

LOCAL DISTRICT REVISIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stewart E. Barlow

Senate Sponsor: Curtis S. Bramble

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

Legislative Vote: 11 voting for 0 voting against 3 absent

General Description:

This bill is the first of two bills that change the name of "local district" to "special district" throughout the Utah Code.

Highlighted Provisions:

This bill:

- ▶ replaces the term "local district" with the term "special district" throughout the Utah Code; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

8-5-5, as last amended by Laws of Utah 2007, Chapter 329

10-2-401, as last amended by Laws of Utah 2021, Chapter 112

10-2-403, as last amended by Laws of Utah 2021, Chapter 112



28 [10-2-406](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 15
29 [10-2-412](#), as last amended by Laws of Utah 2007, Chapter 329
30 [10-2-413](#), as last amended by Laws of Utah 2019, Chapter 255
31 [10-2-414](#), as last amended by Laws of Utah 2021, Chapter 112
32 [10-2-418](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 15
33 [10-2-419](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 15
34 [10-2-425](#), as last amended by Laws of Utah 2019, Chapter 159
35 [10-2-428](#), as last amended by Laws of Utah 2008, Chapter 360
36 [10-2a-205](#), as last amended by Laws of Utah 2019, Chapter 165
37 [10-2a-210](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 15
38 [10-2a-404](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 15
39 [10-3c-102](#), as enacted by Laws of Utah 2015, Chapter 352
40 [10-9a-103](#), as last amended by Laws of Utah 2022, Chapters 355, 406
41 [10-9a-305](#), as last amended by Laws of Utah 2021, Chapter 35
42 [10-9a-529](#), as last amended by Laws of Utah 2021, Chapter 385
43 [11-2-1](#), as last amended by Laws of Utah 2007, Chapter 329
44 [11-13-103](#), as last amended by Laws of Utah 2020, Chapter 381
45 [11-13a-102](#), as enacted by Laws of Utah 2017, Chapter 441
46 [11-14-102](#), as last amended by Laws of Utah 2016, Chapter 176
47 [11-14a-1](#), as last amended by Laws of Utah 2021, Chapter 355
48 [11-27-2](#), as last amended by Laws of Utah 2020, Chapter 365
49 [11-30-2](#), as last amended by Laws of Utah 2010, Chapter 378
50 [11-31-2](#), as last amended by Laws of Utah 2016, Chapter 350
51 [11-32-2](#), as last amended by Laws of Utah 2016, Chapter 350
52 [11-34-1](#), as last amended by Laws of Utah 2016, Chapter 350
53 [11-36a-102](#), as last amended by Laws of Utah 2022, Chapter 237
54 [11-36a-203](#), as enacted by Laws of Utah 2011, Chapter 47
55 [11-36a-502](#), as enacted by Laws of Utah 2011, Chapter 47
56 [11-36a-504](#), as last amended by Laws of Utah 2021, Chapters 84, 345
57 [11-39-101](#), as last amended by Laws of Utah 2018, Chapter 103
58 [11-39-107](#), as last amended by Laws of Utah 2014, Chapter 196

59 **11-40-101**, as last amended by Laws of Utah 2008, Chapter 360
60 **11-41-102**, as last amended by Laws of Utah 2022, Chapter 307
61 **11-42-102**, as last amended by Laws of Utah 2021, Chapters 314, 415
62 **11-42a-102**, as last amended by Laws of Utah 2021, Chapter 280
63 **11-43-102**, as last amended by Laws of Utah 2008, Chapter 360
64 **11-47-102**, as enacted by Laws of Utah 2011, Chapter 45
65 **11-48-101.5**, as enacted by Laws of Utah 2021, Chapter 265
66 **11-48-103**, as enacted by Laws of Utah 2021, Chapter 265
67 **11-50-102**, as last amended by Laws of Utah 2016, Chapter 350
68 **11-52-102**, as last amended by Laws of Utah 2016, Chapter 350
69 **11-54-102**, as last amended by Laws of Utah 2019, Chapter 136
70 **11-55-102**, as enacted by Laws of Utah 2017, Chapter 70
71 **11-57-102**, as enacted by Laws of Utah 2017, Chapter 354
72 **11-58-102**, as last amended by Laws of Utah 2022, Chapter 82
73 **11-58-205**, as last amended by Laws of Utah 2022, Chapter 82
74 **11-59-102**, as last amended by Laws of Utah 2022, Chapter 237
75 **11-59-204**, as last amended by Laws of Utah 2021, Chapter 415
76 **11-60-102**, as enacted by Laws of Utah 2018, Chapter 197
77 **11-61-102**, as enacted by Laws of Utah 2018, Chapter 188
78 **11-65-101**, as enacted by Laws of Utah 2022, Chapter 59
79 **13-8-5**, as last amended by Laws of Utah 2017, Chapter 373
80 **14-1-18**, as last amended by Laws of Utah 2016, Chapter 350
81 **15-7-2**, as last amended by Laws of Utah 2016, Chapter 350
82 **19-3-301**, as last amended by Laws of Utah 2021, Chapter 184
83 **19-4-111**, as last amended by Laws of Utah 2013, Chapter 321
84 **19-6-508**, as enacted by Laws of Utah 2016, Chapters 273, 346
85 **26-8a-102**, as last amended by Laws of Utah 2022, Chapters 255, 351 and 404
86 **26-8a-405.2**, as last amended by Laws of Utah 2011, Chapter 297
87 **26-8a-603**, as enacted by Laws of Utah 2022, Chapter 347
88 **26-18-21**, as last amended by Laws of Utah 2019, Chapter 393
89 **31A-23a-501**, as last amended by Laws of Utah 2021, Chapter 252

- 90 **34-30-14**, as last amended by Laws of Utah 2007, Chapter 329
- 91 **34-32-1.1**, as last amended by Laws of Utah 2012, Chapter 369
- 92 **34-41-101**, as last amended by Laws of Utah 2021, Chapter 345
- 93 **34-52-102**, as last amended by Laws of Utah 2019, Chapter 371
- 94 **35A-1-102**, as last amended by Laws of Utah 2018, Chapters 415, 427
- 95 **36-11-102**, as last amended by Laws of Utah 2022, Chapter 125
- 96 **36-11-201**, as last amended by Laws of Utah 2022, Chapter 125
- 97 **36-11-304**, as last amended by Laws of Utah 2022, Chapter 125
- 98 **36-12-13**, as last amended by Laws of Utah 2021, Chapters 254, 421
- 99 **38-1b-102**, as last amended by Laws of Utah 2022, Chapter 415
- 100 **38-9-102**, as renumbered and amended by Laws of Utah 2014, Chapter 114
- 101 **45-1-101**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 102 **49-11-102**, as last amended by Laws of Utah 2020, Chapter 365
- 103 **49-11-205**, as enacted by Laws of Utah 2019, Chapter 31
- 104 **51-4-2**, as last amended by Laws of Utah 2017, Chapter 64
- 105 **51-7-3**, as last amended by Laws of Utah 2017, Chapter 338
- 106 **52-4-203**, as last amended by Laws of Utah 2022, Chapter 402
- 107 **52-8-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 108 **53-2a-203**, as last amended by Laws of Utah 2021, Chapter 437
- 109 **53-2a-302**, as last amended by Laws of Utah 2019, Chapter 349
- 110 **53-2a-305**, as renumbered and amended by Laws of Utah 2013, Chapter 295
- 111 **53-2a-602**, as last amended by Laws of Utah 2016, Chapters 83, 134
- 112 **53-2a-605**, as last amended by Laws of Utah 2015, Chapter 265
- 113 **53-2a-1301**, as enacted by Laws of Utah 2019, Chapter 306
- 114 **53-3-207**, as last amended by Laws of Utah 2022, Chapter 158
- 115 **53-5-708**, as last amended by Laws of Utah 2013, Chapters 298, 445
- 116 **53-7-104**, as last amended by Laws of Utah 2010, Chapter 310
- 117 **53-21-101**, as enacted by Laws of Utah 2022, Chapter 114
- 118 **53B-16-104**, as last amended by Laws of Utah 2007, Chapter 329
- 119 **53B-28-402**, as last amended by Laws of Utah 2021, Chapter 187
- 120 **53G-3-204**, as last amended by Laws of Utah 2021, Chapters 84, 162 and 345

121 [53G-4-402](#), as last amended by Laws of Utah 2021, Chapters 84, 262, 324, and 345
122 [54-3-28](#), as last amended by Laws of Utah 2021, Chapters 162, 345 and 382
123 [54-14-103](#), as last amended by Laws of Utah 2009, Chapter 316
124 [57-8-27](#), as last amended by Laws of Utah 2016, Chapter 255
125 [59-2-102](#), as last amended by Laws of Utah 2022, Chapter 239
126 [59-2-511](#), as last amended by Laws of Utah 2007, Chapter 329
127 [59-2-919](#), as last amended by Laws of Utah 2021, Chapters 84, 345
128 [59-2-924.2](#), as last amended by Laws of Utah 2022, Chapter 451
129 [59-2-1101](#), as last amended by Laws of Utah 2022, Chapter 235
130 [59-2-1317](#), as last amended by Laws of Utah 2022, Chapter 463
131 [59-2-1710](#), as enacted by Laws of Utah 2012, Chapter 197
132 [63A-5b-901](#), as last amended by Laws of Utah 2022, Chapter 421
133 [63A-5b-1102](#), as renumbered and amended by Laws of Utah 2020, Chapter 152
134 [63A-9-101](#), as last amended by Laws of Utah 2021, Chapter 344
135 [63A-9-401](#), as last amended by Laws of Utah 2022, Chapter 169
136 [63A-15-102](#), as renumbered and amended by Laws of Utah 2018, Chapter 461
137 [63A-15-201](#), as last amended by Laws of Utah 2022, Chapter 125
138 [63C-24-102](#), as enacted by Laws of Utah 2021, Chapter 155
139 [63E-1-102](#), as last amended by Laws of Utah 2022, Chapters 44, 63
140 [63G-2-103](#), as last amended by Laws of Utah 2021, Chapters 211, 283
141 [63G-2-305](#), as last amended by Laws of Utah 2022, Chapters 11, 109, 198, 201, 303,
142 335, 388, 391, and 415
143 [63G-6a-103](#), as last amended by Laws of Utah 2022, Chapters 421, 422
144 [63G-6a-118](#), as enacted by Laws of Utah 2020, Chapter 257
145 [63G-6a-202](#), as last amended by Laws of Utah 2021, Chapter 344
146 [63G-6a-2402](#), as last amended by Laws of Utah 2017, Chapter 181
147 [63G-7-102](#), as last amended by Laws of Utah 2022, Chapter 346
148 [63G-7-401](#), as last amended by Laws of Utah 2021, Chapter 326
149 [63G-9-201](#), as last amended by Laws of Utah 2016, Chapter 350
150 [63G-12-102](#), as last amended by Laws of Utah 2022, Chapter 430
151 [63G-22-102](#), as last amended by Laws of Utah 2021, Chapter 345

- 152 **63G-26-102**, as enacted by Laws of Utah 2020, Chapter 393
- 153 **63H-1-102**, as last amended by Laws of Utah 2022, Chapters 82, 274
- 154 **63H-1-202**, as last amended by Laws of Utah 2022, Chapters 274, 463
- 155 **63I-5-102**, as last amended by Laws of Utah 2020, Chapter 365
- 156 **63J-1-220**, as last amended by Laws of Utah 2021, Chapter 382
- 157 **63J-4-102**, as last amended by Laws of Utah 2021, Chapter 382
- 158 **63J-4-801**, as enacted by Laws of Utah 2021, First Special Session, Chapter 4
- 159 **63L-4-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 160 **63L-5-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 161 **63L-11-102**, as renumbered and amended by Laws of Utah 2021, Chapter 382
- 162 **63M-5-103**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 163 **65A-8-203**, as last amended by Laws of Utah 2021, Chapter 97
- 164 **67-1a-6.5**, as last amended by Laws of Utah 2021, Chapters 162, 345
- 165 **67-1a-15**, as last amended by Laws of Utah 2020, Chapter 30
- 166 **67-1b-102**, as enacted by Laws of Utah 2021, Chapter 394
- 167 **67-3-1**, as last amended by Laws of Utah 2022, Chapter 307
- 168 **67-3-12**, as last amended by Laws of Utah 2022, Chapters 169, 205 and 274
- 169 **67-3-13**, as enacted by Laws of Utah 2021, Chapter 155
- 170 **67-11-2**, as last amended by Laws of Utah 2007, Chapters 306, 329
- 171 **67-21-2**, as last amended by Laws of Utah 2022, Chapter 174
- 172 **71-8-1**, as last amended by Laws of Utah 2018, Chapter 39
- 173 **71-10-1**, as last amended by Laws of Utah 2016, Chapter 230
- 174 **72-2-201**, as last amended by Laws of Utah 2021, Chapters 121, 411
- 175 **72-14-304**, as enacted by Laws of Utah 2018, Chapter 40
- 176 **73-2-1 (Superseded 05/03/23)**, as last amended by Laws of Utah 2022, Chapters 75,
- 177 225
- 178 **73-2-1 (Effective 05/03/23)**, as last amended by Laws of Utah 2022, Chapters 75, 225
- 179 and 311
- 180 **73-5-15**, as last amended by Laws of Utah 2012, Chapter 97
- 181 **73-10-21**, as last amended by Laws of Utah 2008, Chapter 360
- 182 **76-1-101.5**, as renumbered and amended by Laws of Utah 2022, Chapter 181

183 [77-23d-102](#), as enacted by Laws of Utah 2015, Chapter 447
 184 [77-38-601](#), as enacted by Laws of Utah 2022, Chapter 215
 185 [78B-2-216](#), as last amended by Laws of Utah 2014, Chapter 377
 186 [78B-4-509](#), as last amended by Laws of Utah 2020, Chapter 125
 187 [78B-6-2301](#), as enacted by Laws of Utah 2022, Chapter 428

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

190 Section 1. Section **8-5-5** is amended to read:

191 **8-5-5. Proceeds of resale of lots.**

192 The proceeds from the subsequent resale of any lot or parcel, title to which has been
 193 revested in the municipality or cemetery maintenance district under Section [8-5-2](#) or [8-5-6](#), less
 194 the costs and expenses incurred in the proceeding, shall become part of the permanent care and
 195 improvement fund of the municipality or cemetery maintenance district, subject to subsequent
 196 disposition under Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, Title 10,
 197 Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, or [~~Title 17B, Chapter 1, Part 6,~~
 198 ~~Fiscal Procedures for Local Districts~~] Title 17B, Chapter 1, Part 6, Fiscal Procedures for
 199 Special Districts.

200 Section 2. Section **10-2-401** is amended to read:

201 **10-2-401. Definitions -- Property owner provisions.**

202 (1) As used in this part:

203 (a) "Affected entity" means:

204 (i) a county of the first or second class in whose unincorporated area the area proposed
 205 for annexation is located;

206 (ii) a county of the third, fourth, fifth, or sixth class in whose unincorporated area the
 207 area proposed for annexation is located, if the area includes residents or commercial or
 208 industrial development;

209 (iii) a [~~local~~] special district under [~~Title 17B, Limited Purpose Local Government~~
 210 ~~Entities - Local Districts~~] Title 17B, Limited Purpose Local Government Entities - Special
 211 Districts, or special service district under Title 17D, Chapter 1, Special Service District Act,
 212 whose boundary includes any part of an area proposed for annexation;

213 (iv) a school district whose boundary includes any part of an area proposed for

214 annexation, if the boundary is proposed to be adjusted as a result of the annexation; and

215 (v) a municipality whose boundaries are within 1/2 mile of an area proposed for
216 annexation.

217 (b) "Annexation petition" means a petition under Section 10-2-403 proposing the
218 annexation to a municipality of a contiguous, unincorporated area that is contiguous to the
219 municipality.

220 (c) "Commission" means a boundary commission established under Section 10-2-409
221 for the county in which the property that is proposed for annexation is located.

222 (d) "Expansion area" means the unincorporated area that is identified in an annexation
223 policy plan under Section 10-2-401.5 as the area that the municipality anticipates annexing in
224 the future.

225 (e) "Feasibility consultant" means a person or firm with expertise in the processes and
226 economics of local government.

227 (f) "Mining protection area" means the same as that term is defined in Section
228 17-41-101.

229 (g) "Municipal selection committee" means a committee in each county composed of
230 the mayor of each municipality within that county.

231 (h) "Planning advisory area" means the same as that term is defined in Section
232 17-27a-306.

233 (i) "Private," with respect to real property, means not owned by the United States or
234 any agency of the federal government, the state, a county, a municipality, a school district, a
235 [~~local~~] special district under [~~Title 17B, Limited Purpose Local Government Entities - Local~~
236 ~~Districts~~] Title 17B, Limited Purpose Local Government Entities - Special Districts, a special
237 service district under Title 17D, Chapter 1, Special Service District Act, or any other political
238 subdivision or governmental entity of the state.

239 (j) "Rural real property" means the same as that term is defined in Section
240 17B-2a-1107.

241 (k) "Specified county" means a county of the second, third, fourth, fifth, or sixth class.

242 (l) "Unincorporated peninsula" means an unincorporated area:

243 (i) that is part of a larger unincorporated area;

244 (ii) that extends from the rest of the unincorporated area of which it is a part;

245 (iii) that is surrounded by land that is within a municipality, except where the area
246 connects to and extends from the rest of the unincorporated area of which it is a part; and

247 (iv) whose width, at any point where a straight line may be drawn from a place where it
248 borders a municipality to another place where it borders a municipality, is no more than 25% of
249 the boundary of the area where it borders a municipality.

250 (m) "Urban development" means:

251 (i) a housing development with more than 15 residential units and an average density
252 greater than one residential unit per acre; or

253 (ii) a commercial or industrial development for which cost projections exceed
254 \$750,000 for all phases.

255 (2) For purposes of this part:

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

257 (i) except as provided in Subsection (2)(a)(ii), the record title owner according to the
258 records of the county recorder on the date of the filing of the petition or protest; or

259 (ii) the lessee of military land, as defined in Section [63H-1-102](#), if the area proposed
260 for annexation includes military land that is within a project area described in a project area
261 plan adopted by the military installation development authority under Title 63H, Chapter 1,
262 Military Installation Development Authority Act; and

263 (b) the value of private real property shall be determined according to the last
264 assessment roll for county taxes before the filing of the petition or protest.

265 (3) For purposes of each provision of this part that requires the owners of private real
266 property covering a percentage or majority of the total private land area within an area to sign a
267 petition or protest:

268 (a) a parcel of real property may not be included in the calculation of the required
269 percentage or majority unless the petition or protest is signed by:

270 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority
271 ownership interest in that parcel; or

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

274 (b) the signature of a person signing a petition or protest in a representative capacity on
275 behalf of an owner is invalid unless:

276 (i) the person's representative capacity and the name of the owner the person represents
277 are indicated on the petition or protest with the person's signature; and

278 (ii) the person provides documentation accompanying the petition or protest that
279 substantiates the person's representative capacity; and

280 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a
281 petition or protest on behalf of a deceased owner.

282 Section 3. Section **10-2-403** is amended to read:

283 **10-2-403. Annexation petition -- Requirements -- Notice required before filing.**

284 (1) Except as provided in Section **10-2-418**, the process to annex an unincorporated
285 area to a municipality is initiated by a petition as provided in this section.

286 (2) (a) (i) Before filing a petition under Subsection (1), the person or persons intending
287 to file a petition shall:

288 (A) file with the city recorder or town clerk of the proposed annexing municipality a
289 notice of intent to file a petition; and

290 (B) send a copy of the notice of intent to each affected entity.

291 (ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of the
292 area that is proposed to be annexed.

293 (b) (i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be
294 annexed is located shall:

295 (A) mail the notice described in Subsection (2)(b)(iii) to:

296 (I) each owner of real property located within the area proposed to be annexed; and

297 (II) each owner of real property located within 300 feet of the area proposed to be
298 annexed; and

299 (B) send to the proposed annexing municipality a copy of the notice and a certificate
300 indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A).

301 (ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20
302 days after receiving from the person or persons who filed the notice of intent:

303 (A) a written request to mail the required notice; and

304 (B) payment of an amount equal to the county's expected actual cost of mailing the
305 notice.

306 (iii) Each notice required under Subsection (2)(b)(i)(A) shall:

307 (A) be in writing;

308 (B) state, in bold and conspicuous terms, substantially the following:

309 "Attention: Your property may be affected by a proposed annexation.

310 Records show that you own property within an area that is intended to be included in a
311 proposed annexation to (state the name of the proposed annexing municipality) or that is within
312 300 feet of that area. If your property is within the area proposed for annexation, you may be
313 asked to sign a petition supporting the annexation. You may choose whether to sign the
314 petition. By signing the petition, you indicate your support of the proposed annexation. If you
315 sign the petition but later change your mind about supporting the annexation, you may
316 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
317 of (state the name of the proposed annexing municipality) within 30 days after (state the name
318 of the proposed annexing municipality) receives notice that the petition has been certified.

319 There will be no public election on the proposed annexation because Utah law does not
320 provide for an annexation to be approved by voters at a public election. Signing or not signing
321 the annexation petition is the method under Utah law for the owners of property within the area
322 proposed for annexation to demonstrate their support of or opposition to the proposed
323 annexation.

324 You may obtain more information on the proposed annexation by contacting (state the
325 name, mailing address, telephone number, and email address of the official or employee of the
326 proposed annexing municipality designated to respond to questions about the proposed
327 annexation), (state the name, mailing address, telephone number, and email address of the
328 county official or employee designated to respond to questions about the proposed annexation),
329 or (state the name, mailing address, telephone number, and email address of the person who
330 filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the
331 notice of intent, one of those persons). Once filed, the annexation petition will be available for
332 inspection and copying at the office of (state the name of the proposed annexing municipality)
333 located at (state the address of the municipal offices of the proposed annexing municipality).";
334 and

335 (C) be accompanied by an accurate map identifying the area proposed for annexation.

336 (iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any
337 other information or materials related or unrelated to the proposed annexation.

338 (c) (i) After receiving the certificate from the county as provided in Subsection
339 (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the person or persons
340 who filed the notice of intent under Subsection (2)(a)(i)(A), provide an annexation petition for
341 the annexation proposed in the notice of intent.

342 (ii) An annexation petition provided by the proposed annexing municipality may be
343 duplicated for circulation for signatures.

344 (3) Each petition under Subsection (1) shall:

345 (a) be filed with the applicable city recorder or town clerk of the proposed annexing
346 municipality;

347 (b) contain the signatures of, if all the real property within the area proposed for
348 annexation is owned by a public entity other than the federal government, the owners of all the
349 publicly owned real property, or the owners of private real property that:

350 (i) is located within the area proposed for annexation;

351 (ii) (A) subject to Subsection (3)(b)(ii)(C), covers a majority of the private land area
352 within the area proposed for annexation;

353 (B) covers 100% of rural real property within the area proposed for annexation; and

354 (C) covers 100% of the private land area within the area proposed for annexation, if the
355 area is within an agriculture protection area created under Title 17, Chapter 41, Agriculture,
356 Industrial, or Critical Infrastructure Materials Protection Areas, or a migratory bird production
357 area created under Title 23, Chapter 28, Migratory Bird Production Area; and

358 (iii) is equal in value to at least 1/3 of the value of all private real property within the
359 area proposed for annexation;

360 (c) be accompanied by:

361 (i) an accurate and recordable map, prepared by a licensed surveyor in accordance with
362 Section 17-23-20, of the area proposed for annexation; and

363 (ii) a copy of the notice sent to affected entities as required under Subsection
364 (2)(a)(i)(B) and a list of the affected entities to which notice was sent;

365 (d) contain on each signature page a notice in bold and conspicuous terms that states
366 substantially the following:

367 "Notice:

368 • There will be no public election on the annexation proposed by this petition because

369 Utah law does not provide for an annexation to be approved by voters at a public election.

370 • If you sign this petition and later decide that you do not support the petition, you may
371 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
372 of (state the name of the proposed annexing municipality). If you choose to withdraw your
373 signature, you shall do so no later than 30 days after (state the name of the proposed annexing
374 municipality) receives notice that the petition has been certified.";

375 (e) if the petition proposes a cross-county annexation, as defined in Section 10-2-402.5,
376 be accompanied by a copy of the resolution described in Subsection 10-2-402.5(4)(a)(iii)(A);
377 and

378 (f) designate up to five of the signers of the petition as sponsors, one of whom shall be
379 designated as the contact sponsor, and indicate the mailing address of each sponsor.

380 (4) A petition under Subsection (1) may not propose the annexation of all or part of an
381 area proposed for annexation to a municipality in a previously filed petition that has not been
382 denied, rejected, or granted.

383 (5) If practicable and feasible, the boundaries of an area proposed for annexation shall
384 be drawn:

385 (a) along the boundaries of existing [~~local~~] special districts and special service districts
386 for sewer, water, and other services, along the boundaries of school districts whose boundaries
387 follow city boundaries or school districts adjacent to school districts whose boundaries follow
388 city boundaries, and along the boundaries of other taxing entities;

389 (b) to eliminate islands and peninsulas of territory that is not receiving municipal-type
390 services;

391 (c) to facilitate the consolidation of overlapping functions of local government;

392 (d) to promote the efficient delivery of services; and

393 (e) to encourage the equitable distribution of community resources and obligations.

394 (6) On the date of filing, the petition sponsors shall deliver or mail a copy of the
395 petition to the clerk of the county in which the area proposed for annexation is located.

396 (7) A property owner who signs an annexation petition may withdraw the owner's
397 signature by filing a written withdrawal, signed by the property owner, with the city recorder or
398 town clerk no later than 30 days after the municipal legislative body's receipt of the notice of
399 certification under Subsection 10-2-405(2)(c)(i).

400 Section 4. Section **10-2-406** is amended to read:

401 **10-2-406. Notice of certification -- Providing notice of petition.**

402 (1) After receipt of the notice of certification from the city recorder or town clerk under
403 Subsection **10-2-405(2)(c)(i)**, the municipal legislative body shall provide notice:

404 (a) within the area proposed for annexation and the unincorporated area within 1/2 mile
405 of the area proposed for annexation, no later than 10 days after the day on which the municipal
406 legislative body receives the notice of certification:

407 (i) by posting one notice, and at least one additional notice per 2,000 population within
408 the combined area, in places within the combined area that are most likely to give notice to the
409 residents within, and the owners of real property located within, the combined area, subject to a
410 maximum of 10 notices; or

411 (ii) by mailing the notice to each residence within, and to each owner of real property
412 located within, the combined area;

413 (b) by posting notice on the Utah Public Notice Website, created in Section
414 **63A-16-601**, for three weeks, beginning no later than 10 days after the day on which the
415 municipal legislative body receives the notice of certification;

416 (c) within 20 days after the day on which the municipal legislative body receives the
417 notice of certification, by mailing written notice to each affected entity; and

418 (d) if the municipality has a website, by posting notice on the municipality's website for
419 the period of time described in Subsection (1)(b).

