734 (b) within the proposed special district;
- 1735 (c) except as provided in Subsections (6) and (7), within the applicable area; and
- 1736 (d) for the purpose of:
- 1737 (i) for a public hearing on a request, allowing public input on:
- 1738 (A) whether the requested service is needed in the area of the proposed special
- 1739 district;
- 1740 (B) whether the service should be provided by the county or municipality or the
- 1741 proposed special district; and
- 1742 (C) all other matters relating to the request or the proposed special district; or
- 1743 (ii) for a public hearing on a resolution, allowing the public to ask questions of and
- 1744 obtain further information from the governing body holding the hearing regarding
- 1745 the issues contained in or raised by the resolution.
- 1746 (3) A quorum of each governing body holding a public hearing under this section shall be
- 1747 present throughout each hearing held by that governing body.
- 1748 (4) Each hearing under this section shall be held on a weekday evening other than a holiday
- 1749 beginning no earlier than 6 p.m.
- 1750 (5) At the beginning and end of each hearing concerning a resolution, the governing body
- 1751 shall announce the deadline for filing protests and generally explain the protest
- 1752 procedure and requirements.
- 1753 (6) Two or more county or municipal legislative bodies may jointly hold a hearing or set of
- 1754 hearings required under this section if all the requirements of this section, other than the
- 1755 requirements of Subsection (2)(c), are met as to each hearing.
- 1756 (7) Notwithstanding Subsection (2)(c), a governing body may hold a public hearing or set
- 1757 of public hearings outside the applicable area if:
- 1758 (a) there is no reasonable place to hold a public hearing within the applicable area; and
- 1759 (b) the public hearing or set of public hearings is held as close to the applicable area as
- 1760 reasonably possible.

1761 Section 19. Section **17B-1-211** is amended to read:

1762 **17B-1-211 . Notice of public hearings -- Publication of resolution.**

1763 (1) Before holding a public hearing or set of public hearings under Section 17B-1-210, the  
1764 legislative body of each county or municipality with which a request is filed or that  
1765 adopts a resolution under Subsection [~~17B-1-203(1)(d)~~] 17B-1-203(1)(e) and the board  
1766 of trustees of each special district that adopts a resolution under Subsection [~~17B-1-203~~  
1767 ~~(1)(e)~~] 17B-1-203(1)(f) shall publish notice for the proposed special district, as a class B  
1768 notice under Section 63G-30-102, for at least two weeks before the day of the hearing or  
1769 the day of the first of the set of hearings.

1770 (2) Each notice required under Subsection (1) shall:

1771 (a) if the hearing or set of hearings is concerning a resolution:

1772 (i) contain the entire text or an accurate summary of the resolution; and

1773 (ii) state the deadline for filing a protest against the creation of the proposed special  
1774 district;

1775 (b) clearly identify each governing body involved in the hearing or set of hearings;

1776 (c) state the date, time, and place for the hearing or set of hearings and the purposes for  
1777 the hearing or set of hearings; and

1778 (d) describe or include a map of the entire proposed special district.

1779 (3) County or municipal legislative bodies may jointly provide the notice required under  
1780 this section if all the requirements of this section are met as to each notice.

1781 Section 20. Section **17B-1-213** is amended to read:

1782 **17B-1-213 . Protest after adoption of resolution -- Adoption of resolution**  
1783 **approving creation for certain districts.**

1784 (1) For purposes of this section, "adequate protests" means protests that are:

1785 (a) filed with the county clerk, municipal clerk or recorder, or special district secretary  
1786 or clerk, as the case may be, within 60 days after the last public hearing required  
1787 under Section 17B-1-210; and

1788 (b) signed by:

1789 (i) the owners of private real property that:

1790 (A) is located within the proposed special district;

1791 (B) covers at least 25% of the total private land area within the applicable area; and

1792 (C) is equal in value to at least 15% of the value of all private real property within  
1793 the applicable area; or

1794 (ii) registered voters residing within the applicable area equal in number to at least

- 1795 25% of the number of votes cast in the applicable area for the office of president  
1796 of the United States at the most recent election prior to the adoption of the  
1797 resolution.
- 1798 (2) An owner may withdraw a protest at any time before the expiration of the 60-day period  
1799 described in Subsection (1)(a).
- 1800 (3) If adequate protests are filed, the governing body that adopted a resolution under  
1801 Subsection [~~17B-1-203(1)(d) or (e)~~] 17B-1-203(1)(e) or (f):
- 1802 (a) may not:
- 1803 (i) hold or participate in an election under Subsection 17B-1-214(1) with respect to  
1804 the applicable area;
- 1805 (ii) take any further action under the protested resolution to create a special district or  
1806 include the applicable area in a special district; or
- 1807 (iii) for a period of two years, adopt a resolution under Subsection [~~17B-1-203(1)(d)~~  
1808 ~~or (e)~~] 17B-1-203(1)(e) or (f) proposing the creation of a special district including  
1809 substantially the same area as the applicable area and providing the same service  
1810 as the proposed special district in the protested resolution; and
- 1811 (b) shall, within five days after receiving adequate protests, mail or deliver written  
1812 notification of the adequate protests to the responsible body.
- 1813 (4) Subsection (3)(a) may not be construed to prevent an election from being held for a  
1814 proposed special district whose boundaries do not include an applicable area that is the  
1815 subject of adequate protests.
- 1816 (5) (a) If adequate protests are not filed with respect to a resolution proposing the  
1817 creation of a special district for which an election is not required under Subsection  
1818 17B-1-214(3)(d), (e), (f), or (g), a resolution approving the creation of the special  
1819 district shall be adopted by:
- 1820 (i) (A) the legislative body of a county whose unincorporated area is included  
1821 within the proposed special district; and
- 1822 (B) the legislative body of a municipality whose area is included within the  
1823 proposed special district; or
- 1824 (ii) the board of trustees of the initiating special district.
- 1825 (b) Each resolution adopted under Subsection (5)(a) shall:
- 1826 (i) describe the area included in the special district;
- 1827 (ii) be accompanied by a map that shows the boundaries of the special district;
- 1828 (iii) describe the service to be provided by the special district;

- 1829 (iv) state the name of the special district; and  
1830 (v) provide a process for the appointment of the members of the initial board of  
1831 trustees.
- 1832 Section 21. Section **17B-1-214** is amended to read:  
1833 **17B-1-214 . Election -- Exceptions.**
- 1834 (1) (a) Except as provided in Subsection (3) and in Subsection 17B-1-213(3)(a), an  
1835 election on the question of whether the special district should be created shall be held  
1836 by:
- 1837 (i) if the proposed special district is located entirely within a single county, the  
1838 responsible clerk; or  
1839 (ii) except as provided under Subsection (1)(b), if the proposed special district is  
1840 located within more than one county, the clerk of each county in which part of the  
1841 proposed special district is located, in cooperation with the responsible clerk.
- 1842 (b) Notwithstanding Subsection (1)(a)(ii), if the proposed special district is located  
1843 within more than one county and the only area of a county that is included within the  
1844 proposed special district is located within a single municipality, the election for that  
1845 area shall be held by the municipal clerk or recorder, in cooperation with the  
1846 responsible clerk.
- 1847 (2) Each election under Subsection (1) shall be held at the next special or regular general  
1848 election date that is:
- 1849 (a) for an election pursuant to a property owner or registered voter petition, more than 45  
1850 days after certification of the petition under [~~Subsection 17B-1-209(3)(a)~~] Subsections  
1851 17B-1-209(3)(a), (b), and (c); or  
1852 (b) for an election pursuant to a resolution, more than 60 days after the latest hearing  
1853 required under Section 17B-1-210.
- 1854 (3) The election requirement of Subsection (1) does not apply to:
- 1855 (a) a petition filed under Subsection 17B-1-203(1)(a) if it contains the signatures of the  
1856 owners of private real property that:
- 1857 (i) is located within the proposed special district;  
1858 (ii) covers at least 67% of the total private land area within the proposed special  
1859 district as a whole and within each applicable area; and  
1860 (iii) is equal in value to at least 50% of the value of all private real property within  
1861 the proposed special district as a whole and within each applicable area;
- 1862 (b) a petition filed under Subsection 17B-1-203(1)(b) if it contains the signatures of

- 1863 registered voters residing within the proposed special district as a whole and within  
 1864 each applicable area, equal in number to at least 67% of the number of votes cast in  
 1865 the proposed special district as a whole and in each applicable area, respectively, for  
 1866 the office of governor at the last general election prior to the filing of the petition;
- 1867 (c) a groundwater right owner petition filed under Subsection 17B-1-203(1)(c) if the  
 1868 petition contains the signatures of the owners of groundwater rights that:
- 1869 (i) are diverted within the proposed special district; and  
 1870 (ii) cover at least 67% of the total amount of groundwater diverted in accordance  
 1871 with groundwater rights within the proposed special district as a whole and within  
 1872 each applicable area;
- 1873 (d) a resolution adopted under Subsection [~~17B-1-203(1)(d)~~] 17B-1-203(1)(e) on or after  
 1874 May 5, 2003, that proposes the creation of a special district to provide fire protection,  
 1875 paramedic, and emergency services or law enforcement service, if the proposed  
 1876 special district:
- 1877 (i) includes the unincorporated area, whether in whole or in part, of one or more  
 1878 counties; or  
 1879 (ii) consists of an area that:
- 1880 (A) has a boundary that is the same as the boundary of the municipality whose  
 1881 legislative body adopts the resolution proposing the creation of the special  
 1882 district;
- 1883 (B) previously received fire protection, paramedic, and emergency services or law  
 1884 enforcement service from another special district; and  
 1885 (C) may be withdrawn from the other special district under Section 17B-1-505  
 1886 without an election because the withdrawal is pursuant to an agreement under  
 1887 Subsection 17B-1-505(5)(a)(ii)(A) or (5)(b);
- 1888 (e) a resolution adopted under Subsection [~~17B-1-203(1)(d) or (e)~~] 17B-1-203(1)(e) or (f)  
 1889 if the resolution proposes the creation of a special district that has no registered  
 1890 voters within its boundaries;
- 1891 (f) a resolution adopted under Subsection [~~17B-1-203(1)(d)~~] 17B-1-203(1)(e) on or after  
 1892 May 11, 2010, that proposes the creation of a special district described in Subsection  
 1893 17B-1-202(1)(a)(xiii); [~~or~~]
- 1894 (g) a resolution adopted under Section 17B-2a-1105 to create a municipal services  
 1895 district; or
- 1896 (h) a petition for the creation of an infrastructure financing district.

- 1897 (4) (a) If the proposed special district is located in more than one county, the responsible  
 1898 clerk shall coordinate with the clerk of each other county and the clerk or recorder of  
 1899 each municipality involved in an election under Subsection (1) so that the election is  
 1900 held on the same date and in a consistent manner in each jurisdiction.
- 1901 (b) The clerk of each county and the clerk or recorder of each municipality involved in  
 1902 an election under Subsection (1) shall cooperate with the responsible clerk in holding  
 1903 the election.
- 1904 (c) Except as otherwise provided in this part, each election under Subsection (1) shall be  
 1905 governed by Title 20A, Election Code.

1906 Section 22. Section **17B-1-215** is amended to read:

1907 **17B-1-215 . Notice and plat to lieutenant governor -- Recording requirements --**  
 1908 **Certificate of incorporation -- Special district incorporated as specialized special**  
 1909 **district or basic special district -- Effective date.**

- 1910 (1) (a) Within the time specified in Subsection (1)(b) and except as provided in Section  
 1911 17B-1-209 for a petition proposing the creation of an infrastructure financing district,  
 1912 the responsible body shall file with the lieutenant governor:
- 1913 (i) if applicable, a copy of the petition certified, under Section 17B-1-209, as  
 1914 complying with all applicable requirements;
- 1915 [(+) (ii) a copy of a notice of an impending boundary action, as defined in Section  
 1916 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
- 1917 [(+)] (iii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.
- 1918 (b) The responsible body shall file the documents listed in Subsection (1)(a) with the  
 1919 lieutenant governor within 10 days after:
- 1920 (i) the canvass of an election under Section 17B-1-214, if a majority of those voting  
 1921 at the election within the proposed special district as a whole vote in favor of the  
 1922 creation of a special district;
- 1923 (ii) certification of a petition as to which the election requirement of Subsection  
 1924 17B-1-214(1) does not apply because of Subsection 17B-1-214(3)(a), (b), ~~(c)~~ (c),  
 1925 or (h); or
- 1926 (iii) adoption of a resolution, under Subsection 17B-1-213(5) approving the creation  
 1927 of a special district for which an election was not required under Subsection  
 1928 17B-1-214(3)(d), (e), (f), or (g) by the legislative body of each county whose  
 1929 unincorporated area is included within and the legislative body of each  
 1930 municipality whose area is included within the proposed special district, or by the

- 1931 board of trustees of the initiating special district.
- 1932 (2) Upon the lieutenant governor's issuance of a certificate of incorporation under Section  
 1933 67-1a-6.5, the responsible body shall:
- 1934 (a) if the special district is located within the boundary of a single county, submit to the  
 1935 recorder of that county:
- 1936 (i) the original:
- 1937 (A) notice of an impending boundary action;
- 1938 (B) certificate of incorporation; and
- 1939 (C) approved final local entity plat; and
- 1940 (ii) if applicable, a certified copy of each resolution adopted under Subsection  
 1941 17B-1-213(5); or
- 1942 (b) if the special district is located within the boundaries of more than a single county:
- 1943 (i) submit to the recorder of one of those counties:
- 1944 (A) the original of the documents listed in Subsections (2)(a)(i)(A), (B), and (C);  
 1945 and
- 1946 (B) if applicable, a certified copy of each resolution adopted under Subsection  
 1947 17B-1-213(5); and
- 1948 (ii) submit to the recorder of each other county:
- 1949 (A) a certified copy of the documents listed in Subsection (2)(a)(i)(A), (B), and  
 1950 (C); and
- 1951 (B) if applicable, a certified copy of each resolution adopted under Subsection  
 1952 17B-1-213(5).
- 1953 (3) The area of each special district consists of:
- 1954 (a) if an election was held under Section 17B-1-214, the area of the new special district  
 1955 as approved at the election;
- 1956 (b) if an election was not required because of Subsection 17B-1-214(3)(a), (b),~~(c)~~,  
 1957 or (h), the area of the proposed special district as described in the petition; or
- 1958 (c) if an election was not required because of Subsection 17B-1-214(3)(d), (e), (f), or  
 1959 (g), the area of the new special district as described in the resolution adopted under  
 1960 Subsection 17B-1-213(5).
- 1961 (4) (a) Upon the lieutenant governor's issuance of the certificate of incorporation under  
 1962 Section 67-1a-6.5, the special district is created and incorporated as:
- 1963 (i) the type of specialized special district that was specified in the petition under  
 1964 Subsection 17B-1-203(1)(a), (b),~~(c)~~, or (d) or resolution under Subsection [

- 1965            ~~17B-1-203(1)(d) or (e)]~~ 17B-1-203(1)(e) or (f), if the petition or resolution  
 1966            proposed the creation of a specialized special district; or  
 1967            (ii) a basic special district, if the petition or resolution did not propose the creation of  
 1968            a specialized special district.  
 1969            (b) (i) The effective date of a special district's incorporation for purposes of assessing  
 1970            property within the special district is governed by Section 59-2-305.5.  
 1971            (ii) Until the documents listed in Subsection (2) are recorded in the office of the  
 1972            recorder of each county in which the property is located, a newly incorporated  
 1973            special district may not:  
 1974            (A) levy or collect a property tax on property within the special district;  
 1975            (B) levy or collect an assessment on property within the special district; ~~[or]~~  
 1976            (C) charge or collect a fee for service provided to property within the special  
 1977            district~~[-]~~ ; or  
 1978            (D) issue bonds.

1979            Section 23. Section **17B-1-216** is amended to read:

1980            **17B-1-216 . Costs and expenses of creating a special district.**

- 1981            (1) (a) Except as provided in Subsection (2) and subject to Subsection (1)(b), each  
 1982            county whose unincorporated area includes and each municipality whose boundaries  
 1983            include some or all of the proposed special district shall bear their respective costs  
 1984            and expenses associated with the procedure under this part for creating a special  
 1985            district.  
 1986            ~~[(2)]~~ (b) Within a year after its creation, each special district shall reimburse the costs and  
 1987            expenses associated with the preparation, certification, and recording of the approved  
 1988            final local entity plat of the special district and accompanying documents under  
 1989            Section 17B-1-215.  
 1990            (2) (a) Subject to Subsection (2)(b), the sponsors of a petition for the creation of an  
 1991            infrastructure financing district shall bear the costs and expenses associated with the  
 1992            procedure under this part for creating the infrastructure financing district.  
 1993            (b) An infrastructure financing district may reimburse petition sponsors the costs and  
 1994            expenses the petition sponsors paid under Subsection (2)(a).

1995            Section 24. Section **17B-1-219** is enacted to read:

1996            **17B-1-219 . Provisions not applicable to the creation of an infrastructure**  
 1997            **financing district.**

1998            Sections 17B-1-210, 17B-1-211, 17B-1-212 and, 17B-1-213 do not apply to the

1999 proposed creation of an infrastructure financing district.

2000 Section 25. Section **17B-1-302** is amended to read:

2001 **17B-1-302 . Board member qualifications -- Number of board members.**

2002 (1) Except as provided in Section 17B-2a-905, each member of a special district board of  
2003 trustees shall be:

2004 (a) a registered voter at the location of the member's residence; and

2005 (b) except as otherwise provided in Subsection (2)~~[-or]~~ , (3), or (4), a resident within:

2006 (i) the boundaries of the special district; and

2007 (ii) if applicable, the boundaries of the division of the special district from which the  
2008 member is elected or appointed.

2009 (2) (a) As used in this Subsection (2):

2010 (i) "Proportional number" means the number of members of a board of trustees that  
2011 bears, as close as mathematically possible, the same proportion to all members of  
2012 the board that the number of seasonally occupied homes bears to all residences  
2013 within the district that receive service from the district.

2014 (ii) "Seasonally occupied home" means a single-family residence:

2015 (A) that is located within the special district;

2016 (B) that receives service from the special district; and

2017 (C) whose owner occupies the residence on a temporary or seasonal basis, rather  
2018 than as the principal place of residence as defined in Section 20A-2-105.

2019 (b) If over 50% of the residences within a special district that receive service from the  
2020 special district are seasonally occupied homes, the requirement under Subsection  
2021 (1)(b) is replaced, for a proportional number of members of the board of trustees,  
2022 with the requirement that the member be an owner of land, or an agent or officer of  
2023 the owner of land:

2024 (i) that receives, or intends to receive, service from the district; and

2025 (ii) that is located within the special district and, if applicable, the division from  
2026 which the member is elected.

