

Representative Karen M. Peterson proposes the following substitute bill:

LOCAL GOVERNMENT FEES MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen M. Peterson

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill modifies and enacts provisions relating to municipal fees. Ge

Highlighted Provisions:

This bill:

- ▶ prohibits a city from imposing a fee on the general public for broadband or public safety service, with exceptions;
- ▶ prohibits a town from imposing a fee on the general public for public safety service, with exceptions;
- ▶ authorizes a city to impose a transportation utility fee if the city complies with certain requirements;
- ▶ establishes a process and requirements for a city to impose a transportation utility fee; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 [10-1-406](#), as enacted by Laws of Utah 2003, Chapter 253

28 [20A-7-101](#), as last amended by Laws of Utah 2023, Chapters 107, 116

29 [20A-7-607](#), as last amended by Laws of Utah 2023, Chapters 107, 116

30 [20A-7-609.5](#), as last amended by Laws of Utah 2020, Chapter 31

31 [20A-7-613](#), as last amended by Laws of Utah 2023, Chapter 116

32 ENACTS:

33 [10-5-133](#), Utah Code Annotated 1953

34 [10-6-134.3](#), Utah Code Annotated 1953

35 [10-6-134.5](#), Utah Code Annotated 1953



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

38 Section 1. Section **10-1-406** is amended to read:

39 **10-1-406. Limitation of other telecommunications taxes or fees.**

40 (1) As used in this section:

41 (a) "Broadband" means facilities and services used to make high-capacity, high-speed
42 Internet service available to users.

43 (b) "General fee" means the same as that term is defined in Section [10-6-134.3](#).

44 (2) (a) Except as provided in Subsection (2)(b), a city may not impose a general fee for
45 broadband.

46 (b) (i) Subject to Subsection (2)(b)(ii), a city that, before May 1, 2024, imposes a
47 general fee for broadband shall repeal the general fee no later than July 1, 2025.

48 (ii) (A) A city that, before May 1, 2024, issues a bond secured by revenue from a
49 general fee for broadband shall repeal the general fee within 60 days after the bond is paid.

50 (B) A city that, before May 1, 2024, imposes a general fee to pay for a bond the city
51 issued before January 1, 2024 to pay for broadband shall repeal the general fee within 60 days
52 after the bond is paid.

53 (3) Subject to the other provisions of this section, a municipality may not levy or
54 collect a telecommunications tax or fee on a person except for a telecommunications tax or fee
55 imposed by the municipality:

56 (a) on a telecommunications provider to recover the management costs of the

57 municipality caused by the activities of the telecommunications provider in the right-of-way of
58 a municipality if the telecommunications tax or fee:

59 (i) is imposed in accordance with Section 72-7-102; and

60 (ii) is not related to:

61 (A) a municipality's loss of use of a highway as a result of the activities of the
62 telecommunications provider in a right-of-way; or

63 (B) increased deterioration of a highway as a result of the activities of the
64 telecommunications provider in a right-of-way; or

65 (b) on a person that:

66 (i) is not subject to a municipal telecommunications license tax under this part; and

67 (ii) locates telecommunications facilities, as defined in Section 72-7-108, in the
68 municipality.

69 ~~[(2)]~~ (4) Subsection ~~[(1)(a)]~~ (3)(a) may not be interpreted as exempting a
70 telecommunications provider from complying with any ordinance:

71 (a) related to excavation, construction, or installation of a telecommunications facility;
72 and

73 (b) that addresses the safety and quality standards of the municipality for excavation,
74 construction, or installation.

75 ~~[(3)]~~ (5) A telecommunications tax or fee imposed under Subsection ~~[(1)(b)]~~ (3)(b)
76 shall be imposed:

77 (a) by ordinance; and

78 (b) on a competitively neutral basis.

79 Section 2. Section 10-5-133 is enacted to read:

80 **10-5-133. General fee for public safety service prohibited -- Exception.**

81 (1) As used in this section:

82 (a) (i) "General fee" means a fee imposed generally on the public at large or on a
83 segment of the public.

84 (ii) "General fee" does not include:

85 (A) a fee that a town charges an identifiable user of a town-provided service or a town
86 facility to cover the town's cost of the user's use of the service or facility; or

87 (B) a registration or similar fee that a town charges a participant in an activity or

88 program sponsored by the town to offset the town's administrative cost of sponsoring the
89 activity or program.

90 (b) "Public safety service" means law enforcement service, fire protection service, 911
91 ambulance or paramedic service, or emergency service.

92 (2) Except as provided in Subsection (3), a town may not impose a general fee for a
93 public safety service.