420 (2) The notice described in Subsection (1) shall:

421 (a) state that a petition has been filed with the municipality proposing the annexation of
422 an area to the municipality;

423 (b) state the date of the municipal legislative body's receipt of the notice of certification
424 under Subsection **10-2-405(2)(c)(i)**;

425 (c) describe the area proposed for annexation in the annexation petition;

426 (d) state that the complete annexation petition is available for inspection and copying at
427 the office of the city recorder or town clerk;

428 (e) state in conspicuous and plain terms that the municipality may grant the petition
429 and annex the area described in the petition unless, within the time required under Subsection
430 **10-2-407(2)(a)(i)**, a written protest to the annexation petition is filed with the commission and

431 a copy of the protest delivered to the city recorder or town clerk of the proposed annexing
432 municipality;

433 (f) state the address of the commission or, if a commission has not yet been created in
434 the county, the county clerk, where a protest to the annexation petition may be filed;

435 (g) state that the area proposed for annexation to the municipality will also
436 automatically be annexed to a [local] special district providing fire protection, paramedic, and
437 emergency services or a [local] special district providing law enforcement service, as the case
438 may be, as provided in Section 17B-1-416, if:

439 (i) the proposed annexing municipality is entirely within the boundaries of a [local]
440 special district:

441 (A) that provides fire protection, paramedic, and emergency services or law
442 enforcement service, respectively; and

443 (B) in the creation of which an election was not required because of Subsection
444 17B-1-214(3)(c); and

445 (ii) the area proposed to be annexed to the municipality is not already within the
446 boundaries of the [local] special district; and

447 (h) state that the area proposed for annexation to the municipality will be automatically
448 withdrawn from a [local] special district providing fire protection, paramedic, and emergency
449 services or a [local] special district providing law enforcement service, as the case may be, as
450 provided in Subsection 17B-1-502(2), if:

451 (i) the petition proposes the annexation of an area that is within the boundaries of a
452 [local] special district:

453 (A) that provides fire protection, paramedic, and emergency services or law
454 enforcement service, respectively; and

455 (B) in the creation of which an election was not required because of Subsection
456 17B-1-214(3)(c); and

457 (ii) the proposed annexing municipality is not within the boundaries of the [local]
458 special district.

459 (3) (a) The statement required by Subsection (2)(e) shall state the deadline for filing a
460 written protest in terms of the actual date rather than by reference to the statutory citation.

461 (b) In addition to the requirements under Subsection (2), a notice under Subsection (1)

462 for a proposed annexation of an area within a county of the first class shall include a statement
463 that a protest to the annexation petition may be filed with the commission by property owners if
464 it contains the signatures of the owners of private real property that:

465 (i) is located in the unincorporated area within 1/2 mile of the area proposed for
466 annexation;

467 (ii) covers at least 25% of the private land area located in the unincorporated area
468 within 1/2 mile of the area proposed for annexation; and

469 (iii) is equal in value to at least 15% of all real property located in the unincorporated
470 area within 1/2 mile of the area proposed for annexation.

471 Section 5. Section **10-2-412** is amended to read:

472 **10-2-412. Boundary commission authority -- Expenses -- Records.**

473 (1) The boundary commission for each county shall hear and decide, according to the
474 provisions of this part, each protest filed under Section [10-2-407](#), with respect to an area that is
475 located within that county.

476 (2) A boundary commission may:

477 (a) adopt and enforce rules of procedure for the orderly and fair conduct of its
478 proceedings;

479 (b) authorize a member of the commission to administer oaths if necessary in the
480 performance of the commission's duties;

481 (c) employ staff personnel and professional or consulting services reasonably necessary
482 to enable the commission to carry out its duties; and

483 (d) incur reasonable and necessary expenses to enable the commission to carry out its
484 duties.

485 (3) The legislative body of each county shall, with respect to the boundary commission
486 in that county:

487 (a) furnish the commission necessary quarters, equipment, and supplies;

488 (b) pay necessary operating expenses incurred by the commission; and

489 (c) reimburse the reasonable and necessary expenses incurred by each member
490 appointed under Subsection [10-2-409\(2\)\(a\)\(iii\)](#) or [\(b\)\(iii\)](#), unless otherwise provided by
491 interlocal agreement.

492 (4) Each county or municipal legislative body shall reimburse the reasonable and

493 necessary expenses incurred by a commission member who is an elected county or municipal
494 officer, respectively.

495 (5) Records, information, and other relevant materials necessary to enable the
496 commission to carry out its duties shall, upon request by the commission, be furnished to the
497 boundary commission by the personnel, employees, and officers of:

498 (a) for a proposed annexation of an area located in a county of the first class:

499 (i) each county, ~~local~~ special district, and special service district whose boundaries
500 include an area that is the subject of a protest under the commission's consideration; and

501 (ii) each municipality whose boundaries may be affected by action of the boundary
502 commission; or

503 (b) for a proposed annexation of an area located in a specified county, each affected
504 entity:

505 (i) whose boundaries include any part of the area proposed for annexation; or

506 (ii) that may be affected by action of the boundary commission.

507 Section 6. Section **10-2-413** is amended to read:

508 **10-2-413. Feasibility consultant -- Feasibility study -- Modifications to feasibility**
509 **study.**

510 (1) (a) For a proposed annexation of an area located in a county of the first class, unless
511 a proposed annexing municipality denies an annexation petition under Subsection

512 [10-2-407\(5\)\(a\)\(i\)](#) and except as provided in Subsection (1)(b), the commission shall choose and
513 engage a feasibility consultant within 45 days of:

514 (i) the commission's receipt of a protest under Section [10-2-407](#), if the commission had
515 been created before the filing of the protest; or

516 (ii) the commission's creation, if the commission is created after the filing of a protest.

517 (b) Notwithstanding Subsection (1)(a), the commission may not require a feasibility
518 study with respect to a petition that proposes the annexation of an area that:

519 (i) is undeveloped; and

520 (ii) covers an area that is equivalent to less than 5% of the total land mass of all private
521 real property within the municipality.

522 (2) The commission shall require the feasibility consultant to:

523 (a) complete a feasibility study on the proposed annexation and submit written results

524 of the study to the commission no later than 75 days after the feasibility consultant is engaged
525 to conduct the study;

526 (b) submit with the full written results of the feasibility study a summary of the results
527 no longer than a page in length; and

528 (c) attend the public hearing under Subsection 10-2-415(1) and present the feasibility
529 study results and respond to questions at that hearing.

530 (3) (a) Subject to Subsection (4), the feasibility study shall consider:

531 (i) the population and population density within the area proposed for annexation, the
532 surrounding unincorporated area, and, if a protest was filed by a municipality with boundaries
533 within 1/2 mile of the area proposed for annexation, that municipality;

534 (ii) the geography, geology, and topography of and natural boundaries within the area
535 proposed for annexation, the surrounding unincorporated area, and, if a protest was filed by a
536 municipality with boundaries within 1/2 mile of the area proposed for annexation, that
537 municipality;

538 (iii) whether the proposed annexation eliminates, leaves, or creates an unincorporated
539 island or unincorporated peninsula;

540 (iv) whether the proposed annexation will hinder or prevent a future and more logical
541 and beneficial annexation or a future logical and beneficial incorporation;

542 (v) the fiscal impact of the proposed annexation on the remaining unincorporated area,
543 other municipalities, [~~local~~] special districts, special service districts, school districts, and other
544 governmental entities;

545 (vi) current and five-year projections of demographics and economic base in the area
546 proposed for annexation and surrounding unincorporated area, including household size and
547 income, commercial and industrial development, and public facilities;

548 (vii) projected growth in the area proposed for annexation and the surrounding
549 unincorporated area during the next five years;

550 (viii) the present and five-year projections of the cost of governmental services in the
551 area proposed for annexation;

552 (ix) the present and five-year projected revenue to the proposed annexing municipality
553 from the area proposed for annexation;

554 (x) the projected impact the annexation will have over the following five years on the

555 amount of taxes that property owners within the area proposed for annexation, the proposed
556 annexing municipality, and the remaining unincorporated county will pay;

557 (xi) past expansion in terms of population and construction in the area proposed for
558 annexation and the surrounding unincorporated area;

559 (xii) the extension during the past 10 years of the boundaries of each other municipality
560 near the area proposed for annexation, the willingness of the other municipality to annex the
561 area proposed for annexation, and the probability that another municipality would annex some
562 or all of the area proposed for annexation during the next five years if the annexation did not
563 occur;

564 (xiii) the history, culture, and social aspects of the area proposed for annexation and
565 surrounding area;

566 (xiv) the method of providing and the entity that has provided municipal-type services
567 in the past to the area proposed for incorporation and the feasibility of municipal-type services
568 being provided by the proposed annexing municipality; and

569 (xv) the effect on each school district whose boundaries include part or all of the area
570 proposed for annexation or the proposed annexing municipality.

571 (b) For purposes of Subsection (3)(a)(ix), the feasibility consultant shall assume ad
572 valorem property tax rates on residential property within the area proposed for annexation at
573 the same level that residential property within the proposed annexing municipality would be
574 without the annexation.

575 (c) For purposes of Subsection (3)(a)(viii), the feasibility consultant shall assume that
576 the level and quality of governmental services that will be provided to the area proposed for
577 annexation in the future is essentially comparable to the level and quality of governmental
578 services being provided within the proposed annexing municipality at the time of the feasibility
579 study.

580 (4) (a) Except as provided in Subsection (4)(b), the commission may modify the depth
581 of study of and detail given to the items listed in Subsection (3)(a) by the feasibility consultant
582 in conducting the feasibility study depending upon:

583 (i) the size of the area proposed for annexation;

584 (ii) the size of the proposed annexing municipality;

585 (iii) the extent to which the area proposed for annexation is developed;

586 (iv) the degree to which the area proposed for annexation is expected to develop and
587 the type of development expected; and

588 (v) the number and type of protests filed against the proposed annexation.

589 (b) Notwithstanding Subsection (4)(a), the commission may not modify the
590 requirement that the feasibility consultant provide a full and complete analysis of the items
591 listed in Subsections (3)(a)(viii), (ix), and (xv).

592 (5) If the results of the feasibility study do not meet the requirements of Subsection
593 10-2-416(3), the feasibility consultant may, as part of the feasibility study, make
594 recommendations as to how the boundaries of the area proposed for annexation may be altered
595 so that the requirements of Subsection 10-2-416(3) may be met.

596 (6) (a) Except as provided in Subsection (6)(b), the feasibility consultant fees and
597 expenses shall be shared equally by the proposed annexing municipality and each entity or
598 group under Subsection 10-2-407(1) that files a protest.

599 (b) (i) Except as provided in Subsection (6)(b)(ii), if a protest is filed by property
600 owners under Subsection 10-2-407(1)(c), the county in which the area proposed for annexation
601 shall pay the owners' share of the feasibility consultant's fees and expenses.

602 (ii) Notwithstanding Subsection (6)(b)(i), if both the county and the property owners
603 file a protest, the county and the proposed annexing municipality shall equally share the
604 property owners' share of the feasibility consultant's fees and expenses.

605 Section 7. Section 10-2-414 is amended to read:

606 **10-2-414. Modified annexation petition -- Supplemental feasibility study.**

607 (1) (a) (i) If the results of the feasibility study with respect to a proposed annexation of
608 an area located in a county of the first class do not meet the requirements of Subsection
609 10-2-416(3), the sponsors of the annexation petition may, within 45 days of the feasibility
610 consultant's submission of the results of the study, file with the city recorder or town clerk of
611 the proposed annexing municipality a modified annexation petition altering the boundaries of
612 the proposed annexation.

613 (ii) On the date of filing a modified annexation petition under Subsection (1)(a)(i), the
614 sponsors of the annexation petition shall deliver or mail a copy of the modified annexation
615 petition to the clerk of the county in which the area proposed for annexation is located.

616 (b) Each modified annexation petition under Subsection (1)(a) shall comply with the

617 requirements of Subsections 10-2-403(3) and (4).

618 (2) (a) Within 20 days of the city recorder or town clerk's receipt of the modified
619 annexation petition, the city recorder or town clerk, as the case may be, shall follow the same
620 procedure for the modified annexation petition as provided under Subsections 10-2-405(2) and
621 (3)(a) for an original annexation petition.

622 (b) If the city recorder or town clerk certifies the modified annexation petition under
623 Subsection 10-2-405(2)(c)(i), the city recorder or town clerk, as the case may be, shall send
624 written notice of the certification to:

625 (i) the commission;

626 (ii) each entity that filed a protest to the annexation petition; and

627 (iii) if a protest was filed under Subsection 10-2-407(1)(c), the contact person.

628 (c) (i) If the modified annexation petition proposes the annexation of an area that
629 includes part or all of a [local] special district, special service district, or school district that
630 was not included in the area proposed for annexation in the original petition, the city recorder
631 or town clerk, as the case may be, shall also send notice of the certification of the modified
632 annexation petition to the board of the [local] special district, special service district, or school
633 district.

634 (ii) If the area proposed for annexation in the modified annexation petition is within
635 1/2 mile of the boundaries of a municipality whose boundaries were not within 1/2 mile of the
636 area proposed for annexation in the original annexation petition, the city recorder or town
637 clerk, as the case may be, shall also send notice of the certification of the modified annexation
638 petition to the legislative body of that municipality.

639 (3) Within 10 days of the commission's receipt of the notice under Subsection (2)(b),
640 the commission shall engage the feasibility consultant that conducted the feasibility study to
641 supplement the feasibility study to take into account the information in the modified
642 annexation petition that was not included in the original annexation petition.

643 (4) The commission shall require the feasibility consultant to complete the
644 supplemental feasibility study and to submit written results of the supplemental study to the
645 commission no later than 30 days after the feasibility consultant is engaged to conduct the
646 supplemental feasibility study.

647 Section 8. Section 10-2-418 is amended to read:

648 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**
649 **Hearing.**

650 (1) As used in Subsection (2)(b)(ii), for purposes of an annexation conducted in
651 accordance with this section of an area located within a county of the first class,
652 "municipal-type services" does not include a service provided by a municipality pursuant to a
653 contract that the municipality has with another political subdivision as "political subdivision" is
654 defined in Section [17B-1-102](#).

655 (2) Notwithstanding Subsection [10-2-402](#)(2), a municipality may annex an
656 unincorporated area under this section without an annexation petition if:

657 (a) for an unincorporated area within the expansion area of more than one municipality,
658 each municipality agrees to the annexation; and

659 (b) (i) (A) the area to be annexed consists of one or more unincorporated islands within
660 or unincorporated peninsulas contiguous to the municipality;

661 (B) the majority of each island or peninsula consists of residential or commercial
662 development;

663 (C) the area proposed for annexation requires the delivery of municipal-type services;
664 and

665 (D) the municipality has provided most or all of the municipal-type services to the area
666 for more than one year;

667 (ii) (A) the area to be annexed consists of one or more unincorporated islands within or
668 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800
669 residents; and

670 (B) the municipality has provided one or more municipal-type services to the area for
671 at least one year;

672 (iii) the area consists of:

673 (A) an unincorporated island within or an unincorporated peninsula contiguous to the
674 municipality; and

675 (B) for an area outside of the county of the first class proposed for annexation, no more
676 than 50 acres; or

677 (iv) (A) the area to be annexed consists only of one or more unincorporated islands in a
678 county of the second class;

679 (B) the area to be annexed is located in the expansion area of a municipality; and

680 (C) the county legislative body in which the municipality is located provides notice to
681 each property owner within the area to be annexed that the county legislative body will hold a
682 public hearing, no less than 15 days after the day on which the county legislative body provides
683 the notice, and may make a recommendation of annexation to the municipality whose
684 expansion area includes the area to be annexed after the public hearing.

685 (3) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a
686 portion of an unincorporated island or unincorporated peninsula under this section, leaving
687 unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:

688 (a) in adopting the resolution under Subsection (5)(a) the municipal legislative body
689 determines that not annexing the entire unincorporated island or unincorporated peninsula is in
690 the municipality's best interest; and

691 (b) for an annexation of one or more unincorporated islands under Subsection (2)(b),
692 the entire island of unincorporated area, of which a portion is being annexed, complies with the
693 requirement of Subsection (2)(b)(ii) relating to the number of residents.

694 (4) (a) This Subsection (4) applies only to an annexation within a county of the first
695 class.

696 (b) A county of the first class shall agree to an annexation if the majority of private
697 property owners within the area to be annexed give written consent to the annexation, in
698 accordance with Subsection (4)(d), to the recorder of the annexing municipality.

699 (c) For purposes of Subsection (4)(b), the majority of private property owners is
700 property owners who own:

701 (i) the majority of the total private land area within the area proposed for annexation;
702 and

703 (ii) private real property equal to at least 1/2 the value of private real property within
704 the area proposed for annexation.

705 (d) A property owner consenting to annexation shall indicate the property owner's
706 consent on a form which includes language in substantially the following form:

707 "Notice: If this written consent is used to proceed with an annexation of your property
708 in accordance with Utah Code Section 10-2-418, no public election is required by law to
709 approve the annexation. If you sign this consent and later decide you do not want to support

710 the annexation of your property, you may withdraw your signature by submitting a signed,
711 written withdrawal with the recorder or clerk of [name of annexing municipality]. If you
712 choose to withdraw your signature, you must do so no later than the close of the public hearing
713 on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(d)."

714 (e) A private property owner may withdraw the property owner's signature indicating
715 consent by submitting a signed, written withdrawal with the recorder or clerk no later than the
716 close of the public hearing held in accordance with Subsection (5)(b).

717 (5) The legislative body of each municipality intending to annex an area under this
718 section shall:

719 (a) adopt a resolution indicating the municipal legislative body's intent to annex the
720 area, describing the area proposed to be annexed; and

721 (b) hold a public hearing on the proposed annexation no earlier than 30 days after the
722 adoption of the resolution described in Subsection (5)(a).

723 (6) A legislative body described in Subsection (5) shall provide notice of a public
724 hearing described in Subsection (5)(b):

725 (a) (i) at least three weeks before the day of the public hearing, by posting one notice,
726 and at least one additional notice per 2,000 population in the municipality and the area
727 proposed for annexation, in places within the combined area that are most likely to give notice
728 to the residents within, and the owners of real property located within, the combined area,
729 subject to a maximum of 10 notices; or

730 (ii) at least three weeks before the day of the public hearing, by mailing notice to each
731 residence within, and each owner of real property located within, the combined area described
732 in Subsection (6)(a)(i);

733 (b) by posting notice on the Utah Public Notice Website, created in Section
734 63A-16-601, for three weeks before the day of the public hearing;

735 (c) by sending written notice to:

736 (i) the board of each [~~local~~] special district and special service district whose
737 boundaries contain some or all of the area proposed for annexation; and

738 (ii) the legislative body of the county in which the area proposed for annexation is
739 located; and

740 (d) if the municipality has a website, by posting notice on the municipality's website for

741 three weeks before the day of the public hearing.

742 (7) The legislative body of the annexing municipality shall ensure that:

743 (a) each notice described in Subsection (6):

744 (i) states that the municipal legislative body has adopted a resolution indicating the
745 municipality's intent to annex the area proposed for annexation;

746 (ii) states the date, time, and place of the public hearing described in Subsection (5)(b);

747 (iii) describes the area proposed for annexation; and

748 (iv) except for an annexation that meets the requirements of Subsection (8)(b) or (c),

749 states in conspicuous and plain terms that the municipal legislative body will annex the area

750 unless, at or before the public hearing described in Subsection (5)(b), written protests to the

751 annexation are filed by the owners of private real property that:

752 (A) is located within the area proposed for annexation;

753 (B) covers a majority of the total private land area within the entire area proposed for
754 annexation; and

755 (C) is equal in value to at least 1/2 the value of all private real property within the
756 entire area proposed for annexation; and

757 (b) the first publication of the notice described in Subsection (6)(a) occurs within 14
758 days after the day on which the municipal legislative body adopts a resolution under Subsection
759 (5)(a).

760 (8) (a) Except as provided in Subsections (8)(b)(i) and (8)(c)(i), upon conclusion of the
761 public hearing described in Subsection (5)(b), the municipal legislative body may adopt an
762 ordinance approving the annexation of the area proposed for annexation under this section
763 unless, at or before the hearing, written protests to the annexation have been filed with the
764 recorder or clerk of the municipality by the owners of private real property that:

765 (i) is located within the area proposed for annexation;

766 (ii) covers a majority of the total private land area within the entire area proposed for
767 annexation; and

768 (iii) is equal in value to at least 1/2 the value of all private real property within the
769 entire area proposed for annexation.

770 (b) (i) Notwithstanding Subsection (8)(a), upon conclusion of the public hearing
771 described in Subsection (5)(b), a municipality may adopt an ordinance approving the

772 annexation of the area proposed for annexation under this section without allowing or
773 considering protests under Subsection (8)(a) if the owners of at least 75% of the total private
774 land area within the entire area proposed for annexation, representing at least 75% of the value
775 of the private real property within the entire area proposed for annexation, have consented in
776 writing to the annexation.

777 (ii) Upon the effective date under Section 10-2-425 of an annexation approved by an
778 ordinance adopted under Subsection (8)(b)(i), the area annexed is conclusively presumed to be
779 validly annexed.

780 (c) (i) Notwithstanding Subsection (8)(a), upon conclusion of the public hearing
781 described in Subsection (5)(b), a municipality may adopt an ordinance approving the
782 annexation of an area that the county legislative body proposes for annexation under this
783 section without allowing or considering protests under Subsection (8)(a) if the county
784 legislative body has formally recommended annexation to the annexing municipality and has
785 made a formal finding that:

786 (A) the area to be annexed can be more efficiently served by the municipality than by
787 the county;

788 (B) the area to be annexed is not likely to be naturally annexed by the municipality in
789 the future as the result of urban development;

790 (C) annexation of the area is likely to facilitate the consolidation of overlapping
791 functions of local government; and

792 (D) annexation of the area is likely to result in an equitable distribution of community
793 resources and obligations.

794 (ii) The county legislative body may base the finding required in Subsection
795 (8)(c)(i)(B) on:

796 (A) existing development in the area;

797 (B) natural or other conditions that may limit the future development of the area; or

798 (C) other factors that the county legislative body considers relevant.

799 (iii) A county legislative body may make the recommendation for annexation required
800 in Subsection (8)(c)(i) for only a portion of an unincorporated island if, as a result of
801 information provided at the public hearing, the county legislative body makes a formal finding
802 that it would be equitable to leave a portion of the island unincorporated.

803 (iv) If a county legislative body has made a recommendation of annexation under
804 Subsection (8)(c)(i):

805 (A) the relevant municipality is not required to proceed with the recommended
806 annexation; and

807 (B) if the relevant municipality proceeds with annexation, the municipality shall annex
808 the entire area that the county legislative body recommended for annexation.

809 (v) Upon the effective date under Section 10-2-425 of an annexation approved by an
810 ordinance adopted under Subsection (8)(c)(i), the area annexed is conclusively presumed to be
811 validly annexed.

812 (9) (a) Except as provided in Subsections (8)(b)(i) and (8)(c)(i), if protests are timely
813 filed under Subsection (8)(a), the municipal legislative body may not adopt an ordinance
814 approving the annexation of the area proposed for annexation, and the annexation proceedings
815 under this section shall be considered terminated.

816 (b) Subsection (9)(a) does not prohibit the municipal legislative body from excluding
817 from a proposed annexation under Subsection (2)(b) the property within an unincorporated
818 island regarding which protests have been filed and proceeding under Subsection (3) to annex
819 some or all of the remaining portion of the unincorporated island.

820 Section 9. Section 10-2-419 is amended to read:

821 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

822 (1) The legislative bodies of two or more municipalities having common boundaries
823 may adjust their common boundaries as provided in this section.

824 (2) The legislative body of each municipality intending to adjust a boundary that is
825 common with another municipality shall:

826 (a) adopt a resolution indicating the intent of the municipal legislative body to adjust a
827 common boundary; and

828 (b) hold a public hearing on the proposed adjustment no less than 60 days after the
829 adoption of the resolution under Subsection (2)(a).

830 (3) A legislative body described in Subsection (2) shall provide notice of a public
831 hearing described in Subsection (2)(b):

832 (a) (i) at least three weeks before the day of the public hearing, by posting one notice,
833 and at least one additional notice per 2,000 population of the municipality, in places within the

834 municipality that are most likely to give notice to residents of the municipality, subject to a
835 maximum of 10 notices; or

836 (ii) at least three weeks before the day of the public hearing, by mailing notice to each
837 residence in the municipality;

838 (b) by posting notice on the Utah Public Notice Website, created in Section
839 [63A-16-601](#), for three weeks before the day of the public hearing;

840 (c) if the proposed boundary adjustment may cause any part of real property owned by
841 the state to be within the geographic boundary of a different local governmental entity than
842 before the adjustment, by providing written notice, at least 50 days before the day of the public
843 hearing, to:

844 (i) the title holder of any state-owned real property described in this Subsection (3)(d);
845 and

846 (ii) the Utah State Developmental Center Board, created under Section [62A-5-202.5](#), if
847 any state-owned real property described in this Subsection (3)(d) is associated with the Utah
848 State Developmental Center; and

849 (d) if the municipality has a website, by posting notice on the municipality's website for
850 three weeks before the day of the public hearing.

851 (4) The notice described in Subsection (3) shall:

852 (a) state that the municipal legislative body has adopted a resolution indicating the
853 municipal legislative body's intent to adjust a boundary that the municipality has in common
854 with another municipality;

855 (b) describe the area proposed to be adjusted;

856 (c) state the date, time, and place of the public hearing described in Subsection (2)(b);

857 (d) state in conspicuous and plain terms that the municipal legislative body will adjust
858 the boundaries unless, at or before the public hearing described in Subsection (2)(b), a written
859 protest to the adjustment is filed by:

860 (i) an owner of private real property that:

861 (A) is located within the area proposed for adjustment;

862 (B) covers at least 25% of the total private land area within the area proposed for
863 adjustment; and

864 (C) is equal in value to at least 15% of the value of all private real property within the

865 area proposed for adjustment; or

866 (ii) a title holder of state-owned real property described in Subsection (3)(d);

867 (e) state that the area that is the subject of the boundary adjustment will, because of the
868 boundary adjustment, be automatically annexed to a [toeat] special district providing fire
869 protection, paramedic, and emergency services or a [toeat] special district providing law
870 enforcement service, as the case may be, as provided in Section 17B-1-416, if:

871 (i) the municipality to which the area is being added because of the boundary
872 adjustment is entirely within the boundaries of a [toeat] special district:

873 (A) that provides fire protection, paramedic, and emergency services or law
874 enforcement service, respectively; and

875 (B) in the creation of which an election was not required because of Subsection
876 17B-1-214(3)(c); and

877 (ii) the municipality from which the area is being taken because of the boundary
878 adjustment is not within the boundaries of the [toeat] special district; and

879 (f) state that the area proposed for annexation to the municipality will be automatically
880 withdrawn from a [toeat] special district providing fire protection, paramedic, and emergency
881 services, as provided in Subsection 17B-1-502(2), if:

882 (i) the municipality to which the area is being added because of the boundary
883 adjustment is not within the boundaries of a [toeat] special district:

884 (A) that provides fire protection, paramedic, and emergency services; and

885 (B) in the creation of which an election was not required because of Subsection
886 17B-1-214(3)(c); and

887 (ii) the municipality from which the area is being taken because of the boundary
888 adjustment is entirely within the boundaries of the [toeat] special district.