2027 (3) (a) ~~[For]~~ Subsection (3)(b) applies to a board of trustees member in[-] :

2028 (i) a basic special district~~[-or in-]~~ ;

2029 (ii) any other type of special district that is located solely within a county of the  
2030 fourth, fifth, or sixth class, that has within the district's boundaries fewer than one  
2031 residential dwelling unit per 10 acres of land~~[-]~~ ; or

2032 (iii) an infrastructure financing district.

- 2033 (b) For a board of trustees member in a special district listed in Subsection (3)(a), the  
 2034 board of trustees may replace the requirement under Subsection (1)(b) [~~may be~~  
 2035 replaced by] with the requirement that the member be:
- 2036 (i) a resident within the boundaries of the special district; or  
 2037 (ii) an owner of land, or an agent or officer of the owner of land, that:
- 2038 (A) is located within the special district [~~that~~] ; and  
 2039 (B) receives, or [~~intends~~] is expected to receive, service from the district.
- 2040 (4) A board member of an infrastructure financing district is not required to be a resident  
 2041 within the boundary of the infrastructure financing district if:
- 2042 (a) all owners of surface property within the district waive the residency requirement;  
 2043 (b) the district boundary does not include any residents; or  
 2044 (c) (i) in the case of an appointed board position, no qualified individual timely files  
 2045 to be considered for appointment to the board; or  
 2046 (ii) in the case of an elected board position, no qualified individual files a declaration  
 2047 of candidacy for the board position under Subsection 17B-1-306(5).
- 2048 [~~(b)~~] (5) A member of the board of trustees of a service area described in Subsection  
 2049 17B-2a-905(2)(a) or (3)(a), who is an elected official of the county appointing the  
 2050 individual, is not subject to the requirements described in Subsection (1)(b) if the elected  
 2051 official was elected at large by the voters of the county.
- 2052 [~~(e)~~] (6) Notwithstanding Subsection (1)(b) and except as provided in Subsection [~~(3)(d)~~] (7),  
 2053 the county legislative body may appoint to the special district board one of the county  
 2054 legislative body's own members, regardless of whether the member resides within the  
 2055 boundaries described in Subsection (1)(b), if:
- 2056 [~~(f)~~] (a) the county legislative body satisfies the procedures to fill a vacancy described in:  
 2057 [~~(A)~~] (i) for the appointment of a new board member, Subsections 17B-1-304(2) and  
 2058 (3); or  
 2059 [~~(B)~~] (ii) for an appointment to fill a midterm vacancy, Subsection 20A-1-512  
 2060 (1)(a)(ii) or Subsection 20A-1-512(2);
- 2061 [~~(g)~~] (b) fewer qualified candidates timely file to be considered for appointment to the  
 2062 special district board than are necessary to fill the board;
- 2063 [~~(h)~~] (c) the county legislative body appoints each of the qualified candidates who  
 2064 timely filed to be considered for appointment to the board; and
- 2065 [~~(i)~~] (d) the county legislative body appoints a member of the body to the special district  
 2066 board, in accordance with Subsection 17B-1-304(6) or Subsection 20A-1-512(1)(c),

2067 who was:

2068 [~~(A)~~] (i) elected at large by the voters of the county;

2069 [~~(B)~~] (ii) elected from a division of the county that includes more than 50% of the

2070 geographic area of the special district; or

2071 [~~(C)~~] (iii) if the special district is divided into divisions under Section 17B-1-306.5,

2072 elected from a division of the county that includes more than 50% of the

2073 geographic area of the division of the special district in which there is a board

2074 vacancy.

2075 [~~(4)~~] (7) If it is necessary to reconstitute the board of trustees of a special district located

2076 solely within a county of the fourth, fifth, or sixth class because the term of a majority of

2077 the members of the board has expired without new trustees having been elected or

2078 appointed as required by law, even if sufficient qualified candidates timely file to be

2079 considered for a vacancy on the board, the county legislative body may appoint to the

2080 special district board no more than one of the county legislative body's own members

2081 who does not satisfy the requirements of Subsection (1).

2082 [~~(4)~~] (8) (a) Except as otherwise provided by statute, the number of members of each

2083 board of trustees of a special district that has nine or fewer members shall have an

2084 odd number of members that is no fewer than three.

2085 (b) If a board of trustees of a special district has more than nine members, the number of

2086 members may be odd or even.

2087 [~~(5)~~] (9) For a newly created special district, the number of members of the initial board of

2088 trustees shall be the number specified:

2089 (a) for a special district whose creation was initiated by a petition under Subsection

2090 17B-1-203(1)(a), (b), [~~or~~] (c), or (d), in the petition; or

2091 (b) for a special district whose creation was initiated by a resolution under Subsection [

2092 ~~17B-1-203(1)(d) or (e)] 17B-1-203(1)(e) or (f), in the resolution.~~

2093 [~~(6)~~] (10) (a) For an existing special district, the number of members of the board of

2094 trustees may be changed by a two-thirds vote of the board of trustees.

2095 (b) No change in the number of members of a board of trustees under Subsection [~~(6)~~](a)

2096 (10)(a) may:

2097 (i) violate Subsection [~~(4)~~] (8); or

2098 (ii) serve to shorten the term of any member of the board.

2099 Section 26. Section **17B-1-303** is amended to read:

2100 **17B-1-303 . Term of board of trustees members -- Oath of office -- Bond -- Notice**

2101 **of board member contact information.**

- 2102 (1) (a) Except as provided in Subsections (1)(b), (c), (d), and (e), the term of each  
2103 member of a board of trustees begins at noon on the January 1 following the  
2104 member's election or appointment.
- 2105 (b) The term of each member of the initial board of trustees of a newly created special  
2106 district begins:
- 2107 (i) upon appointment, for an appointed member; and  
2108 (ii) upon the member taking the oath of office after the canvass of the election at  
2109 which the member is elected, for an elected member.
- 2110 (c) The term of each water conservancy district board member whom the governor  
2111 appoints in accordance with Subsection 17B-2a-1005(2)(c):
- 2112 (i) begins on the later of the following:
- 2113 (A) the date on which the Senate consents to the appointment; or  
2114 (B) the expiration date of the prior term; and
- 2115 (ii) ends on the February 1 that is approximately four years after the date described in  
2116 Subsection (1)(c)(i)(A) or (B).
- 2117 (d) The term of a member of a board of trustees whom an appointing authority appoints  
2118 in accordance with Subsection (5)(b) begins upon the member taking the oath of  
2119 office.
- 2120 (e) If the member of the board of trustees fails to assume or qualify for office on January  
2121 1 for any reason, the term begins on the date the member assumes or qualifies for  
2122 office.
- 2123 (2) (a) (i) Except as provided in Subsection (8), and subject to Subsections (2)(a)(ii)  
2124 and (iii), the term of each member of a board of trustees is four years, except that:
- 2125 (A) approximately half the members of the initial board of trustees of an  
2126 infrastructure financing district, as designated in the governing document, shall  
2127 serve a six-year term so that the term of approximately half the board members  
2128 expires every two years; and
- 2129 (B) for any other special district, approximately half the members of the initial  
2130 board of trustees, chosen by lot, shall serve a two-year term so that the term of  
2131 approximately half the board members expires every two years.
- 2132 (ii) If the terms of members of the initial board of trustees of a newly created special  
2133 district do not begin on January 1 because of application of Subsection (1)(b), the  
2134 terms of those members shall be adjusted as necessary, subject to Subsection

- 2135 (2)(a)(iii), to result in the terms of their successors complying with:
- 2136 (A) the requirement under Subsection (1)(a) for a term to begin on January 1
- 2137 following a member's election or appointment; and
- 2138 (B) the requirement under Subsection (2)(a)(i) that terms be four years.
- 2139 (iii) If the term of a member of a board of trustees does not begin on January 1
- 2140 because of the application of Subsection (1)(e), the term is shortened as necessary
- 2141 to result in the term complying with the requirement under Subsection (1)(a) that
- 2142 the successor member's term, regardless of whether the incumbent is the
- 2143 successor, begins at noon on January 1 following the successor member's election
- 2144 or appointment.
- 2145 (iv) An adjustment under Subsection (2)(a)(ii) may not add more than a year to or
- 2146 subtract more than a year from a member's term.
- 2147 (b) Each board of trustees member shall serve until a successor is duly elected or
- 2148 appointed and qualified, unless the member earlier is removed from office or resigns
- 2149 or otherwise leaves office.
- 2150 (c) If a member of a board of trustees no longer meets the qualifications of Subsection
- 2151 17B-1-302(1), (2), ~~or~~ (3), (4), (5), (6), or (7), or if the member's term expires
- 2152 without a duly elected or appointed successor:
- 2153 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and
- 2154 (ii) the member may continue to serve until a successor is duly elected or appointed
- 2155 and qualified.
- 2156 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees shall
- 2157 take the oath of office specified in Utah Constitution, Article IV,
- 2158 Section 10.
- 2159 (ii) A judge, county clerk, notary public, or the special district clerk may administer
- 2160 an oath of office.
- 2161 (b) The member of the board of trustees taking the oath of office shall file the oath of
- 2162 office with the clerk of the special district.
- 2163 (c) The failure of a board of trustees member to take the oath under Subsection (3)(a)
- 2164 does not invalidate any official act of that member.
- 2165 (4) A board of trustees member may serve any number of terms.
- 2166 (5) (a) Except as provided in Subsection (6), each midterm vacancy in a board of
- 2167 trustees position is filled in accordance with Section 20A-1-512.
- 2168 (b) When the number of members of a board of trustees increases in accordance with

- 2169 Subsection [~~17B-1-302(6)~~] 17B-1-302(10), the appointing authority may appoint an  
2170 individual to fill a new board of trustees position in accordance with Section  
2171 17B-1-304 or 20A-1-512.
- 2172 (6) (a) As used in this Subsection (6):
- 2173 (i) "Appointed official" means a person who:
- 2174 (A) is appointed as a member of a special district board of trustees by a county or  
2175 municipality that is entitled to appoint a member to the board; and  
2176 (B) holds an elected position with the appointing county or municipality.
- 2177 (ii) "Appointing entity" means the county or municipality that appointed the  
2178 appointed official to the board of trustees.
- 2179 (b) The board of trustees shall declare a midterm vacancy for the board position held by  
2180 an appointed official if:
- 2181 (i) during the appointed official's term on the board of trustees, the appointed official  
2182 ceases to hold the elected position with the appointing entity; and  
2183 (ii) the appointing entity submits a written request to the board to declare the vacancy.
- 2184 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the  
2185 appointing entity shall appoint another person to fill the remaining unexpired term on  
2186 the board of trustees.
- 2187 (7) (a) A member of a board of trustees shall obtain a fidelity bond or obtain theft or  
2188 crime insurance for the faithful performance of the member's duties, in the amount  
2189 and with the sureties or with an insurance company that the board of trustees  
2190 prescribes.
- 2191 (b) The special district:
- 2192 (i) may assist the board of trustees in obtaining a fidelity bond or obtaining theft or  
2193 crime insurance as a group or for members individually; and  
2194 (ii) shall pay the cost of each fidelity bond or insurance coverage required under this  
2195 Subsection (7).
- 2196 (8) (a) The lieutenant governor may extend the term of an elected district board member  
2197 by one year in order to compensate for a change in the election year under Subsection  
2198 17B-1-306(14).
- 2199 (b) When the number of members of a board of trustees increases in accordance with  
2200 Subsection [~~17B-1-302(6)~~] 17B-1-302(10), to ensure that the term of approximately  
2201 half of the board members expires every two years in accordance with Subsection  
2202 (2)(a):

2203 (i) the board shall set shorter terms for approximately half of the new board members,  
2204 chosen by lot; and

2205 (ii) the initial term of a new board member position may be less than two or four  
2206 years.

2207 (9) (a) A special district shall:

2208 (i) post on the Utah Public Notice Website created in Section 63A-16-601 the name,  
2209 phone number, and email address of each member of the special district's board of  
2210 trustees;

2211 (ii) update the information described in Subsection (9)(a)(i) when:

2212 (A) the membership of the board of trustees changes; or

2213 (B) a member of the board of trustees' phone number or email address changes;

2214 and

2215 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the date  
2216 on which the change requiring the update occurs.

2217 (b) This Subsection (9) applies regardless of whether the county or municipal legislative  
2218 body also serves as the board of trustees of the special district.

2219 Section 27. Section **17B-1-306.5** is amended to read:

2220 **17B-1-306.5 . Dividing a special district into divisions.**

2221 (1) Subject to Subsection (3), the board of trustees of a special district that has elected  
2222 board members may, upon a vote of two-thirds of the members of the board, divide the  
2223 special district, or the portion of the special district represented by elected board of  
2224 trustees members, into divisions so that some or all of the elected members of the board  
2225 of trustees may be elected by division rather than at large.

2226 (2) Subject to Subsection (3), the appointing authority of a special district that has  
2227 appointed board members may, upon a vote of two-thirds of the members of the  
2228 appointing authority, divide the special district, or the portion of the special district  
2229 represented by appointed board members, into divisions so that some or all of the  
2230 appointed members of the board of trustees may be appointed by division rather than at  
2231 large.

2232 (3) Before dividing a special district into divisions or before changing the boundaries of  
2233 divisions already established, the board of trustees under Subsection (1), or the  
2234 appointing authority, under Subsection (2), shall:

2235 (a) prepare a proposal that describes the boundaries of the proposed divisions; and

2236 (b) hold a public hearing at which any interested person may appear and speak for or

- 2237 against the proposal.
- 2238 (4) (a) The board of trustees or the appointing authority shall review the division  
2239 boundaries at least every 10 years.
- 2240 (b) Except for changes in the divisions necessitated by annexations to or withdrawals  
2241 from the special district, the boundaries of divisions established under Subsection (1)  
2242 or (2) may not be changed more often than every five years.
- 2243 (c) Changes to the boundaries of divisions already established under Subsection (1) or  
2244 (2) are not subject to the two-thirds vote requirement of Subsection (1) or (2).
- 2245 (5) (a) Notwithstanding Subsections (1) through (4), after the creation of an  
2246 infrastructure financing district the board of trustees may divide the infrastructure  
2247 financing district into divisions, as provided in the petition to create the infrastructure  
2248 financing district under Subsection 17B-1-205(1)(m), so that some or all board  
2249 members represent a division rather than the district at large.
- 2250 (b) No more frequently than every four years, the board of an infrastructure financing  
2251 district may modify division boundaries to ensure that each division has as nearly as  
2252 possible the same number of registered voters.
- 2253 (c) In dividing an infrastructure financing district into divisions or in modifying division  
2254 boundaries, the board shall consider the anticipated future number of registered  
2255 voters within divisions based on proposed development within the divisions.
- 2256 Section 28. Section **17B-1-403** is amended to read:
- 2257 **17B-1-403 . Initiation of annexation process -- Petition and resolution.**
- 2258 (1) Except as provided in Sections 17B-1-415, 17B-1-416, and 17B-1-417, the process to  
2259 annex an area to a special district may be initiated by~~[:]~~ a petition, as provided in  
2260 Subsection (2), or a resolution, as provided in Subsection (3).
- 2261 (2) (a) ~~[(i) for]~~ For a district whose board of trustees is elected by electors based on  
2262 the acre-feet of water allotted to the land owned by the elector and subject to  
2263 Subsection ~~[(2)]~~ (4), the process to annex an area to the special district is initiated  
2264 by a petition signed by the owners of all of the acre-feet of water allotted to the  
2265 land proposed for annexation~~[:or]~~ .
- 2266 (b) For an infrastructure financing district, the process to annex an area to the  
2267 infrastructure financing district is initiated by a petition signed by 100% of the  
2268 owners of all surface property within the area proposed for annexation that is within  
2269 the designated expansion area, as defined in Section 17B-2a-1301.
- 2270 ~~[(ii)]~~ (c) ~~[for]~~ For all other districts, the process to annex an area to the special district

2271 may be initiated by[:]  
 2272 [(A)] a petition signed by:

2273 [(H)] (i) the owners of private real property that:  
 2274 [(Aa)] (A) is located within the area proposed to be annexed;  
 2275 [(Bb)] (B) covers at least 10% of the total private land area within the entire area  
 2276 proposed to be annexed and within each applicable area; and  
 2277 [(Ce)] (C) is equal in assessed value to at least 10% of the assessed value of all  
 2278 private real property within the entire area proposed to be annexed and within  
 2279 each applicable area; [or]  
 2280 [(H)] (ii) the owner of all the publicly owned real property, if all the real property  
 2281 within the area proposed for annexation is owned by a public entity other than the  
 2282 federal government; or  
 2283 [(B)] (iii) ~~a petition signed by~~ registered voters residing within the entire area  
 2284 proposed to be annexed and within each applicable area equal in number to at  
 2285 least 10% of the number of votes cast within the entire area proposed to be  
 2286 annexed and within each applicable area, respectively, for the office of governor  
 2287 at the last regular general election before the filing of the petition[:].

2287 [(b)] (3) The process to annex an area to a special district may be initiated by:  
 2288 (a) a resolution adopted by the legislative body of each county whose unincorporated  
 2289 area includes and each municipality whose boundaries include any of the area  
 2290 proposed to be annexed; or  
 2291 [(e)] (b) a resolution adopted by the board of trustees of the proposed annexing special  
 2292 district if, for at least 12 consecutive months immediately preceding adoption of the  
 2293 resolution, the special district has provided:  
 2294 (i) retail service to the area; or  
 2295 (ii) a wholesale service to a provider of the same service that has provided that  
 2296 service on a retail basis to the area.

2297 [(2)] (4) If an association representing all acre-feet of water allotted to the land that is  
 2298 proposed to be annexed to a special district signs a petition under Subsection [(1)(a)(i)]  
 2299 (2)(a), pursuant to a proper exercise of authority as provided in the bylaws or other rules  
 2300 governing the association, the petition shall be considered to have been signed by the  
 2301 owners of all of the acre-feet of water allotted to the land proposed for annexation, even  
 2302 though less than all of the owners within the association consented to the association  
 2303 signing the petition.