94 (3) A town may impose a general fee for a public safety service if:

95 (a) the fee is to generate revenue to pay for the town's obligation under an agreement
96 with one or more other political subdivisions for public safety service provided to the town; or

97 (b) the public safety service is volunteer public safety service.

98 (4) A town that, before May 1, 2024, imposes a general fee for a public safety service
99 that is prohibited under Subsection (2) shall repeal the general fee no later than July 1, 2025.

100 Section 3. Section **10-6-134.3** is enacted to read:

101 **10-6-134.3. General fee for public safety service prohibited -- Exception.**

102 (1) As used in this section:

103 (a) (i) "General fee" means a fee imposed generally on the public at large or on a
104 segment of the public.

105 (ii) "General fee" does not include:

106 (A) a fee that a city charges an identifiable user of a city-provided service or a city
107 facility to cover the city's cost of the user's use of the service or facility; or

108 (B) a registration or similar fee that a city charges a participant in an activity or
109 program sponsored by the city to offset the city's administrative cost of sponsoring the activity
110 or program.

111 (b) "Public safety service" means law enforcement service, fire protection service, 911
112 ambulance or paramedic service, or emergency service.

113 (2) Except as provided in Subsection (3), a city may not impose a general fee for a
114 public safety service.

115 (3) A city of the third, fourth, or fifth class may impose a general fee for a public safety
116 service if:

117 (a) the fee is to generate revenue to pay for the city's obligation under an agreement
118 with one or more other political subdivisions for public safety service provided to the city; or

119 (b) the public safety service is volunteer public safety service.

120 (4) A city that, before May 1, 2024, imposes a general fee for a public safety service
121 that is prohibited under Subsection (2) shall repeal the general fee no later than July 1, 2025.

122 Section 4. Section **10-6-134.5** is enacted to read:

123 **10-6-134.5. Transportation utility fee.**

124 (1) As used in this section:

125 (a) "Transportation facility" means any of the items listed in Subsection
126 59-12-2212.2(1) as purposes for which revenue from a local option sales and use tax under
127 Section 59-12-2212.2 may be expended.

128 (b) "Transportation utility fee" means a fee imposed on the public at large or on a user
129 segment to generate revenue to pay for costs associated with developing, constructing,
130 maintaining, operating, repairing, upgrading, or replacing a transportation facility.

131 (c) "Transportation fund" means a fund described in and established under Subsection
132 (8).

133 (d) "User segment" means a segment of the city's population based on a classification
134 established under Subsection (7).

135 (2) (a) A city may impose and collect a transportation utility fee only as provided in
136 this section.

137 (b) A city may impose a transportation utility fee to provide funding for any number of
138 transportation facilities but may not have more than a single transportation utility fee in effect
139 at a time.

140 (3) To impose or increase a transportation utility fee, a municipality shall:

141 (a) conduct a study as provided in Subsection (4);

142 (b) follow the process described in Subsection (5); and

143 (c) adopt an ordinance imposing or increasing a transportation utility fee, as provided
144 in Subsection (6).

145 (4) (a) A city may not impose or increase a transportation utility fee unless the city first
146 conducts a study as described in this Subsection (4).

147 (b) A study under Subsection (4)(a) shall:

148 (i) determine and provide a reasonable estimate of the need for a new transportation
149 facility or for maintaining, operating, repairing, upgrading, or replacing an existing

150 transportation facility;

151 (ii) identify and provide a reasonable estimate of existing funding sources that could be
152 used to pay for a new transportation facility or for maintaining, operating, repairing, upgrading,
153 or replacing an existing transportation facility;

154 (iii) explain and provide a reasonable calculation showing how existing city funding
155 sources are inadequate to cover the cost of constructing a new transportation facility or
156 maintaining, operating, repairing, upgrading or replacing an existing transportation facility; and

157 (iv) determine whether there is a reasonable basis for different rates within a proposed
158 transportation utility fee, as described in Subsection (7), and, if so, explain the basis for the
159 proposed different rates.

160 (5) (a) Subject to Subsection (5)(b), before adopting an ordinance imposing or
161 increasing a transportation utility fee, the governing body shall comply with the notice and
162 public hearing requirements established in Sections [10-6-113](#) and [10-6-114](#).

163 (b) (i) The governing body of a city that proposes to impose or increase a transportation
164 utility fee shall, in addition to the notice required under Section [10-6-113](#), provide notice of the
165 proposed fee and the public hearing:

166 (A) in a notice with the city's monthly utility bill, if the city mails or emails residents a
167 monthly utility bill; or

168 (B) through another primary means of communicating with residents, if the city does
169 not provide residents a monthly utility bill.