889 (5) Upon conclusion of the public hearing described in Subsection (2)(b), the
890 municipal legislative body may adopt an ordinance approving the adjustment of the common
891 boundary unless, at or before the hearing described in Subsection (2)(b), a written protest to the
892 adjustment is filed with the city recorder or town clerk by a person described in Subsection
893 (3)(c)(i) or (ii).

894 (6) The municipal legislative body shall comply with the requirements of Section
895 10-2-425 as if the boundary adjustment were an annexation.

896 (7) (a) An ordinance adopted under Subsection (5) becomes effective when each
897 municipality involved in the boundary adjustment has adopted an ordinance under Subsection
898 (5).

899 (b) The effective date of a boundary adjustment under this section is governed by
900 Section 10-2-425.

901 Section 10. Section 10-2-425 is amended to read:

902 **10-2-425. Filing of notice and plat -- Recording and notice requirements --**
903 **Effective date of annexation or boundary adjustment.**

904 (1) The legislative body of each municipality that enacts an ordinance under this part
905 approving the annexation of an unincorporated area or the adjustment of a boundary, or the
906 legislative body of an eligible city, as defined in Section 10-2a-403, that annexes an
907 unincorporated island upon the results of an election held in accordance with Section
908 10-2a-404, shall;

909 (a) within 60 days after enacting the ordinance or the day of the election or, in the case
910 of a boundary adjustment, within 60 days after each of the municipalities involved in the
911 boundary adjustment has enacted an ordinance, file with the lieutenant governor:

912 (i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that
913 meets the requirements of Subsection 67-1a-6.5(3); and

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

915 (b) upon the lieutenant governor's issuance of a certificate of annexation or boundary
916 adjustment, as the case may be, under Section 67-1a-6.5:

917 (i) if the annexed area or area subject to the boundary adjustment is located within the
918 boundary of a single county, submit to the recorder of that county the original notice of an
919 impending boundary action, the original certificate of annexation or boundary adjustment, the
920 original approved final local entity plat, and a certified copy of the ordinance approving the
921 annexation or boundary adjustment; or

922 (ii) if the annexed area or area subject to the boundary adjustment is located within the
923 boundaries of more than a single county:

924 (A) submit to the recorder of one of those counties the original notice of impending
925 boundary action, the original certificate of annexation or boundary adjustment, and the original
926 approved final local entity plat;

927 (B) submit to the recorder of each other county a certified copy of the documents listed
928 in Subsection (1)(b)(ii)(A); and

929 (C) submit a certified copy of the ordinance approving the annexation or boundary
930 adjustment to each county described in Subsections (1)(b)(ii)(A) and (B); and

931 (c) concurrently with Subsection (1)(b):

932 (i) send notice of the annexation or boundary adjustment to each affected entity; and

933 (ii) in accordance with Section 26-8a-414, file with the Department of Health:

934 (A) a certified copy of the ordinance approving the annexation of an unincorporated
935 area or the adjustment of a boundary; and

936 (B) a copy of the approved final local entity plat.

937 (2) If an annexation or boundary adjustment under this part or Chapter 2a, Part 4,
938 Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class
939 on and after May 12, 2015, also causes an automatic annexation to a [local] special district
940 under Section 17B-1-416 or an automatic withdrawal from a [local] special district under
941 Subsection 17B-1-502(2), the municipal legislative body shall, as soon as practicable after the
942 lieutenant governor issues a certificate of annexation or boundary adjustment under Section
943 67-1a-6.5, send notice of the annexation or boundary adjustment to the [local] special district to
944 which the annexed area is automatically annexed or from which the annexed area is
945 automatically withdrawn.

946 (3) Each notice required under Subsection (1) relating to an annexation or boundary
947 adjustment shall state the effective date of the annexation or boundary adjustment, as
948 determined under Subsection (4).

949 (4) An annexation or boundary adjustment under this part is completed and takes
950 effect:

951 (a) for the annexation of or boundary adjustment affecting an area located in a county
952 of the first class, except for an annexation under Section 10-2-418:

953 (i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a
954 certificate of annexation or boundary adjustment if:

955 (A) the certificate is issued during the preceding November 1 through April 30; and

956 (B) the requirements of Subsection (1) are met before that July 1; or

957 (ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a

958 certificate of annexation or boundary adjustment if:

959 (A) the certificate is issued during the preceding May 1 through October 31; and

960 (B) the requirements of Subsection (1) are met before that January 1; and

961 (b) subject to Subsection (5), for all other annexations and boundary adjustments, the
962 date of the lieutenant governor's issuance, under Section 67-1a-6.5, of a certificate of
963 annexation or boundary adjustment.

964 (5) If an annexation of an unincorporated island is based upon the results of an election
965 held in accordance with Section 10-2a-404:

966 (a) the county and the annexing municipality may agree to a date on which the
967 annexation is complete and takes effect; and

968 (b) the lieutenant governor shall issue, under Section 67-1a-6.5, a certification of
969 annexation on the date agreed to under Subsection (5)(a).

970 (6) (a) As used in this Subsection (6):

971 (i) "Affected area" means:

972 (A) in the case of an annexation, the annexed area; and

973 (B) in the case of a boundary adjustment, any area that, as a result of the boundary
974 adjustment, is moved from within the boundary of one municipality to within the boundary of
975 another municipality.

976 (ii) "Annexing municipality" means:

977 (A) in the case of an annexation, the municipality that annexes an unincorporated area;
978 and

979 (B) in the case of a boundary adjustment, a municipality whose boundary includes an
980 affected area as a result of a boundary adjustment.

981 (b) The effective date of an annexation or boundary adjustment for purposes of
982 assessing property within an affected area is governed by Section 59-2-305.5.

983 (c) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the
984 recorder of each county in which the property is located, a municipality may not:

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

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

987 (iii) charge or collect a fee for service provided to property within an affected area,

988 unless the municipality was charging and collecting the fee within that area immediately before

989 annexation.

990 Section 11. Section **10-2-428** is amended to read:

991 **10-2-428. Neither annexation nor boundary adjustment has an effect on the**
992 **boundaries of most special districts or special service districts.**

993 Except as provided in Section **17B-1-416** and Subsection **17B-1-502(2)**, the annexation
994 of an unincorporated area by a municipality or the adjustment of a boundary shared by
995 municipalities does not affect the boundaries of a [~~local~~] special district under [~~Title 17B,~~
996 ~~Limited Purpose Local Government Entities - Local Districts,~~] Title 17B, Limited Purpose
997 Local Government Entities - Special Districts, or a special service district under Title 17D,
998 Chapter 1, Special Service District Act.

999 Section 12. Section **10-2a-205** is amended to read:

1000 **10-2a-205. Feasibility study -- Feasibility study consultant -- Qualifications for**
1001 **proceeding with incorporation.**

1002 (1) Within 90 days after the day on which the lieutenant governor receives a request
1003 that the lieutenant governor certifies under Subsection **10-2a-204(1)(b)(i)**, the lieutenant
1004 governor shall engage a feasibility consultant selected, in accordance with Subsection (2), to
1005 conduct a feasibility study.

1006 (2) (a) The lieutenant governor shall select a feasibility consultant in accordance with
1007 Title 63G, Chapter 6a, Utah Procurement Code.

1008 (b) The lieutenant governor shall ensure that a feasibility consultant selected under
1009 Subsection (2)(a):

1010 (i) has expertise in the processes and economics of local government; and

1011 (ii) is not affiliated with:

1012 (A) a sponsor of the feasibility study request to which the feasibility study relates; or

1013 (B) the county in which the proposed municipality is located.

1014 (3) The lieutenant governor shall require the feasibility consultant to:

1015 (a) submit a draft of the feasibility study to each applicable person with whom the
1016 feasibility consultant is required to consult under Subsection (4)(c) within 90 days after the day
1017 on which the lieutenant governor engages the feasibility consultant to conduct the study;

1018 (b) allow each person to whom the consultant provides a draft under Subsection (3)(a)
1019 to review and provide comment on the draft;

1020 (c) submit a completed feasibility study, including a one-page summary of the results,
1021 to the following within 120 days after the day on which the lieutenant governor engages the
1022 feasibility consultant to conduct the study:

- 1023 (i) the lieutenant governor;
- 1024 (ii) the county legislative body of the county in which the incorporation is proposed;
- 1025 (iii) the contact sponsor; and
- 1026 (iv) each person to whom the consultant provided a draft under Subsection (3)(a); and
- 1027 (d) attend the public hearings described in Section 10-2a-207 to present the feasibility
1028 study results and respond to questions from the public.

1029 (4) (a) The feasibility consultant shall ensure that the feasibility study includes:

1030 (i) an analysis of the population and population density within the area proposed for
1031 incorporation and the surrounding area;

1032 (ii) the current and projected five-year demographics and tax base within the
1033 boundaries of the proposed municipality and surrounding area, including household size and
1034 income, commercial and industrial development, and public facilities;

1035 (iii) subject to Subsection (4)(b), the current and five-year projected cost of providing
1036 municipal services to the proposed municipality, including administrative costs;

1037 (iv) assuming the same tax categories and tax rates as currently imposed by the county
1038 and all other current service providers, the present and five-year projected revenue for the
1039 proposed municipality;

1040 (v) an analysis of the risks and opportunities that might affect the actual costs described
1041 in Subsection (4)(a)(iii) or revenues described in Subsection (4)(a)(iv) of the newly
1042 incorporated municipality;

1043 (vi) an analysis of new revenue sources that may be available to the newly incorporated
1044 municipality that are not available before the area incorporates, including an analysis of the
1045 amount of revenues the municipality might obtain from those revenue sources;

1046 (vii) the projected tax burden per household of any new taxes that may be levied within
1047 the proposed municipality within five years after incorporation;

1048 (viii) the fiscal impact of the municipality's incorporation on unincorporated areas,
1049 other municipalities, ~~local~~ special districts, special service districts, and other governmental
1050 entities in the county; and

1051 (ix) if the lieutenant governor excludes property from the proposed municipality under
1052 Section 10-2a-203, an update to the map and legal description described in Subsection
1053 10-2a-202(1)(e).

1054 (b) (i) For purposes of Subsection (4)(a)(iii), the feasibility consultant shall assume the
1055 proposed municipality will provide a level and quality of municipal services that fairly and
1056 reasonably approximate the level and quality of municipal services that are provided to the area
1057 of the proposed municipality at the time the feasibility consultant conducts the feasibility study.

1058 (ii) In determining the present cost of a municipal service, the feasibility consultant
1059 shall consider:

1060 (A) the amount it would cost the proposed municipality to provide the municipal
1061 service for the first five years after the municipality's incorporation; and

1062 (B) the current municipal service provider's present and five-year projected cost of
1063 providing the municipal service.

1064 (iii) In calculating costs under Subsection (4)(a)(iii), the feasibility consultant shall
1065 account for inflation and anticipated growth.

1066 (c) In conducting the feasibility study, the feasibility consultant shall consult with the
1067 following before submitting a draft of the feasibility study under Subsection (3)(a):

1068 (i) if the proposed municipality will include lands owned by the United States federal
1069 government, the entity within the United States federal government that has jurisdiction over
1070 the land;

1071 (ii) if the proposed municipality will include lands owned by the state, the entity within
1072 state government that has jurisdiction over the land;

1073 (iii) each entity that provides a municipal service to a portion of the proposed
1074 municipality; and

1075 (iv) any other special service district that provides services to a portion of the proposed
1076 municipality.

1077 (5) If the five-year projected revenues calculated under Subsection (4)(a)(iv) exceed the
1078 five-year projected costs calculated under Subsection (4)(a)(iii) by more than 5%, the
1079 feasibility consultant shall project and report the expected annual revenue surplus to the contact
1080 sponsor and the lieutenant governor.

1081 (6) (a) Except as provided in Subsection (6)(b), if the results of the feasibility study, or

1082 a supplemental feasibility study described in Section 10-2a-206, show that the average annual
1083 amount of revenue calculated under Subsection (4)(a)(iv) does not exceed the average annual
1084 cost calculated under Subsection (4)(a)(iii) by more than 5%, the process to incorporate the
1085 area that is the subject of the feasibility study or supplemental feasibility study may not
1086 proceed.

1087 (b) The process to incorporate an area described in Subsection (6)(a) may proceed if a
1088 subsequent supplemental feasibility study conducted under Section 10-2a-206 for the proposed
1089 incorporation demonstrates compliance with Subsection (6)(a).

1090 (7) If the results of the feasibility study or revised feasibility study do not comply with
1091 Subsection (6), and if requested by the sponsors of the request, the feasibility consultant shall,
1092 as part of the feasibility study or revised feasibility study, make recommendations regarding
1093 how the boundaries of the proposed municipality may be altered to comply with Subsection
1094 (6).

1095 (8) The lieutenant governor shall post a copy of the feasibility study, and any
1096 supplemental feasibility study described in Section 10-2a-206, on the lieutenant governor's
1097 website and make a copy available for public review at the Office of the Lieutenant Governor.

1098 Section 13. Section 10-2a-210 is amended to read:

1099 **10-2a-210. Incorporation election -- Notice of election -- Voter information**
1100 **pamphlet.**

1101 (1) (a) If the lieutenant governor certifies a petition under Subsection 10-2a-209(1)(b),
1102 the lieutenant governor shall schedule an incorporation election for the proposed municipality
1103 described in the petition to be held on the date of the next regular general election described in
1104 Section 20A-1-201, or the next municipal general election described in Section 20A-1-202, that
1105 is at least 65 days after the day on which the lieutenant governor certifies the petition.

1106 (b) (i) The lieutenant governor shall direct the county legislative body of the county in
1107 which the proposed municipality is located to hold the election on the date that the lieutenant
1108 governor schedules under Subsection (1)(a).

1109 (ii) The county shall hold the election as directed by the lieutenant governor under
1110 Subsection (1)(b)(i).

1111 (2) The county clerk shall provide notice of the election:

1112 (a) (i) by publishing notice in a newspaper of general circulation within the area

1113 proposed to be incorporated at least once a week for three successive weeks before the election;

1114 (ii) at least three weeks before the day of the election, by posting one notice, and at
1115 least one additional notice per 2,000 population of the area proposed to be incorporated, in
1116 places within the area proposed to be incorporated that are most likely to give notice to the
1117 voters within the area proposed to be incorporated, subject to a maximum of 10 notices; or

1118 (iii) at least three weeks before the day of the election, by mailing notice to each
1119 registered voter in the area proposed to be incorporated;

1120 (b) by posting notice on the Utah Public Notice Website, created in Section
1121 [63A-16-601](#), for three weeks before the day of the election;

1122 (c) if the proposed municipality has a website, by posting notice on the proposed
1123 municipality's website for three weeks before the day of the election; and

1124 (d) by posting notice on the county's website for three weeks before the day of the
1125 election.

1126 (3) (a) The notice required by Subsection (2) shall contain:

1127 (i) a statement of the contents of the petition;

1128 (ii) a description of the area proposed to be incorporated as a municipality;

1129 (iii) a statement of the date and time of the election and the location of polling places;

1130 and

1131 (iv) except as provided in Subsection (3)(b), the feasibility study summary described in
1132 Subsection [10-2a-205](#)(3)(c) and a statement that a full copy of the study is available on the
1133 lieutenant governor's website and for inspection at the Office of the Lieutenant Governor.

1134 (b) Instead of including the feasibility summary under Subsection (3)(a)(iv), the notice
1135 may include a statement that specifies the following sources where a registered voter in the area
1136 proposed to be incorporated may view or obtain a copy of the feasibility study:

1137 (i) the lieutenant governor's website;

1138 (ii) the physical address of the Office of the Lieutenant Governor; and

1139 (iii) a mailing address and telephone number.

1140 (4) (a) In addition to the notice required under Subsection (2), the county clerk shall
1141 publish and distribute, before the incorporation election is held, a voter information pamphlet:

1142 (i) in accordance with the procedures and requirements of Section [20A-7-402](#);

1143 (ii) in consultation with the lieutenant governor; and

1144 (iii) in a manner that the county clerk determines is adequate, subject to Subsections
1145 (4)(a)(i) and (ii).

1146 (b) The voter information pamphlet described in Subsection (4)(a):

1147 (i) shall inform the public of the proposed incorporation; and

1148 (ii) may include written statements, printed in the same font style and point size, from
1149 proponents and opponents of the proposed incorporation.

1150 (5) An individual may not vote in an incorporation election under this section unless
1151 the individual is a registered voter who [~~resides~~] is a resident, as defined in Section 20A-1-102,
1152 within the boundaries of the proposed municipality.

1153 (6) If a majority of those who vote in an incorporation election held under this section
1154 cast votes in favor of incorporation, the area shall incorporate.

1155 Section 14. Section ~~10-2a-404~~ is amended to read:

1156 **10-2a-404. Election.**

1157 (1) (a) Notwithstanding Section 20A-1-203, a county of the first class shall hold a local
1158 special election on November 3, 2015, on the following ballot propositions:

1159 (i) for registered voters residing within a planning township:

1160 (A) whether the planning township shall be incorporated as a city or town, according to
1161 the classifications of Section 10-2-301, or as a metro township; and

1162 (B) if the planning township incorporates as a metro township, whether the metro
1163 township is included in a municipal services district; and

1164 (ii) for registered voters residing within an unincorporated island, whether the island
1165 should maintain its unincorporated status or be annexed into an eligible city.

1166 (b) (i) A metro township incorporated under this part shall be governed by the
1167 five-member council in accordance with Chapter 3b, Part 5, Metro Township Council Form of
1168 Municipal Government.

1169 (ii) A city or town incorporated under this part shall be governed by the five-member
1170 council form of government as defined in Section 10-3b-102.

1171 (2) Unless a person is a registered voter who [~~resides~~] is a resident, as defined in
1172 Section 20A-1-102, within the boundaries of a planning township or an unincorporated island,
1173 the person may not vote on the proposed incorporation or annexation.

1174 (3) The county clerk shall post notice of the election on the Utah Public Notice

- 1175 Website, created in Section 63A-16-601, for three weeks before the election.
- 1176 (4) The notice required by Subsection (3) shall contain:
- 1177 (a) for residents of a planning township:
- 1178 (i) a statement that the voters will vote:
- 1179 (A) to incorporate as a city or town, according to the classifications of Section
- 1180 10-2-301, or as a metro township; and
- 1181 (B) if the planning township incorporates as a metro township, whether the metro
- 1182 township is included in a municipal services district;
- 1183 (ii) if applicable under Subsection 10-2a-405(5), a map showing the alteration to the
- 1184 planning township boundaries that would be effective upon incorporation;
- 1185 (iii) a statement that if the residents of the planning township elect to incorporate:
- 1186 (A) as a metro township, the metro township shall be governed by a five-member
- 1187 metro township council in accordance with Chapter 3b, Part 5, Metro Township Council Form
- 1188 of Municipal Government; or
- 1189 (B) as a city or town, the city or town shall be governed by the five-member council
- 1190 form of government as defined in Section 10-3b-102; and
- 1191 (iv) a statement of the date and time of the election and the location of polling places;
- 1192 (b) for residents of an unincorporated island:
- 1193 (i) a statement that the voters will vote either to be annexed into an eligible city or
- 1194 maintain unincorporated status; and
- 1195 (ii) a statement of the eligible city, as determined by the county legislative body in
- 1196 accordance with Section 10-2a-405, the unincorporated island may elect to be annexed by; and
- 1197 (c) a statement of the date and time of the election and the location of polling places.
- 1198 (5) (a) In addition to the notice required under Subsection (3), the county clerk shall
- 1199 post at least one notice of the election per 1,000 population in conspicuous places within the
- 1200 planning township or unincorporated island that are most likely to give notice of the election to
- 1201 the voters of the proposed incorporation or annexation, subject to a maximum of 10 notices.
- 1202 (b) The clerk shall post the notices under Subsection (5)(a) at least seven days before
- 1203 the election under Subsection (1).
- 1204 (6) (a) In a planning township, if a majority of those casting votes within the planning
- 1205 township vote to:

1206 (i) incorporate as a city or town, the planning township shall incorporate as a city or
1207 town, respectively; or

1208 (ii) incorporate as a metro township, the planning township shall incorporate as a metro
1209 township.

1210 (b) If a majority of those casting votes within the planning township vote to incorporate
1211 as a metro township, and a majority of those casting votes vote to include the metro township
1212 in a municipal services district and limit the metro township's municipal powers, the metro
1213 township shall be included in a municipal services district and have limited municipal powers.

1214 (c) In an unincorporated island, if a majority of those casting a vote within the selected
1215 unincorporated island vote to:

- 1216 (i) be annexed by the eligible city, the area shall be annexed by the eligible city; or
- 1217 (ii) remain an unincorporated area, the area shall remain unincorporated.

1218 (7) The county shall, in consultation with interested parties, prepare and provide
1219 information on an annexation or incorporation subject to this part and an election held in
1220 accordance with this section.

1221 Section 15. Section **10-3c-102** is amended to read:

1222 **10-3c-102. Definitions.**

1223 As used in this chapter:

1224 (1) "Municipal services district" means a ~~local~~ special district created in accordance
1225 with Title 17B, Chapter 2a, Part 11, Municipal Services District Act.

1226 (2) "Metro township" means a metro township incorporated in accordance with
1227 Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County
1228 of the First Class on and after May 12, 2015.

1229 Section 16. Section **10-9a-103** is amended to read:

1230 **10-9a-103. Definitions.**

1231 As used in this chapter:

1232 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
1233 detached from a primary single-family dwelling and contained on one lot.

1234 (2) "Adversely affected party" means a person other than a land use applicant who:

- 1235 (a) owns real property adjoining the property that is the subject of a land use
1236 application or land use decision; or

1237 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
1238 general community as a result of the land use decision.

1239 (3) "Affected entity" means a county, municipality, ~~local~~ special district, special
1240 service district under Title 17D, Chapter 1, Special Service District Act, school district,
1241 interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,
1242 specified public utility, property owner, property owners association, or the Utah Department
1243 of Transportation, if:

1244 (a) the entity's services or facilities are likely to require expansion or significant
1245 modification because of an intended use of land;

1246 (b) the entity has filed with the municipality a copy of the entity's general or long-range
1247 plan; or

1248 (c) the entity has filed with the municipality a request for notice during the same
1249 calendar year and before the municipality provides notice to an affected entity in compliance
1250 with a requirement imposed under this chapter.

1251 (4) "Affected owner" means the owner of real property that is:

1252 (a) a single project;

1253 (b) the subject of a land use approval that sponsors of a referendum timely challenged
1254 in accordance with Subsection [20A-7-601\(6\)](#); and

1255 (c) determined to be legally referable under Section [20A-7-602.8](#).

1256 (5) "Appeal authority" means the person, board, commission, agency, or other body
1257 designated by ordinance to decide an appeal of a decision of a land use application or a
1258 variance.

1259 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
1260 residential property if the sign is designed or intended to direct attention to a business, product,
1261 or service that is not sold, offered, or existing on the property where the sign is located.

1262 (7) (a) "Charter school" means:

1263 (i) an operating charter school;

1264 (ii) a charter school applicant that a charter school authorizer approves in accordance
1265 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

1266 (iii) an entity that is working on behalf of a charter school or approved charter
1267 applicant to develop or construct a charter school building.

1268 (b) "Charter school" does not include a therapeutic school.

1269 (8) "Conditional use" means a land use that, because of the unique characteristics or
1270 potential impact of the land use on the municipality, surrounding neighbors, or adjacent land
1271 uses, may not be compatible in some areas or may be compatible only if certain conditions are
1272 required that mitigate or eliminate the detrimental impacts.

1273 (9) "Constitutional taking" means a governmental action that results in a taking of
1274 private property so that compensation to the owner of the property is required by the:

1275 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

1276 (b) Utah Constitution Article I, Section 22.

1277 (10) "Culinary water authority" means the department, agency, or public entity with
1278 responsibility to review and approve the feasibility of the culinary water system and sources for
1279 the subject property.

1280 (11) "Development activity" means:

1281 (a) any construction or expansion of a building, structure, or use that creates additional
1282 demand and need for public facilities;

1283 (b) any change in use of a building or structure that creates additional demand and need
1284 for public facilities; or

1285 (c) any change in the use of land that creates additional demand and need for public
1286 facilities.

1287 (12) (a) "Development agreement" means a written agreement or amendment to a
1288 written agreement between a municipality and one or more parties that regulates or controls the
1289 use or development of a specific area of land.

1290 (b) "Development agreement" does not include an improvement completion assurance.

1291 (13) (a) "Disability" means a physical or mental impairment that substantially limits
1292 one or more of a person's major life activities, including a person having a record of such an
1293 impairment or being regarded as having such an impairment.

1294 (b) "Disability" does not include current illegal use of, or addiction to, any federally
1295 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
1296 802.

1297 (14) "Educational facility":

1298 (a) means:

- 1299 (i) a school district's building at which pupils assemble to receive instruction in a
1300 program for any combination of grades from preschool through grade 12, including
1301 kindergarten and a program for children with disabilities;
- 1302 (ii) a structure or facility:
1303 (A) located on the same property as a building described in Subsection (14)(a)(i); and
1304 (B) used in support of the use of that building; and
1305 (iii) a building to provide office and related space to a school district's administrative
1306 personnel; and
- 1307 (b) does not include:
1308 (i) land or a structure, including land or a structure for inventory storage, equipment
1309 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:
1310 (A) not located on the same property as a building described in Subsection (14)(a)(i);
1311 and
1312 (B) used in support of the purposes of a building described in Subsection (14)(a)(i); or
1313 (ii) a therapeutic school.
- 1314 (15) "Fire authority" means the department, agency, or public entity with responsibility
1315 to review and approve the feasibility of fire protection and suppression services for the subject
1316 property.
- 1317 (16) "Flood plain" means land that:
1318 (a) is within the 100-year flood plain designated by the Federal Emergency
1319 Management Agency; or
1320 (b) has not been studied or designated by the Federal Emergency Management Agency
1321 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
1322 the land has characteristics that are similar to those of a 100-year flood plain designated by the
1323 Federal Emergency Management Agency.
- 1324 (17) "General plan" means a document that a municipality adopts that sets forth general
1325 guidelines for proposed future development of the land within the municipality.
- 1326 (18) "Geologic hazard" means:
1327 (a) a surface fault rupture;
1328 (b) shallow groundwater;
1329 (c) liquefaction;

- 1330 (d) a landslide;
- 1331 (e) a debris flow;
- 1332 (f) unstable soil;
- 1333 (g) a rock fall; or
- 1334 (h) any other geologic condition that presents a risk:
- 1335 (i) to life;
- 1336 (ii) of substantial loss of real property; or
- 1337 (iii) of substantial damage to real property.
- 1338 (19) "Historic preservation authority" means a person, board, commission, or other
- 1339 body designated by a legislative body to:
 - 1340 (a) recommend land use regulations to preserve local historic districts or areas; and
 - 1341 (b) administer local historic preservation land use regulations within a local historic
 - 1342 district or area.
- 1343 (20) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 1344 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
- 1345 utility system.
- 1346 (21) "Identical plans" means building plans submitted to a municipality that:
 - 1347 (a) are clearly marked as "identical plans";
 - 1348 (b) are substantially identical to building plans that were previously submitted to and
 - 1349 reviewed and approved by the municipality; and
 - 1350 (c) describe a building that:
 - 1351 (i) is located on land zoned the same as the land on which the building described in the
 - 1352 previously approved plans is located;
 - 1353 (ii) is subject to the same geological and meteorological conditions and the same law
 - 1354 as the building described in the previously approved plans;
 - 1355 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
 - 1356 and approved by the municipality; and
 - 1357 (iv) does not require any additional engineering or analysis.
- 1358 (22) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 1359 Impact Fees Act.
- 1360 (23) "Improvement completion assurance" means a surety bond, letter of credit,

1361 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
1362 by a municipality to guaranty the proper completion of landscaping or an infrastructure
1363 improvement required as a condition precedent to:

1364 (a) recording a subdivision plat; or

1365 (b) development of a commercial, industrial, mixed use, or multifamily project.