- 2304 [(3)] (5) Each petition under Subsection (2) and resolution under Subsection [(1)] (3) shall:
- 2305 (a) describe the area proposed to be annexed; and
- 2306 (b) be accompanied by a map of the boundaries of the area proposed to be annexed.
- 2307 [(4)] (6) The legislative body of each county and municipality that adopts a resolution under
- 2308 Subsection [(1)(b)] (3) shall, within five days after adopting the resolution, mail or
- 2309 deliver a copy of the resolution to the board of trustees of the proposed annexing special
- 2310 district.
- 2311 Section 29. Section **17B-1-404** is amended to read:
- 2312 **17B-1-404 . Petition requirements.**
- 2313 (1) Each petition under Subsection [~~17B-1-403(1)(a)~~] 17B-1-403(2) shall:
- 2314 (a) indicate the typed or printed name and current residence address of each person
- 2315 signing the petition;
- 2316 (b) separately group signatures by county and municipality, so that all signatures of the
- 2317 owners of real property located within or of registered voters residing within each
- 2318 county whose unincorporated area includes and each municipality whose boundaries
- 2319 include part of the area proposed for annexation are grouped separately;
- 2320 (c) if it is a petition under Subsection [~~17B-1-403(1)(a)~~]
- 2321 [(i) or]
- 2322 [(ii) (A)] 17B-1-403(2)(a) or (2)(c)(i) or (ii), indicate the address of the property as
- 2323 to which the owner is signing the petition;
- 2324 (d) designate up to three signers of the petition as sponsors, one of whom shall be
- 2325 designated the contact sponsor, with the mailing address and telephone number of
- 2326 each;
- 2327 (e) be filed with the board of trustees of the proposed annexing special district; and
- 2328 (f) for a petition under Subsection [~~17B-1-403(1)(a)(i)~~] 17B-1-403(2)(a), state the
- 2329 proposed method of supplying water to the area proposed to be annexed.
- 2330 (2) By submitting a written withdrawal or reinstatement with the board of trustees of the
- 2331 proposed annexing special district, a signer of a petition may withdraw, or once
- 2332 withdrawn, reinstate the signer's signature at any time:
- 2333 (a) (i) before the public hearing under Section 17B-1-409 is held; or
- 2334 [(b)] (ii) if a hearing is not held because of Subsection 17B-1-413(1) or because no
- 2335 hearing is requested under Subsection 17B-1-413(2)(a)(ii)(B), until 20 days after
- 2336 the special district provides notice under Subsection 17B-1-413(2)(a)(i)[~~;~~] ; or
- 2337 (b) for an infrastructure financing district, before the board of trustees adopts a

2338 resolution approving the annexation.

2339 Section 30. Section **17B-1-405** is amended to read:

2340 **17B-1-405 . Petition certification.**

2341 (1) Within 30 days after the filing of a petition under Subsection [~~17B-1-403(1)(a)(i) or (ii)~~]

2342 17B-1-403(2) or within the time that the special district and each petition sponsor

2343 designate by written agreement, the board of trustees of the proposed annexing special

2344 district shall:

2345 (a) with the assistance of officers of the county in which the area proposed to be annexed

2346 is located from whom the board requests assistance, determine whether the petition

2347 meets the requirements of Subsection [~~17B-1-403(1)(a)~~]

2348 [~~(i) or~~]

2349 [~~(ii)~~] (i) 17B-1-403(2)(a), (b), or (c), as the case may be, Subsection [~~17B-1-403(3)-~~]

2350 17B-1-403(5), and Subsection 17B-1-404(1); and

2351 (b) (i) if the board determines that the petition complies with the requirements, certify

2352 the petition and mail or deliver written notification of the certification to the

2353 contact sponsor; or

2354 (ii) if the board determines that the petition fails to comply with any of the

2355 requirements, reject the petition and mail or deliver written notification of the

2356 rejection and the reasons for the rejection to the contact sponsor.

2357 (2) (a) If the board rejects a petition under Subsection (1)(b)(ii), the petition may be

2358 amended to correct the deficiencies for which it was rejected and then refiled.

2359 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be

2360 used toward fulfilling the applicable signature requirement of the petition as amended

2361 under Subsection (2)(a).

2362 (3) The board shall process an amended petition filed under Subsection (2)(a) in the same

2363 manner as an original petition under Subsection (1).

2364 Section 31. Section **17B-1-405.5** is enacted to read:

2365 **17B-1-405.5 . Provisions not applicable to infrastructure financing district**

2366 **annexation.**

2367 Sections 17B-1-406, 17B-1-407, 17B-1-408, 17B-1-409, 17B-1-410, 17B-1-411,

2368 17B-1-412, and 17B-1-413 do not apply to a proposed annexation to an infrastructure

2369 financing district.

2370 Section 32. Section **17B-1-406** is amended to read:

2371 **17B-1-406 . Notice to county and municipality -- Exception.**

- 2372 (1) Except as provided in Subsection (2), within 10 days after certifying a petition under  
 2373 Subsection 17B-1-405(1)(b) the board of trustees of the proposed annexing special  
 2374 district shall mail or deliver a written notice of the proposed annexation, with a copy of  
 2375 the certification and a copy of the petition, to the legislative body of each:
- 2376 (a) county in whose unincorporated area any part of the area proposed for annexation is  
 2377 located; and
- 2378 (b) municipality in which any part of the area proposed for annexation is located.
- 2379 (2) The board is not required to send a notice under Subsection (1) to:
- 2380 (a) a county or municipality that does not provide the service proposed to be provided by  
 2381 the special district; or
- 2382 (b) a county or municipality whose legislative body has adopted an ordinance or  
 2383 resolution waiving the notice requirement as to:
- 2384 (i) the proposed annexing special district; or
- 2385 (ii) the service that the proposed annexing special district provides.
- 2386 (3) For purposes of this section, an area proposed to be annexed to a municipality in a  
 2387 petition under Section 10-2-403 filed before and still pending at the time of the filing of  
 2388 a petition under Subsection [~~17B-1-403(1)(a)~~] 17B-1-403(2)(a) or (c) and an area  
 2389 included within a municipality's annexation policy plan under Section 10-2-401.5 shall  
 2390 be considered to be part of that municipality.

2391 Section 33. Section **17B-1-407** is amended to read:

2392 **17B-1-407 . Notice of intent to consider providing service -- Public hearing**  
 2393 **requirements.**

- 2394 (1) (a) If the legislative body of a county or municipality whose applicable area is  
 2395 proposed to be annexed to a special district in a petition under Subsection [~~17B-1-403~~  
 2396 ~~(1)(a)~~] 17B-1-403(2)(a) or (c) intends to consider having the county or municipality,  
 2397 respectively, provide to the applicable area the service that the proposed annexing  
 2398 special district provides, the legislative body shall, within 30 days after receiving the  
 2399 notice under Subsection 17B-1-406(1), mail or deliver a written notice to the board of  
 2400 trustees of the proposed annexing special district indicating that intent.
- 2401 (b) (i) A notice of intent under Subsection (1)(a) suspends the special district's  
 2402 annexation proceeding as to the applicable area of the county or municipality that  
 2403 submits the notice of intent until the county or municipality:
- 2404 (A) adopts a resolution under Subsection 17B-1-408(1) declining to provide the  
 2405 service proposed to be provided by the proposed annexing special district; or

- 2406 (B) is considered under Subsection 17B-1-408(2) or (3) to have declined to  
2407 provide the service.
- 2408 (ii) The suspension of an annexation proceeding under Subsection (1)(b)(i) as to an  
2409 applicable area does not prevent the special district from continuing to pursue the  
2410 annexation proceeding with respect to other applicable areas for which no notice  
2411 of intent was submitted.
- 2412 (c) If a legislative body does not mail or deliver a notice of intent within the time  
2413 required under Subsection (1)(a), the legislative body shall be considered to have  
2414 declined to provide the service.
- 2415 (2) Each legislative body that mails or delivers a notice under Subsection (1)(a) shall hold a  
2416 public hearing or a set of public hearings, sufficient in number and location to ensure  
2417 that no substantial group of residents of the area proposed for annexation need travel an  
2418 unreasonable distance to attend a public hearing.
- 2419 (3) Each public hearing under Subsection (2) shall be held:
- 2420 (a) no later than 45 days after the legislative body sends notice under Subsection (1);  
2421 (b) except as provided in Subsections (6) and (7), within the applicable area; and  
2422 (c) for the purpose of allowing public input on:
- 2423 (i) whether the service is needed in the area proposed for annexation;  
2424 (ii) whether the service should be provided by the county or municipality or the  
2425 proposed annexing special district; and  
2426 (iii) all other matters relating to the issue of providing the service or the proposed  
2427 annexation.
- 2428 (4) A quorum of the legislative body of each county or municipal legislative body holding a  
2429 public hearing under this section shall be present throughout each hearing held by that  
2430 county or municipal legislative body.
- 2431 (5) Each hearing under this section shall be held on a weekday evening other than a holiday  
2432 beginning no earlier than 6 p.m.
- 2433 (6) Two or more county or municipal legislative bodies may jointly hold a hearing or set of  
2434 hearings required under this section if all the requirements of this section, other than the  
2435 requirements of Subsection (3)(b), are met as to each hearing.
- 2436 (7) Notwithstanding Subsection (3)(b), a county or municipal legislative body may hold a  
2437 public hearing or set of public hearings outside the applicable area if:
- 2438 (a) there is no reasonable place to hold a public hearing within the applicable area; and  
2439 (b) the public hearing or set of public hearings is held as close to the applicable area as

2440 reasonably possible.

2441 (8) Before holding a public hearing or set of public hearings under this section, the  
2442 legislative body of each county or municipality that receives a request for service shall  
2443 provide notice of the hearing or set of hearings as provided in Section 17B-1-211.

2444 Section 34. Section **17B-1-408** is amended to read:

2445 **17B-1-408 . Resolution indicating whether the requested service will be provided.**

2446 (1) Within 30 days after the last hearing required under Section 17B-1-407 is held, the  
2447 legislative body of each county and municipality that sent a notice of intent under  
2448 Subsection 17B-1-407(1) shall adopt a resolution indicating whether the county or  
2449 municipality will provide to the area proposed for annexation within its boundaries the  
2450 service proposed to be provided by the proposed annexing special district.

2451 (2) If the county or municipal legislative body fails to adopt a resolution within the time  
2452 provided under Subsection (1), the county or municipality shall be considered to have  
2453 declined to provide the service.

2454 (3) If a county or municipal legislative body adopts a resolution under Subsection (1)  
2455 indicating that the county or municipality will provide the service but the county or  
2456 municipality does not, within 120 days after the adoption of that resolution, take  
2457 substantial measures to provide the service, the county or municipality shall be  
2458 considered to have declined to provide the service.

2459 (4) Each county or municipality whose legislative body adopts a resolution under  
2460 Subsection (1) indicating that the county or municipality will provide the service shall  
2461 diligently proceed to take all measures necessary to provide the service.

2462 (5) If a county or municipal legislative body adopts a resolution under Subsection (1)  
2463 indicating that the county or municipality will provide the service and the county or  
2464 municipality takes substantial measures within the time provided in Subsection (3) to  
2465 provide the service, the special district's annexation proceeding as to the applicable area  
2466 of that county or municipality is terminated and that applicable area is considered  
2467 deleted from the area proposed to be annexed in a petition under Subsection [~~17B-1-403~~  
2468 ~~(1)(a)] 17B-1-403(2)(a) or (c).~~

2469 Section 35. Section **17B-1-409** is amended to read:

2470 **17B-1-409 . Public hearing on proposed annexation.**

2471 (1) Except as provided in Sections 17B-1-413 and 17B-1-415, the board of trustees of each  
2472 special district that certifies a petition that was filed under Subsection [~~17B-1-403~~  
2473 ~~(1)(a)(ii)(A) or (B)] 17B-1-403(2)(c), receives a resolution adopted under Subsection [~~

- 2474 ~~17B-1-403(1)(b)]~~ 17B-1-403(3)(a), or adopts a resolution under Subsection [~~17B-1-403~~  
 2475 ~~(1)(e)]~~ 17B-1-403(3)(b) shall hold a public hearing on the proposed annexation and  
 2476 provide notice of the hearing as provided in Section 17B-1-410.
- 2477 (2) Each public hearing under Subsection (1) shall be held:
- 2478 (a) within 45 days after:
- 2479 (i) if no notice to a county or municipal legislative body is required under Section  
 2480 17B-1-406, petition certification under Section 17B-1-405; or
- 2481 (ii) if notice is required under Section 17B-1-406, but no notice of intent is submitted  
 2482 by the deadline:
- 2483 (A) expiration of the deadline under Subsection 17B-1-407(1) to submit a notice  
 2484 of intent; or
- 2485 (B) termination of a suspension of the annexation proceeding under Subsection  
 2486 17B-1-407(1)(b);
- 2487 (b) (i) for a special district located entirely within a single county:
- 2488 (A) within or as close as practicable to the area proposed to be annexed; or  
 2489 (B) at the special district office; or
- 2490 (ii) for a special district located in more than one county:
- 2491 (A) (I) within the county in which the area proposed to be annexed is located;  
 2492 and
- 2493 (II) within or as close as practicable to the area proposed to be annexed; or  
 2494 (B) if the special district office is reasonably accessible to all residents within the  
 2495 area proposed to be annexed, at the special district office;
- 2496 (c) on a weekday evening other than a holiday beginning no earlier than 6 p.m.; and
- 2497 (d) for the purpose of allowing:
- 2498 (i) the public to ask questions and obtain further information about the proposed  
 2499 annexation and issues raised by it; and
- 2500 (ii) any interested person to address the board regarding the proposed annexation.
- 2501 (3) A quorum of the board of trustees of the proposed annexing special district shall be  
 2502 present throughout each public hearing held under this section.
- 2503 (4) (a) After holding a public hearing under this section or, if no hearing is held because  
 2504 of application of Subsection 17B-1-413(2)(a)(ii), after expiration of the time under  
 2505 Subsection 17B-1-413(2)(a)(ii)(B) for requesting a hearing, the board of trustees may  
 2506 by resolution deny the annexation and terminate the annexation procedure if:
- 2507 (i) for a proposed annexation initiated by a petition under Subsection [~~17B-1-403~~

- 2508                   ~~(1)(a)(i) or (ii)]~~ 17B-1-403(2)(a) or (c), the board determines that:
- 2509                   (A) it is not feasible for the special district to provide service to the area proposed
- 2510                   to be annexed; or
- 2511                   (B) annexing the area proposed to be annexed would be inequitable to the owners
- 2512                   of real property or residents already within the special district; or
- 2513                   (ii) for a proposed annexation initiated by resolution under Subsection [~~17B-1-403(1)(b) or (c)]~~
- 2514                   17B-1-403(3)(a) or (b), the board determines not to pursue annexation.
- 2515                   (b) In each resolution adopted under Subsection (4)(a), the board shall set forth its
- 2516                   reasons for denying the annexation.
- 2517                   Section 36. Section **17B-1-411** is amended to read:
- 2518                   **17B-1-411 . Modifications to area proposed for annexation -- Limitations.**
- 2519                   (1) (a) Subject to Subsections (2), (3), (4), and (5), a board of trustees may, within 30
- 2520                   days after the public hearing under Section 17B-1-409, or, if no public hearing is
- 2521                   held, within 30 days after the board provides notice under Subsection 17B-1-413
- 2522                   (2)(a)(i), modify the area proposed for annexation to include land not previously
- 2523                   included in that area or to exclude land from that area if the modification enhances
- 2524                   the feasibility of the proposed annexation.
- 2525                   (b) A modification under Subsection (1)(a) may consist of the exclusion of all the land
- 2526                   within an applicable area if:
- 2527                   (i) the entire area proposed to be annexed consists of more than that applicable area;
- 2528                   (ii) sufficient protests under Section 17B-1-412 are filed with respect to that
- 2529                   applicable area that an election would have been required under Subsection
- 2530                   17B-1-412(3) if that applicable area were the entire area proposed to be annexed;
- 2531                   and
- 2532                   (iii) the other requirements of Subsection (1)(a) are met.
- 2533                   (2) A board of trustees may not add property under Subsection (1) to the area proposed for
- 2534                   annexation without the consent of the owner of that property.
- 2535                   (3) Except as provided in Subsection (1)(b), a modification under Subsection (1) may not
- 2536                   avoid the requirement for an election under Subsection 17B-1-412(3) if, before the
- 2537                   modification, the election was required because of protests filed under Section
- 2538                   17B-1-412.
- 2539                   (4) If the annexation is proposed by a petition under Subsection [~~17B-1-403(1)(a)(ii)(A) or~~
- 2540                   ~~(B)]~~ 17B-1-403(2)(c), a modification may not be made unless the requirements of
- 2541                   Subsection [~~17B-1-403(1)(a)(ii)(A) or (B)]~~ 17B-1-403(2)(c) are met after the

2544 modification as to the area proposed to be annexed.

2545 (5) If the petition meets the requirements of Subsection 17B-1-413(1) before a modification  
2546 under this section but fails to meet those requirements after modification:

2547 (a) the special district board shall give notice as provided in Section 17B-1-410 and hold  
2548 a public hearing as provided in Section 17B-1-409 on the proposed annexation; and

2549 (b) the petition shall be considered in all respects as one that does not meet the  
2550 requirements of Subsection 17B-1-413(1).

2551 Section 37. Section **17B-1-413** is amended to read:

2552 **17B-1-413 . Hearing, notice, and protest provisions do not apply for certain**  
2553 **petitions.**

2554 (1) Section 17B-1-412 does not apply, and, except as provided in Subsection (2)(a),  
2555 Sections 17B-1-409 and 17B-1-410 do not apply:

2556 (a) if the process to annex an area to a special district was initiated by:

2557 (i) a petition under Subsection [~~17B-1-403(1)(a)(i)~~] 17B-1-403(2)(a);

2558 (ii) a petition under Subsection [~~17B-1-403(1)(a)(ii)(A)~~] 17B-1-403(2)(c)(i) or (ii)  
2559 that was signed by the owners of private real property that:

2560 (A) is located within the area proposed to be annexed;

2561 (B) covers at least 75% of the total private land area within the entire area  
2562 proposed to be annexed and within each applicable area; and

2563 (C) is equal in assessed value to at least 75% of the assessed value of all private  
2564 real property within the entire area proposed to be annexed and within each  
2565 applicable area; or

2566 (iii) a petition under Subsection [~~17B-1-403(1)(a)(ii)(B)~~] 17B-1-403(2)(c)(iii) that  
2567 was signed by registered voters residing within the entire area proposed to be  
2568 annexed and within each applicable area equal in number to at least 75% of the  
2569 number of votes cast within the entire area proposed to be annexed and within  
2570 each applicable area, respectively, for the office of governor at the last regular  
2571 general election before the filing of the petition;

2572 (b) to an annexation under Section 17B-1-415; or

2573 (c) to a boundary adjustment under Section 17B-1-417.