170 (ii) The public hearing required for a proposal to impose or increase a transportation
171 utility fee may be held in conjunction with a budget hearing under Section [10-6-114](#) but shall
172 be separate and distinct from the budget hearing.

173 (6) (a) A transportation utility fee may be imposed or increased only by an ordinance
174 adopted by the city's governing body.

175 (b) (i) Subject to Subsection (6)(b)(ii), the governing body may adopt an ordinance
176 imposing or increasing a transportation utility fee at the same meeting in which the public body
177 adopts the city budget.

178 (ii) The governing body vote on the imposition or increase of a transportation utility
179 fee shall be separate from the governing body vote on the city budget or any other item.

180 (c) The amount of a transportation utility fee for the city's population or for any user

181 segment shall be reasonably related to the impact on or usage of the transportation facility by
182 the city's population or that user segment, as stated in the study under Subsection (4).

183 (d) (i) Revenue from a transportation utility fee may not supplant existing general fund
184 appropriations that the city has budgeted for transportation facilities as of the date the
185 transportation utility fee becomes effective.

186 (ii) The limitation under Subsection (6)(d)(i) does not apply to a designated
187 transportation facilities capital or reserve account established before the effective date of a
188 transportation utility fee under this section.

189 (7) (a) A city may establish different rates within a transportation utility fee for
190 different classifications of users of a transportation facility if the rates and classifications have a
191 reasonable basis.

192 (b) (i) A reasonable basis under Subsection (7)(a) may include:

193 (A) a difference in the cost of providing a transportation facility to different
194 classifications of users;

195 (B) a difference in levels of risk to the operation of a transportation facility for different
196 classifications of users;

197 (C) differing contributions that different classifications of users make, separate from a
198 transportation utility fee, to the cost of constructing, maintaining, or operating a transportation
199 facility; and

200 (D) distinguishable differences in the needs or conditions of different classifications of
201 users based on economic, public policy, or other identifiable elements.

202 (ii) A reasonable basis under Subsection (7)(a) does not include:

203 (A) whether a user resides inside or outside the city boundary; or

204 (B) a consideration of the age of development within areas with the same zoning
205 designation.

206 (8) (a) A city that imposes a transportation utility fee shall establish a fund as provided
207 in this Subsection (8).

208 (b) A city shall deposit into the transportation fund all revenue from a transportation
209 utility fee.

210 (c) A city may not:

211 (i) deposit into or commingle with a transportation fund any money from any other

212 source; or

213 (ii) use money in a transportation fund for any purpose other than to pay for the cost of:

214 (A) the development or construction of a new transportation facility;

215 (B) upgrading or replacing an existing transportation facility;

216 (C) the maintenance, operation, or repair of an existing transportation facility; or

217 (D) administrative costs associated with the transportation fund or with activities

218 described in Subsections (8)(c)(ii)(A), (B), and (C).

219 (d) Notwithstanding Sections [10-6-124](#), [10-6-125](#), and [10-6-135.5](#), a city may not

220 transfer money in a transportation fund to any other fund or to a separate account.

221 (9) (a) A city that imposes a transportation utility fee shall conduct an annual review of

222 the transportation utility fee as provided in this Subsection (9).

223 (b) In an annual review under Subsection (9)(a), the governing body shall:

224 (i) review the balance of the transportation fund;

225 (ii) review the current amount of the transportation utility fee;

226 (iii) demonstrate that there is still a reasonable relationship between the amount of the

227 transportation utility fee and the transportation service provided to those who pay the fee;

228 (iv) consider other possible revenue sources that the city could use for transportation

229 facilities instead of a transportation utility fee;

230 (v) ensure that Subsection (6)(d) is being complied with; and

231 (vi) demonstrate that revenue from the transportation utility fee continues to be needed

232 to provide a transportation facility that the city could not otherwise provide from other existing

233 revenue sources.

234 (10) (a) A transportation utility fee imposed under this section expires 10 years after

235 the effective date of the ordinance imposing the transportation utility fee.

236 (b) The 10-year period in Subsection (10)(a) begins again with any subsequent

237 adoption of any ordinance imposing a transportation utility fee after the initial adoption of an

238 ordinance imposing a transportation utility fee.

239 (11) An ordinance imposing a transportation utility fee is subject to local referendum

240 as provided in Title 20A, Chapter 7, Part 6, Local Referenda - Procedures.