1366 (24) "Improvement warranty" means an applicant's unconditional warranty that the
1367 applicant's installed and accepted landscaping or infrastructure improvement:

1368 (a) complies with the municipality's written standards for design, materials, and
1369 workmanship; and

1370 (b) will not fail in any material respect, as a result of poor workmanship or materials,
1371 within the improvement warranty period.

1372 (25) "Improvement warranty period" means a period:

1373 (a) no later than one year after a municipality's acceptance of required landscaping; or

1374 (b) no later than one year after a municipality's acceptance of required infrastructure,
1375 unless the municipality:

1376 (i) determines for good cause that a one-year period would be inadequate to protect the
1377 public health, safety, and welfare; and

1378 (ii) has substantial evidence, on record:

1379 (A) of prior poor performance by the applicant; or

1380 (B) that the area upon which the infrastructure will be constructed contains suspect soil
1381 and the municipality has not otherwise required the applicant to mitigate the suspect soil.

1382 (26) "Infrastructure improvement" means permanent infrastructure that is essential for
1383 the public health and safety or that:

1384 (a) is required for human occupation; and

1385 (b) an applicant must install:

1386 (i) in accordance with published installation and inspection specifications for public
1387 improvements; and

1388 (ii) whether the improvement is public or private, as a condition of:

1389 (A) recording a subdivision plat;

1390 (B) obtaining a building permit; or

1391 (C) development of a commercial, industrial, mixed use, condominium, or multifamily

1392 project.

1393 (27) "Internal lot restriction" means a platted note, platted demarcation, or platted
1394 designation that:

1395 (a) runs with the land; and

1396 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
1397 the plat; or

1398 (ii) designates a development condition that is enclosed within the perimeter of a lot
1399 described on the plat.

1400 (28) "Land use applicant" means a property owner, or the property owner's designee,
1401 who submits a land use application regarding the property owner's land.

1402 (29) "Land use application":

1403 (a) means an application that is:

1404 (i) required by a municipality; and

1405 (ii) submitted by a land use applicant to obtain a land use decision; and

1406 (b) does not mean an application to enact, amend, or repeal a land use regulation.

1407 (30) "Land use authority" means:

1408 (a) a person, board, commission, agency, or body, including the local legislative body,
1409 designated by the local legislative body to act upon a land use application; or

1410 (b) if the local legislative body has not designated a person, board, commission,
1411 agency, or body, the local legislative body.

1412 (31) "Land use decision" means an administrative decision of a land use authority or
1413 appeal authority regarding:

1414 (a) a land use permit; or

1415 (b) a land use application.

1416 (32) "Land use permit" means a permit issued by a land use authority.

1417 (33) "Land use regulation":

1418 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
1419 specification, fee, or rule that governs the use or development of land;

1420 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
1421 and

1422 (c) does not include:

1423 (i) a land use decision of the legislative body acting as the land use authority, even if
1424 the decision is expressed in a resolution or ordinance; or

1425 (ii) a temporary revision to an engineering specification that does not materially:

1426 (A) increase a land use applicant's cost of development compared to the existing
1427 specification; or

1428 (B) impact a land use applicant's use of land.

1429 (34) "Legislative body" means the municipal council.

1430 [~~(35) "Local district" means an entity under Title 17B, Limited Purpose Local~~
1431 ~~Government Entities - Local Districts, and any other governmental or quasi-governmental~~
1432 ~~entity that is not a county, municipality, school district, or the state.]~~

1433 [~~(36)~~ (35) "Local historic district or area" means a geographically definable area that:

1434 (a) contains any combination of buildings, structures, sites, objects, landscape features,
1435 archeological sites, or works of art that contribute to the historic preservation goals of a
1436 legislative body; and

1437 (b) is subject to land use regulations to preserve the historic significance of the local
1438 historic district or area.

1439 [~~(37)~~ (36) "Lot" means a tract of land, regardless of any label, that is created by and
1440 shown on a subdivision plat that has been recorded in the office of the county recorder.

1441 [~~(38)~~ (37) (a) "Lot line adjustment" means a relocation of a lot line boundary between
1442 adjoining lots or between a lot and adjoining parcels in accordance with Section 10-9a-608:

1443 (i) whether or not the lots are located in the same subdivision; and

1444 (ii) with the consent of the owners of record.

1445 (b) "Lot line adjustment" does not mean a new boundary line that:

1446 (i) creates an additional lot; or

1447 (ii) constitutes a subdivision.

1448 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
1449 Department of Transportation.

1450 [~~(39)~~ (38) "Major transit investment corridor" means public transit service that uses or
1451 occupies:

1452 (a) public transit rail right-of-way;

1453 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

1454 or

1455 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
1456 municipality or county and:

1457 (i) a public transit district as defined in Section 17B-2a-802; or

1458 (ii) an eligible political subdivision as defined in Section 59-12-2219.

1459 ~~[(40)]~~ (39) "Moderate income housing" means housing occupied or reserved for
1460 occupancy by households with a gross household income equal to or less than 80% of the
1461 median gross income for households of the same size in the county in which the city is located.

1462 ~~[(41)]~~ (40) "Municipal utility easement" means an easement that:

1463 (a) is created or depicted on a plat recorded in a county recorder's office and is
1464 described as a municipal utility easement granted for public use;

1465 (b) is not a protected utility easement or a public utility easement as defined in Section
1466 54-3-27;

1467 (c) the municipality or the municipality's affiliated governmental entity uses and
1468 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm
1469 water, or communications or data lines;

1470 (d) is used or occupied with the consent of the municipality in accordance with an
1471 authorized franchise or other agreement;

1472 (e) (i) is used or occupied by a specified public utility in accordance with an authorized
1473 franchise or other agreement; and

1474 (ii) is located in a utility easement granted for public use; or

1475 (f) is described in Section 10-9a-529 and is used by a specified public utility.

1476 ~~[(42)]~~ (41) "Nominal fee" means a fee that reasonably reimburses a municipality only
1477 for time spent and expenses incurred in:

1478 (a) verifying that building plans are identical plans; and

1479 (b) reviewing and approving those minor aspects of identical plans that differ from the
1480 previously reviewed and approved building plans.

1481 ~~[(43)]~~ (42) "Noncomplying structure" means a structure that:

1482 (a) legally existed before the structure's current land use designation; and

1483 (b) because of one or more subsequent land use ordinance changes, does not conform
1484 to the setback, height restrictions, or other regulations, excluding those regulations, which

1485 govern the use of land.

1486 [~~(44)~~] (43) "Nonconforming use" means a use of land that:

1487 (a) legally existed before its current land use designation;

1488 (b) has been maintained continuously since the time the land use ordinance governing
1489 the land changed; and

1490 (c) because of one or more subsequent land use ordinance changes, does not conform
1491 to the regulations that now govern the use of the land.

1492 [~~(45)~~] (44) "Official map" means a map drawn by municipal authorities and recorded in
1493 a county recorder's office that:

1494 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
1495 highways and other transportation facilities;

1496 (b) provides a basis for restricting development in designated rights-of-way or between
1497 designated setbacks to allow the government authorities time to purchase or otherwise reserve
1498 the land; and

1499 (c) has been adopted as an element of the municipality's general plan.

1500 [~~(46)~~] (45) "Parcel" means any real property that is not a lot.

1501 [~~(47)~~] (46) (a) "Parcel boundary adjustment" means a recorded agreement between
1502 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
1503 line agreement in accordance with Section [10-9a-524](#), if no additional parcel is created and:

1504 (i) none of the property identified in the agreement is a lot; or

1505 (ii) the adjustment is to the boundaries of a single person's parcels.

1506 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
1507 line that:

1508 (i) creates an additional parcel; or

1509 (ii) constitutes a subdivision.

1510 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
1511 the Department of Transportation.

1512 [~~(48)~~] (47) "Person" means an individual, corporation, partnership, organization,
1513 association, trust, governmental agency, or any other legal entity.

1514 [~~(49)~~] (48) "Plan for moderate income housing" means a written document adopted by
1515 a municipality's legislative body that includes:

1516 (a) an estimate of the existing supply of moderate income housing located within the
1517 municipality;

1518 (b) an estimate of the need for moderate income housing in the municipality for the
1519 next five years;

1520 (c) a survey of total residential land use;

1521 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
1522 income housing; and

1523 (e) a description of the municipality's program to encourage an adequate supply of
1524 moderate income housing.

1525 [~~50~~] (49) "Plat" means an instrument subdividing property into lots as depicted on a
1526 map or other graphical representation of lands that a licensed professional land surveyor makes
1527 and prepares in accordance with Section 10-9a-603 or 57-8-13.

1528 [~~51~~] (50) "Potential geologic hazard area" means an area that:

1529 (a) is designated by a Utah Geological Survey map, county geologist map, or other
1530 relevant map or report as needing further study to determine the area's potential for geologic
1531 hazard; or

1532 (b) has not been studied by the Utah Geological Survey or a county geologist but
1533 presents the potential of geologic hazard because the area has characteristics similar to those of
1534 a designated geologic hazard area.

1535 [~~52~~] (51) "Public agency" means:

1536 (a) the federal government;

1537 (b) the state;

1538 (c) a county, municipality, school district, [~~local~~] special district, special service
1539 district, or other political subdivision of the state; or

1540 (d) a charter school.

1541 [~~53~~] (52) "Public hearing" means a hearing at which members of the public are
1542 provided a reasonable opportunity to comment on the subject of the hearing.

1543 [~~54~~] (53) "Public meeting" means a meeting that is required to be open to the public
1544 under Title 52, Chapter 4, Open and Public Meetings Act.

1545 [~~55~~] (54) "Public street" means a public right-of-way, including a public highway,
1546 public avenue, public boulevard, public parkway, public road, public lane, public alley, public

1547 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
1548 easement, or other public way.

1549 ~~[(56)]~~ (55) "Receiving zone" means an area of a municipality that the municipality
1550 designates, by ordinance, as an area in which an owner of land may receive a transferable
1551 development right.

1552 ~~[(57)]~~ (56) "Record of survey map" means a map of a survey of land prepared in
1553 accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

1554 ~~[(58)]~~ (57) "Residential facility for persons with a disability" means a residence:

1555 (a) in which more than one person with a disability resides; and

1556 (b) (i) which is licensed or certified by the Department of Human Services under Title
1557 62A, Chapter 2, Licensure of Programs and Facilities; or

1558 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
1559 21, Health Care Facility Licensing and Inspection Act.

1560 ~~[(59)]~~ (58) "Rules of order and procedure" means a set of rules that govern and
1561 prescribe in a public meeting:

1562 (a) parliamentary order and procedure;

1563 (b) ethical behavior; and

1564 (c) civil discourse.

1565 ~~[(60)]~~ (59) "Sanitary sewer authority" means the department, agency, or public entity
1566 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
1567 wastewater systems.

1568 ~~[(61)]~~ (60) "Sending zone" means an area of a municipality that the municipality
1569 designates, by ordinance, as an area from which an owner of land may transfer a transferable
1570 development right.

1571 (61) "Special district" means an entity under Title 17B, Limited Purpose Local
1572 Government Entities - Special Districts, and any other governmental or quasi-governmental
1573 entity that is not a county, municipality, school district, or the state.

1574 (62) "Specified public agency" means:

1575 (a) the state;

1576 (b) a school district; or

1577 (c) a charter school.

1578 (63) "Specified public utility" means an electrical corporation, gas corporation, or
1579 telephone corporation, as those terms are defined in Section 54-2-1.

1580 (64) "State" includes any department, division, or agency of the state.

1581 (65) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
1582 divided into two or more lots or other division of land for the purpose, whether immediate or
1583 future, for offer, sale, lease, or development either on the installment plan or upon any and all
1584 other plans, terms, and conditions.

1585 (b) "Subdivision" includes:

1586 (i) the division or development of land, whether by deed, metes and bounds
1587 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
1588 the division includes all or a portion of a parcel or lot; and

1589 (ii) except as provided in Subsection (65)(c), divisions of land for residential and
1590 nonresidential uses, including land used or to be used for commercial, agricultural, and
1591 industrial purposes.

1592 (c) "Subdivision" does not include:

1593 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
1594 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
1595 neither the resulting combined parcel nor the parcel remaining from the division or partition
1596 violates an applicable land use ordinance;

1597 (ii) a boundary line agreement recorded with the county recorder's office between
1598 owners of adjoining parcels adjusting the mutual boundary in accordance with Section
1599 10-9a-524 if no new parcel is created;

1600 (iii) a recorded document, executed by the owner of record:

1601 (A) revising the legal descriptions of multiple parcels into one legal description
1602 encompassing all such parcels; or

1603 (B) joining a lot to a parcel;

1604 (iv) a boundary line agreement between owners of adjoining subdivided properties
1605 adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if:

1606 (A) no new dwelling lot or housing unit will result from the adjustment; and

1607 (B) the adjustment will not violate any applicable land use ordinance;

1608 (v) a bona fide division of land by deed or other instrument if the deed or other

1609 instrument states in writing that the division:

1610 (A) is in anticipation of future land use approvals on the parcel or parcels;

1611 (B) does not confer any land use approvals; and

1612 (C) has not been approved by the land use authority;

1613 (vi) a parcel boundary adjustment;

1614 (vii) a lot line adjustment;

1615 (viii) a road, street, or highway dedication plat;

1616 (ix) a deed or easement for a road, street, or highway purpose; or

1617 (x) any other division of land authorized by law.

1618 (66) "Subdivision amendment" means an amendment to a recorded subdivision in

1619 accordance with Section 10-9a-608 that:

1620 (a) vacates all or a portion of the subdivision;

1621 (b) alters the outside boundary of the subdivision;

1622 (c) changes the number of lots within the subdivision;

1623 (d) alters a public right-of-way, a public easement, or public infrastructure within the

1624 subdivision; or

1625 (e) alters a common area or other common amenity within the subdivision.

1626 (67) "Substantial evidence" means evidence that:

1627 (a) is beyond a scintilla; and

1628 (b) a reasonable mind would accept as adequate to support a conclusion.

1629 (68) "Suspect soil" means soil that has:

1630 (a) a high susceptibility for volumetric change, typically clay rich, having more than a

1631 3% swell potential;

1632 (b) bedrock units with high shrink or swell susceptibility; or

1633 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum

1634 commonly associated with dissolution and collapse features.

1635 (69) "Therapeutic school" means a residential group living facility:

1636 (a) for four or more individuals who are not related to:

1637 (i) the owner of the facility; or

1638 (ii) the primary service provider of the facility;

1639 (b) that serves students who have a history of failing to function:

- 1640 (i) at home;
- 1641 (ii) in a public school; or
- 1642 (iii) in a nonresidential private school; and
- 1643 (c) that offers:
 - 1644 (i) room and board; and
 - 1645 (ii) an academic education integrated with:
 - 1646 (A) specialized structure and supervision; or
 - 1647 (B) services or treatment related to a disability, an emotional development, a
 - 1648 behavioral development, a familial development, or a social development.

1649 (70) "Transferable development right" means a right to develop and use land that
 1650 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
 1651 land use rights from a designated sending zone to a designated receiving zone.

1652 (71) "Unincorporated" means the area outside of the incorporated area of a city or
 1653 town.

- 1654 (72) "Water interest" means any right to the beneficial use of water, including:
- 1655 (a) each of the rights listed in Section 73-1-11; and
 - 1656 (b) an ownership interest in the right to the beneficial use of water represented by:
 - 1657 (i) a contract; or
 - 1658 (ii) a share in a water company, as defined in Section 73-3-3.5.

1659 (73) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
 1660 land use zones, overlays, or districts.

1661 Section 17. Section 10-9a-305 is amended to read:

1662 **10-9a-305. Other entities required to conform to municipality's land use**
 1663 **ordinances -- Exceptions -- School districts and charter schools -- Submission of**
 1664 **development plan and schedule.**

1665 (1) (a) Each county, municipality, school district, charter school, ~~local~~ special district,
 1666 special service district, and political subdivision of the state shall conform to any applicable
 1667 land use ordinance of any municipality when installing, constructing, operating, or otherwise
 1668 using any area, land, or building situated within that municipality.

1669 (b) In addition to any other remedies provided by law, when a municipality's land use
 1670 ordinance is violated or about to be violated by another political subdivision, that municipality

1671 may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to
1672 prevent, enjoin, abate, or remove the improper installation, improvement, or use.

1673 (2) (a) Except as provided in Subsection (3), a school district or charter school is
1674 subject to a municipality's land use ordinances.

1675 (b) (i) Notwithstanding Subsection (3), a municipality may:

1676 (A) subject a charter school to standards within each zone pertaining to setback, height,
1677 bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction
1678 staging; and

1679 (B) impose regulations upon the location of a project that are necessary to avoid
1680 unreasonable risks to health or safety, as provided in Subsection (3)(f).

1681 (ii) The standards to which a municipality may subject a charter school under
1682 Subsection (2)(b)(i) shall be objective standards only and may not be subjective.

1683 (iii) Except as provided in Subsection (7)(d), the only basis upon which a municipality
1684 may deny or withhold approval of a charter school's land use application is the charter school's
1685 failure to comply with a standard imposed under Subsection (2)(b)(i).

1686 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of an
1687 obligation to comply with a requirement of an applicable building or safety code to which it is
1688 otherwise obligated to comply.

1689 (3) A municipality may not:

1690 (a) impose requirements for landscaping, fencing, aesthetic considerations,
1691 construction methods or materials, additional building inspections, municipal building codes,
1692 building use for educational purposes, or the placement or use of temporary classroom facilities
1693 on school property;

1694 (b) except as otherwise provided in this section, require a school district or charter
1695 school to participate in the cost of any roadway or sidewalk, or a study on the impact of a
1696 school on a roadway or sidewalk, that is not reasonably necessary for the safety of school
1697 children and not located on or contiguous to school property, unless the roadway or sidewalk is
1698 required to connect an otherwise isolated school site to an existing roadway;

1699 (c) require a district or charter school to pay fees not authorized by this section;

1700 (d) provide for inspection of school construction or assess a fee or other charges for
1701 inspection, unless the school district or charter school is unable to provide for inspection by an

1702 inspector, other than the project architect or contractor, who is qualified under criteria
1703 established by the state superintendent;

1704 (e) require a school district or charter school to pay any impact fee for an improvement
1705 project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact Fees Act;

1706 (f) impose regulations upon the location of an educational facility except as necessary
1707 to avoid unreasonable risks to health or safety; or

1708 (g) for a land use or a structure owned or operated by a school district or charter school
1709 that is not an educational facility but is used in support of providing instruction to pupils,
1710 impose a regulation that:

1711 (i) is not imposed on a similar land use or structure in the zone in which the land use or
1712 structure is approved; or

1713 (ii) uses the tax exempt status of the school district or charter school as criteria for
1714 prohibiting or regulating the land use or location of the structure.

1715 (4) Subject to Section [53E-3-710](#), a school district or charter school shall coordinate
1716 the siting of a new school with the municipality in which the school is to be located, to:

1717 (a) avoid or mitigate existing and potential traffic hazards, including consideration of
1718 the impacts between the new school and future highways; and

1719 (b) maximize school, student, and site safety.

1720 (5) Notwithstanding Subsection (3)(d), a municipality may, at its discretion:

1721 (a) provide a walk-through of school construction at no cost and at a time convenient to
1722 the district or charter school; and

1723 (b) provide recommendations based upon the walk-through.

1724 (6) (a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:

1725 (i) a municipal building inspector;

1726 (ii) (A) for a school district, a school district building inspector from that school
1727 district; or

1728 (B) for a charter school, a school district building inspector from the school district in
1729 which the charter school is located; or

1730 (iii) an independent, certified building inspector who is:

1731 (A) not an employee of the contractor;

1732 (B) approved by:

- 1733 (I) a municipal building inspector; or
- 1734 (II) (Aa) for a school district, a school district building inspector from that school
1735 district; or
- 1736 (Bb) for a charter school, a school district building inspector from the school district in
1737 which the charter school is located; and
- 1738 (C) licensed to perform the inspection that the inspector is requested to perform.
- 1739 (b) The approval under Subsection (6)(a)(iii)(B) may not be unreasonably withheld.
- 1740 (c) If a school district or charter school uses a school district or independent building
1741 inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall submit to
1742 the state superintendent of public instruction and municipal building official, on a monthly
1743 basis during construction of the school building, a copy of each inspection certificate regarding
1744 the school building.
- 1745 (7) (a) A charter school shall be considered a permitted use in all zoning districts
1746 within a municipality.
- 1747 (b) Each land use application for any approval required for a charter school, including
1748 an application for a building permit, shall be processed on a first priority basis.
- 1749 (c) Parking requirements for a charter school may not exceed the minimum parking
1750 requirements for schools or other institutional public uses throughout the municipality.
- 1751 (d) If a municipality has designated zones for a sexually oriented business, or a
1752 business which sells alcohol, a charter school may be prohibited from a location which would
1753 otherwise defeat the purpose for the zone unless the charter school provides a waiver.
- 1754 (e) (i) A school district or a charter school may seek a certificate authorizing permanent
1755 occupancy of a school building from:
- 1756 (A) the state superintendent of public instruction, as provided in Subsection
1757 [53E-3-706\(3\)](#), if the school district or charter school used an independent building inspector for
1758 inspection of the school building; or
- 1759 (B) a municipal official with authority to issue the certificate, if the school district or
1760 charter school used a municipal building inspector for inspection of the school building.
- 1761 (ii) A school district may issue its own certificate authorizing permanent occupancy of
1762 a school building if it used its own building inspector for inspection of the school building,
1763 subject to the notification requirement of Subsection [53E-3-706\(3\)\(a\)\(ii\)](#).

1764 (iii) A charter school may seek a certificate authorizing permanent occupancy of a
1765 school building from a school district official with authority to issue the certificate, if the
1766 charter school used a school district building inspector for inspection of the school building.

1767 (iv) A certificate authorizing permanent occupancy issued by the state superintendent
1768 of public instruction under Subsection 53E-3-706(3) or a school district official with authority
1769 to issue the certificate shall be considered to satisfy any municipal requirement for an
1770 inspection or a certificate of occupancy.

1771 (8) (a) A specified public agency intending to develop its land shall submit to the land
1772 use authority a development plan and schedule:

1773 (i) as early as practicable in the development process, but no later than the
1774 commencement of construction; and

1775 (ii) with sufficient detail to enable the land use authority to assess:

1776 (A) the specified public agency's compliance with applicable land use ordinances;

1777 (B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b), (c),
1778 (d), (e), and (g) caused by the development;

1779 (C) the amount of any applicable fee described in Section 10-9a-510;

1780 (D) any credit against an impact fee; and

1781 (E) the potential for waiving an impact fee.

1782 (b) The land use authority shall respond to a specified public agency's submission
1783 under Subsection (8)(a) with reasonable promptness in order to allow the specified public
1784 agency to consider information the municipality provides under Subsection (8)(a)(ii) in the
1785 process of preparing the budget for the development.

1786 (9) Nothing in this section may be construed to:

1787 (a) modify or supersede Section 10-9a-304; or

1788 (b) authorize a municipality to enforce an ordinance in a way, or enact an ordinance,
1789 that fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing
1790 Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with Disabilities Act of
1791 1990, 42 U.S.C. 12102, or any other provision of federal law.

1792 Section 18. Section 10-9a-529 is amended to read:

1793 **10-9a-529. Specified public utility located in a municipal utility easement.**

1794 A specified public utility may exercise each power of a public utility under Section

1795 54-3-27 if the specified public utility uses an easement:

1796 (1) with the consent of a municipality; and

1797 (2) that is located within a municipal utility easement described in Subsections

1798 [~~10-9a-103(41)(a)~~] 10-9a-103(40)(a) through (e).

1799 Section 19. Section **11-2-1** is amended to read:

1800 **11-2-1. Local authorities may designate and acquire property for playgrounds**
1801 **and recreational facilities.**

1802 The governing body of any city, town, school district, [~~local~~] special district, special
1803 service district, or county may designate and set apart for use as playgrounds, athletic fields,
1804 gymnasiums, public baths, swimming pools, camps, indoor recreation centers, television
1805 transmission and relay facilities, or other recreational facilities, any lands, buildings or personal
1806 property owned by such cities, towns, counties, [~~local~~] special districts, special service districts,
1807 or school districts that may be suitable for such purposes; and may, in such manner as may be
1808 authorized and provided by law for the acquisition of lands or buildings for public purposes in
1809 such cities, towns, counties, [~~local~~] special districts, special service districts, and school
1810 districts, acquire lands, buildings, and personal property therein for such use; and may equip,
1811 maintain, operate and supervise the same, employing such play leaders, recreation directors,
1812 supervisors and other employees as it may deem proper. Such acquisition of lands, buildings
1813 and personal property and the equipping, maintaining, operating and supervision of the same
1814 shall be deemed to be for public, governmental and municipal purposes.

1815 Section 20. Section **11-13-103** is amended to read:

1816 **11-13-103. Definitions.**

1817 As used in this chapter:

1818 (1) (a) "Additional project capacity" means electric generating capacity provided by a
1819 generating unit that first produces electricity on or after May 6, 2002, and that is constructed or
1820 installed at or adjacent to the site of a project that first produced electricity before May 6, 2002,
1821 regardless of whether:

1822 (i) the owners of the new generating unit are the same as or different from the owner of
1823 the project; and

1824 (ii) the purchasers of electricity from the new generating unit are the same as or
1825 different from the purchasers of electricity from the project.