2574 (2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under  
2575 Section 17B-1-405, the special district board:

2576 (i) shall provide notice of the proposed annexation as provided in Subsection (2)(b);  
2577 and

2578 (ii) (A) may, in the board's discretion, hold a public hearing as provided in Section  
2579 17B-1-409 after giving notice of the public hearing as provided in Subsection  
2580 (2)(b); and  
2581 (B) shall, after giving notice of the public hearing as provided in Subsection  
2582 (2)(b), hold a public hearing as provided in Section 17B-1-409 if a written  
2583 request to do so is submitted, within 20 days after the special district provides  
2584 notice under Subsection (2)(a)(i), to the special district board by an owner of  
2585 property that is located within or a registered voter residing within the area  
2586 proposed to be annexed who did not sign the annexation petition.

2587 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:

2588 (i) be given:

2589 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition  
2590 certification; or

2591 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least 10 but  
2592 not more than 30 days before the public hearing; and

2593 (B) by providing notice, as a class A notice under Section 63G-30-102, for the  
2594 area proposed to be annexed, through the day of the public hearing; and

2595 (ii) contain a brief explanation of the proposed annexation and include the name of  
2596 the special district, the service provided by the special district, a description or  
2597 map of the area proposed to be annexed, a special district telephone number where  
2598 additional information about the proposed annexation may be obtained, and, for a  
2599 notice under Subsection (2)(a)(i), an explanation of the right of a property owner  
2600 or registered voter to request a public hearing as provided in Subsection  
2601 (2)(a)(ii)(B).

2602 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is required  
2603 for a public hearing under Subsection (2)(a)(ii)(A).

2604 Section 38. Section **17B-1-414** is amended to read:

2605 **17B-1-414 . Resolution approving an annexation -- Filing of notice and plat with**  
2606 **lieutenant governor -- Recording requirements -- Effective date.**

2607 (1) (a) Subject to Subsection (1)(b), the special district board shall adopt a resolution  
2608 approving the annexation of the area proposed to be annexed or rejecting the  
2609 proposed annexation within 90 days after:

2610 (i) expiration of the protest period under Subsection 17B-1-412(2), if sufficient  
2611 protests to require an election are not filed;

- 2612 (ii) for a petition that meets the requirements of Subsection 17B-1-413(1):
- 2613 (A) a public hearing under Section 17B-1-409 is held, if the board chooses or is
- 2614 required to hold a public hearing under Subsection 17B-1-413(2)(a)(ii); or
- 2615 (B) expiration of the time for submitting a request for public hearing under
- 2616 Subsection 17B-1-413(2)(a)(ii)(B), if no request is submitted and the board
- 2617 chooses not to hold a public hearing[-] ; or
- 2618 (iii) for a proposed annexation to an infrastructure financing district, the board's
- 2619 certification of the annexation petition under Section 17B-1-405.
- 2620 (b) If the special district has entered into an agreement with the United States that
- 2621 requires the consent of the United States for an annexation of territory to the district,
- 2622 a resolution approving annexation under this part may not be adopted until the
- 2623 written consent of the United States is obtained and filed with the board of trustees.
- 2624 (2) (a) (i) Within the time specified under Subsection (2)(a)(ii), the board shall file
- 2625 with the lieutenant governor:
- 2626 (A) a copy of a notice of an impending boundary action, as defined in Section
- 2627 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3) and, if
- 2628 applicable, Subsection (2)(b); and
- 2629 (B) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.
- 2630 (ii) The board shall file the documents listed in Subsection (2)(a)(i) with the
- 2631 lieutenant governor:
- 2632 (A) within 30 days after adoption of a resolution under Subsection (1), Subsection
- 2633 17B-1-412(3)(c)(i), or Section 17B-1-415; and
- 2634 (B) as soon as practicable after receiving the notice under Subsection 10-2-425(2)
- 2635 of a municipal annexation that causes an automatic annexation to a special
- 2636 district under Section 17B-1-416.
- 2637 (b) For an automatic annexation to a special district under Section 17B-1-416, the notice
- 2638 of an impending boundary action required under Subsection (2)(a) shall state that an
- 2639 area outside the boundaries of the special district is being automatically annexed to
- 2640 the special district under Section 17B-1-416 because of a municipal annexation under
- 2641 Title 10, Chapter 2, Part 4, Annexation.
- 2642 (c) Upon the lieutenant governor's issuance of a certificate of annexation under Section
- 2643 67-1a-6.5, the board shall:
- 2644 (i) if the annexed area is located within the boundary of a single county, submit to the
- 2645 recorder of that county:

- 2646 (A) the original:
  - 2647 (I) notice of an impending boundary action;
  - 2648 (II) certificate of annexation; and
  - 2649 (III) approved final local entity plat; and
- 2650 (B) a certified copy of the annexation resolution; or
- 2651 (ii) if the annexed area is located within the boundaries of more than a single county:
  - 2652 (A) submit to the recorder of one of those counties:
    - 2653 (I) the original of the documents listed in Subsections (2)(c)(i)(A)(I), (II), and
    - 2654 (III); and
    - 2655 (II) a certified copy of the annexation resolution; and
  - 2656 (B) submit to the recorder of each other county:
    - 2657 (I) a certified copy of the documents listed in Subsection (2)(c)(i)(A)(I), (II),
    - 2658 and (III); and
    - 2659 (II) a certified copy of the annexation resolution.
- 2660 (3) (a) As used in this Subsection (3), "fire district annexation" means an annexation
  - 2661 under this part of an area located in a county of the first class to a special district:
    - 2662 (i) created to provide fire protection, paramedic, and emergency services; and
    - 2663 (ii) in the creation of which an election was not required because of Subsection
    - 2664 17B-1-214(3)(d).
  - 2665 (b) An annexation under this part is complete and becomes effective:
    - 2666 (i) (A) on July 1 for a fire district annexation, if the lieutenant governor issues the
    - 2667 certificate of annexation under Section 67-1a-6.5 from January 1 through June
    - 2668 30; or
    - 2669 (B) on January 1 for a fire district annexation, if the lieutenant governor issues the
    - 2670 certificate of annexation under Section 67-1a-6.5 from July 1 through
    - 2671 December 31; or
    - 2672 (ii) upon the lieutenant governor's issuance of the certificate of annexation under
    - 2673 Section 67-1a-6.5, for any other annexation.
  - 2674 (c) (i) The effective date of a special district annexation for purposes of assessing
  - 2675 property within the annexed area is governed by Section 59-2-305.5.
  - 2676 (ii) Until the documents listed in Subsection (2)(c) are recorded in the office of the
  - 2677 recorder of each county in which the property is located, a special district may not:
    - 2678 (A) levy or collect a property tax on property within the annexed area;
    - 2679 (B) levy or collect an assessment on property within the annexed area; or

2680 (C) charge or collect a fee for service provided to property within the annexed  
2681 area.

2682 (iii) Subsection (3)(c)(ii)(C):

2683 (A) may not be construed to limit a special district's ability before annexation to  
2684 charge and collect a fee for service provided to property that is outside the  
2685 special district's boundary; and

2686 (B) does not apply until 60 days after the effective date, under Subsection (3)(b),  
2687 of the special district's annexation, with respect to a fee that the special district  
2688 was charging for service provided to property within the annexed area  
2689 immediately before the area was annexed to the special district.

2690 Section 39. Section **17B-1-504** is amended to read:

2691 **17B-1-504 . Initiation of withdrawal process -- Notice of petition.**

2692 (1) Except as provided in Section 17B-1-505, the process to withdraw an area from a  
2693 special district may be initiated:

2694 (a) for a special district funded predominantly by revenues from property taxes or  
2695 service charges other than those based upon acre-feet of water:

2696 (i) by a petition signed by the owners of private real property that:

2697 (A) is located within the area proposed to be withdrawn;

2698 (B) covers at least 51% of the total private land within the area proposed to be  
2699 withdrawn; and

2700 (C) is equal in taxable value to at least 51% of the taxable value of all private real  
2701 property within the area proposed to be withdrawn;

2702 (ii) by a petition signed by registered voters residing within the area proposed to be  
2703 withdrawn equal in number to at least 67% of the number of votes cast in the same  
2704 area for the office of governor at the last regular general election before the filing  
2705 of the petition;

2706 (iii) by a resolution adopted by the board of trustees of the special district in which  
2707 the area proposed to be withdrawn is located, which:

2708 (A) states the reasons for withdrawal; and

2709 (B) is accompanied by a general description of the area proposed to be withdrawn;  
2710 or

2711 (iv) by a resolution to file a petition with the special district to withdraw from the  
2712 special district all or a specified portion of the area within a municipality or  
2713 county, adopted by the governing body of a municipality that has within its

2714 boundaries an area located within the boundaries of a special district, or by the  
2715 governing body of a county that has within its boundaries an area located within  
2716 the boundaries of a special district that is located in more than one county, which  
2717 petition of the governing body shall be filed with the board of trustees only if a  
2718 written request to petition the board of trustees to withdraw an area from the  
2719 special district has been filed with the governing body of the municipality, or  
2720 county, and the request has been signed by registered voters residing within the  
2721 boundaries of the area proposed for withdrawal equal in number to at least 51% of  
2722 the number of votes cast in the same area for the office of governor at the last  
2723 regular general election before the filing of the petition;

2724 (b) for a special district whose board of trustees is elected by electors based on the  
2725 acre-feet of water allotted to the land owned by the elector:

2726 (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv);

2727 or

2728 (ii) by a petition signed by the owners of at least 67% of the acre-feet of water  
2729 allotted to the land proposed to be withdrawn; ~~or~~

2730 (c) for a special district funded predominantly by revenues other than property taxes,  
2731 service charges, or assessments based upon an allotment of acre-feet of water:

2732 (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv);

2733 or

2734 (ii) by a petition signed by the registered voters residing within the entire area  
2735 proposed to be withdrawn, which area shall be comprised of an entire  
2736 unincorporated area within the special district or an entire municipality within a  
2737 special district, or a combination thereof, equal in number to at least 67% of the  
2738 number of votes cast within the entire area proposed to be withdrawn for the  
2739 office of governor at the last regular general election before the filing of the  
2740 petition[-] ; or

2741 (d) for an infrastructure financing district, by a petition signed by 100% of the owners of  
2742 all surface property within the area proposed to be withdrawn.

2743 (2) (a) Prior to soliciting any signatures on a petition under Subsection (1), the sponsors  
2744 of the petition shall:

2745 ~~(a)~~ (i) notify the special district board with which the petition is intended to be filed  
2746 that the sponsors will be soliciting signatures for a petition; and

2747 ~~(b)~~ (ii) mail a copy of the petition to the special district board.

2748 (b) Subsection (2)(a) does not apply to a petition to withdraw an area from an  
 2749 infrastructure financing district.

2750 Section 40. Section **17B-1-506** is amended to read:

2751 **17B-1-506 . Withdrawal petition requirements.**

2752 (1) Each petition under Section 17B-1-504 shall:

2753 (a) indicate the typed or printed name and current address of each owner of acre-feet of  
 2754 water, property owner, registered voter, or authorized representative of the governing  
 2755 body signing the petition;

2756 (b) separately group signatures by municipality and, in the case of unincorporated areas,  
 2757 by county;

2758 (c) if it is a petition signed by the owners of land, the assessment of which is based on  
 2759 acre-feet of water, indicate the address of the property and the property tax  
 2760 identification parcel number of the property as to which the owner is signing the  
 2761 request;

2762 (d) designate up to three signers of the petition as sponsors, or in the case of a petition  
 2763 filed under Subsection 17B-1-504(1)(a)(iv), designate a governmental representative  
 2764 as a sponsor, and in each case, designate one sponsor as the contact sponsor with the  
 2765 mailing address and telephone number of each;

2766 (e) state the reasons for withdrawal; and

2767 (f) when the petition is filed with the special district board of trustees, be accompanied  
 2768 by a map generally depicting the boundaries of the area proposed to be withdrawn  
 2769 and a legal description of the area proposed to be withdrawn.

2770 (2) (a) The special district may prepare an itemized list of expenses, other than attorney  
 2771 expenses, that will necessarily be incurred by the special district in the withdrawal  
 2772 proceeding. The itemized list of expenses may be submitted to the contact sponsor.  
 2773 If the list of expenses is submitted to the contact sponsor within 21 days after receipt  
 2774 of the petition, the contact sponsor on behalf of the petitioners shall be required to  
 2775 pay the expenses to the special district within 90 days of receipt. Until funds to cover  
 2776 the expenses are delivered to the special district, the district will have no obligation to  
 2777 proceed with the withdrawal and the time limits on the district stated in this part will  
 2778 be tolled. If the expenses are not paid within the 90 days, or within 90 days from the  
 2779 conclusion of any arbitration under Subsection (2)(b), the petition requesting the  
 2780 withdrawal shall be considered to have been withdrawn.

2781 (b) If there is no agreement between the board of trustees of the special district and the

2782 contact sponsor on the amount of expenses that will necessarily be incurred by the  
2783 special district in the withdrawal proceeding, either the board of trustees or the  
2784 contact sponsor may submit the matter to binding arbitration in accordance with Title  
2785 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act; provided that, if the  
2786 parties cannot agree upon an arbitrator and the rules and procedures that will control  
2787 the arbitration, either party may pursue arbitration under Title 78B, Chapter 11, Utah  
2788 Uniform Arbitration Act.

2789 (3) (a) A signer of a petition may withdraw or, once withdrawn, reinstate the signer's  
2790 signature at any time before the public hearing under Section 17B-1-508 by  
2791 submitting a written statement requesting withdrawal or reinstatement with the board  
2792 of trustees of the special district in which the area proposed to be withdrawn is  
2793 located.

2794 (b) A statement described in Subsection (3)(a) shall comply with the requirements  
2795 described in Subsection 20A-1-1003(2).

2796 (c) As applicable and using the procedures described in Subsection 20A-1-1003(3), the  
2797 county clerk shall assist the board of trustees to determine whether to remove or  
2798 reinstate a registered voter's signature after the voter submits a timely, valid statement  
2799 described in Subsection (3)(a).

2800 (4) If it reasonably appears that, if the withdrawal which is the subject of a petition filed  
2801 under Subsection 17B-1-504(1)(a)(i) or (ii) is granted, it will be necessary for a  
2802 municipality to provide to the withdrawn area the service previously supplied by the  
2803 special district, the board of trustees of the special district may, within 21 days after  
2804 receiving the petition, notify the contact sponsor in writing that, before it will be  
2805 considered by the board of trustees, the petition shall be presented to and approved by  
2806 the governing body of the municipality as provided in Subsection 17B-1-504(1)(a)(iv)  
2807 before it will be considered by the special district board of trustees. If the notice is  
2808 timely given to the contact sponsor, the petition shall be considered to have been  
2809 withdrawn until the municipality files a petition with the special district under  
2810 Subsection 17B-1-504(1)(a)(iv).

2811 (5) (a) After receiving the notice required by Subsection 17B-1-504(2), unless  
2812 specifically allowed by law, a public entity may not make expenditures from public  
2813 funds to support or oppose the gathering of signatures on a petition for withdrawal.

2814 (b) Nothing in this section prohibits a public entity from providing factual information  
2815 and analysis regarding a withdrawal petition to the public, so long as the information

2816 grants equal access to both the opponents and proponents of the petition for  
2817 withdrawal.

2818 (c) Nothing in this section prohibits a public official from speaking, campaigning,  
2819 contributing personal money, or otherwise exercising the public official's  
2820 constitutional rights.

2821 (6) Subsections (2), (3), (4), and (5) do not apply to a petition seeking the withdrawal of an  
2822 area from an infrastructure financing district.

2823 Section 41. Section **17B-1-511** is amended to read:

2824 **17B-1-511 . Continuation of tax levy or assessment after withdrawal to pay for**  
2825 **proportionate share of district bonds.**

2826 (1) Other than as provided in Subsection (2), and unless an escrow trust fund is established  
2827 and funded pursuant to Subsection 17B-1-510(5)(j), property within the withdrawn area  
2828 shall continue after withdrawal to be taxable by the special district:

2829 (a) for the purpose of paying the withdrawn area's just proportion of the special district's  
2830 general obligation bonds or lease obligations payable from property taxes with  
2831 respect to lease revenue bonds issued by a local building authority on behalf of the  
2832 special district, other than those bonds treated as revenue bonds under Subsection  
2833 17B-1-510(5)(i), until the bonded indebtedness has been satisfied; and

2834 (b) to the extent and for the years necessary to generate sufficient revenue that, when  
2835 combined with the revenues from the district remaining after withdrawal, is sufficient  
2836 to provide for the payment of principal and interest on the district's general obligation  
2837 bonds that are treated as revenue bonds under Subsection 17B-1-510(5)(i).

2838 (2) For a special district funded predominately by revenues other than property taxes,  
2839 service charges, or assessments based upon an allotment of acre-feet of water, property  
2840 within the withdrawn area shall continue to be taxable by the special district for  
2841 purposes of paying the withdrawn area's proportionate share of bonded indebtedness or  
2842 judgments against the special district incurred prior to the date the petition was filed.

2843 (3) An area withdrawn from an infrastructure financing district remains subject to any  
2844 taxes, fees, and assessments imposed by the infrastructure financing district until  
2845 obligations allocable to the withdrawn area are paid.

2846 ~~[(3)]~~ (4) Except as provided in Subsections (1)~~[-and]~~ , (2), and (3), upon withdrawal, the  
2847 withdrawing area is relieved of all other taxes, assessments, and charges levied by the  
2848 district, including taxes and charges for the payment of revenue bonds and maintenance  
2849 and operation cost of the special district.

2850 Section 42. Section **17B-1-1001** is amended to read:

2851 **17B-1-1001 . Provisions applicable to property tax levy.**

2852 (1) Each special district that levies and collects property taxes shall levy and collect them  
2853 according to the provisions of Title 59, Chapter 2, Property Tax Act.

2854 (2) As used in this section:

2855 (a) "Appointed board of trustees" means a board of trustees of a special district that  
2856 includes a member who is appointed to the board of trustees in accordance with  
2857 Section 17B-1-304, Subsection 17B-1-303(5), Subsection 17B-1-306(5)(h), or any of  
2858 the applicable provisions in Title 17B, Chapter 2a, Provisions Applicable to Different  
2859 Types of Special Districts.

2860 (b) "Elected board of trustees" means a board of trustees of a special district that consists  
2861 entirely of members who are elected to the board of trustees in accordance with  
2862 Subsection (4), Section 17B-1-306, or any of the applicable provisions in Title 17B,  
2863 Chapter 2a, Provisions Applicable to Different Types of Special Districts.