241 (12) A city that, before May 1, 2024, imposes a fee to pay for a transportation facility

242 shall, no later than July 1, 2026:

243 (a) ensure that requirements of this section have been complied with for the fee that the
244 city imposes; or

245 (b) repeal the fee.

246 Section 5. Section **20A-7-101** is amended to read:

247 **20A-7-101. Definitions.**

248 As used in this chapter:

249 (1) "Approved device" means a device described in Subsection **20A-21-201**(4) used to
250 gather signatures for the electronic initiative process, the electronic referendum process, or the
251 electronic candidate qualification process.

252 (2) "Budget officer" means:

253 (a) for a county, the person designated as finance officer as defined in Section **17-36-3**;

254 (b) for a city, the person designated as budget officer in Subsection **10-6-106**(4);

255 (c) for a town, the town council; or

256 (d) for a metro township, the person described in Subsection (2)(a) for the county in

257 which the metro township is located.

258 (3) "Certified" means that the county clerk has acknowledged a signature as being the
259 signature of a registered voter.

260 (4) "Circulation" means the process of submitting an initiative petition or a referendum
261 petition to legal voters for their signature.

262 (5) "Electronic initiative process" means:

263 (a) as it relates to a statewide initiative, the process, described in Sections **20A-7-215**
264 and **20A-21-201**, for gathering signatures; or

265 (b) as it relates to a local initiative, the process, described in Sections **20A-7-514** and
266 **20A-21-201**, for gathering signatures.

267 (6) "Electronic referendum process" means:

268 (a) as it relates to a statewide referendum, the process, described in Sections

269 **20A-7-313** and **20A-21-201**, for gathering signatures; or

270 (b) as it relates to a local referendum, the process, described in Sections **20A-7-614** and
271 **20A-21-201**, for gathering signatures.

272 (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county,
273 city, or town that is holding an election on a ballot proposition.

274 (8) "Final fiscal impact statement" means a financial statement prepared after voters
275 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or
276 20A-7-502.5(2).

277 (9) "Initial fiscal impact statement" means
278 a financial statement prepared under Section 20A-7-202.5 after the filing of a statewide
279 initiative application.

280 (10) "Initial fiscal impact and legal statement" means a financial and legal statement
281 prepared under Section 20A-7-502.5 or 20A-7-602.5 for a local initiative or a local
282 referendum.

283 (11) "Initiative" means a new law proposed for adoption by the public as provided in
284 this chapter.

285 (12) "Initiative application" means:

286 (a) for a statewide initiative, an application described in Subsection 20A-7-202(2) that
287 includes all the information, statements, documents, and notarized signatures required under
288 Subsection 20A-7-202(2); or

289 (b) for a local initiative, an application described in Subsection 20A-7-502(2) that
290 includes all the information, statements, documents, and notarized signatures required under
291 Subsection 20A-7-502(2).

292 (13) "Initiative packet" means a copy of the initiative petition, a copy of the proposed
293 law, and the signature sheets, all of which have been bound together as a unit.

294 (14) "Initiative petition":

295 (a) as it relates to a statewide initiative, using the manual initiative process:

296 (i) means the form described in Subsection 20A-7-203(2)(a), petitioning for
297 submission of the initiative to the Legislature or the legal voters; and

298 (ii) if the initiative proposes a tax increase, includes the statement described in
299 Subsection 20A-7-203(2)(b);

300 (b) as it relates to a statewide initiative, using the electronic initiative process:

301 (i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for
302 submission of the initiative to the Legislature or the legal voters; and

303 (ii) if the initiative proposes a tax increase, includes the statement described in
304 Subsection 20A-7-215(5)(b);