1826 (b) "Additional project capacity" does not mean or include replacement project
1827 capacity.

1828 (2) "Board" means the Permanent Community Impact Fund Board created by Section
1829 35A-8-304, and its successors.

1830 (3) "Candidate" means one or more of:

1831 (a) the state;

1832 (b) a county, municipality, school district, ~~local~~ special district, special service
1833 district, or other political subdivision of the state; and

1834 (c) a prosecution district.

1835 (4) "Commercial project entity" means a project entity, defined in Subsection (18),
1836 that:

1837 (a) has no taxing authority; and

1838 (b) is not supported in whole or in part by and does not expend or disburse tax
1839 revenues.

1840 (5) "Direct impacts" means an increase in the need for public facilities or services that
1841 is attributable to the project or facilities providing additional project capacity, except impacts
1842 resulting from the construction or operation of a facility that is:

1843 (a) owned by an owner other than the owner of the project or of the facilities providing
1844 additional project capacity; and

1845 (b) used to furnish fuel, construction, or operation materials for use in the project.

1846 (6) "Electric interlocal entity" means an interlocal entity described in Subsection
1847 11-13-203(3).

1848 (7) "Energy services interlocal entity" means an interlocal entity that is described in
1849 Subsection 11-13-203(4).

1850 (8) (a) "Estimated electric requirements," when used with respect to a qualified energy
1851 services interlocal entity, includes any of the following that meets the requirements of
1852 Subsection (8)(b):

1853 (i) generation capacity;

1854 (ii) generation output; or

1855 (iii) an electric energy production facility.

1856 (b) An item listed in Subsection (8)(a) is included in "estimated electric requirements"

1857 if it is needed by the qualified energy services interlocal entity to perform the qualified energy
1858 services interlocal entity's contractual or legal obligations to any of its members.

1859 (9) (a) "Facilities providing replacement project capacity" means facilities that have
1860 been, are being, or are proposed to be constructed, reconstructed, converted, repowered,
1861 acquired, leased, used, or installed to provide replacement project capacity.

1862 (b) "Facilities providing replacement project capacity" includes facilities that have
1863 been, are being, or are proposed to be constructed, reconstructed, converted, repowered,
1864 acquired, leased, used, or installed:

1865 (i) to support and facilitate the construction, reconstruction, conversion, repowering,
1866 installation, financing, operation, management, or use of replacement project capacity; or

1867 (ii) for the distribution of power generated from existing capacity or replacement
1868 project capacity to facilities located on real property in which the project entity that owns the
1869 project has an ownership, leasehold, right-of-way, or permitted interest.

1870 (10) "Governing authority" means a governing board or joint administrator.

1871 (11) (a) "Governing board" means the body established in reliance on the authority
1872 provided under Subsection 11-13-206(1)(b) to govern an interlocal entity.

1873 (b) "Governing board" includes a board of directors described in an agreement, as
1874 amended, that creates a project entity.

1875 (c) "Governing board" does not include a board as defined in Subsection (2).

1876 (12) "Interlocal entity" means:

1877 (a) a Utah interlocal entity, an electric interlocal entity, or an energy services interlocal
1878 entity; or

1879 (b) a separate legal or administrative entity created under Section 11-13-205.

1880 (13) "Joint administrator" means an administrator or joint board described in Section
1881 11-13-207 to administer a joint or cooperative undertaking.

1882 (14) "Joint or cooperative undertaking" means an undertaking described in Section
1883 11-13-207 that is not conducted by an interlocal entity.

1884 (15) "Member" means a public agency that, with another public agency, creates an
1885 interlocal entity under Section 11-13-203.

1886 (16) "Out-of-state public agency" means a public agency as defined in Subsection
1887 (19)(c), (d), or (e).

- 1888 (17) (a) "Project":
1889 (i) means an electric generation and transmission facility owned by a Utah interlocal
1890 entity or an electric interlocal entity; and
1891 (ii) includes fuel facilities, fuel production facilities, fuel transportation facilities,
1892 energy storage facilities, or water facilities that are:
1893 (A) owned by that Utah interlocal entity or electric interlocal entity; and
1894 (B) required for the generation and transmission facility.
1895 (b) "Project" includes a project entity's ownership interest in:
1896 (i) facilities that provide additional project capacity;
1897 (ii) facilities providing replacement project capacity;
1898 (iii) additional generating, transmission, fuel, fuel transportation, water, or other
1899 facilities added to a project; and
1900 (iv) a Utah interlocal energy hub, as defined in Section [11-13-602](#).
1901 (18) "Project entity" means a Utah interlocal entity or an electric interlocal entity that
1902 owns a project as defined in this section.
1903 (19) "Public agency" means:
1904 (a) a city, town, county, school district, ~~local~~ special district, special service district,
1905 an interlocal entity, or other political subdivision of the state;
1906 (b) the state or any department, division, or agency of the state;
1907 (c) any agency of the United States;
1908 (d) any political subdivision or agency of another state or the District of Columbia
1909 including any interlocal cooperation or joint powers agency formed under the authority of the
1910 law of the other state or the District of Columbia; or
1911 (e) any Indian tribe, band, nation, or other organized group or community which is
1912 recognized as eligible for the special programs and services provided by the United States to
1913 Indians because of their status as Indians.
1914 (20) "Qualified energy services interlocal entity" means an energy services interlocal
1915 entity that at the time that the energy services interlocal entity acquires its interest in facilities
1916 providing additional project capacity has at least five members that are Utah public agencies.
1917 (21) "Replacement project capacity" means electric generating capacity or transmission
1918 capacity that:

1919 (a) replaces all or a portion of the existing electric generating or transmission capacity
1920 of a project; and

1921 (b) is provided by a facility that is on, adjacent to, in proximity to, or interconnected
1922 with the site of a project, regardless of whether:

1923 (i) the capacity replacing existing capacity is less than or exceeds the generating or
1924 transmission capacity of the project existing before installation of the capacity replacing
1925 existing capacity;

1926 (ii) the capacity replacing existing capacity is owned by the project entity that is the
1927 owner of the project, a segment established by the project entity, or a person with whom the
1928 project entity or a segment established by the project entity has contracted; or

1929 (iii) the facility that provides the capacity replacing existing capacity is constructed,
1930 reconstructed, converted, repowered, acquired, leased, used, or installed before or after any
1931 actual or anticipated reduction or modification to existing capacity of the project.

1932 (22) "Transportation reinvestment zone" means an area created by two or more public
1933 agencies by interlocal agreement to capture increased property or sales tax revenue generated
1934 by a transportation infrastructure project as described in Section [11-13-227](#).

1935 (23) "Utah interlocal entity":

1936 (a) means an interlocal entity described in Subsection [11-13-203\(2\)](#); and

1937 (b) includes a separate legal or administrative entity created under Laws of Utah 1977,
1938 Chapter 47, Section 3, as amended.

1939 (24) "Utah public agency" means a public agency under Subsection (19)(a) or (b).
1940 Section 21. Section **11-13a-102** is amended to read:

1941 **11-13a-102. Definitions.**

1942 As used in this chapter:

1943 (1) "Controlling interest" means that one or more governmental entities collectively
1944 represent a majority of the board's voting power as outlined in the nonprofit corporation's
1945 governing documents.

1946 (2) (a) "Governing board" means the body that governs a governmental nonprofit
1947 corporation.

1948 (b) "Governing board" includes a board of directors.

1949 (3) "Governmental entity" means the state, a county, a municipality, a ~~local~~ special

1950 district, a special service district, a school district, a state institution of higher education, or any
1951 other political subdivision or administrative unit of the state.

1952 (4) (a) "Governmental nonprofit corporation" means:

1953 (i) a nonprofit corporation that is wholly owned or wholly controlled by one or more
1954 governmental entities, unless the nonprofit corporation receives no operating funding or other
1955 financial support from any governmental entity; or

1956 (ii) a nonprofit corporation in which one or more governmental entities exercise a
1957 controlling interest and:

1958 (A) that exercises taxing authority;

1959 (B) that imposes a mandatory fee for association or participation with the nonprofit
1960 corporation where that association or participation is mandated by law; or

1961 (C) that receives a majority of the nonprofit corporation's operating funding from one
1962 or more governmental entities under the nonprofit corporation's governing documents, except
1963 where voluntary membership fees, dues, or assessments compose the operating funding.

1964 (b) "Governmental nonprofit corporation" does not include a water company, as that
1965 term is defined in Section 16-4-102, unless the water company is wholly owned by one or more
1966 governmental entities.

1967 (5) "Municipality" means a city, town, or metro township.

1968 Section 22. Section 11-14-102 is amended to read:

1969 **11-14-102. Definitions.**

1970 For the purpose of this chapter:

1971 (1) "Bond" means any bond authorized to be issued under this chapter, including
1972 municipal bonds.

1973 (2) "Election results" has the same meaning as defined in Section 20A-1-102.

1974 (3) "Governing body" means:

1975 (a) for a county, city, town, or metro township, the legislative body of the county, city,
1976 or town;

1977 (b) for a ~~local~~ special district, the board of trustees of the ~~local~~ special district;

1978 (c) for a school district, the local board of education; or

1979 (d) for a special service district under Title 17D, Chapter 1, Special Service District

1980 Act:

1981 (i) the governing body of the county or municipality that created the special service
 1982 district, if no administrative control board has been established under Section [17D-1-301](#); or

1983 (ii) the administrative control board, if one has been established under Section
 1984 [17D-1-301](#) and the power to issue bonds not payable from taxes has been delegated to the
 1985 administrative control board.

1986 [~~(4) "Local district" means a district operating under Title 17B, Limited Purpose Local~~
 1987 ~~Government Entities - Local Districts.~~]

1988 [~~(5)~~ (4) (a) "Local political subdivision" means a county, city, town, metro township,
 1989 school district, [~~local~~] special district, or special service district.

1990 (b) "Local political subdivision" does not include the state and its institutions.

1991 (5) "Special district" means a district operating under Title 17B, Limited Purpose Local
 1992 Government Entities - Special Districts.

1993 Section 23. Section **11-14a-1** is amended to read:

1994 **11-14a-1. Notice of debt issuance.**

1995 (1) For purposes of this chapter:

1996 (a) (i) "Debt" includes bonds, lease purchase agreements, certificates of participation,
 1997 and contracts with municipal building authorities.

1998 (ii) "Debt" does not include tax and revenue anticipation notes or refunding bonds.

1999 (b) (i) "Local government entity" means a county, city, town, school district, [~~local~~]
 2000 special district, or special service district.

2001 (ii) "Local government entity" does not mean an entity created by an interlocal
 2002 agreement under Title 11, Chapter 13, Interlocal Cooperation Act that has assets over
 2003 \$10,000,000.

2004 (c) "New debt resolution" means a resolution authorizing the issuance of debt wholly
 2005 or partially to fund a rejected project.

2006 (d) "Rejected Project" means a project for which a local government entity sought
 2007 voter approval for general obligation bond financing and failed to receive that approval.

2008 (2) Unless a local government entity complies with the requirements of this section, it
 2009 may not adopt a new debt resolution.

2010 (3) (a) Before adopting a new debt resolution, a local government entity shall:

2011 (i) advertise the local government entity's intent to issue debt by posting a notice of that

2012 intent on the Utah Public Notice Website created in Section [63A-16-601](#), for the two weeks
2013 before the meeting at which the resolution will be considered; or
2014 (ii) include notice of its intent to issue debt in a bill or other mailing sent to at least
2015 95% of the residents of the local government entity.
2016 (b) The local government entity shall ensure that the notice:
2017 (i) except for website publication, is at least as large as the bill or other mailing that it
2018 accompanies;
2019 (ii) is entitled, in type size no smaller than 24 point, "Intent to Issue Debt"; and
2020 (iii) contains the information required by Subsection (3)(c).
2021 (c) The local government entity shall ensure that the advertisement or notice described
2022 in Subsection (3)(a):
2023 (i) identifies the local government entity;
2024 (ii) states that the entity will meet on a day, time, and place identified in the
2025 advertisement or notice to hear public comments regarding a resolution authorizing the
2026 issuance of debt by the entity and to explain to the public the reasons for the issuance of debt;
2027 (iii) contains:
2028 (A) the name of the entity that will issue the debt;
2029 (B) the purpose of the debt; and
2030 (C) that type of debt and the maximum principal amount that may be issued;
2031 (iv) invites all concerned citizens to attend the public hearing; and
2032 (v) states that some or all of the proposed debt would fund a project whose general
2033 obligation bond financing was rejected by the voters.
2034 (4) (a) The resolution considered at the hearing shall identify:
2035 (i) the type of debt proposed to be issued;
2036 (ii) the maximum principal amount that might be issued;
2037 (iii) the interest rate;
2038 (iv) the term of the debt; and
2039 (v) how the debt will be repaid.
2040 (b) (i) Except as provided in Subsection (4)(b)(ii), the resolution considered at the
2041 hearing need not be in final form and need not be adopted or rejected at the meeting at which
2042 the public hearing is held.

2043 (ii) The local government entity may not, in the final resolution, increase the maximum
2044 principal amount of debt contained in the notice and discussed at the hearing.

2045 (c) The local government entity may adopt, amend and adopt, or reject the resolution at
2046 a later meeting without recomplying with the published notice requirements of this section.

2047 Section 24. Section **11-27-2** is amended to read:

2048 **11-27-2. Definitions.**

2049 As used in this chapter:

2050 (1) "Advance refunding bonds" means refunding bonds issued for the purpose of
2051 refunding outstanding bonds in advance of their maturity.

2052 (2) "Assessments" means a special tax levied against property within a special
2053 improvement district to pay all or a portion of the costs of making improvements in the district.

2054 (3) "Bond" means any revenue bond, general obligation bond, tax increment bond,
2055 special improvement bond, local building authority bond, or refunding bond.

2056 (4) "General obligation bond" means any bond, note, warrant, certificate of
2057 indebtedness, or other obligation of a public body payable in whole or in part from revenues
2058 derived from ad valorem taxes and that constitutes an indebtedness within the meaning of any
2059 applicable constitutional or statutory debt limitation.

2060 (5) "Governing body" means the council, commission, county legislative body, board
2061 of directors, board of trustees, board of education, board of higher education, or other
2062 legislative body of a public body designated in this chapter that is vested with the legislative
2063 powers of the public body, and, with respect to the state, the State Bonding Commission
2064 created by Section [63B-1-201](#).

2065 (6) "Government obligations" means:

2066 (a) direct obligations of the United States of America, or other securities, the principal
2067 of and interest on which are unconditionally guaranteed by the United States of America; or

2068 (b) obligations of any state, territory, or possession of the United States, or of any of
2069 the political subdivisions of any state, territory, or possession of the United States, or of the
2070 District of Columbia described in Section 103(a), Internal Revenue Code of 1986.

2071 (7) "Issuer" means the public body issuing any bond or bonds.

2072 (8) "Public body" means the state or any agency, authority, instrumentality, or
2073 institution of the state, or any municipal or quasi-municipal corporation, political subdivision,

2074 agency, school district, ~~local~~ special district, special service district, or other governmental
2075 entity now or hereafter existing under the laws of the state.

2076 (9) "Refunding bonds" means bonds issued under the authority of this chapter for the
2077 purpose of refunding outstanding bonds.

2078 (10) "Resolution" means a resolution of the governing body of a public body taking
2079 formal action under this chapter.

2080 (11) "Revenue bond" means any bond, note, warrant, certificate of indebtedness, or
2081 other obligation for the payment of money issued by a public body or any predecessor of any
2082 public body and that is payable from designated revenues not derived from ad valorem taxes or
2083 from a special fund composed of revenues not derived from ad valorem taxes, but excluding all
2084 of the following:

2085 (a) any obligation constituting an indebtedness within the meaning of any applicable
2086 constitutional or statutory debt limitation;

2087 (b) any obligation issued in anticipation of the collection of taxes, where the entire
2088 issue matures not later than one year from the date of the issue; and

2089 (c) any special improvement bond.

2090 (12) "Special improvement bond" means any bond, note, warrant, certificate of
2091 indebtedness, or other obligation of a public body or any predecessor of any public body that is
2092 payable from assessments levied on benefitted property and from any special improvement
2093 guaranty fund.

2094 (13) "Special improvement guaranty fund" means any special improvement guaranty
2095 fund established under Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;
2096 Title 11, Chapter 42, Assessment Area Act; or any predecessor or similar statute.

2097 (14) "Tax increment bond" means any bond, note, warrant, certificate of indebtedness,
2098 or other obligation of a public body issued under authority of Title 17C, Limited Purpose Local
2099 Government Entities - Community Reinvestment Agency Act.

2100 Section 25. Section **11-30-2** is amended to read:

2101 **11-30-2. Definitions.**

2102 As used in this chapter:

2103 (1) "Attorney general" means the attorney general of the state or one of his assistants.

2104 (2) "Bonds" means any evidence or contract of indebtedness that is issued or

2105 authorized by a public body, including, without limitation, bonds, refunding bonds, advance
2106 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of
2107 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general
2108 obligations of the issuing public body or are payable solely from a specified source, including
2109 annual appropriations by the public body.

2110 (3) "County attorney" means the county attorney of a county or one of his assistants.

2111 (4) "Lease" means any lease agreement, lease purchase agreement, and installment
2112 purchase agreement, and any certificate of interest or participation in any of the foregoing.

2113 Reference in this chapter to issuance of bonds includes execution and delivery of leases.

2114 (5) "Person" means any person, association, corporation, or other entity.

2115 (6) "Public body" means the state or any agency, authority, instrumentality, or
2116 institution of the state, or any county, municipality, quasi-municipal corporation, school
2117 district, ~~local~~ special district, special service district, political subdivision, or other
2118 governmental entity existing under the laws of the state, whether or not possessed of any taxing
2119 power. With respect to leases, public body, as used in this chapter, refers to the public body
2120 which is the lessee, or is otherwise the obligor with respect to payment under any such leases.

2121 (7) "Refunding bonds" means any bonds that are issued to refund outstanding bonds,
2122 including both refunding bonds and advance refunding bonds.

2123 (8) "State" means the state of Utah.

2124 (9) "Validity" means any matter relating to the legality and validity of the bonds and
2125 the security therefor, including, without limitation, the legality and validity of:

2126 (a) a public body's authority to issue and deliver the bonds;

2127 (b) any ordinance, resolution, or statute granting the public body authority to issue and
2128 deliver the bonds;

2129 (c) all proceedings, elections, if any, and any other actions taken or to be taken in
2130 connection with the issuance, sale, or delivery of the bonds;

2131 (d) the purpose, location, or manner of the expenditure of funds;

2132 (e) the organization or boundaries of the public body;

2133 (f) any assessments, taxes, rates, rentals, fees, charges, or tolls levied or that may be
2134 levied in connection with the bonds;

2135 (g) any lien, proceeding, or other remedy for the collection of those assessments, taxes,

2136 rates, rentals, fees, charges, or tolls;

2137 (h) any contract or lease executed or to be executed in connection with the bonds;

2138 (i) the pledge of any taxes, revenues, receipts, rentals, or property, or encumbrance
2139 thereon or security interest therein to secure the bonds; and

2140 (j) any covenants or provisions contained in or to be contained in the bonds. If any
2141 deed, will, statute, resolution, ordinance, lease, indenture, contract, franchise, or other
2142 instrument may have an effect on any of the aforementioned, validity also means a declaration
2143 of the validity and legality thereof and of rights, status, or other legal relations arising
2144 therefrom.

2145 Section 26. Section **11-31-2** is amended to read:

2146 **11-31-2. Definitions.**

2147 As used in this chapter:

2148 (1) "Bonds" means any evidence or contract of indebtedness that is issued or
2149 authorized by a public body, including, without limitation, bonds, refunding bonds, advance
2150 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of
2151 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general
2152 obligations of the issuing public body or are payable solely from a specified source, including
2153 annual appropriations by the public body.

2154 (2) "Legislative body" means, with respect to any action to be taken by a public body
2155 with respect to bonds, the board, commission, council, agency, or other similar body authorized
2156 by law to take legislative action on behalf of the public body, and in the case of the state, the
2157 Legislature, the state treasurer, the commission created under Section [63B-1-201](#), and any other
2158 entities the Legislature designates.

2159 (3) "Public body" means the state and any public department, public agency, or other
2160 public entity existing under the laws of the state, including, without limitation, any agency,
2161 authority, instrumentality, or institution of the state, and any county, city, town, municipal
2162 corporation, quasi-municipal corporation, state university or college, school district, special
2163 service district, ~~local~~ special district, separate legal or administrative entity created under the
2164 Interlocal Cooperation Act or other joint agreement entity, community reinvestment agency,
2165 and any other political subdivision, public authority, public agency, or public trust existing
2166 under the laws of the state.

2167 Section 27. Section **11-32-2** is amended to read:

2168 **11-32-2. Definitions.**

2169 As used in this chapter:

2170 (1) "Assignment agreement" means the agreement, security agreement, indenture, or
2171 other documentation by which the county transfers the delinquent tax receivables to the
2172 authority in consideration of the amounts paid by the authority under the assignment
2173 agreement, as provided in this chapter.

2174 (2) "Bonds" means any bonds, notes, or other evidence of indebtedness of the financing
2175 authority issued under this chapter.

2176 (3) "Delinquent tax receivables" means those ad valorem tangible property taxes levied
2177 within any county, for any year, which remain unpaid and owing the participant members
2178 within the county, as of January 15 of the following year, plus any interest and penalties
2179 accruing or assessed to them.

2180 (4) "Financing authority" or "authority" means a nonprofit corporation organized under
2181 this chapter by a county on behalf of the participant members within the county as the
2182 financing authority for the participant members solely for the purpose of financing the
2183 assignment of the delinquent tax receivables of the participant members for which it was
2184 created.

2185 (5) "Governing body" means the council, commission, county legislative body, board
2186 of education, board of trustees, or any other governing entity of a public body in which the
2187 legislative powers of the public body are vested.

2188 (6) "Participant members" means those public bodies, including the county, the
2189 governing bodies of which approve the creation of an authority as provided in Section [11-32-3](#)
2190 and on whose behalf the authority acts.

2191 (7) "Public body" means any city, town, county, school district, special service district,
2192 [~~local~~] special district, community reinvestment agency, or any other entity entitled to receive
2193 ad valorem property taxes, existing under the laws of the state.

2194 Section 28. Section **11-34-1** is amended to read:

2195 **11-34-1. Definitions.**

2196 As used in this chapter:

2197 (1) "Bonds" means any evidence or contract of indebtedness that is issued or

2198 authorized by a public body, including, without limitation, bonds, refunding bonds, advance
2199 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of
2200 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general
2201 obligations of the issuing public body or are payable solely from a specified source, including
2202 annual appropriations by the public body.

2203 (2) "Public body" means the state and any public department, public agency, or other
2204 public entity existing under the laws of the state, including, without limitation, any agency,
2205 authority, instrumentality, or institution of the state, and any county, city, town, municipal
2206 corporation, quasi-municipal corporation, state university or college, school district, special
2207 service district, ~~[local]~~ special district, separate legal or administrative entity created under the
2208 Interlocal Cooperation Act or other joint agreement entity, community reinvestment agency,
2209 and any other political subdivision, public authority, public agency, or public trust existing
2210 under the laws of this state.

2211 Section 29. Section **11-36a-102** is amended to read:

2212 **11-36a-102. Definitions.**

2213 As used in this chapter:

2214 (1) (a) "Affected entity" means each county, municipality, ~~[local]~~ special district under
2215 ~~[Title 17B, Limited Purpose Local Government Entities - Local Districts]~~ Title 17B, Limited
2216 Purpose Local Government Entities - Special Districts, special service district under Title 17D,
2217 Chapter 1, Special Service District Act, school district, interlocal cooperation entity established
2218 under Chapter 13, Interlocal Cooperation Act, and specified public utility:

2219 (i) whose services or facilities are likely to require expansion or significant
2220 modification because of the facilities proposed in the proposed impact fee facilities plan; or

2221 (ii) that has filed with the local political subdivision or private entity a copy of the
2222 general or long-range plan of the county, municipality, ~~[local]~~ special district, special service
2223 district, school district, interlocal cooperation entity, or specified public utility.

2224 (b) "Affected entity" does not include the local political subdivision or private entity
2225 that is required under Section **11-36a-501** to provide notice.

2226 (2) "Charter school" includes:

2227 (a) an operating charter school;

2228 (b) an applicant for a charter school whose application has been approved by a charter

2229 school authorizer as provided in Title 53G, Chapter 5, Part 6, Charter School Credit
2230 Enhancement Program; and

2231 (c) an entity that is working on behalf of a charter school or approved charter applicant
2232 to develop or construct a charter school building.

2233 (3) "Development activity" means any construction or expansion of a building,
2234 structure, or use, any change in use of a building or structure, or any changes in the use of land
2235 that creates additional demand and need for public facilities.

2236 (4) "Development approval" means:

2237 (a) except as provided in Subsection (4)(b), any written authorization from a local
2238 political subdivision that authorizes the commencement of development activity;

2239 (b) development activity, for a public entity that may develop without written
2240 authorization from a local political subdivision;

2241 (c) a written authorization from a public water supplier, as defined in Section 73-1-4,
2242 or a private water company:

2243 (i) to reserve or provide:

2244 (A) a water right;

2245 (B) a system capacity; or

2246 (C) a distribution facility; or

2247 (ii) to deliver for a development activity:

2248 (A) culinary water; or

2249 (B) irrigation water; or

2250 (d) a written authorization from a sanitary sewer authority, as defined in Section

2251 10-9a-103:

2252 (i) to reserve or provide:

2253 (A) sewer collection capacity; or

2254 (B) treatment capacity; or

2255 (ii) to provide sewer service for a development activity.

2256 (5) "Enactment" means:

2257 (a) a municipal ordinance, for a municipality;

2258 (b) a county ordinance, for a county; and

2259 (c) a governing board resolution, for a [local] special district, special service district, or

2260 private entity.

2261 (6) "Encumber" means:

2262 (a) a pledge to retire a debt; or

2263 (b) an allocation to a current purchase order or contract.

2264 (7) "Expense for overhead" means a cost that a local political subdivision or private
2265 entity:

2266 (a) incurs in connection with:

2267 (i) developing an impact fee facilities plan;

2268 (ii) developing an impact fee analysis; or

2269 (iii) imposing an impact fee, including any related overhead expenses; and

2270 (b) calculates in accordance with a methodology that is consistent with generally
2271 accepted cost accounting practices.

2272 (8) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
2273 meter, or appurtenance to connect to a gas, water, sewer, storm water, power, or other utility
2274 system of a municipality, county, ~~local~~ special district, special service district, or private
2275 entity.

2276 (9) (a) "Impact fee" means a payment of money imposed upon new development
2277 activity as a condition of development approval to mitigate the impact of the new development
2278 on public infrastructure.