2864 (3) (a) For a taxable year beginning on or after January 1, 2018, a special district may  
2865 not levy or collect property tax revenue that exceeds the certified tax rate unless:

2866 (i) to the extent that the revenue from the property tax was pledged before January 1,  
2867 2018, the special district pledges the property tax revenue to pay for bonds or  
2868 other obligations of the special district; or

2869 (ii) the proposed tax or increase in the property tax rate has been approved by:

2870 (A) an elected board of trustees;

2871 (B) subject to Subsection (3)(b), an appointed board of trustees;

2872 (C) a majority of the registered voters within the special district who vote in an  
2873 election held for that purpose on a date specified in Section 20A-1-204;

2874 (D) the legislative body of the appointing authority; or

2875 (E) the legislative body of:

2876 (I) a majority of the municipalities partially or completely included within the  
2877 boundary of the specified special district; or

2878 (II) the county in which the specified special district is located, if the county  
2879 has some or all of its unincorporated area included within the boundary of  
2880 the specified special district.

2881 (b) For a special district with an appointed board of trustees, each appointed member of  
2882 the board of trustees shall comply with the trustee reporting requirements described  
2883 in Section 17B-1-1003 before the special district may impose a property tax levy that

2884 exceeds the certified tax rate.

2885 (4) (a) Notwithstanding provisions to the contrary in Title 17B, Chapter 2a, Provisions  
2886 Applicable to Different Types of Special Districts, and subject to Subsection (4)(b),  
2887 members of the board of trustees of a special district shall be elected, if:

2888 (i) two-thirds of all members of the board of trustees of the special district vote in  
2889 favor of changing to an elected board of trustees; and

2890 (ii) the legislative body of each municipality or county that appoints a member to the  
2891 board of trustees adopts a resolution approving the change to an elected board of  
2892 trustees.

2893 (b) A change to an elected board of trustees under Subsection (4)(a) may not shorten the  
2894 term of any member of the board of trustees serving at the time of the change.

2895 (5) Subsections (2), (3), and (4) do not apply to:

2896 (a) Title 17B, Chapter 2a, Part 6, Metropolitan Water District Act;

2897 (b) Title 17B, Chapter 2a, Part 10, Water Conservancy District Act; or

2898 (c) a special district in which:

2899 (i) the board of trustees consists solely of:

2900 (A) land owners or the land owners' agents; or

2901 (B) as described in Subsection [~~17B-1-302(3)~~] 17B-1-302(3), (5), (6), or (7), land  
2902 owners or the land owners' agents or officers; and

2903 (ii) there are no residents within the special district at the time a property tax is levied.

2904 (6) An infrastructure financing district may not pledge or otherwise use any property tax  
2905 revenue for the payment of bonds.

2906 Section 43. Section **17B-1-1002** is amended to read:

2907 **17B-1-1002 . Limit on special district property tax levy -- Exclusions.**

2908 (1) The rate at which a special district levies a property tax for district operation and  
2909 maintenance expenses on the taxable value of taxable property within the district may  
2910 not exceed:

2911 (a) .0008, for a basic special district;

2912 (b) .0004, for a cemetery maintenance district;

2913 (c) .0004, for a drainage district;

2914 (d) .0008, for a fire protection district;

2915 (e) .0008, for an improvement district;

2916 (f) .0005, for a metropolitan water district;

2917 (g) .0004, for a mosquito abatement district;

- 2918 (h) .0004, for a public transit district;
- 2919 (i) (i) .0023, for a service area that:
- 2920 (A) is located in a county of the first or second class; and
- 2921 (B) (I) provides fire protection, paramedic, and emergency services; or
- 2922 (II) subject to Subsection (3), provides law enforcement services; or
- 2923 (ii) .0014, for each other service area;
- 2924 (j) the rates provided in Section 17B-2a-1006, for a water conservancy district; [~~or~~]
- 2925 (k) .0008 for a municipal services district[-]; or
- 2926 (l) .0004 for an infrastructure financing district.
- 2927 (2) Property taxes levied by a special district are excluded from the limit applicable to that
- 2928 district under Subsection (1) if the taxes are:
- 2929 (a) levied under Section 17B-1-1103 by a special district, other than a water conservancy
- 2930 district, to pay principal of and interest on general obligation bonds issued by the
- 2931 district;
- 2932 (b) levied to pay debt and interest owed to the United States; or
- 2933 (c) levied to pay assessments or other amounts due to a water users association or other
- 2934 public cooperative or private entity from which the district procures water.
- 2935 (3) A service area described in Subsection (1)(i)(i)(B)(II) may not collect a tax described in
- 2936 Subsection (1)(i)(i) if a municipality or a county having a right to appoint a member to
- 2937 the board of trustees of the service area under Subsection 17B-2a-905(2) assesses on or
- 2938 after November 30 in the year in which the tax is first collected and each subsequent
- 2939 year that the tax is collected:
- 2940 (a) a generally assessed fee imposed under Section 17B-1-643 for law enforcement
- 2941 services; or
- 2942 (b) any other generally assessed fee for law enforcement services.
- 2943 Section 44. Section **17B-1-1302** is amended to read:
- 2944 **17B-1-1302 . Special district dissolution.**
- 2945 (1) A special district may be dissolved as provided in this part.
- 2946 (2) No later than 180 days after the payment of all debt of an infrastructure financing
- 2947 district, the board of trustees of the infrastructure financing district shall adopt a
- 2948 resolution to dissolve the infrastructure financing district.
- 2949 Section 45. Section **17B-1-1303** is amended to read:
- 2950 **17B-1-1303 . Initiation of dissolution process.**
- 2951 The process to dissolve a special district may be initiated by:

- 2952 (1) for an inactive special district:
- 2953 (a) (i) for a special district whose board of trustees is elected by electors based on the
- 2954 acre-feet of water allotted to the land owned by the elector, a petition signed by
- 2955 the owners of 25% of the acre-feet of water allotted to the land within the special
- 2956 district; or
- 2957 (ii) for all other districts:
- 2958 (A) a petition signed by the owners of private real property that:
- 2959 (I) is located within the special district proposed to be dissolved;
- 2960 (II) covers at least 25% of the private land area within the special district; and
- 2961 (III) is equal in assessed value to at least 25% of the assessed value of all
- 2962 private real property within the special district; or
- 2963 (B) a petition signed by registered voters residing within the special district
- 2964 proposed to be dissolved equal in number to at least 25% of the number of
- 2965 votes cast in the district for the office of governor at the last regular general
- 2966 election before the filing of the petition; or
- 2967 (b) a resolution adopted by the administrative body; ~~and~~
- 2968 (2) for an active special district, a petition signed by:
- 2969 (a) for a special district whose board of trustees is elected by electors based on the
- 2970 acre-feet of water allotted to the land owned by the elector, the owners of 33% of the
- 2971 acre-feet of water allotted to the land within the special district;
- 2972 (b) for a special district created to acquire or assess a groundwater right for the
- 2973 development and execution of a groundwater management plan in coordination with
- 2974 the state engineer in accordance with Section 73-5-15, the owners of groundwater
- 2975 rights that:
- 2976 (i) are diverted within the district; and
- 2977 (ii) cover at least 33% of the total amount of groundwater diverted in accordance
- 2978 with the groundwater rights within the district as a whole; or
- 2979 (c) for all other districts:
- 2980 (i) the owners of private real property that:
- 2981 (A) is located within the special district proposed to be dissolved;
- 2982 (B) covers at least 33% of the private land area within the special district; and
- 2983 (C) is equal in assessed value to at least 25% of the assessed value of all private
- 2984 real property within the special district; or
- 2985 (ii) 33% of registered voters residing within the special district proposed to be

- 2986 dissolved[-] ; or
- 2987 (3) for an infrastructure financing district, a resolution adopted by the board of trustees.
- 2988 Section 46. Section **17B-1-1310** is amended to read:
- 2989 **17B-1-1310 . Notice to lieutenant governor -- Recording requirements --**
- 2990 **Distribution of remaining assets.**
- 2991 (1) (a) [The] Within the time specified in Subsection (1)(b), an administrative body[-]
- 2992 shall file with the lieutenant governor a copy of a notice of an impending boundary
- 2993 action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection
- 2994 67-1a-6.5(3)[-] .
- 2995 [~~(a)~~] (b) The administrative body shall file a notice of an impending boundary action
- 2996 under Subsection (1)(a) within 30 days after the day on which[-] , as applicable:
- 2997 (i) the administrative body adopts a resolution approving the dissolution of an
- 2998 inactive special district; [~~or~~]
- 2999 [~~(b)~~] (ii) [~~within 30 days after the day on which-~~] a majority of the voters within an
- 3000 active special district approve the dissolution of the special district in an election
- 3001 described in Subsection 17B-1-1309(2)[-] ; or
- 3002 (iii) for an infrastructure financing district, the administrative body adopts a
- 3003 resolution to dissolve the infrastructure financing district.
- 3004 (2) Upon the lieutenant governor's issuance of a certificate of dissolution under Section
- 3005 67-1a-6.5, the administrative body shall:
- 3006 (a) if the special district was located within the boundary of a single county, submit to
- 3007 the recorder of that county:
- 3008 (i) the original:
- 3009 (A) notice of an impending boundary action; and
- 3010 (B) certificate of dissolution; and
- 3011 (ii) a certified copy of the resolution that the administrative body adopts under
- 3012 Subsection 17B-1-1308(1); or
- 3013 (b) if the special district was located within the boundaries of more than a single county:
- 3014 (i) submit to the recorder of one of those counties:
- 3015 (A) the original notice of an impending boundary action and certificate of
- 3016 dissolution; and
- 3017 (B) if applicable, a certified copy of the resolution that the administrative body
- 3018 adopts under Subsection 17B-1-1308(1); and
- 3019 (ii) submit to the recorder of each other county:

- 3020 (A) a certified copy of the notice of an impending boundary action and certificate  
 3021 of dissolution; and
- 3022 (B) if applicable, a certified copy of the resolution that the administrative body  
 3023 adopts under Subsection 17B-1-1308(1).
- 3024 (3) Upon the lieutenant governor's issuance of the certificate of dissolution under Section  
 3025 67-1a-6.5, the special district is dissolved.
- 3026 (4) (a) After the dissolution of a special district under this part, the administrative body  
 3027 shall use any assets of the special district remaining after paying all debts and other  
 3028 obligations of the special district to pay costs associated with the dissolution process.
- 3029 (b) If the administrative body is not the board of trustees of the dissolved special district,  
 3030 the administrative body shall pay any costs of the dissolution process remaining after  
 3031 exhausting the remaining assets of the special district as described in Subsection  
 3032 (4)(a).
- 3033 (c) If the administrative body is the board of trustees of the dissolved special district,  
 3034 each entity that has committed to provide a service that the dissolved special district  
 3035 previously provided, as described in Subsection 17B-1-1308(2)(b), shall pay, in the  
 3036 same proportion that the services the entity commits to provide bear to all of the  
 3037 services the special district provided, any costs of the dissolution process remaining  
 3038 after exhausting the remaining assets of the dissolved special district described in  
 3039 Subsection (4)(a).
- 3040 (5) ~~[(a)]~~ The administrative body shall distribute any assets of the special district that  
 3041 remain after the payment of debts, obligations, and costs under Subsection (4) in the  
 3042 following order of priority:
- 3043 ~~[(i)]~~ (a) if there is a readily identifiable connection between the remaining assets and a  
 3044 financial burden borne by the real property owners in the dissolved special district,  
 3045 proportionately to those real property owners;
- 3046 ~~[(ii)]~~ (b) if there is a readily identifiable connection between the remaining assets and a  
 3047 financial burden borne by the recipients of a service that the dissolved special district  
 3048 provided, proportionately to those recipients; and
- 3049 ~~[(iii)]~~ (c) subject to Subsection (6), to each entity that has committed to provide a service  
 3050 that the dissolved special district previously provided, as described in Subsection [  
 3051 ~~17B-1-1309(1)~~ (b) ~~(i)]~~ 17B-1-1308(2)(b)(i), in the same proportion that the services  
 3052 the entity commits to provide bear to all of the services the special district provided.
- 3053 (6) An entity that receives cash reserves of the dissolved special district under Subsection

3054 (5)(a)(iii) may not use the cash reserves:

3055 (a) in any way other than for the purpose the special district originally intended; or

3056 (b) in any area other than within the area that the dissolved special district previously  
3057 served.

3058 Section 47. Section **17B-1-1402** is amended to read:

3059 **17B-1-1402 . Board of trustees of a basic special district.**

3060 (1) As specified in a petition under Subsection 17B-1-203(1)(a) or (b) or a resolution under  
3061 Subsection [~~17B-1-203(1)(d) or (e)~~] 17B-1-203(1)(e) or (f), and except as provided in  
3062 Subsection (2), the members of a board of trustees of a basic special district may be:

3063 (a) (i) elected by registered voters; or

3064 (ii) appointed by the responsible body, as defined in Section 17B-1-201; or

3065 (b) if the area of the special district contains less than one residential dwelling unit per  
3066 50 acres of land at the time the resolution is adopted or the petition is filed, elected by  
3067 the owners of real property within the special district based on:

3068 (i) the amount of acreage owned by property owners;

3069 (ii) the assessed value of property owned by property owners; or

3070 (iii) water rights:

3071 (A) relating to the real property within the special district;

3072 (B) that the real property owner:

3073 (I) owns; or

3074 (II) has transferred to the special district.

3075 (2) As specified in a groundwater right owner petition under Subsection 17B-1-203(1)(c) or  
3076 a resolution under Subsection [~~17B-1-203(1)(d) or (e)~~] 17B-1-203(1)(e) or (f), the  
3077 members of a board of trustees of a basic special district created to manage groundwater  
3078 rights the district acquires or assesses under Section 17B-1-202 shall be:

3079 (a) subject to Section 17B-1-104.5, elected by the owners of groundwater rights that are  
3080 diverted within the special district;

3081 (b) appointed by the responsible body, as defined in Section 17B-1-201; or

3082 (c) elected or appointed as provided in Subsection (3).

3083 (3) A petition under Subsection 17B-1-203(1)(a) or (b) and a resolution under Subsection [  
3084 ~~17B-1-203(1)(d) or (e)~~] 17B-1-203(1)(e) or (f) may provide for a transition from one or  
3085 more methods of election or appointment under Subsection (1) or (2) to one or more  
3086 other methods of election or appointment based upon milestones or events that the  
3087 petition or resolution identifies.

3088 Section 48. Section **17B-2a-404** is amended to read:

3089 **17B-2a-404 . Improvement district board of trustees.**

3090 (1) As used in this section:

3091 (a) "County district" means an improvement district that does not include within its  
3092 boundaries any territory of a municipality.

3093 (b) "County member" means a member of a board of trustees of a county district.

3094 (c) "Electric district" means an improvement district that was created for the purpose of  
3095 providing electric service.

3096 (d) "Included municipality" means a municipality whose boundaries are entirely  
3097 contained within but do not coincide with the boundaries of an improvement district.

3098 (e) "Municipal district" means an improvement district whose boundaries coincide with  
3099 the boundaries of a single municipality.

3100 (f) "Regular district" means an improvement district that is not a county district, electric  
3101 district, or municipal district.

3102 (g) "Remaining area" means the area of a regular district that:

3103 (i) is outside the boundaries of an included municipality; and

3104 (ii) includes the area of an included municipality whose legislative body elects, under  
3105 Subsection (5)(a)(ii), not to appoint a member to the board of trustees of the  
3106 regular district.

3107 (h) "Remaining area member" means a member of a board of trustees of a regular  
3108 district who is appointed, or, if applicable, elected to represent the remaining area of  
3109 the district.

3110 (2) The legislative body of the municipality included within a municipal district may:

3111 (a) elect, at the time of the creation of the district, to be the board of trustees of the  
3112 district; and

3113 (b) adopt at any time a resolution providing for:

3114 (i) the election of board of trustees members, as provided in Section 17B-1-306; or

3115 (ii) the appointment of board of trustees members, as provided in Section 17B-1-304.