- 305 (c) as it relates to a local initiative, using the manual initiative process:
- 306 (i) means the form described in Subsection 20A-7-503(2)(a), petitioning for
- 307 submission of the initiative to the legislative body or the legal voters; and
- 308 (ii) if the initiative proposes a tax increase, includes the statement described in
- 309 Subsection 20A-7-503(2)(b); or
- 310 (d) as it relates to a local initiative, using the electronic initiative process:
- 311 (i) means the form described in Subsection 20A-7-514(2)(a), petitioning for
- 312 submission of the initiative to the legislative body or the legal voters; and
- 313 (ii) if the initiative proposes a tax increase, includes the statement described in
- 314 Subsection 20A-7-514(4)(a).
- 315 (15) (a) "Land use law" means a law of general applicability, enacted based on the
- 316 weighing of broad, competing policy considerations, that relates to the use of land, including
- 317 land use regulation, a general plan, a land use development code, an annexation ordinance, the
- 318 rezoning of a single property or multiple properties, or a comprehensive zoning ordinance or
- 319 resolution.
- 320 (b) "Land use law" does not include a land use decision, as defined in Section
- 321 10-9a-103 or 17-27a-103.
- 322 (16) "Legal signatures" means the number of signatures of legal voters that:
- 323 (a) meet the numerical requirements of this chapter; and
- 324 (b) have been obtained, certified, and verified as provided in this chapter.
- 325 (17) "Legal voter" means an individual who is registered to vote in Utah.
- 326 (18) "Legally referable to voters" means:
- 327 (a) for a proposed local initiative, that the proposed local initiative is legally referable
- 328 to voters under Section 20A-7-502.7; or
- 329 (b) for a proposed local referendum, that the proposed local referendum is legally
- 330 referable to voters under Section 20A-7-602.7.
- 331 (19) "Local attorney" means the county attorney, city attorney, or town attorney in
- 332 whose jurisdiction a local initiative or referendum petition is circulated.
- 333 (20) "Local clerk" means the county clerk, city recorder, or town clerk in whose
- 334 jurisdiction a local initiative or referendum petition is circulated.
- 335 (21) "Local fiscal law" means a local tax law or a local transportation fee law.

336 [~~(21)~~] (22) (a) "Local law" includes:

337 (i) an ordinance;

338 (ii) a resolution;

339 (iii) a land use law;

340 (iv) a land use regulation, as defined in Section [10-9a-103](#); or

341 (v) other legislative action of a local legislative body.

342 (b) "Local law" does not include a land use decision, as defined in Section [10-9a-103](#).

343 [~~(22)~~] (23) "Local legislative body" means the legislative body of a county, city, town,

344 or metro township.

345 [~~(23)~~] (24) "Local obligation law" means a local law passed by the local legislative
346 body regarding a bond that was approved by a majority of qualified voters in an election.

347 [~~(24)~~] (25) "Local tax law" means a law, passed by a political subdivision with an
348 annual or biannual calendar fiscal year, that increases a tax or imposes a new tax.

349 (26) "Local transportation fee law" means an ordinance adopted under Section
350 [10-6-134.5](#) imposing or increasing a transportation utility fee, as defined in Section [10-6-134.5](#).

351 [~~(25)~~] (27) "Manual initiative process" means the process for gathering signatures for
352 an initiative using paper signature packets that a signer physically signs.

353 [~~(26)~~] (28) "Manual referendum process" means the process for gathering signatures
354 for a referendum using paper signature packets that a signer physically signs.

355 [~~(27)~~] (29) "Measure" means a proposed constitutional amendment, an initiative, or
356 referendum.

357 [~~(28)~~] (30) "Referendum" means a process by which a law passed by the Legislature or
358 by a local legislative body is submitted or referred to the voters for their approval or rejection.

359 [~~(29)~~] (31) "Referendum application" means:

360 (a) for a statewide referendum, an application described in Subsection [20A-7-302\(2\)](#)
361 that includes all the information, statements, documents, and notarized signatures required
362 under Subsection [20A-7-302\(2\)](#); or

363 (b) for a local referendum, an application described in Subsection [20A-7-602\(2\)](#) that
364 includes all the information, statements, documents, and notarized signatures required under
365 Subsection [20A-7-602\(2\)](#).

366 [~~(30)~~] (32) "Referendum packet" means a copy of the referendum petition, a copy of

367 the law being submitted or referred to the voters for their approval or rejection, and the
368 signature sheets, all of which have been bound together as a unit.

369 [~~(31)~~] (33) "Referendum petition" means:

370 (a) as it relates to a statewide referendum, using the manual referendum process, the
371 form described in Subsection 20A-7-303(2)(a), petitioning for submission of a law passed by
372 the Legislature to legal voters for their approval or rejection;

373 (b) as it relates to a statewide referendum, using the electronic referendum process, the
374 form described in Subsection 20A-7-313(2), petitioning for submission of a law passed by the
375 Legislature to legal voters for their approval or rejection;

376 (c) as it relates to a local referendum, using the manual referendum process, the form
377 described in Subsection 20A-7-603(2)(a), petitioning for submission of a local law to legal
378 voters for their approval or rejection; or

379 (d) as it relates to a local referendum, using the electronic referendum process, the form
380 described in Subsection 20A-7-614(2), petitioning for submission of a local law to legal voters
381 for their approval or rejection.