2279 (b) "Impact fee" does not mean a tax, a special assessment, a building permit fee, a
2280 hookup fee, a fee for project improvements, or other reasonable permit or application fee.

2281 (10) "Impact fee analysis" means the written analysis of each impact fee required by
2282 Section [11-36a-303](#).

2283 (11) "Impact fee facilities plan" means the plan required by Section [11-36a-301](#).

2284 (12) "Level of service" means the defined performance standard or unit of demand for
2285 each capital component of a public facility within a service area.

2286 (13) (a) "Local political subdivision" means a county, a municipality, a ~~local~~ special
2287 district under ~~[Title 17B, Limited Purpose Local Government Entities - Local Districts]~~ Title
2288 17B, Limited Purpose Local Government Entities - Special Districts, a special service district
2289 under Title 17D, Chapter 1, Special Service District Act, or the Point of the Mountain State
2290 Land Authority, created in Section [11-59-201](#).

2291 (b) "Local political subdivision" does not mean a school district, whose impact fee
2292 activity is governed by Section 11-36a-206.

2293 (14) "Private entity" means an entity in private ownership with at least 100 individual
2294 shareholders, customers, or connections, that is located in a first, second, third, or fourth class
2295 county and provides water to an applicant for development approval who is required to obtain
2296 water from the private entity either as a:

2297 (a) specific condition of development approval by a local political subdivision acting
2298 pursuant to a prior agreement, whether written or unwritten, with the private entity; or

2299 (b) functional condition of development approval because the private entity:

2300 (i) has no reasonably equivalent competition in the immediate market; and

2301 (ii) is the only realistic source of water for the applicant's development.

2302 (15) (a) "Project improvements" means site improvements and facilities that are:

2303 (i) planned and designed to provide service for development resulting from a
2304 development activity;

2305 (ii) necessary for the use and convenience of the occupants or users of development
2306 resulting from a development activity; and

2307 (iii) not identified or reimbursed as a system improvement.

2308 (b) "Project improvements" does not mean system improvements.

2309 (16) "Proportionate share" means the cost of public facility improvements that are
2310 roughly proportionate and reasonably related to the service demands and needs of any
2311 development activity.

2312 (17) "Public facilities" means only the following impact fee facilities that have a life
2313 expectancy of 10 or more years and are owned or operated by or on behalf of a local political
2314 subdivision or private entity:

2315 (a) water rights and water supply, treatment, storage, and distribution facilities;

2316 (b) wastewater collection and treatment facilities;

2317 (c) storm water, drainage, and flood control facilities;

2318 (d) municipal power facilities;

2319 (e) roadway facilities;

2320 (f) parks, recreation facilities, open space, and trails;

2321 (g) public safety facilities;

2322 (h) environmental mitigation as provided in Section 11-36a-205; or
2323 (i) municipal natural gas facilities.
2324 (18) (a) "Public safety facility" means:
2325 (i) a building constructed or leased to house police, fire, or other public safety entities;
2326 or
2327 (ii) a fire suppression vehicle costing in excess of \$500,000.
2328 (b) "Public safety facility" does not mean a jail, prison, or other place of involuntary
2329 incarceration.
2330 (19) (a) "Roadway facilities" means a street or road that has been designated on an
2331 officially adopted subdivision plat, roadway plan, or general plan of a political subdivision,
2332 together with all necessary appurtenances.
2333 (b) "Roadway facilities" includes associated improvements to a federal or state
2334 roadway only when the associated improvements:
2335 (i) are necessitated by the new development; and
2336 (ii) are not funded by the state or federal government.
2337 (c) "Roadway facilities" does not mean federal or state roadways.
2338 (20) (a) "Service area" means a geographic area designated by an entity that imposes an
2339 impact fee on the basis of sound planning or engineering principles in which a public facility,
2340 or a defined set of public facilities, provides service within the area.
2341 (b) "Service area" may include the entire local political subdivision or an entire area
2342 served by a private entity.
2343 (21) "Specified public agency" means:
2344 (a) the state;
2345 (b) a school district; or
2346 (c) a charter school.
2347 (22) (a) "System improvements" means:
2348 (i) existing public facilities that are:
2349 (A) identified in the impact fee analysis under Section 11-36a-304; and
2350 (B) designed to provide services to service areas within the community at large; and
2351 (ii) future public facilities identified in the impact fee analysis under Section
2352 11-36a-304 that are intended to provide services to service areas within the community at large.

2353 (b) "System improvements" does not mean project improvements.

2354 Section 30. Section **11-36a-203** is amended to read:

2355 **11-36a-203. Private entity assessment of impact fees -- Charges for water rights,**
2356 **physical infrastructure -- Notice -- Audit.**

2357 (1) A private entity:

2358 (a) shall comply with the requirements of this chapter before imposing an impact fee;

2359 and

2360 (b) except as otherwise specified in this chapter, is subject to the same requirements of
2361 this chapter as a local political subdivision.

2362 (2) A private entity may only impose a charge for water rights or physical infrastructure
2363 necessary to provide water or sewer facilities by imposing an impact fee.

2364 (3) Where notice and hearing requirements are specified, a private entity shall comply
2365 with the notice and hearing requirements for ~~[local]~~ special districts.

2366 (4) A private entity that assesses an impact fee under this chapter is subject to the audit
2367 requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions,
2368 Interlocal Organizations, and Other Local Entities Act.

2369 Section 31. Section **11-36a-502** is amended to read:

2370 **11-36a-502. Notice to adopt or amend an impact fee facilities plan.**

2371 (1) If a local political subdivision chooses to prepare an independent impact fee
2372 facilities plan rather than include an impact fee facilities element in the general plan in
2373 accordance with Section **11-36a-301**, the local political subdivision shall, before adopting or
2374 amending the impact fee facilities plan:

2375 (a) give public notice, in accordance with Subsection (2), of the plan or amendment at
2376 least 10 days before the day on which the public hearing described in Subsection (1)(d) is
2377 scheduled;

2378 (b) make a copy of the plan or amendment, together with a summary designed to be
2379 understood by a lay person, available to the public;

2380 (c) place a copy of the plan or amendment and summary in each public library within
2381 the local political subdivision; and

2382 (d) hold a public hearing to hear public comment on the plan or amendment.

2383 (2) With respect to the public notice required under Subsection (1)(a):

2384 (a) each municipality shall comply with the notice and hearing requirements of, and,
2385 except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections
2386 10-9a-205 and 10-9a-801 and Subsection 10-9a-502(2);

2387 (b) each county shall comply with the notice and hearing requirements of, and, except
2388 as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections 17-27a-205
2389 and 17-27a-801 and Subsection 17-27a-502(2); and

2390 (c) each ~~local~~ special district, special service district, and private entity shall comply
2391 with the notice and hearing requirements of, and receive the protections of, Section 17B-1-111.

2392 (3) Nothing contained in this section or Section 11-36a-503 may be construed to
2393 require involvement by a planning commission in the impact fee facilities planning process.

2394 Section 32. Section 11-36a-504 is amended to read:

2395 **11-36a-504. Notice of intent to adopt impact fee enactment -- Hearing --**

2396 **Protections.**

2397 (1) Before adopting an impact fee enactment:

2398 (a) a municipality legislative body shall:

2399 (i) comply with the notice requirements of Section 10-9a-205 as if the impact fee
2400 enactment were a land use regulation;

2401 (ii) hold a hearing in accordance with Section 10-9a-502 as if the impact fee enactment
2402 were a land use regulation; and

2403 (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of
2404 Section 10-9a-801 as if the impact fee were a land use regulation;

2405 (b) a county legislative body shall:

2406 (i) comply with the notice requirements of Section 17-27a-205 as if the impact fee
2407 enactment were a land use regulation;

2408 (ii) hold a hearing in accordance with Section 17-27a-502 as if the impact fee
2409 enactment were a land use regulation; and

2410 (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of
2411 Section 17-27a-801 as if the impact fee were a land use regulation;

2412 (c) a ~~local~~ special district or special service district shall:

2413 (i) comply with the notice and hearing requirements of Section 17B-1-111; and

2414 (ii) receive the protections of Section 17B-1-111;

2415 (d) a local political subdivision shall at least 10 days before the day on which a public
2416 hearing is scheduled in accordance with this section:

2417 (i) make a copy of the impact fee enactment available to the public; and

2418 (ii) post notice of the local political subdivision's intent to enact or modify the impact
2419 fee, specifying the type of impact fee being enacted or modified, on the Utah Public Notice
2420 Website created under Section 63A-16-601; and

2421 (e) a local political subdivision shall submit a copy of the impact fee analysis and a
2422 copy of the summary of the impact fee analysis prepared in accordance with Section

2423 11-36a-303 on its website or to each public library within the local political subdivision.

2424 (2) Subsection (1)(a) or (b) may not be construed to require involvement by a planning
2425 commission in the impact fee enactment process.

2426 Section 33. Section 11-39-101 is amended to read:

2427 **11-39-101. Definitions.**

2428 As used in this chapter:

2429 (1) "Bid limit" means:

2430 (a) for a building improvement:

2431 (i) for the year 2003, \$40,000; and

2432 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an
2433 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser
2434 of 3% or the actual percent change in the Consumer Price Index during the previous calendar
2435 year; and

2436 (b) for a public works project:

2437 (i) for the year 2003, \$125,000; and

2438 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an
2439 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser
2440 of 3% or the actual percent change in the Consumer Price Index during the previous calendar
2441 year.

2442 (2) "Building improvement":

2443 (a) means the construction or repair of a public building or structure; and

2444 (b) does not include construction or repair at an international airport.

2445 (3) "Consumer Price Index" means the Consumer Price Index for All Urban

2446 Consumers as published by the Bureau of Labor Statistics of the United States Department of
2447 Labor.

2448 (4) (a) "Design-build project" means a building improvement or public works project
2449 for which both the design and construction are provided for in a single contract with a
2450 contractor or combination of contractors capable of providing design-build services.

2451 (b) "Design-build project" does not include a building improvement or public works
2452 project:

2453 (i) that a local entity undertakes under contract with a construction manager that
2454 guarantees the contract price and is at risk for any amount over the contract price; and

2455 (ii) each component of which is competitively bid.

2456 (5) "Design-build services" means the engineering, architectural, and other services
2457 necessary to formulate and implement a design-build project, including the actual construction
2458 of the project.

2459 (6) "Emergency repairs" means a building improvement or public works project
2460 undertaken on an expedited basis to:

2461 (a) eliminate an imminent risk of damage to or loss of public or private property;

2462 (b) remedy a condition that poses an immediate physical danger; or

2463 (c) reduce a substantial, imminent risk of interruption of an essential public service.

2464 (7) "Governing body" means:

2465 (a) for a county, city, town, or metro township, the legislative body of the county, city,
2466 town, or metro township;

2467 (b) for a ~~[local]~~ special district, the board of trustees of the ~~[local]~~ special district; and

2468 (c) for a special service district:

2469 (i) the legislative body of the county, city, or town that established the special service
2470 district, if no administrative control board has been appointed under Section 17D-1-301; or

2471 (ii) the administrative control board of the special service district, if an administrative
2472 control board has been appointed under Section 17D-1-301.

2473 ~~[(8) "Local district" has the same meaning as defined in Section 17B-1-102.]~~

2474 ~~[(9)]~~ (8) "Local entity" means a county, city, town, metro township, ~~[local]~~ special
2475 district, or special service district.

2476 ~~[(10)]~~ (9) "Lowest responsive responsible bidder" means a prime contractor who:

2477 (a) has submitted a bid in compliance with the invitation to bid and within the
2478 requirements of the plans and specifications for the building improvement or public works
2479 project;

2480 (b) is the lowest bidder that satisfies the local entity's criteria relating to financial
2481 strength, past performance, integrity, reliability, and other factors that the local entity uses to
2482 assess the ability of a bidder to perform fully and in good faith the contract requirements;

2483 (c) has furnished a bid bond or equivalent in money as a condition to the award of a
2484 prime contract; and

2485 (d) furnishes a payment and performance bond as required by law.

2486 [~~(H)~~] (10) "Procurement code" means the provisions of Title 63G, Chapter 6a, Utah
2487 Procurement Code.

2488 [~~(H2)~~] (11) "Public works project":

2489 (a) means the construction of:

2490 (i) a park or recreational facility; or

2491 (ii) a pipeline, culvert, dam, canal, or other system for water, sewage, storm water, or
2492 flood control; and

2493 (b) does not include:

2494 (i) the replacement or repair of existing infrastructure on private property;

2495 (ii) construction commenced before June 1, 2003; and

2496 (iii) construction or repair at an international airport.

2497 (12) "Special district" means the same as that term is defined in Section 17B-1-102.

2498 (13) "Special service district" has the same meaning as defined in Section 17D-1-102.

2499 Section 34. Section 11-39-107 is amended to read:

2500 **11-39-107. Procurement code.**

2501 (1) This chapter may not be construed to:

2502 (a) prohibit a county or municipal legislative body from adopting the procedures of the
2503 procurement code; or

2504 (b) limit the application of the procurement code to a [~~local~~] special district or special
2505 service district.

2506 (2) A local entity may adopt procedures for the following construction contracting
2507 methods:

2508 (a) construction manager/general contractor, as defined in Section 63G-6a-103;

2509 (b) a method that requires that the local entity draft a plan, specifications, and an
2510 estimate for the building improvement or public works project; or

2511 (c) design-build, as defined in Section 63G-6a-103, if the local entity consults with a
2512 professional engineer licensed under Title 58, Chapter 22, Professional Engineers and
2513 Professional Land Surveyors Licensing Act, or an architect licensed under Title 58, Chapter 3a,
2514 Architects Licensing Act, who has design-build experience and is employed by or under
2515 contract with the local entity.

2516 (3) (a) In seeking bids and awarding a contract for a building improvement or public
2517 works project, a county or a municipal legislative body may elect to follow the provisions of
2518 the procurement code, as the county or municipal legislative body considers appropriate under
2519 the circumstances, for specification preparation, source selection, or contract formation.

2520 (b) A county or municipal legislative body's election to adopt the procedures of the
2521 procurement code may not excuse the county or municipality, respectively, from complying
2522 with the requirements to award a contract for work in excess of the bid limit and to publish
2523 notice of the intent to award.

2524 (c) An election under Subsection (3)(a) may be made on a case-by-case basis, unless
2525 the county or municipality has previously adopted the procurement code.

2526 (d) The county or municipal legislative body shall:

2527 (i) make each election under Subsection (3)(a) in an open meeting; and

2528 (ii) specify in its action the portions of the procurement code to be followed.

2529 (4) If the estimated cost of the building improvement or public works project proposed
2530 by a ~~local~~ special district or special service district exceeds the bid limit, the governing body
2531 of the ~~local~~ special district or special service district may, if it determines to proceed with the
2532 building improvement or public works project, use the competitive procurement procedures of
2533 the procurement code in place of the comparable provisions of this chapter.

2534 Section 35. Section 11-40-101 is amended to read:

2535 **11-40-101. Definitions.**

2536 As used in this chapter:

2537 (1) "Applicant" means a person who seeks employment with a public water utility,
2538 either as an employee or as an independent contractor, and who, after employment, would, in

2539 the judgment of the public water utility, be in a position to affect the safety or security of the
2540 publicly owned treatment works or public water system or to affect the safety or well-being of
2541 patrons of the public water utility.

2542 (2) "Division" means the Criminal Investigation and Technical Services Division of the
2543 Department of Public Safety, established in Section [53-10-103](#).

2544 (3) "Independent contractor":

2545 (a) means an engineer, contractor, consultant, or supplier who designs, constructs,
2546 operates, maintains, repairs, replaces, or provides water treatment or conveyance facilities or
2547 equipment, or related control or security facilities or equipment, to the public water utility; and

2548 (b) includes the employees and agents of the engineer, contractor, consultant, or
2549 supplier.

2550 (4) "Person seeking access" means a person who seeks access to a public water utility's
2551 public water system or publicly owned treatment works and who, after obtaining access, would,
2552 in the judgment of the public water utility, be in a position to affect the safety or security of the
2553 publicly owned treatment works or public water system or to affect the safety or well-being of
2554 patrons of the public water utility.

2555 (5) "Publicly owned treatment works" has the same meaning as defined in Section
2556 [19-5-102](#).

2557 (6) "Public water system" has the same meaning as defined in Section [19-4-102](#).

2558 (7) "Public water utility" means a county, city, town, ~~[local]~~ special district under [~~Title~~
2559 ~~17B, Chapter 1, Provisions Applicable to All Local Districts~~] Title 17B, Chapter 1, Provisions
2560 Applicable to All Special Districts, special service district under Title 17D, Chapter 1, Special
2561 Service District Act, or other political subdivision of the state that operates publicly owned
2562 treatment works or a public water system.

2563 Section 36. Section **11-41-102** is amended to read:

2564 **11-41-102. Definitions.**

2565 As used in this chapter:

2566 (1) "Agreement" means an oral or written agreement between a public entity and a
2567 person.

2568 (2) "Business entity" means a sole proprietorship, partnership, limited partnership,
2569 limited liability company, corporation, or other entity or association used to carry on a business

2570 for profit.

2571 (3) "Determination of violation" means a determination by the Governor's Office of
2572 Economic Opportunity of substantial likelihood that a retail facility incentive payment has been
2573 made in violation of Section 11-41-103, in accordance with Section 11-41-104.

2574 (4) "Environmental mitigation" means an action or activity intended to remedy known
2575 negative impacts to the environment.

2576 (5) "Executive director" means the executive director of the Governor's Office of
2577 Economic Opportunity.

2578 (6) "General plan" means the same as that term is defined in Section 23-21-5.

2579 (7) "Mixed-use development" means development with mixed land uses, including
2580 housing.

2581 (8) "Moderate income housing plan" means the moderate income housing plan element
2582 of a general plan.

2583 (9) "Office" means the Governor's Office of Economic Opportunity.

2584 (10) "Political subdivision" means any county, city, town, metro township, school
2585 district, ~~home~~ special district, special service district, community reinvestment agency, or
2586 entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal
2587 Cooperation Act.

2588 (11) "Public entity" means:

2589 (a) a political subdivision;

2590 (b) a state agency as defined in Section 63J-1-220;

2591 (c) a higher education institution as defined in Section 53B-1-201;

2592 (d) the Military Installation Development Authority created in Section 63H-1-201;

2593 (e) the Utah Inland Port Authority created in Section 11-58-201; or

2594 (f) the Point of the Mountain State Land Authority created in Section 11-59-201.

2595 (12) "Public funds" means any money received by a public entity that is derived from:

2596 (a) a sales and use tax authorized under Title 59, Chapter 12, Sales and Use Tax Act;

2597 or

2598 (b) a property tax levy.

2599 (13) "Public infrastructure" means:

2600 (a) a public facility as defined in Section 11-36a-102; or

2601 (b) public infrastructure included as part of an infrastructure master plan related to a
2602 general plan.

2603 (14) "Retail facility" means any facility operated by a business entity for the primary
2604 purpose of making retail transactions.

2605 (15) (a) "Retail facility incentive payment" means a payment of public funds:

2606 (i) to a person by a public entity;

2607 (ii) for the development, construction, renovation, or operation of a retail facility
2608 within an area of the state; and

2609 (iii) in the form of:

2610 (A) a payment;

2611 (B) a rebate;

2612 (C) a refund;

2613 (D) a subsidy; or

2614 (E) any other similar incentive, award, or offset.

2615 (b) "Retail facility incentive payment" does not include a payment of public funds for:

2616 (i) the development, construction, renovation, or operation of:

2617 (A) public infrastructure; or

2618 (B) a structured parking facility;

2619 (ii) the demolition of an existing facility;

2620 (iii) assistance under a state or local:

2621 (A) main street program; or

2622 (B) historic preservation program;

2623 (iv) environmental mitigation or sanitation, if determined by a state or federal agency
2624 under applicable state or federal law;

2625 (v) assistance under a water conservation program or energy efficiency program, if any
2626 business entity located within the public entity's boundaries or subject to the public entity's
2627 jurisdiction is eligible to participate in the program;

2628 (vi) emergency aid or assistance, if any business entity located within the public entity's
2629 boundaries or subject to the public entity's jurisdiction is eligible to receive the emergency aid
2630 or assistance; or

2631 (vii) assistance under a public safety or security program, if any business entity located

2632 within the public entity's boundaries or subject to the public entity's jurisdiction is eligible to
2633 participate in the program.

2634 (16) "Retail transaction" means any transaction subject to a sales and use tax under
2635 Title 59, Chapter 12, Sales and Use Tax Act.

2636 (17) (a) "Small business" means a business entity that:

2637 (i) has fewer than 30 full-time equivalent employees; and

2638 (ii) maintains the business entity's principal office in the state.

2639 (b) "Small business" does not include:

2640 (i) a franchisee, as defined in 16 C.F.R. Sec. 436.1;

2641 (ii) a dealer, as defined in Section 41-1a-102; or

2642 (iii) a subsidiary or affiliate of another business entity that is not a small business.

2643 Section 37. Section 11-42-102 is amended to read:

2644 **11-42-102. Definitions.**

2645 (1) As used in this chapter:

2646 (a) "Adequate protests" means, for all proposed assessment areas except sewer
2647 assessment areas, timely filed, written protests under Section 11-42-203 that represent at least
2648 40% of the frontage, area, taxable value, fair market value, lots, number of connections, or
2649 equivalent residential units of the property proposed to be assessed, according to the same
2650 assessment method by which the assessment is proposed to be levied, after eliminating:

2651 (i) protests relating to:

2652 (A) property that has been deleted from a proposed assessment area; or

2653 (B) an improvement that has been deleted from the proposed improvements to be
2654 provided to property within the proposed assessment area; and

2655 (ii) protests that have been withdrawn under Subsection 11-42-203(3).

2656 (b) "Adequate protests" means, for a proposed sewer assessment area, timely filed,
2657 written protests under Section 11-42-203 that represent at least 70% of the frontage, area,
2658 taxable value, fair market value, lots, number of connections, or equivalent residential units of
2659 the property proposed to be assessed, according to the same assessment method by which the
2660 assessment is proposed to be levied, after eliminating adequate protests under Subsection
2661 (1)(a).

2662 (2) "Assessment area" means an area, or, if more than one area is designated, the

2663 aggregate of all areas within a local entity's jurisdictional boundaries that is designated by a
2664 local entity under Part 2, Designating an Assessment Area, for the purpose of financing the
2665 costs of improvements, operation and maintenance, or economic promotion activities that
2666 benefit property within the area.

2667 (3) "Assessment bonds" means bonds that are:

2668 (a) issued under Section [11-42-605](#); and

2669 (b) payable in part or in whole from assessments levied in an assessment area,
2670 improvement revenues, and a guaranty fund or reserve fund.

2671 (4) "Assessment fund" means a special fund that a local entity establishes under
2672 Section [11-42-412](#).

2673 (5) "Assessment lien" means a lien on property within an assessment area that arises
2674 from the levy of an assessment, as provided in Section [11-42-501](#).

2675 (6) "Assessment method" means the method:

2676 (a) by which an assessment is levied against benefitted property, whether by frontage,
2677 area, taxable value, fair market value, lot, parcel, number of connections, equivalent residential
2678 unit, any combination of these methods, or any other method; and

2679 (b) that, when applied to a benefitted property, accounts for an assessment that meets
2680 the requirements of Section [11-42-409](#).

2681 (7) "Assessment ordinance" means an ordinance adopted by a local entity under
2682 Section [11-42-404](#) that levies an assessment on benefitted property within an assessment area.

2683 (8) "Assessment resolution" means a resolution adopted by a local entity under Section
2684 [11-42-404](#) that levies an assessment on benefitted property within an assessment area.

2685 (9) "Benefitted property" means property within an assessment area that directly or
2686 indirectly benefits from improvements, operation and maintenance, or economic promotion
2687 activities.

2688 (10) "Bond anticipation notes" means notes issued under Section [11-42-602](#) in
2689 anticipation of the issuance of assessment bonds.

2690 (11) "Bonds" means assessment bonds and refunding assessment bonds.

2691 (12) "Commercial area" means an area in which at least 75% of the property is devoted
2692 to the interchange of goods or commodities.

2693 (13) (a) "Commercial or industrial real property" means real property used directly or

2694 indirectly or held for one of the following purposes or activities, regardless of whether the
2695 purpose or activity is for profit:

- 2696 (i) commercial;
- 2697 (ii) mining;
- 2698 (iii) industrial;
- 2699 (iv) manufacturing;
- 2700 (v) governmental;
- 2701 (vi) trade;
- 2702 (vii) professional;
- 2703 (viii) a private or public club;
- 2704 (ix) a lodge;
- 2705 (x) a business; or
- 2706 (xi) a similar purpose.

2707 (b) "Commercial or industrial real property" includes real property that:

- 2708 (i) is used as or held for dwelling purposes; and
- 2709 (ii) contains more than four rental units.

2710 (14) "Connection fee" means a fee charged by a local entity to pay for the costs of
2711 connecting property to a publicly owned sewer, storm drainage, water, gas, communications, or
2712 electrical system, whether or not improvements are installed on the property.

2713 (15) "Contract price" means:

- 2714 (a) the cost of acquiring an improvement, if the improvement is acquired; or
- 2715 (b) the amount payable to one or more contractors for the design, engineering,
2716 inspection, and construction of an improvement.

2717 (16) "Designation ordinance" means an ordinance adopted by a local entity under
2718 Section [11-42-206](#) designating an assessment area.

2719 (17) "Designation resolution" means a resolution adopted by a local entity under
2720 Section [11-42-206](#) designating an assessment area.

2721 (18) "Development authority" means:

- 2722 (a) the Utah Inland Port Authority created in Section [11-58-201](#); or
- 2723 (b) the military installation development authority created in Section [63H-1-201](#).

2724 (19) "Economic promotion activities" means activities that promote economic growth

2725 in a commercial area of a local entity, including:

2726 (a) sponsoring festivals and markets;

2727 (b) promoting business investment or activities;

2728 (c) helping to coordinate public and private actions; and

2729 (d) developing and issuing publications designed to improve the economic well-being
2730 of the commercial area.

2731 (20) "Environmental remediation activity" means a surface or subsurface enhancement,
2732 effort, cost, initial or ongoing maintenance expense, facility, installation, system, earth
2733 movement, or change to grade or elevation that improves the use, function, aesthetics, or
2734 environmental condition of publicly owned property.

2735 (21) "Equivalent residential unit" means a dwelling, unit, or development that is equal
2736 to a single-family residence in terms of the nature of its use or impact on an improvement to be
2737 provided in the assessment area.

2738 (22) "Governing body" means:

2739 (a) for a county, city, or town, the legislative body of the county, city, or town;

2740 (b) for a [toeat] special district, the board of trustees of the [toeat] special district;

2741 (c) for a special service district:

2742 (i) the legislative body of the county, city, or town that established the special service
2743 district, if no administrative control board has been appointed under Section 17D-1-301; or

2744 (ii) the administrative control board of the special service district, if an administrative
2745 control board has been appointed under Section 17D-1-301;

2746 (d) for the military installation development authority created in Section 63H-1-201,
2747 the board, as defined in Section 63H-1-102;

2748 (e) for the Utah Inland Port Authority, created in Section 11-58-201, the board, as
2749 defined in Section 11-58-102; and

2750 (f) for a public infrastructure district, the board of the public infrastructure district as
2751 defined in Section 17D-4-102.