3116 (3) (a) The legislative body of a county whose unincorporated area is partly or  
3117 completely within a county district may:

3118 (i) elect, at the time of the creation of the district, to be the board of trustees of the  
3119 district, even though a member of the legislative body of the county may not meet  
3120 the requirements of Subsection 17B-1-302(1);

3121 (ii) adopt at any time a resolution providing for:

- 3122 (A) the election of board of trustees members, as provided in Section 17B-1-306;  
3123 or  
3124 (B) except as provided in Subsection (4), the appointment of board of trustees  
3125 members, as provided in Section 17B-1-304; and  
3126 (iii) if the conditions of Subsection (3)(b) are met, appoint a member of the  
3127 legislative body of the county to the board of trustees, except that the legislative  
3128 body of the county may not appoint more than three members of the legislative  
3129 body of the county to the board of trustees.
- 3130 (b) A legislative body of a county whose unincorporated area is partly or completely  
3131 within a county district may take an action under Subsection (3)(a)(iii) if:  
3132 (i) more than 35% of the residences within a county district that receive service from  
3133 the district are seasonally occupied homes, as defined in Subsection 17B-1-302  
3134 (2)(a)(ii);  
3135 (ii) the board of trustees are appointed by the legislative body of the county; and  
3136 (iii) there are at least two appointed board members who meet the requirements of  
3137 Subsections 17B-1-302(1), (2), ~~and~~ (3), (5), (6), and (7), except that a member of  
3138 the legislative body of the county need not satisfy the requirements of Subsections  
3139 17B-1-302(1), (2), and (3).
- 3140 (4) Subject to Subsection (6)(d), the legislative body of a county may not adopt a resolution  
3141 providing for the appointment of board of trustees members as provided in Subsection  
3142 (3)(a)(ii)(B) at any time after the county district is governed by an elected board of  
3143 trustees unless:  
3144 (a) the elected board has ceased to function;  
3145 (b) the terms of all of the elected board members have expired without the board having  
3146 called an election; or  
3147 (c) the elected board of trustees unanimously adopts a resolution approving the change  
3148 from an elected to an appointed board.
- 3149 (5) (a) (i) Except as provided in Subsection (5)(a)(ii), the legislative body of each  
3150 included municipality shall each appoint one member to the board of trustees of a  
3151 regular district.  
3152 (ii) The legislative body of an included municipality may elect not to appoint a  
3153 member to the board under Subsection (5)(a)(i).  
3154 (b) Except as provided in Subsection (6), the legislative body of each county whose  
3155 boundaries include a remaining area shall appoint all other members to the board of

- 3156 trustees of a regular district.
- 3157 (6) Notwithstanding Subsection (3), each remaining area member of a regular district and  
3158 each county member of a county district shall be elected, as provided in Section  
3159 17B-1-306, if:
- 3160 (a) the petition or resolution initiating the creation of the district provides for remaining  
3161 area or county members to be elected;
- 3162 (b) the district holds an election to approve the district's issuance of bonds;
- 3163 (c) for a regular district, an included municipality elects, under Subsection (5)(a)(ii), not  
3164 to appoint a member to the board of trustees; or
- 3165 (d) (i) at least 90 days before the municipal general election or regular general  
3166 election, as applicable, a petition is filed with the district's board of trustees  
3167 requesting remaining area members or county members, as the case may be, to be  
3168 elected; and
- 3169 (ii) the petition is signed by registered voters within the remaining area or county  
3170 district, as the case may be, equal in number to at least 10% of the number of  
3171 registered voters within the remaining area or county district, respectively, who  
3172 voted in the last gubernatorial election.
- 3173 (7) Subject to Section 17B-1-302, the number of members of a board of trustees of a regular  
3174 district shall be:
- 3175 (a) the number of included municipalities within the district, if:
- 3176 (i) the number of included municipalities is greater than nine or is an odd number that  
3177 is not greater than nine; and
- 3178 (ii) the district does not include a remaining area;
- 3179 (b) the number of included municipalities plus one, if the number of included  
3180 municipalities within the district is an even number that is less than nine; and
- 3181 (c) the number of included municipalities plus two, if:
- 3182 (i) the number of included municipalities is an odd number that is less than nine; and  
3183 (ii) the district includes a remaining area.
- 3184 (8) (a) Except as provided in Subsection (8)(b), each remaining area member of the  
3185 board of trustees of a regular district shall reside within the remaining area.
- 3186 (b) Notwithstanding Subsection (8)(a) and subject to Subsection (8)(c), each remaining  
3187 area member shall be chosen from the district at large if:
- 3188 (i) the population of the remaining area is less than 5% of the total district population;  
3189 or

- 3190 (ii) (A) the population of the remaining area is less than 50% of the total district  
3191 population; and  
3192 (B) the majority of the members of the board of trustees are remaining area  
3193 members.
- 3194 (c) Application of Subsection (8)(b) may not prematurely shorten the term of any  
3195 remaining area member serving the remaining area member's elected or appointed  
3196 term on May 11, 2010.
- 3197 (9) If the election of remaining area or county members of the board of trustees is required  
3198 because of a bond election, as provided in Subsection (6)(b):  
3199 (a) a person may file a declaration of candidacy if:  
3200 (i) the person resides within:  
3201 (A) the remaining area, for a regular district; or  
3202 (B) the county district, for a county district; and  
3203 (ii) otherwise qualifies as a candidate;
- 3204 (b) the board of trustees shall, if required, provide a ballot separate from the bond  
3205 election ballot, containing the names of candidates and blanks in which a voter may  
3206 write additional names; and  
3207 (c) the election shall otherwise be governed by Title 20A, Election Code.
- 3208 (10) (a) (i) This Subsection (10) applies to the board of trustees members of an  
3209 electric district.  
3210 (ii) Subsections (2) through (9) do not apply to an electric district.
- 3211 (b) The legislative body of the county in which an electric district is located may appoint  
3212 the initial board of trustees of the electric district as provided in Section 17B-1-304.
- 3213 (c) After the initial board of trustees is appointed as provided in Subsection (10)(b), each  
3214 member of the board of trustees of an electric district shall be elected by persons  
3215 using electricity from and within the district.
- 3216 (d) Each member of the board of trustees of an electric district shall be a user of  
3217 electricity from the district and, if applicable, the division of the district from which  
3218 elected.
- 3219 (e) The board of trustees of an electric district may be elected from geographic divisions  
3220 within the district.
- 3221 (f) A municipality within an electric district is not entitled to automatic representation on  
3222 the board of trustees.
- 3223 Section 49. Section **17B-2a-405** is amended to read:

3224 **17B-2a-405 . Board of trustees of certain sewer improvement districts.**

3225 (1) As used in this section:

3226 (a) "Jurisdictional boundaries" means:

3227 (i) for a qualified county, the boundaries that include:

3228 (A) the area of the unincorporated part of the county that is included within a  
3229 sewer improvement district; and3230 (B) the area of each nonappointing municipality that is included within the sewer  
3231 improvement district; and3232 (ii) for a qualified municipality, the boundaries that include the area of the  
3233 municipality that is included within a sewer improvement district.

3234 (b) "Nonappointing municipality" means a municipality that:

3235 (i) is partly included within a sewer improvement district; and

3236 (ii) is not a qualified municipality.

3237 (c) "Qualified county" means a county:

3238 (i) some or all of whose unincorporated area is included within a sewer improvement  
3239 district; or

3240 (ii) which includes within its boundaries a nonappointing municipality.

3241 (d) "Qualified county member" means a member of a board of trustees of a sewer  
3242 improvement district appointed under Subsection (3)(a)(ii).3243 (e) "Qualified municipality" means a municipality that is partly or entirely included  
3244 within a sewer improvement district that includes:3245 (i) all of the municipality that is capable of receiving sewage treatment service from  
3246 the sewer improvement district; and

3247 (ii) more than half of:

3248 (A) the municipality's land area; or

3249 (B) the assessed value of all private real property within the municipality.

3250 (f) "Qualified municipality member" means a member of a board of trustees of a sewer  
3251 improvement district appointed under Subsection (3)(a)(i).

3252 (g) "Sewer improvement district" means an improvement district that:

3253 (i) provides sewage collection, treatment, and disposal service; and

3254 (ii) made an election before 1954 under Laws of Utah 1953, Chapter 29, to enable it  
3255 to continue to appoint its board of trustees members as provided in this section.3256 (2) (a) Notwithstanding Section 17B-2a-404, the board of trustees members of a sewer  
3257 improvement district shall be appointed as provided in this section.

- 3258 (b) The board of trustees of a sewer improvement district may revoke the election under  
3259 Subsection (1)(d) and become subject to the provisions of Section 17B-2a-404 only  
3260 by the unanimous vote of all members of the sewer improvement district's board of  
3261 trustees at a time when there is no vacancy on the board.
- 3262 (3) (a) The board of trustees of each sewer improvement district shall consist of:  
3263 (i) at least one person but not more than three persons appointed by the mayor of  
3264 each qualified municipality, with the consent of the legislative body of that  
3265 municipality; and  
3266 (ii) at least one person but not more than three persons appointed by:  
3267 (A) the county executive, with the consent of the county legislative body, for a  
3268 qualified county operating under a county executive-council form of county  
3269 government; or  
3270 (B) the county legislative body, for each other qualified county.
- 3271 (b) Each qualified county member appointed under Subsection (3)(a)(ii) shall represent  
3272 the area within the jurisdictional boundaries of the qualified county.
- 3273 (4) Notwithstanding Subsection [~~17B-1-302(4)~~] 17B-1-302(8), the number of board of  
3274 trustees members of a sewer improvement district shall be the number that results from  
3275 application of Subsection (3)(a).
- 3276 (5) Except as provided in this section, an appointment to the board of trustees of a sewer  
3277 improvement district is governed by Section 17B-1-304.
- 3278 (6) A quorum of a board of trustees of a sewer improvement district consists of members  
3279 representing more than 50% of the total number of qualified county and qualified  
3280 municipality votes under Subsection (7).
- 3281 (7) (a) Subject to Subsection (7)(b), each qualified county and each qualified  
3282 municipality is entitled to one vote on the board of trustees of a sewer improvement  
3283 district for each \$10,000,000, or fractional part larger than 1/2 of that amount, of  
3284 assessed valuation of private real property taxable for district purposes within the  
3285 respective jurisdictional boundaries, as shown by the assessment records of the  
3286 county and evidenced by a certificate of the county auditor.
- 3287 (b) Notwithstanding Subsection (7)(a), each qualified county and each qualified  
3288 municipality shall have at least one vote.
- 3289 (8) If a qualified county or qualified municipality appoints more than one board member,  
3290 all the votes to which the qualified county or qualified municipality is entitled under  
3291 Subsection (7) for an item of board business shall collectively be cast by a majority of

3292 the qualified county members or qualified municipal members, respectively, present at a  
 3293 meeting of the board of trustees.

3294 Section 50. Section **17B-2a-407** is amended to read:

3295 **17B-2a-407 . Nonfunctioning improvement district -- Replacing board of trustees.**

3296 (1) As used in this section:

3297 (a) "Applicable certificate" means the same as that term is defined in Subsection  
 3298 67-1a-6.5(1)(a).

3299 (b) (i) "Non-functioning improvement district" means an improvement district:

3300 (A) for which the lieutenant governor issues an applicable certificate on or after  
 3301 July 1, 2022, but before October 15, 2023;

3302 (B) for which the legislative body of a county elected to be the board of trustees of  
 3303 the district under Subsection 17B-2a-404(3)(a); and

3304 (C) (I) for which the responsible body has not, within 100 days after the day on  
 3305 which the lieutenant governor issued the applicable certificate, complied  
 3306 with the recording requirements described in Subsection 17B-1-215(2); or

3307 (II) whose board of trustees has not, within 100 days after the day on which the  
 3308 lieutenant governor issued the applicable certificate, held a meeting as the  
 3309 board of trustees of the improvement district, that was noticed and held in  
 3310 accordance with the requirements of Title 52, Chapter 4, Open and Public  
 3311 Meetings Act.

3312 (ii) "Non-functioning improvement district" does not include an improvement district  
 3313 that has emerged from non-functioning status under Subsection (6)(c)(ii).

3314 (2) (a) The board of trustees of a non-functioning improvement district may not, after  
 3315 the 100-day period described in Subsection (1)(b)(i)(C)(I), take any action as the  
 3316 board of trustees or on behalf of the non-functioning improvement district.

3317 (b) Any action taken in violation of Subsection (2)(a) is void.

3318 (3) (a) An owner of land located within the boundaries of a non-functioning  
 3319 improvement district may file with the lieutenant governor a request to replace the  
 3320 board of trustees with a new board of trustees.

3321 (b) A new board of trustees described in Subsection (3)(a) shall comprise three  
 3322 individuals who are:

3323 (i) owners of land located within the boundaries of the improvement district; or

3324 (ii) agents of owners of land located within the boundaries of the improvement  
 3325 district.

- 3326 (4) A request described in Subsection (3) shall include:
- 3327 (a) the name and mailing address of the land owner who files the request;
- 3328 (b) the name of the improvement district;
- 3329 (c) a copy of the applicable certificate for the improvement district;
- 3330 (d) written consent to the request from each owner of land located within the boundaries
- 3331 of the improvement district; and
- 3332 (e) the names and mailing addresses of three individuals who will serve as the board of
- 3333 trustees of the improvement district until a new board of trustees is organized under
- 3334 Subsection (9).
- 3335 (5) Within 14 days after the day on which the lieutenant governor receives a request
- 3336 described in Subsections (3) and (4), the lieutenant governor shall:
- 3337 (a) determine whether:
- 3338 (i) the district is a non-functioning improvement district;
- 3339 (ii) the request complies with Subsection (4); and
- 3340 (b) if the lieutenant governor determines that the requirements described in Subsection
- 3341 (5)(a) are met, grant the request by issuing a certificate of replacement described in
- 3342 Subsection (6).
- 3343 (6) A certificate of replacement shall:
- 3344 (a) state the name of the improvement district;
- 3345 (b) reference the applicable certificate for the improvement district;
- 3346 (c) declare that, upon issuance of the certificate:
- 3347 (i) the existing board of trustees for the improvement district is dissolved and
- 3348 replaced by an interim board of trustees consisting of the three individuals
- 3349 described in Subsection (4)(e); and
- 3350 (ii) the improvement district is removed from nonfunctioning status and is, beginning
- 3351 at that point in time, a functioning improvement district.
- 3352 (7) The interim board of trustees described in Subsection (6)(c)(i) shall record, in the
- 3353 recorder's office for a county in which all or a portion of the improvement district exists:
- 3354 (a) the original of the certificate of replacement; and
- 3355 (b) the original or a copy of:
- 3356 (i) the items described in Subsections 17B-1-215(2)(a)(i)(A), (B), and (C); and
- 3357 (ii) if applicable, a copy of each resolution adopted under Subsection 17B-1-213(5).
- 3358 (8) Until a new board of trustees is organized under Subsection (9):
- 3359 (a) the interim board of trustees has the full authority of a board of trustees of an

- 3360 improvement district; and
- 3361 (b) a majority of the owners of land in the improvement district:
- 3362 (i) may appoint an individual described in Subsection (3)(b) to fill a vacancy on the
- 3363 interim board of trustees; and
- 3364 (ii) shall file written notification of the appointment of an individual described in
- 3365 Subsection (8)(b)(i) with the lieutenant governor.
- 3366 (9) Within 90 days after the day on which at least 20 persons own land within the
- 3367 improvement district, the interim board of trustees described in Subsection (6)(c)(i) shall
- 3368 dissolve and be replaced by a board of trustees described in Subsections 17B-1-302(1)
- 3369 through ~~[(3)(a)]~~ (3), except that:
- 3370 (a) the board of trustees shall comprise three members, appointed by the lieutenant
- 3371 governor, who are owners of property in the district, agents of an owner of property
- 3372 in the district, or residents of the district;
- 3373 (b) Subsections ~~[17B-1-302(3)(c) through (6)]~~ 17B-1-302(6) through (10) and Section
- 3374 17B-2a-404 do not apply to the improvement district; and
- 3375 (c) a member of the legislative body of the county may not serve as a member of the
- 3376 board of trustees.
- 3377 Section 51. Section **17B-2a-604** is amended to read:
- 3378 **17B-2a-604 . Metropolitan water district board of trustees.**
- 3379 (1) Members of the board of trustees of a metropolitan water district shall be:
- 3380 (a) elected in accordance with:
- 3381 (i) the petition or resolution that initiated the process of creating the metropolitan
- 3382 water district; and
- 3383 (ii) Section 17B-1-306;
- 3384 (b) appointed in accordance with Subsection (2); or
- 3385 (c) elected under Subsection (3)(a).
- 3386 (2) (a) This Subsection (2) shall apply to an appointed board of trustees of a
- 3387 metropolitan water district.
- 3388 (b) If a district contains the area of a single municipality:
- 3389 (i) the legislative body of that municipality shall appoint each member of the board of
- 3390 trustees; and
- 3391 (ii) one member shall be the officer with responsibility over the municipality's water
- 3392 supply and distribution system, if the system is municipally owned.
- 3393 (c) If a district contains some or all of the retail water service area of more than one

- 3394 municipality:
- 3395 (i) the legislative body of each municipality shall appoint the number of members for
- 3396 that municipality as determined under Subsection (2)(c)(ii);
- 3397 (ii) subject to Subsection (2)(c)(iii), the number of members appointed by each
- 3398 municipality shall be determined:
- 3399 (A) by agreement between the metropolitan water district and the municipalities,
- 3400 subject to Subsection [~~17B-1-302(4)~~] 17B-1-302(8); or
- 3401 (B) as provided in Chapter 1, Part 3, Board of Trustees; and
- 3402 (iii) at least one member shall be appointed by each municipality.
- 3403 (d) Each trustee shall be appointed without regard to partisan political affiliations from
- 3404 among citizens of the highest integrity, attainment, competence, and standing in the
- 3405 community.
- 3406 (3) (a) Members of the board of trustees of a metropolitan water district shall be elected
- 3407 in accordance with Section 17B-1-306, if, subject to Subsection (3)(b):
- 3408 (i) three-fourths of all members of the board of trustees of the metropolitan water
- 3409 district vote in favor of changing to an elected board; and
- 3410 (ii) the legislative body of each municipality that appoints a member to the board of
- 3411 trustees adopts a resolution approving the change to an elected board.
- 3412 (b) A change to an elected board of trustees under Subsection (3)(a) may not shorten the
- 3413 term of any member of the board of trustees serving at the time of the change.
- 3414 (4) A member of the board of trustees of a metropolitan water district shall be:
- 3415 (a) a registered voter;
- 3416 (b) a property taxpayer; and
- 3417 (c) a resident of:
- 3418 (i) the metropolitan water district; and
- 3419 (ii) the retail water service area of the municipality that:
- 3420 (A) elects the member; or
- 3421 (B) the member is appointed to represent.
- 3422 (5) (a) Except as provided in Subsection (7), a member shall immediately forfeit the
- 3423 member's seat on the board of trustees if the member becomes elected or appointed to
- 3424 office in or becomes an employee of the municipality whose legislative body
- 3425 appointed the member under Subsection (2).
- 3426 (b) The position of the member described in Subsection (5)(a) is vacant until filled as
- 3427 provided in Section 17B-1-304.

3428 (6) Except as provided in Subsection (7), the term of office of each member of the board of  
 3429 trustees is as provided in Section 17B-1-303.

3430 (7) Subsections (4), (5)(a), and (6) do not apply to a member who is a member under  
 3431 Subsection (2)(b)(ii).

3432 Section 52. Section **17B-2a-704** is amended to read:

3433 **17B-2a-704 . Mosquito abatement district board of trustees.**

3434 (1) (a) Notwithstanding Subsection [~~17B-1-302(4)~~] 17B-1-302(8):

3435 (i) the board of trustees of a mosquito abatement district consists of no less than five  
 3436 members appointed in accordance with this section; and

3437 (ii) subject to Subsection (1)(b), the legislative body of each municipality that is  
 3438 entirely or partly included within a mosquito abatement district shall appoint one  
 3439 member to the board of trustees.

3440 (b) If 75% or more of the area of a mosquito abatement district is within the boundaries  
 3441 of a single municipality:

3442 (i) the board of trustees consists of five members; and

3443 (ii) the legislative body of that municipality shall appoint all five members of the  
 3444 board.

3445 (2) Except as provided in Subsection (1), the legislative body of each county in which a  
 3446 mosquito abatement district is located shall appoint at least one member but no more  
 3447 than three members to the district's board of trustees as follows:

3448 (a) the county may appoint one member if:

3449 (i) (A) some or all of the county's unincorporated area is included within the  
 3450 boundaries of the mosquito abatement district; and

3451 (B) Subsection (2)(b) does not apply; or

3452 (ii) (A) the number of municipalities that are entirely or partly included within the  
 3453 district is an even number less than nine; and

3454 (B) Subsection (1)(b) does not apply; or

3455 (b) subject to Subsection (3), the county may appoint up to and including three members  
 3456 if:

3457 (i) more than 25% of the population of the mosquito abatement district resides  
 3458 outside the boundaries of all municipalities that may appoint members to the  
 3459 board of trustees; and

3460 (ii) a municipality appoints at least four members of the board of trustees.