382 [~~(32)~~] (34) "Signature":

383 (a) for a statewide initiative:

384 (i) as it relates to the electronic initiative process, means an electronic signature
385 collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); or

386 (ii) as it relates to the manual initiative process:

387 (A) means a holographic signature collected physically on a signature sheet described
388 in Section 20A-7-203; and

389 (B) does not include an electronic signature;

390 (b) for a statewide referendum:

391 (i) as it relates to the electronic referendum process, means an electronic signature
392 collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or

393 (ii) as it relates to the manual referendum process:

394 (A) means a holographic signature collected physically on a signature sheet described
395 in Section 20A-7-303; and

396 (B) does not include an electronic signature;

397 (c) for a local initiative:

398 (i) as it relates to the electronic initiative process, means an electronic signature
399 collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or

400 (ii) as it relates to the manual initiative process:

401 (A) means a holographic signature collected physically on a signature sheet described
402 in Section 20A-7-503; and

403 (B) does not include an electronic signature; or

404 (d) for a local referendum:

405 (i) as it relates to the electronic referendum process, means an electronic signature
406 collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or

407 (ii) as it relates to the manual referendum process:

408 (A) means a holographic signature collected physically on a signature sheet described
409 in Section 20A-7-603; and

410 (B) does not include an electronic signature.

411 [~~33~~] (35) "Signature sheets" means sheets in the form required by this chapter that are
412 used under the manual initiative process or the manual referendum process to collect signatures
413 in support of an initiative or referendum.

414 [~~34~~] (36) "Special local ballot proposition" means a local ballot proposition that is
415 not a standard local ballot proposition.

416 [~~35~~] (37) "Sponsors" means the legal voters who support the initiative or referendum
417 and who sign the initiative application or referendum application.

418 [~~36~~] (38) (a) "Standard local ballot proposition" means a local ballot proposition for
419 an initiative or a referendum.

420 (b) "Standard local ballot proposition" does not include a property tax referendum
421 described in Section 20A-7-613.

422 [~~37~~] (39) "Tax percentage difference" means the difference between the tax rate
423 proposed by an initiative or an initiative petition and the current tax rate.

424 [~~38~~] (40) "Tax percentage increase" means a number calculated by dividing the tax
425 percentage difference by the current tax rate and rounding the result to the nearest thousandth.

426 [~~39~~] (41) "Verified" means acknowledged by the person circulating the petition as
427 required in Section 20A-7-105.

428 Section 6. Section 20A-7-607 is amended to read:

429 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on**
430 **referendum.**

431 (1) In relation to the manual referendum process, when the local clerk receives a
432 referendum packet from a county clerk, the local clerk shall record the number of the
433 referendum packet received.

434 (2) The county clerk shall:

435 (a) in relation to the manual referendum process:

436 (i) post the names, voter identification numbers, and dates of signatures described in
437 Subsection [20A-7-105\(6\)\(a\)\(iii\)](#) on the lieutenant governor's website, in a conspicuous location
438 designated by the lieutenant governor, for at least 45 days; and

439 (ii) update on the local clerk's website the number of signatures certified as of the date
440 of the update; or

441 (b) in relation to the electronic referendum process:

442 (i) post the names, voter identification numbers, and dates of signatures described in
443 Subsection [20A-7-616\(3\)](#) on the lieutenant governor's website, in a conspicuous location
444 designated by the lieutenant governor, for at least 45 days; and

445 (ii) update on the lieutenant governor's website the number of signatures certified as of
446 the date of the update.

447 (3) The local clerk:

448 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be
449 sufficient or insufficient:

450 (i) in relation to the manual referendum process, no later than 111 days after the day of
451 the deadline, described in Subsection [20A-7-105\(5\)\(a\)\(iv\)](#), to submit a referendum packet to
452 the county clerk; or

453 (ii) in relation to the electronic referendum process, no later than 111 days after the day
454 of the deadline, described in Subsection [20A-7-616\(2\)](#), to collect a signature; or

455 (b) may declare the referendum petition to be insufficient before the day described in
456 Subsection (3)(a) if:

457 (i) in relation to the manual referendum process, the total of all valid signatures on
458 timely and lawfully submitted referendum packets that have been certified by the county clerk,
459 plus the number of signatures on timely and lawfully submitted referendum packets that have

460 not yet been evaluated for certification, is less than the number of names required under
461 Section 20A-7-601;

462 (ii) in relation to the electronic referendum process, the total of all timely and lawfully
463 submitted valid signatures that have been certified by the county clerks, plus the number of
464 timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b)
465 that have not yet been evaluated for certification, is less than the number of names required
466 under Section 20A-7-601; or

467 (iii) a requirement of this part has not been met.

468 (4) (a) If the total number of names certified under Subsection (3) equals or exceeds
469 the number of names required under Section 20A-7-601, and the requirements of this part are
470 met, the local clerk shall mark upon the front of the referendum petition the word "sufficient."