2752 (23) "Guaranty fund" means the fund established by a local entity under Section
2753 11-42-701.

2754 (24) "Improved property" means property upon which a residential, commercial, or
2755 other building has been built.

2756 (25) "Improvement":
2757 (a) (i) means a publicly owned infrastructure, facility, system, or environmental
2758 remediation activity that:
2759 (A) a local entity is authorized to provide;
2760 (B) the governing body of a local entity determines is necessary or convenient to
2761 enable the local entity to provide a service that the local entity is authorized to provide; or
2762 (C) a local entity is requested to provide through an interlocal agreement in accordance
2763 with Chapter 13, Interlocal Cooperation Act; and
2764 (ii) includes facilities in an assessment area, including a private driveway, an irrigation
2765 ditch, and a water turnout, that:
2766 (A) can be conveniently installed at the same time as an infrastructure, system, or other
2767 facility described in Subsection (25)(a)(i); and
2768 (B) are requested by a property owner on whose property or for whose benefit the
2769 infrastructure, system, or other facility is being installed; or
2770 (b) for a ~~local~~ special district created to assess groundwater rights in accordance with
2771 Section [17B-1-202](#), means a system or plan to regulate groundwater withdrawals within a
2772 specific groundwater basin in accordance with Sections [17B-1-202](#) and [73-5-15](#).
2773 (26) "Improvement revenues":
2774 (a) means charges, fees, impact fees, or other revenues that a local entity receives from
2775 improvements; and
2776 (b) does not include revenue from assessments.
2777 (27) "Incidental refunding costs" means any costs of issuing refunding assessment
2778 bonds and calling, retiring, or paying prior bonds, including:
2779 (a) legal and accounting fees;
2780 (b) charges of financial advisors, escrow agents, certified public accountant verification
2781 entities, and trustees;
2782 (c) underwriting discount costs, printing costs, the costs of giving notice;
2783 (d) any premium necessary in the calling or retiring of prior bonds;
2784 (e) fees to be paid to the local entity to issue the refunding assessment bonds and to
2785 refund the outstanding prior bonds;
2786 (f) any other costs that the governing body determines are necessary and proper to incur

2787 in connection with the issuance of refunding assessment bonds; and

2788 (g) any interest on the prior bonds that is required to be paid in connection with the
2789 issuance of the refunding assessment bonds.

2790 (28) "Installment payment date" means the date on which an installment payment of an
2791 assessment is payable.

2792 (29) "Interim warrant" means a warrant issued by a local entity under Section
2793 11-42-601.

2794 (30) "Jurisdictional boundaries" means:

2795 (a) for a county, the boundaries of the unincorporated area of the county; and

2796 (b) for each other local entity, the boundaries of the local entity.

2797 [~~(31) "Local district" means a local district under Title 17B, Limited Purpose Local~~
2798 ~~Government Entities - Local Districts.~~]

2799 [~~(32)~~ (31) "Local entity" means:

2800 (a) a county, city, town, special service district, or [~~local~~] special district;

2801 (b) an interlocal entity as defined in Section 11-13-103;

2802 (c) the military installation development authority, created in Section 63H-1-201;

2803 (d) a public infrastructure district under Title 17D, Chapter 4, Public Infrastructure
2804 District Act, including a public infrastructure district created by a development authority;

2805 (e) the Utah Inland Port Authority, created in Section 11-58-201; or

2806 (f) any other political subdivision of the state.

2807 [~~(33)~~ (32) "Local entity obligations" means assessment bonds, refunding assessment
2808 bonds, interim warrants, and bond anticipation notes issued by a local entity.

2809 [~~(34)~~ (33) "Mailing address" means:

2810 (a) a property owner's last-known address using the name and address appearing on the
2811 last completed real property assessment roll of the county in which the property is located; and

2812 (b) if the property is improved property:

2813 (i) the property's street number; or

2814 (ii) the post office box, rural route number, or other mailing address of the property, if
2815 a street number has not been assigned.

2816 [~~(35)~~ (34) "Net improvement revenues" means all improvement revenues that a local
2817 entity has received since the last installment payment date, less all amounts payable by the local

2818 entity from those improvement revenues for operation and maintenance costs.

2819 [~~(36)~~] (35) "Operation and maintenance costs":

2820 (a) means the costs that a local entity incurs in operating and maintaining
2821 improvements in an assessment area, whether or not those improvements have been financed
2822 under this chapter; and

2823 (b) includes service charges, administrative costs, ongoing maintenance charges, and
2824 tariffs or other charges for electrical, water, gas, or other utility usage.

2825 [~~(37)~~] (36) "Overhead costs" means the actual costs incurred or the estimated costs to
2826 be incurred by a local entity in connection with an assessment area for appraisals, legal fees,
2827 filing fees, financial advisory charges, underwriting fees, placement fees, escrow, trustee, and
2828 paying agent fees, publishing and mailing costs, costs of levying an assessment, recording
2829 costs, and all other incidental costs.

2830 [~~(38)~~] (37) "Prior assessment ordinance" means the ordinance levying the assessments
2831 from which the prior bonds are payable.

2832 [~~(39)~~] (38) "Prior assessment resolution" means the resolution levying the assessments
2833 from which the prior bonds are payable.

2834 [~~(40)~~] (39) "Prior bonds" means the assessment bonds that are refunded in part or in
2835 whole by refunding assessment bonds.

2836 [~~(41)~~] (40) "Project engineer" means the surveyor or engineer employed by or the
2837 private consulting engineer engaged by a local entity to perform the necessary engineering
2838 services for and to supervise the construction or installation of the improvements.

2839 [~~(42)~~] (41) "Property" includes real property and any interest in real property, including
2840 water rights and leasehold rights.

2841 [~~(43)~~] (42) "Property price" means the price at which a local entity purchases or
2842 acquires by eminent domain property to make improvements in an assessment area.

2843 [~~(44)~~] (43) "Provide" or "providing," with reference to an improvement, includes the
2844 acquisition, construction, reconstruction, renovation, maintenance, repair, operation, and
2845 expansion of an improvement.

2846 [~~(45)~~] (44) "Public agency" means:

2847 (a) the state or any agency, department, or division of the state; and

2848 (b) a political subdivision of the state.

2849 [~~(46)~~] (45) "Reduced payment obligation" means the full obligation of an owner of
2850 property within an assessment area to pay an assessment levied on the property after the
2851 assessment has been reduced because of the issuance of refunding assessment bonds, as
2852 provided in Section [11-42-608](#).

2853 [~~(47)~~] (46) "Refunding assessment bonds" means assessment bonds that a local entity
2854 issues under Section [11-42-607](#) to refund, in part or in whole, assessment bonds.

2855 [~~(48)~~] (47) "Reserve fund" means a fund established by a local entity under Section
2856 [11-42-702](#).

2857 [~~(49)~~] (48) "Service" means:

2858 (a) water, sewer, storm drainage, garbage collection, library, recreation,
2859 communications, or electric service;

2860 (b) economic promotion activities; or

2861 (c) any other service that a local entity is required or authorized to provide.

2862 [~~(50)~~] (49) (a) "Sewer assessment area" means an assessment area that has as the
2863 assessment area's primary purpose the financing and funding of public improvements to
2864 provide sewer service where there is, in the opinion of the local board of health, substantial
2865 evidence of septic system failure in the defined area due to inadequate soils, high water table,
2866 or other factors proven to cause failure.

2867 (b) "Sewer assessment area" does not include property otherwise located within the
2868 assessment area:

2869 (i) on which an approved conventional or advanced wastewater system has been
2870 installed during the previous five calendar years;

2871 (ii) for which the local health department has inspected the system described in
2872 Subsection [~~(50)~~] (49)(b)(i) to ensure that the system is functioning properly; and

2873 (iii) for which the property owner opts out of the proposed assessment area for the
2874 earlier of a period of 10 calendar years or until failure of the system described in Subsection
2875 [~~(50)~~] (49)(b)(i).

2876 (50) "Special district" means a special district under Title 17B, Limited Purpose Local
2877 Government Entities - Special Districts.

2878 (51) "Special service district" means the same as that term is defined in Section
2879 [17D-1-102](#).

2880 (52) "Unassessed benefitted government property" means property that a local entity
2881 may not assess in accordance with Section 11-42-408 but is benefitted by an improvement,
2882 operation and maintenance, or economic promotion activities.

2883 (53) "Unimproved property" means property upon which no residential, commercial, or
2884 other building has been built.

2885 (54) "Voluntary assessment area" means an assessment area that contains only property
2886 whose owners have voluntarily consented to an assessment.

2887 Section 38. Section 11-42a-102 is amended to read:

2888 **11-42a-102. Definitions.**

2889 (1) "Air quality standards" means that a vehicle's emissions are equal to or cleaner than
2890 the standards established in bin 4 Table S04-1, of 40 C.F.R. 86.1811-04(c)(6).

2891 (2) (a) "Assessment" means the assessment that a local entity or the C-PACE district
2892 levies on private property under this chapter to cover the costs of an energy efficiency upgrade,
2893 a renewable energy system, or an electric vehicle charging infrastructure.

2894 (b) "Assessment" does not constitute a property tax but shares the same priority lien as
2895 a property tax.

2896 (3) "Assessment fund" means a special fund that a local entity establishes under
2897 Section 11-42a-206.

2898 (4) "Benefitted property" means private property within an energy assessment area that
2899 directly benefits from improvements.

2900 (5) "Bond" means an assessment bond and a refunding assessment bond.

2901 (6) (a) "Commercial or industrial real property" means private real property used
2902 directly or indirectly or held for one of the following purposes or activities, regardless of
2903 whether the purpose or activity is for profit:

2904 (i) commercial;

2905 (ii) mining;

2906 (iii) agricultural;

2907 (iv) industrial;

2908 (v) manufacturing;

2909 (vi) trade;

2910 (vii) professional;

- 2911 (viii) a private or public club;
- 2912 (ix) a lodge;
- 2913 (x) a business; or
- 2914 (xi) a similar purpose.
- 2915 (b) "Commercial or industrial real property" includes:
- 2916 (i) private real property that is used as or held for dwelling purposes and contains:
- 2917 (A) more than four rental units; or
- 2918 (B) one or more owner-occupied or rental condominium units affiliated with a hotel;
- 2919 and
- 2920 (ii) real property owned by:
- 2921 (A) the military installation development authority, created in Section [63H-1-201](#); or
- 2922 (B) the Utah Inland Port Authority, created in Section [11-58-201](#).
- 2923 (7) "Contract price" means:
- 2924 (a) up to 100% of the cost of installing, acquiring, refinancing, or reimbursing for an
- 2925 improvement, as determined by the owner of the property benefitting from the improvement; or
- 2926 (b) the amount payable to one or more contractors for the assessment, design,
- 2927 engineering, inspection, and construction of an improvement.
- 2928 (8) "C-PACE" means commercial property assessed clean energy.
- 2929 (9) "C-PACE district" means the statewide authority established in Section [11-42a-106](#)
- 2930 to implement the C-PACE Act in collaboration with governing bodies, under the direction of
- 2931 OED.
- 2932 (10) "Electric vehicle charging infrastructure" means equipment that is:
- 2933 (a) permanently affixed to commercial or industrial real property; and
- 2934 (b) designed to deliver electric energy to a qualifying electric vehicle or a qualifying
- 2935 plug-in hybrid vehicle.
- 2936 (11) "Energy assessment area" means an area:
- 2937 (a) within the jurisdictional boundaries of a local entity that approves an energy
- 2938 assessment area or, if the C-PACE district or a state interlocal entity levies the assessment, the
- 2939 C-PACE district or the state interlocal entity;
- 2940 (b) containing only the commercial or industrial real property of owners who have
- 2941 voluntarily consented to an assessment under this chapter for the purpose of financing the costs

2942 of improvements that benefit property within the energy assessment area; and

2943 (c) in which the proposed benefitted properties in the area are:

2944 (i) contiguous; or

2945 (ii) located on one or more contiguous or adjacent tracts of land that would be

2946 contiguous or adjacent property but for an intervening right-of-way, including a sidewalk,

2947 street, road, fixed guideway, or waterway.

2948 (12) "Energy assessment bond" means a bond:

2949 (a) issued under Section 11-42a-401; and

2950 (b) payable in part or in whole from assessments levied in an energy assessment area.

2951 (13) "Energy assessment lien" means a lien on property within an energy assessment

2952 area that arises from the levy of an assessment in accordance with Section 11-42a-301.

2953 (14) "Energy assessment ordinance" means an ordinance that a local entity adopts

2954 under Section 11-42a-201 that:

2955 (a) designates an energy assessment area;

2956 (b) levies an assessment on benefitted property within the energy assessment area; and

2957 (c) if applicable, authorizes the issuance of energy assessment bonds.

2958 (15) "Energy assessment resolution" means one or more resolutions adopted by a local

2959 entity under Section 11-42a-201 that:

2960 (a) designates an energy assessment area;

2961 (b) levies an assessment on benefitted property within the energy assessment area; and

2962 (c) if applicable, authorizes the issuance of energy assessment bonds.

2963 (16) "Energy efficiency upgrade" means an improvement that is:

2964 (a) permanently affixed to commercial or industrial real property; and

2965 (b) designed to reduce energy or water consumption, including:

2966 (i) insulation in:

2967 (A) a wall, roof, floor, or foundation; or

2968 (B) a heating and cooling distribution system;

2969 (ii) a window or door, including:

2970 (A) a storm window or door;

2971 (B) a multiglazed window or door;

2972 (C) a heat-absorbing window or door;

- 2973 (D) a heat-reflective glazed and coated window or door;
- 2974 (E) additional window or door glazing;
- 2975 (F) a window or door with reduced glass area; or
- 2976 (G) other window or door modifications;
- 2977 (iii) an automatic energy control system;
- 2978 (iv) in a building or a central plant, a heating, ventilation, or air conditioning and
- 2979 distribution system;
- 2980 (v) caulk or weatherstripping;
- 2981 (vi) a light fixture that does not increase the overall illumination of a building, unless
- 2982 an increase is necessary to conform with the applicable building code;
- 2983 (vii) an energy recovery system;
- 2984 (viii) a daylighting system;
- 2985 (ix) measures to reduce the consumption of water, through conservation or more
- 2986 efficient use of water, including installation of:
- 2987 (A) low-flow toilets and showerheads;
- 2988 (B) timer or timing systems for a hot water heater; or
- 2989 (C) rain catchment systems;
- 2990 (x) a modified, installed, or remodeled fixture that is approved as a utility cost-saving
- 2991 measure by the governing body or executive of a local entity;
- 2992 (xi) measures or other improvements to effect seismic upgrades;
- 2993 (xii) structures, measures, or other improvements to provide automated parking or
- 2994 parking that reduces land use;
- 2995 (xiii) the extension of an existing natural gas distribution company line;
- 2996 (xiv) an energy efficient elevator, escalator, or other vertical transport device;
- 2997 (xv) any other improvement that the governing body or executive of a local entity
- 2998 approves as an energy efficiency upgrade; or
- 2999 (xvi) any improvement that relates physically or functionally to any of the
- 3000 improvements listed in Subsections (16)(b)(i) through (xv).
- 3001 (17) "Governing body" means:
- 3002 (a) for a county, city, town, or metro township, the legislative body of the county, city,
- 3003 town, or metro township;

- 3004 (b) for a [~~local~~] special district, the board of trustees of the [~~local~~] special district;
- 3005 (c) for a special service district:
- 3006 (i) if no administrative control board has been appointed under Section 17D-1-301, the
- 3007 legislative body of the county, city, town, or metro township that established the special service
- 3008 district; or
- 3009 (ii) if an administrative control board has been appointed under Section 17D-1-301, the
- 3010 administrative control board of the special service district;
- 3011 (d) for the military installation development authority created in Section 63H-1-201,
- 3012 the board, as that term is defined in Section 63H-1-102; and
- 3013 (e) for the Utah Inland Port Authority, created in Section 11-58-201, the board, as
- 3014 defined in Section 11-58-102.
- 3015 (18) "Improvement" means a publicly or privately owned energy efficiency upgrade,
- 3016 renewable energy system, or electric vehicle charging infrastructure that:
- 3017 (a) a property owner has requested; or
- 3018 (b) has been or is being installed on a property for the benefit of the property owner.
- 3019 (19) "Incidental refunding costs" means any costs of issuing a refunding assessment
- 3020 bond and calling, retiring, or paying prior bonds, including:
- 3021 (a) legal and accounting fees;
- 3022 (b) charges of financial advisors, escrow agents, certified public accountant verification
- 3023 entities, and trustees;
- 3024 (c) underwriting discount costs, printing costs, and the costs of giving notice;
- 3025 (d) any premium necessary in the calling or retiring of prior bonds;
- 3026 (e) fees to be paid to the local entity to issue the refunding assessment bond and to
- 3027 refund the outstanding prior bonds;
- 3028 (f) any other costs that the governing body determines are necessary and proper to incur
- 3029 in connection with the issuance of a refunding assessment bond; and
- 3030 (g) any interest on the prior bonds that is required to be paid in connection with the
- 3031 issuance of the refunding assessment bond.
- 3032 (20) "Installment payment date" means the date on which an installment payment of an
- 3033 assessment is payable.
- 3034 (21) "Jurisdictional boundaries" means:

3035 (a) for the C-PACE district or any state interlocal entity, the boundaries of the state;
 3036 and

3037 (b) for each local entity, the boundaries of the local entity.

3038 [~~(22)~~ "Local district" means a local district under Title 17B, Limited Purpose Local
 3039 Government Entities - Local Districts.]

3040 [~~(23)~~ (22) (a) "Local entity" means:

3041 (i) a county, city, town, or metro township;

3042 (ii) a special service district, a [~~local~~] special district, or an interlocal entity as that term
 3043 is defined in Section [11-13-103](#);

3044 (iii) a state interlocal entity;

3045 (iv) the military installation development authority, created in Section [63H-1-201](#);

3046 (v) the Utah Inland Port Authority, created in Section [11-58-201](#); or

3047 (vi) any political subdivision of the state.

3048 (b) "Local entity" includes the C-PACE district solely in connection with:

3049 (i) the designation of an energy assessment area;

3050 (ii) the levying of an assessment; and

3051 (iii) the assignment of an energy assessment lien to a third-party lender under Section
 3052 [11-42a-302](#).

3053 [~~(24)~~ (23) "Local entity obligations" means energy assessment bonds and refunding
 3054 assessment bonds that a local entity issues.

3055 [~~(25)~~ (24) "OED" means the Office of Energy Development created in Section
 3056 [79-6-401](#).

3057 [~~(26)~~ (25) "OEM vehicle" means the same as that term is defined in Section [19-1-402](#).

3058 [~~(27)~~ (26) "Overhead costs" means the actual costs incurred or the estimated costs to
 3059 be incurred in connection with an energy assessment area, including:

3060 (a) appraisals, legal fees, filing fees, facilitation fees, and financial advisory charges;

3061 (b) underwriting fees, placement fees, escrow fees, trustee fees, and paying agent fees;

3062 (c) publishing and mailing costs;

3063 (d) costs of levying an assessment;

3064 (e) recording costs; and

3065 (f) all other incidental costs.

3066 [~~(28)~~] (27) "Parameters resolution" means a resolution or ordinance that a local entity
3067 adopts in accordance with Section [11-42a-201](#).

3068 [~~(29)~~] (28) "Prior bonds" means the energy assessment bonds refunded in part or in
3069 whole by a refunding assessment bond.

3070 [~~(30)~~] (29) "Prior energy assessment ordinance" means the ordinance levying the
3071 assessments from which the prior bonds are payable.

3072 [~~(31)~~] (30) "Prior energy assessment resolution" means the resolution levying the
3073 assessments from which the prior bonds are payable.

3074 [~~(32)~~] (31) "Property" includes real property and any interest in real property, including
3075 water rights and leasehold rights.

3076 [~~(33)~~] (32) "Public electrical utility" means a large-scale electric utility as that term is
3077 defined in Section [54-2-1](#).

3078 [~~(34)~~] (33) "Qualifying electric vehicle" means a vehicle that:

- 3079 (a) meets air quality standards;
- 3080 (b) is not fueled by natural gas;
- 3081 (c) draws propulsion energy from a battery with at least 10 kilowatt hours of capacity;

3082 and

3083 (d) is an OEM vehicle except that the vehicle is fueled by a fuel described in
3084 Subsection [~~(34)(c)~~] (33)(c).

3085 [~~(35)~~] (34) "Qualifying plug-in hybrid vehicle" means a vehicle that:

- 3086 (a) meets air quality standards;
- 3087 (b) is not fueled by natural gas or propane;
- 3088 (c) has a battery capacity that meets or exceeds the battery capacity described in

3089 Subsection 30D(b)(3), Internal Revenue Code; and

3090 (d) is fueled by a combination of electricity and:

- 3091 (i) diesel fuel;
- 3092 (ii) gasoline; or
- 3093 (iii) a mixture of gasoline and ethanol.

3094 [~~(36)~~] (35) "Reduced payment obligation" means the full obligation of an owner of
3095 property within an energy assessment area to pay an assessment levied on the property after the
3096 local entity has reduced the assessment because of the issuance of a refunding assessment

3097 bond, in accordance with Section 11-42a-403.

3098 ~~[(37)]~~ (36) "Refunding assessment bond" means an assessment bond that a local entity
3099 issues under Section 11-42a-403 to refund, in part or in whole, energy assessment bonds.

3100 ~~[(38)]~~ (37) (a) "Renewable energy system" means a product, system, device, or
3101 interacting group of devices that is permanently affixed to commercial or industrial real
3102 property not located in the certified service area of a distribution electrical cooperative, as that
3103 term is defined in Section 54-2-1, and:

3104 (i) produces energy from renewable resources, including:

3105 (A) a photovoltaic system;

3106 (B) a solar thermal system;

3107 (C) a wind system;

3108 (D) a geothermal system, including a generation system, a direct-use system, or a
3109 ground source heat pump system;

3110 (E) a microhydro system;

3111 (F) a biofuel system; or

3112 (G) any other renewable source system that the governing body of the local entity
3113 approves;

3114 (ii) stores energy, including:

3115 (A) a battery storage system; or

3116 (B) any other energy storing system that the governing body or chief executive officer
3117 of a local entity approves; or

3118 (iii) any improvement that relates physically or functionally to any of the products,
3119 systems, or devices listed in Subsection ~~[(38)(a)(i)]~~ (37)(a)(i) or (ii).

3120 (b) "Renewable energy system" does not include a system described in Subsection
3121 ~~[(38)]~~(37)(a)(i) if the system provides energy to property outside the energy assessment area,
3122 unless the system:

3123 (i) (A) existed before the creation of the energy assessment area; and

3124 (B) beginning before January 1, 2017, provides energy to property outside of the area
3125 that became the energy assessment area; or

3126 (ii) provides energy to property outside the energy assessment area under an agreement
3127 with a public electrical utility that is substantially similar to agreements for other renewable

3128 energy systems that are not funded under this chapter.

3129 (38) "Special district" means a special district under Title 17B, Limited Purpose Local
3130 Government Entities - Special Districts.

3131 (39) "Special service district" means the same as that term is defined in Section
3132 17D-1-102.

3133 (40) "State interlocal entity" means:

3134 (a) an interlocal entity created under Chapter 13, Interlocal Cooperation Act, by two or
3135 more counties, cities, towns, or metro townships that collectively represent at least a majority
3136 of the state's population; or

3137 (b) an entity that another state authorized, before January 1, 2017, to issue bonds,
3138 notes, or other obligations or refunding obligations to finance or refinance projects in the state.

3139 (41) "Third-party lender" means a trust company, savings bank, savings and loan
3140 association, bank, credit union, or any other entity that provides loans directly to property
3141 owners for improvements authorized under this chapter.

3142 Section 39. Section **11-43-102** is amended to read:

3143 **11-43-102. Memorials by political subdivisions.**

3144 (1) As used in this section:

3145 (a) "Political subdivision" means any county, city, town, or school district.

3146 (b) "Political subdivision" does not [~~mean~~] include a [~~local~~] special district under [~~Title~~
3147 ~~17B, Limited Purpose Local Government Entities - Local Districts~~] Title 17B, Limited Purpose
3148 Local Government Entities - Special Districts, or a special service district under Title 17D,
3149 Chapter 1, Special Service District Act.

3150 (2) A political subdivision may authorize the use or donation of the political
3151 subdivision's land for the purpose of maintaining, erecting, or contributing to the erection or
3152 maintenance of a memorial to commemorate those individuals who have:

3153 (a) participated in or have given their lives in any of the one or more wars or military
3154 conflicts in which the United States of America has been a participant; or

3155 (b) given their lives in association with public service on behalf of the state or the
3156 political subdivision, including firefighters, peace officers, highway patrol officers, or other
3157 public servants.

3158 (3) The use or donation of a political subdivision's land in relation to a memorial

3159 described in Subsection (2) may include:

3160 (a) using or appropriating public funds for the purchase, development, improvement, or
3161 maintenance of public land on which a memorial is located or established;

3162 (b) using or appropriating public funds for the erection, improvement, or maintenance
3163 of a memorial;

3164 (c) donating or selling public land for use in relation to a memorial; or

3165 (d) authorizing the use of a political subdivision's land for a memorial that is funded or
3166 maintained in part or in full by another public or private entity.

3167 (4) The political subdivision may specify the form, placement, and design of a
3168 memorial that is subject to this section.

3169 Section 40. Section **11-47-102** is amended to read:

3170 **11-47-102. Definitions.**

3171 For purposes of this chapter, "elected official" means each person elected to a county
3172 office, municipal office, school board or school district office, ~~[local]~~ special district office, or
3173 special service district office, but does not include judges.

3174 Section 41. Section **11-48-101.5** is amended to read:

3175 **11-48-101.5. Definitions.**

3176 As used in this chapter:

3177 (1) (a) "911 ambulance services" means ambulance services rendered in response to a
3178 911 call received by a designated dispatch center that receives 911 or E911 calls.

3179 (b) "911 ambulance services" does not mean a seven or ten digit telephone call
3180 received directly by an ambulance provider licensed under Title 26, Chapter 8a, Utah
3181 Emergency Medical Services System Act.

3182 (2) "Municipality" means a city, town, or metro township.

3183 (3) "Political subdivision" means a county, city, town, ~~[local]~~ special district, or
3184 ~~[special]~~ service district.