3461 (3) A county may not appoint a member in accordance with Subsection (2)(b) who resides

- 3462 within a municipality that may appoint a member to the board of trustees.
- 3463 (4) If the number of board members appointed by application of Subsections (1) and (2)(a)  
3464 is an even number less than nine, the legislative body of the county in which the district  
3465 is located shall appoint an additional member.
- 3466 (5) Notwithstanding Subsection (2), and subject to Subsection (1)(b):
- 3467 (a) if the mosquito abatement district is located entirely within one county and, in  
3468 accordance with this section, only one municipality may appoint a member of the  
3469 board of trustees, the county legislative body shall appoint at least four members to  
3470 the district's board of trustees; and
- 3471 (b) if the mosquito abatement district is located entirely within one county and no  
3472 municipality may appoint a member of the board of trustees, the county legislative  
3473 body shall appoint all of the members of the board.
- 3474 (6) Each board of trustees member is appointed in accordance with Section 17B-1-304.
- 3475 (7) The applicable appointing authority shall fill each vacancy on a mosquito abatement  
3476 district board of trustees in accordance with Section 17B-1-304, or if the vacancy is a  
3477 midterm vacancy, in accordance with Section 20A-1-512.
- 3478 Section 53. Section **17B-2a-905** is amended to read:
- 3479 **17B-2a-905 . Service area board of trustees.**
- 3480 (1) (a) Except as provided in Subsection (2), (3), or (4):
- 3481 (i) the initial board of trustees of a service area located entirely within the  
3482 unincorporated area of a single county may, as stated in the petition or resolution  
3483 that initiated the process of creating the service area:
- 3484 (A) consist of the county legislative body;
- 3485 (B) be appointed, as provided in Section 17B-1-304; or
- 3486 (C) be elected, as provided in Section 17B-1-306;
- 3487 (ii) if the board of trustees of a service area consists of the county legislative body,  
3488 the board may adopt a resolution providing for future board members to be  
3489 appointed, as provided in Section 17B-1-304, or elected, as provided in Section  
3490 17B-1-306; and
- 3491 (iii) members of the board of trustees of a service area shall be elected, as provided in  
3492 Section 17B-1-306, if:
- 3493 (A) the service area is not entirely within the unincorporated area of a single  
3494 county;
- 3495 (B) a petition is filed with the board of trustees requesting that board members be

3496 elected, and the petition is signed by registered voters within the service area  
 3497 equal in number to at least 10% of the number of registered voters within the  
 3498 service area who voted at the last gubernatorial election; or

3499 (C) an election is held to authorize the service area's issuance of bonds.

3500 (b) If members of the board of trustees of a service area are required to be elected under  
 3501 Subsection (1)(a)(iii)(C) because of a bond election:

3502 (i) board members shall be elected in conjunction with the bond election;

3503 (ii) the board of trustees shall:

3504 (A) establish a process to enable potential candidates to file a declaration of  
 3505 candidacy sufficiently in advance of the election; and

3506 (B) provide a ballot for the election of board members separate from the bond  
 3507 ballot; and

3508 (iii) except as provided in this Subsection (1)(b), the election shall be held as  
 3509 provided in Section 17B-1-306.

3510 (2) (a) This Subsection (2) applies to a service area created on or after May 5, 2003, if:

3511 (i) the service area was created to provide:

3512 (A) fire protection, paramedic, and emergency services; or

3513 (B) law enforcement service;

3514 (ii) in the creation of the service area, an election was not required under Subsection  
 3515 17B-1-214(3)(d); and

3516 (iii) the service area is not a service area described in Subsection (3).

3517 (b) (i) Each county with unincorporated area that is included within a service area  
 3518 described in Subsection (2)(a), whether in conjunction with the creation of the  
 3519 service area or by later annexation, shall appoint up to three members to the board  
 3520 of trustees.

3521 (ii) Each municipality with an area that is included within a service area described in  
 3522 Subsection (2)(a), whether in conjunction with the creation of the service area or  
 3523 by later service area annexation or municipal incorporation or annexation, shall  
 3524 appoint one member to the board of trustees, unless the area of the municipality is  
 3525 withdrawn from the service area.

3526 (iii) Each member that a county or municipality appoints under Subsection (2)(b)(i)  
 3527 or (ii) shall be an elected official of the appointing county or municipality,  
 3528 respectively.

3529 (c) Notwithstanding Subsection [~~17B-1-302(4)~~] 17B-1-302(8), the number of members

- 3530 of a board of trustees of a service area described in Subsection (2)(a) shall be the  
3531 number resulting from application of Subsection (2)(b).
- 3532 (3) (a) This Subsection (3) applies to a service area created on or after May 14, 2013, if:
- 3533 (i) the service area was created to provide fire protection, paramedic, and emergency  
3534 services;
- 3535 (ii) in the creation of the service area, an election was not required under Subsection  
3536 17B-1-214(3)(d); and
- 3537 (iii) each municipality with an area that is included within the service area or county  
3538 with unincorporated area, whether in whole or in part, that is included within a  
3539 service area is a party to an agreement:
- 3540 (A) entered into in accordance with Title 11, Chapter 13, Interlocal Cooperation  
3541 Act, with all the other municipalities or counties with an area that is included in  
3542 the service area;
- 3543 (B) to provide the services described in Subsection (3)(a)(i); and
- 3544 (C) at the time a resolution proposing the creation of the service area is adopted by  
3545 each applicable municipal or county legislative body in accordance with  
3546 Subsection [~~17B-1-203(1)(d)~~] 17B-1-203(1)(e).
- 3547 (b) (i) Each county with unincorporated area, whether in whole or in part, that is  
3548 included within a service area described in Subsection (3)(a), whether in  
3549 conjunction with the creation of the service area or by later annexation, shall  
3550 appoint one member to the board of trustees.
- 3551 (ii) Each municipality with an area that is included within a service area described in  
3552 Subsection (3)(a), whether in conjunction with the creation of the service area or  
3553 by later annexation, shall appoint one member to the board of trustees.
- 3554 (iii) Each member that a county or municipality appoints under Subsection (3)(b)(i)  
3555 or (ii) shall be an elected official of the appointing county or municipality,  
3556 respectively.
- 3557 (iv) A vote by a member of the board of trustees may be weighted or proportional.
- 3558 (c) Notwithstanding Subsection [~~17B-1-302(4)~~] 17B-1-302(8), the number of members  
3559 of a board of trustees of a service area described in Subsection (3)(a) is the number  
3560 resulting from the application of Subsection (3)(b).
- 3561 (4) (a) This Subsection (4) applies to a service area if:
- 3562 (i) the service area provides a service to a municipality in accordance with an  
3563 agreement between the service area and the municipality in accordance with Title

- 3564 11, Chapter 13, Interlocal Cooperation Act;
- 3565 (ii) the municipality is not included within the service area's boundary;
- 3566 (iii) the governing body of the municipality petitions the service area to request
- 3567 authority to appoint one member of the board of trustees of the service area; and
- 3568 (iv) the service area board of trustees approves the petition.
- 3569 (b) The governing body of a municipality described in Subsection (4)(a) may appoint a
- 3570 member of a service area board of trustees as follows:
- 3571 (i) the governing body shall make the appointment in accordance with:
- 3572 (A) Section 17B-1-304; or
- 3573 (B) to fill a mid-term vacancy, Subsection 20A-1-512(1);
- 3574 (ii) the governing body may not appoint an individual who is not a registered voter
- 3575 residing within the municipality;
- 3576 (iii) the district boundary requirement in Subsection 17B-1-302(1) does not apply to
- 3577 the governing body's appointee;
- 3578 (iv) the governing body and the service area board of trustees may not shorten the
- 3579 term of office of any member of the board due to the governing body's
- 3580 appointment;
- 3581 (v) notwithstanding Subsection [~~17B-1-302(4)~~] 17B-1-302(8), the number of
- 3582 members of the board of trustees of a service area described in Subsection (4)(a)
- 3583 may be odd or even; and
- 3584 (vi) if the number of members of a service area board of trustees is odd before the
- 3585 governing body's appointment, the member that the governing body appoints may
- 3586 replace a member whose term is expiring or who otherwise leaves a vacancy on
- 3587 the board or, if no expiring term or vacancy exists:
- 3588 (A) the number of board members may temporarily be even, including the
- 3589 member that the governing body appoints, until an expiring term or vacancy
- 3590 exists that restores the board membership to an odd number; and
- 3591 (B) no appointing authority may fill the expiring term or vacancy that restores the
- 3592 board membership to an odd number.
- 3593 (c) (i) The service area board of trustees may rescind the approval described in
- 3594 Subsection (4)(a) at any time.
- 3595 (ii) If the service area board of trustees rescinds the approval described in Subsection
- 3596 (4)(a) during the term of a board member that the governing body appointed, the
- 3597 appointee shall remain on the board for the remainder of the appointee's term.

3598 Section 54. Section **17B-2a-1301** is enacted to read:

3599

**Part 13. Infrastructure Financing District**

3600 **17B-2a-1301 . Definitions.**

3601 As used in this part:

3602 (1) "Assessment bond" means the same as that term is defined in Section 11-42-102.

3603 (2) "Board" means the board of trustees of an infrastructure financing district.

3604 (3) "Designated expansion area" means an area that is:

3605 (a) outside and contiguous to the original district boundary; and

3606 (b) designated and described in a governing document as an area that may be subject to  
3607 future annexation to the infrastructure financing district.

3608 (4) "Governing document" means a document described in Section 17B-2a-1303.

3609 (5) "Original district boundary" means the boundary of an infrastructure financing district  
3610 as described in the approved final local entity plat, as defined in Section 67-1a-6.5.

3611 (6) (a) "Public infrastructure and improvements" means infrastructure, improvements,  
3612 facilities, or buildings that:

3613 (i) benefit the public; and

3614 (ii) (A) are or will be owned by a public entity or a utility; or

3615 (B) are publicly maintained or operated by a public entity.

3616 (b) "Public infrastructure and improvements" includes facilities, lines, or systems that  
3617 provide:

3618 (i) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,  
3619 microgrids, or telecommunications service;

3620 (ii) streets, roads, curb, gutter, sidewalk, solid waste facilities, parking facilities, or  
3621 public transportation facilities; and

3622 (iii) green space, parks, trails, recreational amenities, or other similar facilities.

3623 (c) "Public infrastructure and improvements" does not include any infrastructure,  
3624 improvements, facilities, or buildings owned or to be owned by a private person,  
3625 including a homeowner association.

3626 (7) "Residential district" means an infrastructure financing district that contains or is  
3627 projected to contain owner-occupied residential units within the boundary of the  
3628 infrastructure financing district.

3629 Section 55. Section **17B-2a-1302** is enacted to read:

3630 **17B-2a-1302 . Provisions applicable to infrastructure financing district --**

- 3631 **Exceptions -- Conflicting provisions -- Contract for administrative services.**
- 3632 (1) An infrastructure financing district is governed by and has the powers stated in:
- 3633 (a) this part; and
- 3634 (b) Chapter 1, Provisions Applicable to All Special Districts, except as provided in
- 3635 Subsection (1)(b).
- 3636 (2) (a) Notwithstanding Subsection 17B-1-103(2)(f), an infrastructure financing district
- 3637 may issue bonds only as provided in Title 11, Chapter 42, Assessment Area Act,
- 3638 subject to Subsection (2)(b), and Title 11, Chapter 42a, Commercial Property
- 3639 Assessed Clean Energy Act.
- 3640 (b) To the extent that the provisions of Title 11, Chapter 42, Assessment Area Act, apply
- 3641 to the use of funds from an assessment or an assessment bond for infrastructure
- 3642 operation and maintenance costs or for the cost of conducting economic promotion
- 3643 activities, those provisions do not apply to an infrastructure financing district.
- 3644 (c) Before a county or municipality's final inspection required for the issuance of a
- 3645 certificate of occupancy for a residential unit that is subject to an assessment levied
- 3646 by an infrastructure financing district under Title 11, Chapter 42, Assessment Area
- 3647 Act, the infrastructure financing district shall ensure that the assessment allocable to
- 3648 that unit is paid in full and that any assessment lien on that unit is satisfied and
- 3649 released.
- 3650 (3) Notwithstanding Subsection 17B-1-103(2)(h), an infrastructure financing district may
- 3651 not exercise the power of eminent domain.
- 3652 (4) This part applies only to an infrastructure financing district.
- 3653 (5) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
- 3654 Special Districts, and a provision in this part, the provision in this part governs.
- 3655 (6) An infrastructure financing district may contract with another governmental entity for
- 3656 the other governmental entity to provide administrative services to the infrastructure
- 3657 financing district.
- 3658 Section 56. Section **17B-2a-1303** is enacted to read:
- 3659 **17B-2a-1303 . Governing document.**
- 3660 (1) The sponsors of a petition filed under Subsection 17B-1-203(1)(d) to create an
- 3661 infrastructure financing district may include with the petition a governing document.
- 3662 (2) A governing document may contain provisions for the governance of the infrastructure
- 3663 financing district, consistent with this part, including:
- 3664 (a) for a residential district, milestones or events that will guide the board in considering

- 3665 modifications to division boundaries to ensure that each division has as nearly as  
3666 possible the same number of registered voters;
- 3667 (b) a provision allowing a property owner within the infrastructure financing district to  
3668 make recommendations, in proportion to the amount of the owner's property in  
3669 relation to all property within the infrastructure financing district, for individuals to  
3670 serve as appointed board members; and
- 3671 (c) any other provisions or information that petition sponsors or the board considers  
3672 necessary or advisable for the governance of the infrastructure financing district.
- 3673 (3) A governing document shall:
- 3674 (a) include a description of infrastructure that the infrastructure financing district will  
3675 provide funding for;
- 3676 (b) include, for a residential district, a provision for a transition from an appointed board  
3677 position, whether at large or for a division, to an elected board position, based upon  
3678 milestones or events that the governing document identifies;
- 3679 (c) if applicable, include a copy of a development agreement that has been executed  
3680 relating to infrastructure to be developed within the boundary of the infrastructure  
3681 financing district and for which the infrastructure financing district anticipates  
3682 providing funding; and
- 3683 (d) if applicable, describe a designated expansion area.
- 3684 (4) (a) An area may not be designated as a designated expansion area unless the area is  
3685 contiguous to the original district boundary.
- 3686 (b) An area may not be annexed to an infrastructure financing district unless the area is  
3687 within the designated expansion area that is described in a governing document that  
3688 is included and submitted with the petition to create the infrastructure financing  
3689 district.
- 3690 Section 57. Section **17B-2a-1304** is enacted to read:
- 3691 **17B-2a-1304 . Board of trustees -- Conflict of interest -- Compensation.**
- 3692 (1) A board member with a personal investment described in Section 67-16-9 is not in  
3693 violation of Section 67-16-9 if:
- 3694 (a) before beginning service as a board member, the board member complies with the  
3695 disclosure requirements of Section 67-16-7, as though that section applied to the  
3696 board member's ownership of a personal investment described in Section 67-16-9; and
- 3697 (b) during the board member's service, the board member complies with:
- 3698 (i) the disclosure requirements of Section 67-16-7, as provided in Subsection (1)(a),

3699           upon any significant change in the board member's personal investment; and  
 3700           (ii) applicable requirements of this part and the governing document.

3701   (2) An infrastructure financing district may not compensate a board member for the  
 3702       member's service on the board unless the board member is a resident within the  
 3703       boundary of the infrastructure financing district.

3704       Section 58. Section **17B-2a-1305** is enacted to read:

3705       **17B-2a-1305 . Relationship with other local entities.**

3706   (1) The applicability of local land use regulations under Title 10, Chapter 9a, Municipal  
 3707       Land Use, Development, and Management Act, or Title 17, Chapter 27a, County Land  
 3708       Use, Development, and Management Act, is not affected by:

3709       (a) the creation or operation of an infrastructure financing district; or

3710       (b) the infrastructure financing district's provision of funding for the development of  
 3711       infrastructure within the infrastructure financing district boundary.

3712   (2) The boundary of an infrastructure financing district is not affected by:

3713       (a) a municipality's annexation of an unincorporated area of a county; or

3714       (b) the adjustment of a boundary shared by more than one municipality.

3715   (3) A debt, obligation, or other financial burden of an infrastructure financing district,  
 3716       including any liability of or claim or judgment against an infrastructure financing district:

3717       (a) is borne solely by the infrastructure financing district; and

3718       (b) is not the debt, obligation, or other financial burden of any other political subdivision  
 3719       of the state or of the state.

3720   (4) (a) Nothing in this part affects the requirement for infrastructure for which an  
 3721       infrastructure financing district provides funding to comply with all applicable  
 3722       standards and design, inspection, and other requirements of the county, municipality,  
 3723       special district, or special service district that will own and operate the infrastructure  
 3724       after the infrastructure is completed.

3725       (b) Upon the completion of infrastructure for which an infrastructure financing district  
 3726       has provided funding, the infrastructure shall be conveyed:

3727       (i) to the county, municipality, special district, or special service district that will  
 3728       operate the infrastructure; and

3729       (ii) at no cost to the county, municipality, special district, or special service district.

3730       Section 59. Section **17B-2a-1306** is enacted to read:

3731       **17B-2a-1306 . Contesting an infrastructure financing district action.**

3732   (1) As used in this section:

- 3733 (a) "Contestable action" means:  
3734 (i) the creation of an infrastructure financing district or any part of the process to  
3735 create an infrastructure financing district;  
3736 (ii) a property tax levied by an infrastructure financing district or any part of the  
3737 process to levy the tax; or  
3738 (iii) a fee imposed by an infrastructure financing district or any part of the process to  
3739 impose the fee.
- 3740 (b) "Effective date" means:  
3741 (i) with respect to the creation of an infrastructure financing district, the date of the  
3742 lieutenant governor's issuance of a certificate of creation under Section 67-1a-6.5;  
3743 (ii) with respect to a property tax levied by an infrastructure financing district, the  
3744 date of the board's adoption of a resolution levying the tax; and  
3745 (iii) for a fee imposed by an infrastructure financing district, the date of the board's  
3746 adoption of a resolution imposing the fee.
- 3747 (2) (a) A person may file a court action to contest the legality or validity of a contestable  
3748 action.  
3749 (b) A court action under Subsection (2)(a) is the exclusive remedy for a person to  
3750 contest the legality or validity of a contestable action.
- 3751 (3) A person may not bring an action under Subsection (2) or serve a summons relating to  
3752 the action more than 30 days after the effective date of the contestable action.
- 3753 (4) After the expiration of the 30-day period stated in Subsection (3):  
3754 (a) a contestable action becomes incontestable against any person who has not brought  
3755 an action and served a summons within the time specified in Subsection (3); and  
3756 (b) a person may not bring an action to:  
3757 (i) enjoin an infrastructure financing district from levying and collecting a property  
3758 tax or imposing and collecting a fee that the infrastructure financing district levies  
3759 or imposes; or  
3760 (ii) attack or question in any way the legality or validity of a contestable action.
- 3761 (5) (a) This section does not affect a claim for a misuse of funds against the  
3762 infrastructure financing district or an officer or employee of the infrastructure  
3763 financing district.  
3764 (b) A person may not seek relief for a claimed misuse of funds described in Subsection  
3765 (5)(a) except for injunctive relief.  
3766 (c) The limitation under Subsection (5)(b) does not affect the filing or prosecution of

3767 criminal charges for the misuse of infrastructure financing district funds.