471 (b) If the total number of names certified under Subsection (3) does not equal or
472 exceed the number of names required under Section 20A-7-601 or a requirement of this part is
473 not met, the local clerk shall mark upon the front of the referendum petition the word
474 "insufficient."

475 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's
476 finding.

477 (d) After a referendum petition is declared insufficient, a person may not submit
478 additional signatures to qualify the referendum for the ballot.

479 (5) (a) If the local clerk refuses to declare a referendum petition sufficient, any voter
480 may, no later than 10 days after the day on which the local clerk declares the referendum
481 petition insufficient, apply to the appropriate court for an order finding the referendum petition
482 legally sufficient.

483 (b) If the court determines that the referendum petition is legally sufficient, the local
484 clerk shall mark the referendum petition "sufficient" and consider the declaration of sufficiency
485 effective as of the date on which the referendum petition should have been declared sufficient
486 by the local clerk's office.

487 (c) If the court determines that a referendum petition filed is not legally sufficient, the
488 court may enjoin the local clerk and all other officers from:

489 (i) certifying or printing the ballot title and numbers of that referendum on the official
490 ballot for the next election; or

491 (ii) as it relates to a local [~~tax~~] fiscal law that is conducted entirely by mail, certifying,
492 printing, or mailing the ballot title and numbers of that referendum under Section 20A-7-609.5.

493 (6) A referendum petition determined to be sufficient in accordance with this section is
494 qualified for the ballot.

495 (7) (a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to
496 legislative action taken after April 15, the election officer may not place the referendum on an
497 election ballot until a primary election, a general election, or a special election the following
498 year.

499 (b) The election officer may place a referendum described in Subsection (7)(a) on the
500 ballot for a special, primary, or general election held during the year that the legislative action
501 was taken if the following agree, in writing, on a timeline to place the referendum on that
502 ballot:

503 (i) the local clerk;

504 (ii) the county clerk; and

505 (iii) the attorney for the county or municipality that took the legislative action.

506 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court
507 determines that the total number of certified names equals or exceeds the number of signatures
508 required in Section 20A-7-601, the election officer shall place the referendum on the election
509 ballot for:

510 (i) the next general election; or

511 (ii) another election, if the following agree, in writing, on a timeline to place the
512 referendum on that ballot:

513 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as applicable;

514 (B) the local clerk;

515 (C) the county clerk; and

516 (D) the attorney for the county or municipality that took the legislative action.

517 Section 7. Section 20A-7-609.5 is amended to read:

518 **20A-7-609.5. Election on referendum challenging local fiscal law conducted**
519 **entirely by mail.**

520 (1) An election officer may administer an election on a referendum challenging a local
521 [~~tax~~] fiscal law entirely by mail.

522 (2) For purposes of an election conducted under this section, the election officer shall:

523 (a) designate as the election day the day that is 30 days after the day on which the
524 election officer complies with Subsection (2)(b); and

525 (b) within 30 days after the day on which the referendum described in Subsection (1)
526 qualifies for the ballot, mail to each registered voter within the voting precincts to which the
527 local ~~[tax]~~ fiscal law applies:

528 (i) a manual ballot;

529 (ii) a statement that there will be no polling place for the election;

530 (iii) a statement specifying the election day described in Subsection (2)(a);

531 (iv) a business reply mail envelope;

532 (v) instructions for returning the ballot that include an express notice about any
533 relevant deadlines that the voter must meet in order for the voter's vote to be counted;

534 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if
535 the voter fails to follow the instructions included with the manual ballot, the voter will be
536 unable to vote in that election because there will be no polling place for the election; and

537 (vii) (A) a copy of the proposition information pamphlet relating to the referendum if a
538 proposition information pamphlet relating to the referendum was published under Section
539 [20A-7-401.5](#); or

540 (B) a website address where an individual may view a copy of the proposition
541 information pamphlet described in Subsection (2)(b)(vii)(A).

542 (3) An election officer who administers an election under this section shall:

543 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before
544 the election; or

545 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
546 and

547 (b) maintain the signatures on file in the election officer's office.

548 (4) (a) Upon receiving a returned manual ballot under this section, the election officer
549 shall compare the signature on each return envelope with the voter's signature that is
550 maintained on file and verify that the signatures are the same.

551 (b) If the election officer questions the authenticity of the signature on the return
552 envelope, the election officer shall immediately contact the voter to verify the signature.