3768 Section 60. Section **17B-2a-1307** is enacted to read:

3769 **17B-2a-1307 . Reporting requirements.**

3770 (1) An infrastructure financing district shall submit an annual report, as provided in this  
3771 section, to:

3772 (a) the state auditor;

3773 (b) the clerk or recorder of each municipality in which the infrastructure financing  
3774 district is located; and

3775 (c) the clerk of the county in which the infrastructure financing district is located, if all  
3776 or part of the infrastructure financing district is located in an unincorporated area of  
3777 the county.

3778 (2) A report required under Subsection (1) shall:

3779 (a) be filed no later than May 31 of each year; and

3780 (b) report, for the preceding calendar year:

3781 (i) if applicable, the amount of property tax revenue the infrastructure financing  
3782 district received;

3783 (ii) the amount of money the infrastructure financing district received from  
3784 assessments levied in an assessment area designated under Title 11, Chapter 42,  
3785 Assessment Area Act;

3786 (iii) the outstanding principal of any assessment bonds issued or other debt incurred  
3787 by the infrastructure financing district;

3788 (iv) the amount spent for site improvement or site preparation costs, the installation  
3789 of public infrastructure and improvements, and administrative costs;

3790 (v) any boundary change of the infrastructure financing district; and

3791 (vi) the number of residential housing units constructed within the infrastructure  
3792 financing district.

3793 Section 61. Section **20A-1-512** is amended to read:

3794 **20A-1-512 . Midterm vacancies on local district boards -- Notice.**

3795 (1) (a) When a vacancy occurs on any special district board for any reason, the following  
3796 shall appoint a replacement to serve out the unexpired term in accordance with this  
3797 section:

3798 (i) the special district board, if the person vacating the position was elected; or

3799 (ii) the appointing authority, as that term is defined in Section 17B-1-102, if the  
3800 appointing authority appointed the person vacating the position.

- 3801 (b) Except as provided in Subsection (1)(c) or (d), before acting to fill the vacancy, the  
 3802 special district board or appointing authority shall:
- 3803 (i) give public notice of the vacancy for at least two weeks before the special district  
 3804 board or appointing authority meets to fill the vacancy by publishing the notice, as  
 3805 a class A notice under Section 63G-30-102, for the special district; and
- 3806 (ii) identify, in the notice:
- 3807 (A) the date, time, and place of the meeting where the vacancy will be filled;
- 3808 (B) the individual to whom an individual who is interested in an appointment to  
 3809 fill the vacancy may submit the individual's name for consideration; and
- 3810 (C) any submission deadline.
- 3811 (c) An appointing authority is not subject to Subsection (1)(b) if:
- 3812 (i) (A) the appointing authority appoints one of the appointing authority's own  
 3813 members; and
- 3814 ~~[(ii)] (B)~~ that member meets all applicable statutory board member qualifications~~[-]~~ ;
- 3815 or
- 3816 (ii) the vacancy is on the board of trustees of an infrastructure financing district with  
 3817 no residents within the district's boundary.
- 3818 (d) When a vacancy occurs on the board of a water conservancy district located in more  
 3819 than one county:
- 3820 (i) the board shall give notice of the vacancy to the county legislative bodies that  
 3821 nominated the vacating trustee as provided in Section 17B-2a-1005;
- 3822 (ii) the county legislative bodies described in Subsection (1)(d)(i) shall collectively  
 3823 compile a list of three nominees to fill the vacancy; and
- 3824 (iii) the governor shall, with the advice and consent of the Senate, appoint an  
 3825 individual to fill the vacancy from nominees submitted as provided in Subsection  
 3826 17B-2a-1005(2)(c).
- 3827 (2) If, 90 days after a vacancy occurs, the special district board [fails] has failed to appoint  
 3828 an individual to complete an elected board member's term[ -within 90 days, the  
 3829 legislative body of the county or municipality that created the special district shall fill] ,  
 3830 the vacancy shall be filled:
- 3831 (a) in accordance with the procedure for a special district described in Subsection (1)(b)[-]  
 3832 ; and
- 3833 (b) by, as applicable:
- 3834 (i) the legislative body of the county or municipality that created the special district;

3835           or  
 3836           (ii) for a vacancy on a board of trustees of an infrastructure financing district, the  
 3837           legislative body of the county whose unincorporated area contains or the  
 3838           municipality whose boundary contains more of the area within the infrastructure  
 3839           financing district than is contained within the unincorporated area of any other  
 3840           county or within the boundary of any other municipality.

3841           Section 62. Section **52-4-207** is amended to read:

3842           **52-4-207 . Electronic meetings -- Authorization -- Requirements.**

- 3843           (1) Except as otherwise provided for a charter school in Section 52-4-209, a public body  
 3844           may convene and conduct an electronic meeting in accordance with this section.
- 3845           (2) (a) A public body may not hold an electronic meeting unless the public body has  
 3846           adopted a resolution, rule, or ordinance governing the use of electronic meetings.
- 3847           (b) A resolution, rule, or ordinance described in Subsection (2)(a) that governs an  
 3848           electronic meeting shall establish the conditions under which a remote member is  
 3849           included in calculating a quorum.
- 3850           (c) A resolution, rule, or ordinance described in Subsection (2)(a) may:
- 3851           (i) prohibit or limit electronic meetings based on budget, public policy, or logistical  
 3852           considerations;
- 3853           (ii) require a quorum of the public body to:
- 3854           (A) be present at a single anchor location for the meeting; and
- 3855           (B) vote to approve establishment of an electronic meeting in order to include  
 3856           other members of the public body through an electronic connection;
- 3857           (iii) require a request for an electronic meeting to be made by a member of a public  
 3858           body up to three days prior to the meeting to allow for arrangements to be made  
 3859           for the electronic meeting;
- 3860           (iv) restrict the number of separate connections for members of the public body that  
 3861           are allowed for an electronic meeting based on available equipment capability;
- 3862           (v) if the public body is statutorily authorized to allow a member of the public body  
 3863           to act by proxy, establish the conditions under which a member may vote or take  
 3864           other action by proxy; or
- 3865           (vi) establish other procedures, limitations, or conditions governing electronic  
 3866           meetings not in conflict with this section.
- 3867           (3) A public body that convenes and conducts an electronic meeting shall:
- 3868           (a) give public notice of the electronic meeting in accordance with Section 52-4-202;

- 3869 (b) except for an electronic meeting described in Subsection (5), post written notice of  
3870 the electronic meeting at the anchor location; and
- 3871 (c) except as otherwise provided in a rule of the Legislature applicable to the public  
3872 body, at least 24 hours before the electronic meeting is scheduled to begin, provide  
3873 each member of the public body a description of how to electronically connect to the  
3874 meeting.
- 3875 (4) (a) Except as provided in Subsection (5), a public body that convenes and conducts  
3876 an electronic meeting shall provide space and facilities at an anchor location for  
3877 members of the public to attend the open portions of the meeting.
- 3878 (b) A public body that convenes and conducts an electronic meeting may provide means  
3879 by which members of the public may attend the meeting remotely by electronic  
3880 means.
- 3881 (5) Subsection (4)(a) does not apply to an electronic meeting if:
- 3882 (a) (i) the chair of the public body determines that:
- 3883 (A) conducting the meeting as provided in Subsection (4)(a) presents a substantial  
3884 risk to the health or safety of those present or who would otherwise be present  
3885 at the anchor location; or
- 3886 (B) the location where the public body would normally meet has been ordered  
3887 closed to the public for health or safety reasons; and
- 3888 (ii) the public notice for the meeting includes:
- 3889 (A) a statement describing the chair's determination under Subsection (5)(a)(i);  
3890 (B) a summary of the facts upon which the chair's determination is based; and  
3891 (C) information on how a member of the public may attend the meeting remotely  
3892 by electronic means;
- 3893 (b) (i) during the course of the electronic meeting, the chair:
- 3894 (A) determines that continuing to conduct the electronic meeting as provided in  
3895 Subsection (4)(a) presents a substantial risk to the health or safety of those  
3896 present at the anchor location; and
- 3897 (B) announces during the electronic meeting the chair's determination under  
3898 Subsection (5)(b)(i)(A) and states a summary of the facts upon which the  
3899 determination is made; and
- 3900 (ii) in convening the electronic meeting, the public body has provided means by  
3901 which members of the public who are not physically present at the anchor location  
3902 may attend the electronic meeting remotely by electronic means;

- 3903 (c) (i) the public body is a special district board of trustees established under Title  
3904 17B, Chapter 1, Part 3, Board of Trustees;
- 3905 (ii) the board of trustees' membership consists of:
- 3906 (A) at least two members who are elected or appointed to the board as owners of  
3907 land, or as an agent or officer of the owners of land, under the criteria  
3908 described in Subsection 17B-1-302(2)(b); or
- 3909 (B) at least one member who is elected or appointed to the board as an owner of  
3910 land, or as an agent or officer of the owner of land, under the criteria described  
3911 in Subsection [~~17B-1-302(3)(a)(ii)~~] 17B-1-302(3)(b)(ii);
- 3912 (iii) the public notice required under Subsection 52-4-202(3)(a)(i)(B) for the  
3913 electronic meeting includes information on how a member of the public may  
3914 attend the meeting remotely by electronic means; and
- 3915 (iv) the board of trustees allows members of the public attending the meeting by  
3916 remote electronic means to participate in the meeting; or
- 3917 (d) (i) the public body is a special service district administrative control board  
3918 established under Title 17D, Chapter 1, Part 3, Administrative Control Board;
- 3919 (ii) the administrative control board's membership consists of:
- 3920 (A) at least one member who is elected or appointed to the board as an owner of  
3921 land, or as an agent or officer of the owner of land, under the criteria described  
3922 in Subsection 17D-1-304(1)(a)(iii)(A) or (B), as applicable; or
- 3923 (B) members that qualify for election or appointment to the board because the  
3924 owners of real property in the special service district meet or exceed the  
3925 threshold percentage described in Subsection 17D-1-304(1)(b)(i);
- 3926 (iii) the public notice required under Subsection 52-4-202(3)(a)(i)(B) for the  
3927 electronic meeting includes information on how a member of the public may  
3928 attend the meeting remotely by electronic means; and
- 3929 (iv) the administrative control board allows members of the public attending the  
3930 meeting by remote electronic means to participate in the meeting.
- 3931 (6) A determination under Subsection (5)(a)(i) expires 30 days after the day on which the  
3932 chair of the public body makes the determination.
- 3933 (7) Compliance with the provisions of this section by a public body constitutes full and  
3934 complete compliance by the public body with the corresponding provisions of Sections  
3935 52-4-201 and 52-4-202.
- 3936 (8) Unless a public body adopts a resolution, rule, or ordinance described in Subsection

- 3937 (2)(c)(v), a public body that is conducting an electronic meeting may not allow a  
3938 member to vote or otherwise act by proxy.
- 3939 (9) Except for a unanimous vote, a public body that is conducting an electronic meeting  
3940 shall take all votes by roll call.
- 3941 Section 63. Section **67-1a-6.5** is amended to read:
- 3942 **67-1a-6.5 . Certification of local entity boundary actions -- Definitions -- Notice**  
3943 **requirements -- Electronic copies -- Filing.**
- 3944 (1) As used in this section:
- 3945 (a) "Applicable certificate" means:
- 3946 (i) for the impending incorporation of a city, town, special district, conservation  
3947 district, or incorporation of a special district from a reorganized special service  
3948 district, a certificate of incorporation;
- 3949 (ii) for the impending creation of a county, school district, special service district,  
3950 community reinvestment agency, or interlocal entity, a certificate of creation;
- 3951 (iii) for the impending annexation of territory to an existing local entity, a certificate  
3952 of annexation;
- 3953 (iv) for the impending withdrawal or disconnection of territory from an existing local  
3954 entity, a certificate of withdrawal or disconnection, respectively;
- 3955 (v) for the impending consolidation of multiple local entities, a certificate of  
3956 consolidation;
- 3957 (vi) for the impending division of a local entity into multiple local entities, a  
3958 certificate of division;
- 3959 (vii) for the impending adjustment of a common boundary between local entities, a  
3960 certificate of boundary adjustment; and
- 3961 (viii) for the impending dissolution of a local entity, a certificate of dissolution.
- 3962 (b) "Approved final local entity plat" means a final local entity plat, as defined in  
3963 Section 17-23-20, that has been approved under Section 17-23-20 as a final local  
3964 entity plat by the county surveyor.
- 3965 (c) "Approving authority" has the same meaning as defined in Section 17-23-20.
- 3966 (d) "Boundary action" has the same meaning as defined in Section 17-23-20.
- 3967 (e) "Center" means the Utah Geospatial Resource Center created under Section  
3968 63A-16-505.
- 3969 (f) "Community reinvestment agency" has the same meaning as defined in Section  
3970 17C-1-102.

- 3971 (g) "Conservation district" has the same meaning as defined in Section 17D-3-102.
- 3972 (h) "Interlocal entity" has the same meaning as defined in Section 11-13-103.
- 3973 (i) "Local entity" means a county, city, town, school district, special district, community  
3974 reinvestment agency, special service district, conservation district, or interlocal entity.
- 3975 (j) "Notice of an impending boundary action" means a written notice, as described in  
3976 Subsection (3), that provides notice of an impending boundary action.
- 3977 (k) "Special district" means the same as that term is defined in Section 17B-1-102.
- 3978 (l) "Special service district" means the same as that term is defined in Section 17D-1-102.
- 3979 (2) Within 10 days after receiving a notice of an impending boundary action, the lieutenant  
3980 governor shall:
- 3981 (a) (i) issue the applicable certificate, if:
- 3982 (A) the lieutenant governor determines that the notice of an impending boundary  
3983 action meets the requirements of Subsection (3); and
- 3984 (B) except in the case of an impending local entity dissolution, the notice of an  
3985 impending boundary action is accompanied by an approved final local entity  
3986 plat;
- 3987 (ii) send the applicable certificate to the local entity's approving authority;
- 3988 (iii) return the original of the approved final local entity plat to the local entity's  
3989 approving authority;
- 3990 (iv) send a copy of the applicable certificate and approved final local entity plat to:
- 3991 (A) the State Tax Commission;
- 3992 (B) the center; and
- 3993 (C) the county assessor, county surveyor, county auditor, and county attorney of  
3994 each county in which the property depicted on the approved final local entity  
3995 plat is located; and
- 3996 (v) send a copy of the applicable certificate to the state auditor, if the boundary action  
3997 that is the subject of the applicable certificate is:
- 3998 (A) the incorporation or creation of a new local entity;
- 3999 (B) the consolidation of multiple local entities;
- 4000 (C) the division of a local entity into multiple local entities; or
- 4001 (D) the dissolution of a local entity; or
- 4002 (b) (i) send written notification to the approving authority that the lieutenant governor  
4003 is unable to issue the applicable certificate, if:
- 4004 (A) the lieutenant governor determines that the notice of an impending boundary

- 4005 action does not meet the requirements of Subsection (3); or
- 4006 (B) the notice of an impending boundary action is:
- 4007 (I) not accompanied by an approved final local entity plat; or
- 4008 (II) accompanied by a plat or final local entity plat that has not been approved
- 4009 as a final local entity plat by the county surveyor under Section 17-23-20;
- 4010 and
- 4011 (ii) explain in the notification under Subsection (2)(b)(i) why the lieutenant governor
- 4012 is unable to issue the applicable certificate.
- 4013 (3) Each notice of an impending boundary action shall:
- 4014 (a) be directed to the lieutenant governor;
- 4015 (b) contain the name of the local entity or, in the case of an incorporation or creation,
- 4016 future local entity, whose boundary is affected or established by the boundary action;
- 4017 (c) describe the type of boundary action for which an applicable certificate is sought;
- 4018 (d) be accompanied by a letter from the Utah State Retirement Office, created under
- 4019 Section 49-11-201, to the approving authority that identifies the potential provisions
- 4020 under Title 49, Utah State Retirement and Insurance Benefit Act, that the local entity
- 4021 shall comply with, related to the boundary action, if the boundary action is an
- 4022 impending incorporation or creation of a local entity that may result in the
- 4023 employment of personnel; and
- 4024 (e) (i) contain a statement, signed and verified by the approving authority, certifying
- 4025 that all requirements applicable to the boundary action have been met; or
- 4026 (ii) in the case of the dissolution of a municipality, be accompanied by a certified
- 4027 copy of the court order approving the dissolution of the municipality.
- 4028 (4) The lieutenant governor may require the approving authority to submit a paper or
- 4029 electronic copy of a notice of an impending boundary action and approved final local
- 4030 entity plat in conjunction with the filing of the original of those documents.
- 4031 (5) (a) The lieutenant governor shall:
- 4032 (i) keep, index, maintain, and make available to the public each notice of an
- 4033 impending boundary action, approved final local entity plat, applicable certificate,
- 4034 and other document that the lieutenant governor receives or generates under this
- 4035 section;
- 4036 (ii) make a copy of each document listed in Subsection (5)(a)(i) available on the
- 4037 Internet for 12 months after the lieutenant governor receives or generates the
- 4038 document;

4039 (iii) furnish a paper copy of any of the documents listed in Subsection (5)(a)(i) to any  
4040 person who requests a paper copy; and

4041 (iv) furnish a certified copy of any of the documents listed in Subsection (5)(a)(i) to  
4042 any person who requests a certified copy.

4043 (b) The lieutenant governor may charge a reasonable fee for a paper copy or certified  
4044 copy of a document that the lieutenant governor provides under this Subsection (5).

4045 (6) The lieutenant governor's issuance of a certificate of creation for an infrastructure  
4046 financing district constitutes the state's approval of the creation of the infrastructure  
4047 financing district.

4048 Section 64. **Effective date.**

4049 This bill takes effect on May 1, 2024.