553 (c) If there is not a signature on the return envelope or if the election officer determines
554 that the signature on the return envelope does not match the voter's signature that is maintained
555 on file, the election officer shall:

- 556 (i) disqualify the ballot; and
- 557 (ii) notify the voter of the disqualification and the reason for the disqualification.

558 Section 8. Section **20A-7-613** is amended to read:

559 **20A-7-613. Property tax referendum petition.**

560 (1) As used in this section, "certified tax rate" means the same as that term is defined in
561 Section [59-2-924](#).

562 (2) Except as provided in this section, the requirements of this part apply to a
563 referendum petition challenging a taxing entity's legislative body's vote:

- 564 (a) to impose a tax rate that exceeds the certified tax rate~~[-]; or~~
- 565 (b) to impose or modify a transportation utility fee under Section [10-6-134.5](#).

566 (3) Notwithstanding Subsection [20A-7-105\(5\)\(a\)\(iv\)](#), the sponsors or an agent of the
567 sponsors shall deliver a signed and verified referendum packet to the county clerk of the county
568 in which the packet was circulated before 5 p.m. no later than the earlier of:

- 569 (a) 30 days after the day on which the first individual signs the packet; or
- 570 (b) 40 days after the day on which the local clerk complies with Subsection
571 [20A-7-604\(3\)](#).

572 (4) Notwithstanding Subsections [20A-7-105\(6\)\(a\)](#) and (9), the county clerk shall take
573 the actions required in Subsections [20A-7-105\(6\)\(a\)](#) and (9) within 10 working days after the
574 day on which the county clerk receives the signed and verified referendum packet as described
575 in Subsection (3).

576 (5) The local clerk shall take the actions required by Section [20A-7-607](#) within two
577 working days after:

- 578 (a) in relation to the manual referendum process, the day on which the local clerk
579 receives the referendum packets from the county clerk; or
- 580 (b) in relation to the electronic referendum process, the deadline described in
581 Subsection [20A-7-616\(2\)](#).

582 (6) Notwithstanding Subsection [20A-7-608\(2\)](#), the local attorney shall prepare the
583 ballot title within two working days after the day on which the referendum petition is declared

584 sufficient for submission to a vote of the people.

585 (7) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the
586 ballot under this section shall appear on the ballot for the earlier of the next regular general
587 election or the next municipal general election unless a special election is called.

588 (8) The election officer shall mail manual ballots on a referendum under this section
589 the later of:

590 (a) the time provided in Section 20A-3a-202 or 20A-16-403; or

591 (b) the time that ballots are prepared for mailing under this section.

592 (9) Section 20A-7-402 does not apply to a referendum described in this section.

593 (10) (a) If a majority of voters does not vote against imposing the tax at a rate
594 calculated to generate the increased revenue budgeted, adopted, and approved by the taxing
595 entity's legislative body:

596 (i) the certified tax rate for the fiscal year during which the referendum petition is filed
597 is its most recent certified tax rate; and

598 (ii) the proposed increased revenues for purposes of establishing the certified tax rate
599 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed
600 increased revenues budgeted, adopted, and approved by the taxing entity's legislative body
601 before the filing of the referendum petition.

602 (b) If a majority of voters votes against imposing a tax at the rate established by the
603 vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the
604 taxing entity's most recent certified tax rate.

605 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not
606 required to comply with the notice and public hearing requirements of Section 59-2-919 if the
607 taxing entity complies with those notice and public hearing requirements before the referendum
608 petition is filed.

609 (11) The ballot title shall, at a minimum, include in substantially this form the
610 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount
611 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as
612 budgeted, adopted, and approved by the [name of the taxing entity].".

613 (12) A taxing entity shall pay the county the costs incurred by the county that are
614 directly related to meeting the requirements of this section and that the county would not have

615 incurred but for compliance with this section.

616 (13) (a) An election officer shall include on a ballot a referendum that has not yet
617 qualified for placement on the ballot, if:

618 (i) sponsors file an application for a referendum described in this section;

619 (ii) the ballot will be used for the election for which the sponsors are attempting to
620 qualify the referendum; and

621 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after
622 the day on which the ballot will be printed.

623 (b) If an election officer includes on a ballot a referendum described in Subsection
624 (13)(a), the ballot title shall comply with Subsection (11).

625 (c) If an election officer includes on a ballot a referendum described in Subsection
626 (13)(a) that does not qualify for placement on the ballot, the election officer shall inform the
627 voters by any practicable method that the referendum has not qualified for the ballot and that
628 votes cast in relation to the referendum will not be counted.

629 Section 9. **Effective date.**

630 This bill takes effect on May 1, 2024.