3185 Section 42. Section **11-48-103** is amended to read:

3186 **11-48-103. Provision of 911 ambulance services in municipalities and counties.**

3187 (1) The governing body of each municipality and county shall, subject to Title 26,
3188 Chapter 8a, Part 4, Ambulance and Paramedic Providers, ensure at least a minimum level of
3189 911 ambulance services are provided:

3190 (a) within the territorial limits of the municipality or county;
3191 (b) by a ground ambulance provider, licensed by the Department of Health under Title
3192 26, Chapter 8a, Part 4, Ambulance and Paramedic Providers; and

3193 (c) in accordance with rules established by the State Emergency Medical Services
3194 Committee under Subsection 26-8a-104(8).

3195 (2) A municipality or county may:

3196 (a) subject to Subsection (3), maintain and support 911 ambulance services for the
3197 municipality's or county's own jurisdiction; or

3198 (b) contract to:

3199 (i) provide 911 ambulance services to any county, municipal corporation, [~~local~~
3200 special district, special service district, interlocal entity, private corporation, nonprofit
3201 corporation, state agency, or federal agency;

3202 (ii) receive 911 ambulance services from any county, municipal corporation, [~~local~~
3203 special district, special service district, interlocal entity, private corporation, nonprofit
3204 corporation, state agency, or federal agency;

3205 (iii) jointly provide 911 ambulance services with any county, municipal corporation,
3206 [~~local~~ special district, special service district, interlocal entity, private corporation, nonprofit
3207 corporation, state agency, or federal agency; or

3208 (iv) contribute toward the support of 911 ambulance services in any county, municipal
3209 corporation, [~~local~~ special district, special service district, interlocal entity, private
3210 corporation, nonprofit corporation, state agency, or federal agency in return for 911 ambulance
3211 services.

3212 (3) (a) A municipality or county that maintains and supports 911 ambulance services
3213 for the municipality's or county's own jurisdiction under Subsection (2)(a) shall obtain a license
3214 as a ground ambulance provider from the Department of Health under Title 26, Chapter 8a,
3215 Part 4, Ambulance and Paramedic Providers.

3216 (b) Subsections 26-8a-405 through 26-8a-405.3 do not apply to a license described in
3217 Subsection (3)(a).

3218 Section 43. Section 11-50-102 is amended to read:

3219 **11-50-102. Definitions.**

3220 As used in this chapter:

3221 (1) "Annual financial report" means a comprehensive annual financial report or similar
3222 financial report required by Section 51-2a-201.

3223 (2) "Chief administrative officer" means the chief administrative officer designated in
3224 accordance with Section 11-50-202.

3225 (3) "Chief financial officer" means the chief financial officer designated in accordance
3226 with Section 11-50-202.

3227 (4) "Governing body" means:

3228 (a) for a county, city, or town, the legislative body of the county, city, or town;

3229 (b) for a [toeat] special district, the board of trustees of the [toeat] special district;

3230 (c) for a school district, the local board of education; or

3231 (d) for a special service district under Title 17D, Chapter 1, Special Service District

3232 Act:

3233 (i) the governing body of the county or municipality that created the special service
3234 district, if no administrative control board has been established under Section 17D-1-301; or

3235 (ii) the administrative control board, if one has been established under Section
3236 17D-1-301.

3237 (5) (a) "Political subdivision" means any county, city, town, school district, community
3238 reinvestment agency, special improvement or taxing district, [toeat] special district, special
3239 service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13,
3240 Interlocal Cooperation Act, or other governmental subdivision or public corporation.

3241 (b) Notwithstanding Subsection (5)(a), "political subdivision" does not mean a project
3242 entity, as defined in Section 11-13-103.

3243 Section 44. Section 11-52-102 is amended to read:

3244 **11-52-102. Definitions.**

3245 As used in this chapter:

3246 (1) "Federal receipts" means the federal financial assistance, as defined in 31 U.S.C.
3247 Sec. 7501, that is reported as part of a single audit.

3248 (2) "Political subdivision" means:

3249 (a) a county, as defined in Section 17-50-101;

3250 (b) a municipality, as defined in Section 10-1-104;

3251 (c) a [toeat] special district, as defined in Section 17B-1-102;

- 3252 (d) a special service district, as defined in Section 17D-1-102;
- 3253 (e) an interlocal entity, as defined in Section 11-13-103;
- 3254 (f) a community reinvestment agency created under Title 17C, Limited Purpose Local
- 3255 Government Entities - Community Reinvestment Agency Act;
- 3256 (g) a local building authority, as defined in Section 17D-2-102; or
- 3257 (h) a conservation district, as defined in Section 17D-3-102.

3258 (3) "Single audit" has the same meaning as defined in 31 U.S.C. Sec. 7501.
 3259 Section 45. Section 11-54-102 is amended to read:

3260 **11-54-102. Definitions.**

3261 As used in this chapter:

3262 (1) "Buyback purchaser" means a person who buys a procurement item from the local
 3263 government entity to which the person previously sold the procurement item.

3264 (2) "Excess repurchase amount" means the difference between:

3265 (a) the amount a buyback purchaser pays to a local government entity to purchase a
 3266 procurement item that the buyback purchaser previously sold to the local government entity;
 3267 and

3268 (b) the amount the local government entity paid to the buyback purchaser to purchase
 3269 the procurement item.

3270 (3) "Local government entity" means a county, city, town, metro township, ~~[local]~~
 3271 special district, special service district, community reinvestment agency, conservation district,
 3272 or school district that is not subject to Title 63G, Chapter 6a, Utah Procurement Code.

3273 (4) "Procurement item" means the same as that term is defined in Section 63G-6a-103.

3274 Section 46. Section 11-55-102 is amended to read:

3275 **11-55-102. Definitions.**

3276 As used in this chapter:

3277 (1) "Board" means the same as that term is defined in Section 63A-3-106.

3278 (2) "Board member" means the same as that term is defined in Section 63A-3-106.

3279 (3) "Municipality" means the same as that term is defined in Section 10-1-104.

3280 (4) "Political subdivision" means a county, municipality, school district, limited
 3281 purpose local government entity described in ~~[Title 17B, Limited Purpose Local Government~~
 3282 ~~Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities - Special

3283 Districts, Title 17C, Limited Purpose Local Government Entities - Community Reinvestment
3284 Agency Act, or Title 17D, Limited Purpose Local Government Entities - Other Entities, or an
3285 entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal
3286 Cooperation Act, or any other governmental subdivision or public corporation.

3287 Section 47. Section **11-57-102** is amended to read:

3288 **11-57-102. Definitions.**

3289 As used in this chapter:

3290 (1) "Employee" means a person who is not an elected or appointed officer and who is
3291 employed on a full- or part-time basis by a political subdivision.

3292 (2) "Officer" means a person who is elected or appointed to an office or position within
3293 a political subdivision.

3294 (3) (a) "Personal use expenditure" means an expenditure made without the authority of
3295 law that:

3296 (i) is not directly related to the performance of an activity as an officer or employee of
3297 a political subdivision;

3298 (ii) primarily furthers a personal interest of an officer or employee of a political
3299 subdivision or the family, a friend, or an associate of an officer or employee of a political
3300 subdivision; and

3301 (iii) would constitute taxable income under federal law.

3302 (b) "Personal use expenditure" does not include:

3303 (i) a de minimis or incidental expenditure;

3304 (ii) a monthly vehicle allowance; or

3305 (iii) a government vehicle that an officer or employee uses to travel to and from the
3306 officer or employee's official duties, including an allowance for personal use as provided by a
3307 written policy of the political subdivision.

3308 (4) "Political subdivision" means any county, city, town, school district, community
3309 reinvestment agency, special improvement or taxing district, ~~local~~ special district, special
3310 service district, entity created by an interlocal agreement adopted under Title 11, Chapter 13,
3311 Interlocal Cooperation Act, or other governmental subdivision or public corporation.

3312 (5) "Public funds" means the same as that term is defined in Section [51-7-3](#).

3313 Section 48. Section **11-58-102** is amended to read:

3314 **11-58-102. Definitions.**

3315 As used in this chapter:

3316 (1) "Authority" means the Utah Inland Port Authority, created in Section 11-58-201.

3317 (2) "Authority jurisdictional land" means land within the authority boundary

3318 delineated:

3319 (a) in the electronic shapefile that is the electronic component of H.B. 2001, Utah

3320 Inland Port Authority Amendments, 2018 Second Special Session; and

3321 (b) beginning April 1, 2020, as provided in Subsection 11-58-202(3).

3322 (3) "Base taxable value" means:

3323 (a) (i) except as provided in Subsection (3)(a)(ii), for a project area that consists of the

3324 authority jurisdictional land, the taxable value of authority jurisdictional land in calendar year

3325 2018; and

3326 (ii) for an area described in Subsection 11-58-601(5), the taxable value of that area in

3327 calendar year 2017; or

3328 (b) for a project area that consists of land outside the authority jurisdictional land, the

3329 taxable value of property within any portion of a project area, as designated by board

3330 resolution, from which the property tax differential will be collected, as shown upon the

3331 assessment roll last equalized before the year in which the authority adopts a project area plan

3332 for that area.

3333 (4) "Board" means the authority's governing body, created in Section 11-58-301.

3334 (5) "Business plan" means a plan designed to facilitate, encourage, and bring about

3335 development of the authority jurisdictional land to achieve the goals and objectives described

3336 in Subsection 11-58-203(1), including the development and establishment of an inland port.

3337 (6) "Development" means:

3338 (a) the demolition, construction, reconstruction, modification, expansion, or

3339 improvement of a building, utility, infrastructure, landscape, parking lot, park, trail,

3340 recreational amenity, or other facility, including public infrastructure and improvements; and

3341 (b) the planning of, arranging for, or participation in any of the activities listed in

3342 Subsection (6)(a).

3343 (7) "Development project" means a project for the development of land within a

3344 project area.

- 3345 (8) "Inland port" means one or more sites that:
- 3346 (a) contain multimodal facilities, intermodal facilities, or other facilities that:
- 3347 (i) are related but may be separately owned and managed; and
- 3348 (ii) together are intended to:
- 3349 (A) allow global trade to be processed and altered by value-added services as goods
- 3350 move through the supply chain;
- 3351 (B) provide a regional merging point for transportation modes for the distribution of
- 3352 goods to and from ports and other locations in other regions;
- 3353 (C) provide cargo-handling services to allow freight consolidation and distribution,
- 3354 temporary storage, customs clearance, and connection between transport modes; and
- 3355 (D) provide international logistics and distribution services, including freight
- 3356 forwarding, customs brokerage, integrated logistics, and information systems; and
- 3357 (b) may include a satellite customs clearance terminal, an intermodal facility, a
- 3358 customs pre-clearance for international trade, or other facilities that facilitate, encourage, and
- 3359 enhance regional, national, and international trade.
- 3360 (9) "Inland port use" means a use of land:
- 3361 (a) for an inland port;
- 3362 (b) that directly implements or furthers the purposes of an inland port, as stated in
- 3363 Subsection (8);
- 3364 (c) that complements or supports the purposes of an inland port, as stated in Subsection
- 3365 (8); or
- 3366 (d) that depends upon the presence of the inland port for the viability of the use.
- 3367 (10) "Intermodal facility" means a facility for transferring containerized cargo between
- 3368 rail, truck, air, or other transportation modes.
- 3369 (11) "Multimodal facility" means a hub or other facility for trade combining any
- 3370 combination of rail, trucking, air cargo, and other transportation services.
- 3371 (12) "Nonvoting member" means an individual appointed as a member of the board
- 3372 under Subsection [11-58-302\(3\)](#) who does not have the power to vote on matters of authority
- 3373 business.
- 3374 (13) "Project area" means:
- 3375 (a) the authority jurisdictional land; or

3376 (b) land outside the authority jurisdictional land, whether consisting of a single
3377 contiguous area or multiple noncontiguous areas, described in a project area plan or draft
3378 project area plan, where the development project set forth in the project area plan or draft
3379 project area plan takes place or is proposed to take place.

3380 (14) "Project area budget" means a multiyear projection of annual or cumulative
3381 revenues and expenses and other fiscal matters pertaining to the project area.

3382 (15) "Project area plan" means a written plan that, after its effective date, guides and
3383 controls the development within a project area.

3384 (16) "Property tax" includes a privilege tax and each levy on an ad valorem basis on
3385 tangible or intangible personal or real property.

3386 (17) "Property tax differential":

3387 (a) means the difference between:

3388 (i) the amount of property tax revenues generated each tax year by all taxing entities
3389 from a project area, using the current assessed value of the property; and

3390 (ii) the amount of property tax revenues that would be generated from that same area
3391 using the base taxable value of the property; and

3392 (b) does not include property tax revenue from:

3393 (i) a county additional property tax or multicounty assessing and collecting levy
3394 imposed in accordance with Section 59-2-1602;

3395 (ii) a judgment levy imposed by a taxing entity under Section 59-2-1328 or 59-2-1330;

3396 or

3397 (iii) a levy imposed by a taxing entity under Section 11-14-310 to pay for a general
3398 obligation bond.

3399 (18) "Public entity" means:

3400 (a) the state, including each department, division, or other agency of the state; or

3401 (b) a county, city, town, metro township, school district, [toeat] special district, special
3402 service district, interlocal cooperation entity, community reinvestment agency, or other political
3403 subdivision of the state, including the authority.

3404 (19) "Public infrastructure and improvements":

3405 (a) means infrastructure, improvements, facilities, or buildings that:

3406 (i) benefit the public; and

- 3407 (ii) (A) are owned by a public entity or a utility; or
3408 (B) are publicly maintained or operated by a public entity;
3409 (b) includes:
3410 (i) facilities, lines, or systems that provide:
3411 (A) water, chilled water, or steam; or
3412 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,
3413 microgrids, or telecommunications service;
3414 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking
3415 facilities, rail lines, intermodal facilities, multimodal facilities, and public transportation
3416 facilities;
3417 (iii) an inland port; and
3418 (iv) infrastructure, improvements, facilities, or buildings that:
3419 (A) are privately owned;
3420 (B) benefit the public;
3421 (C) as determined by the board, provide a substantial benefit to the development and
3422 operation of a project area; and
3423 (D) are built according to the applicable county or municipal design and safety
3424 standards for public infrastructure.
3425 (20) "Shapefile" means the digital vector storage format for storing geometric location
3426 and associated attribute information.
3427 (21) "Taxable value" means the value of property as shown on the last equalized
3428 assessment roll.
3429 (22) "Taxing entity":
3430 (a) means a public entity that levies a tax on property within a project area; and
3431 (b) does not include a public infrastructure district that the authority creates under Title
3432 17D, Chapter 4, Public Infrastructure District Act.
3433 (23) "Voting member" means an individual appointed or designated as a member of the
3434 board under Subsection 11-58-302(2).
3435 Section 49. Section 11-58-205 is amended to read:
3436 **11-58-205. Applicability of other law -- Cooperation of state and local**
3437 **governments -- Municipality to consider board input -- Prohibition relating to natural**

3438 **resources -- Inland port as permitted or conditional use -- Municipal services --**
3439 **Disclosure by nonauthority governing body member.**

3440 (1) Except as otherwise provided in this chapter, the authority does not have and may
3441 not exercise any powers relating to the regulation of land uses on the authority jurisdictional
3442 land.

3443 (2) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107,
3444 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed
3445 by Title 63E, Independent Entities Code.

3446 (3) A department, division, or other agency of the state and a political subdivision of
3447 the state shall cooperate with the authority to the fullest extent possible to provide whatever
3448 support, information, or other assistance the board requests that is reasonably necessary to help
3449 the authority fulfill its duties and responsibilities under this chapter.

3450 (4) In making decisions affecting the authority jurisdictional land, the legislative body
3451 of a municipality in which the authority jurisdictional land is located shall consider input from
3452 the authority board.

3453 (5) (a) No later than December 31, 2018, the ordinances of a municipality with
3454 authority jurisdictional land within its boundary shall allow an inland port as a permitted or
3455 conditional use, subject to standards that are:

- 3456 (i) determined by the municipality; and
- 3457 (ii) consistent with the policies and objectives stated in Subsection 11-58-203(1).

3458 (b) A municipality whose ordinances do not comply with Subsection (5)(a) within the
3459 time prescribed in that subsection shall allow an inland port as a permitted use without regard
3460 to any contrary provision in the municipality's land use ordinances.

3461 (6) The transporting, unloading, loading, transfer, or temporary storage of natural
3462 resources may not be prohibited on the authority jurisdictional land.

3463 (7) (a) A municipality whose boundary includes authority jurisdictional land shall
3464 provide the same municipal services to the area of the municipality that is within the authority
3465 jurisdictional land as the municipality provides to other areas of the municipality with similar
3466 zoning and a similar development level.

3467 (b) The level and quality of municipal services that a municipality provides within
3468 authority jurisdictional land shall be fairly and reasonably consistent with the level and quality

3469 of municipal services that the municipality provides to other areas of the municipality with
3470 similar zoning and a similar development level.

3471 (8) (a) As used in this Subsection (8):

3472 (i) "Direct financial benefit" means the same as that term is defined in Section
3473 11-58-304.

3474 (ii) "Nonauthority governing body member" means a member of the board or other
3475 body that has authority to make decisions for a nonauthority government owner.

3476 (iii) "Nonauthority government owner" mean a state agency or nonauthority local
3477 government entity that owns land that is part of the authority jurisdictional land.

3478 (iv) "Nonauthority local government entity":

3479 (A) means a county, city, town, metro township, ~~local~~ special district, special service
3480 district, community reinvestment agency, or other political subdivision of the state; and

3481 (B) excludes the authority.

3482 (v) "State agency" means a department, division, or other agency or instrumentality of
3483 the state, including an independent state agency.

3484 (b) A nonauthority governing body member who owns or has a financial interest in
3485 land that is part of the authority jurisdictional land or who reasonably expects to receive a
3486 direct financial benefit from development of authority jurisdictional land shall submit a written
3487 disclosure to the authority board and the nonauthority government owner.

3488 (c) A written disclosure under Subsection (8)(b) shall describe, as applicable:

3489 (i) the nonauthority governing body member's ownership or financial interest in
3490 property that is part of the authority jurisdictional land; and

3491 (ii) the direct financial benefit the nonauthority governing body member expects to
3492 receive from development of authority jurisdictional land.

3493 (d) A nonauthority governing body member required under Subsection (8)(b) to submit
3494 a written disclosure shall submit the disclosure no later than 30 days after:

3495 (i) the nonauthority governing body member:

3496 (A) acquires an ownership or financial interest in property that is part of the authority
3497 jurisdictional land; or

3498 (B) first knows that the nonauthority governing body member expects to receive a
3499 direct financial benefit from the development of authority jurisdictional land; or

3500 (ii) the effective date of this Subsection (8), if that date is later than the period
3501 described in Subsection (8)(d)(i).

3502 (e) A written disclosure submitted under this Subsection (8) is a public record.

3503 (9) No later than December 31, 2022, a primary municipality, as defined in Section
3504 [11-58-601](#), shall enter into an agreement with the authority under which the primary
3505 municipality agrees to facilitate the efficient processing of land use applications, as defined in
3506 Section [10-9a-103](#), relating to authority jurisdictional land within the primary municipality,
3507 including providing for at least one full-time employee as a single point of contact for the
3508 processing of those land use applications.

3509 Section 50. Section **11-59-102** is amended to read:

3510 **11-59-102. Definitions.**

3511 As used in this chapter:

3512 (1) "Authority" means the Point of the Mountain State Land Authority, created in
3513 Section [11-59-201](#).

3514 (2) "Board" means the authority's board, created in Section [11-59-301](#).

3515 (3) "Development":

3516 (a) means the construction, reconstruction, modification, expansion, or improvement of
3517 a building, utility, infrastructure, landscape, parking lot, park, trail, recreational amenity, or
3518 other facility, including:

3519 (i) the demolition or preservation or repurposing of a building, infrastructure, or other
3520 facility;

3521 (ii) surveying, testing, locating existing utilities and other infrastructure, and other
3522 preliminary site work; and

3523 (iii) any associated planning, design, engineering, and related activities; and

3524 (b) includes all activities associated with:

3525 (i) marketing and business recruiting activities and efforts;

3526 (ii) leasing, or selling or otherwise disposing of, all or any part of the point of the
3527 mountain state land; and

3528 (iii) planning and funding for mass transit infrastructure to service the point of the
3529 mountain state land.

3530 (4) "New correctional facility" means the state correctional facility being developed in

3531 Salt Lake City to replace the state correctional facility in Draper.

3532 (5) "Point of the mountain state land" means the approximately 700 acres of
 3533 state-owned land in Draper, including land used for the operation of a state correctional facility
 3534 until completion of the new correctional facility and state-owned land in the vicinity of the
 3535 current state correctional facility.

3536 (6) "Public entity" means:

3537 (a) the state, including each department, division, or other agency of the state; or

3538 (b) a county, city, town, metro township, school district, ~~local~~ special district, special
 3539 service district, interlocal cooperation entity, community reinvestment agency, or other political
 3540 subdivision of the state, including the authority.

3541 (7) "Publicly owned infrastructure and improvements":

3542 (a) means infrastructure, improvements, facilities, or buildings that:

3543 (i) benefit the public; and

3544 (ii) (A) are owned by a public entity or a utility; or

3545 (B) are publicly maintained or operated by a public entity; and

3546 (b) includes:

3547 (i) facilities, lines, or systems that provide:

3548 (A) water, chilled water, or steam; or

3549 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,
 3550 microgrids, or telecommunications service;

3551 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking
 3552 facilities, and public transportation facilities; and

3553 (iii) greenspace, parks, trails, recreational amenities, or other similar facilities.

3554 (8) "Taxing entity" means the same as that term is defined in Section [59-2-102](#).

3555 Section 51. Section **11-59-204** is amended to read:

3556 **11-59-204. Applicability of other law -- Coordination with municipality.**

3557 (1) The authority and the point of the mountain state land are not subject to:

3558 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or

3559 (b) the jurisdiction of a ~~local~~ special district under ~~[Title 17B, Limited Purpose Local~~
 3560 ~~Government Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities -

3561 Special Districts, or a special service district under Title 17D, Chapter 1, Special Service

3562 District Act, except to the extent that:

3563 (i) some or all of the point of the mountain state land is, on May 8, 2018, included
3564 within the boundary of a ~~[local]~~ special district or special service district; and

3565 (ii) the authority elects to receive service from the ~~[local]~~ special district or special
3566 service district for the point of the mountain state land that is included within the boundary of
3567 the ~~[local]~~ special district or special service district, respectively.

3568 (2) In formulating and implementing a development plan for the point of the mountain
3569 state land, the authority shall consult with officials of the municipality within which the point
3570 of the mountain state land is located on planning and zoning matters.

3571 (3) The authority is subject to and governed by Sections [63E-2-106](#), [63E-2-107](#),
3572 [63E-2-108](#), [63E-2-109](#), [63E-2-110](#), and [63E-2-111](#), but is not otherwise subject to or governed
3573 by Title 63E, Independent Entities Code.

3574 (4) Nothing in this chapter may be construed to remove the point of the mountain state
3575 land from the service area of the municipality in which the point of the mountain state land is
3576 located, for purposes of water, sewer, and other similar municipal services currently being
3577 provided.

3578 (5) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act,
3579 except that for an electronic meeting of the authority board that otherwise complies with
3580 Section [52-4-207](#), the authority board:

3581 (a) is not required to establish an anchor location; and

3582 (b) may convene and conduct the meeting without the written determination otherwise
3583 required under Subsection [52-4-207](#)(4).

3584 Section 52. Section **11-60-102** is amended to read:

3585 **11-60-102. Definitions.**

3586 As used in this chapter:

3587 (1) "Direct charge" means a charge, fee, assessment, or amount, other than a property
3588 tax, that a political subdivision charges to a property owner.

3589 (2) "Nonrecurring tax notice charge" means a tax notice charge that a political
3590 subdivision certifies to the county treasurer on a one-time or case-by-case basis rather than
3591 regularly over multiple calendar years.

3592 (3) "Notice of lien" means a notice that:

3593 (a) a political subdivision records in the office of the recorder of the county in which a
3594 property that is the subject of a nonrecurring tax notice charge is located; and

3595 (b) describes the nature and amount of the nonrecurring tax notice charge and whether
3596 the political subdivision intends to certify the charge to the county treasurer under statutory
3597 authority that allows the treasurer to place the charge on the property tax notice described in
3598 Section 59-2-1317.

3599 (4) "Political subdivision" means:

3600 (a) a county, as that term is defined in Section 17-50-101;

3601 (b) a municipality, as that term is defined in Section 10-1-104;

3602 (c) a [~~local~~] special district, as that term is defined in Section 17B-1-102;

3603 (d) a special service district, as that term is defined in Section 17D-1-102;

3604 (e) an interlocal entity, as that term is defined in Section 11-13-103;

3605 (f) a community reinvestment agency created under Title 17C, Limited Purpose Local
3606 Government Entities - Community Reinvestment Agency Act;

3607 (g) a local building authority, as that term is defined in Section 17D-2-102;

3608 (h) a conservation district, as that term is defined in Section 17D-3-102; or

3609 (i) a local entity, as that term is defined in Sections 11-42-102 and 11-42a-102.

3610 (5) "Political subdivision lien" means a lien that a statute expressly authorizes a
3611 political subdivision to hold and record, including a direct charge that constitutes, according to
3612 an express statutory provision, a lien.

3613 (6) "Property tax" means a tax imposed on real property under Title 59, Chapter 2,
3614 Property Tax Act, Title 59, Chapter 3, Tax Equivalent Property Act, or Title 59, Chapter 4,
3615 Privilege Tax.

3616 (7) "Tax notice charge" means the same as that term is defined in Section 59-2-1301.5.

3617 (8) "Tax sale" means the tax sale described in Title 59, Chapter 2, Part 13, Collection
3618 of Taxes.

3619 Section 53. Section 11-61-102 is amended to read:

3620 **11-61-102. Definitions.**

3621 As used in this chapter:

3622 (1) "Expressive activity" means:

3623 (a) peacefully assembling, protesting, or speaking;

- 3624 (b) distributing literature;
- 3625 (c) carrying a sign; or
- 3626 (d) signature gathering or circulating a petition.
- 3627 (2) "Generally applicable time, place, and manner restriction" means a content-neutral
- 3628 ordinance, policy, practice, or other action that:
 - 3629 (a) by its clear language and intent, restricts or infringes on expressive activity;
 - 3630 (b) applies generally to any person; and
 - 3631 (c) is not an individually applicable time, place, and manner restriction.
- 3632 (3) (a) "Individually applicable time, place, and manner restriction" means a
- 3633 content-neutral policy, practice, or other action:
 - 3634 (i) that restricts or infringes on expressive activity; and
 - 3635 (ii) that a political subdivision applies:
 - 3636 (A) on a case-by-case basis;
 - 3637 (B) to a specifically identified person or group of persons; and
 - 3638 (C) regarding a specifically identified place and time.
 - 3639 (b) "Individually applicable time, place, and manner restriction" includes a restriction
 - 3640 placed on expressive activity as a condition to obtain a permit.
 - 3641 (4) (a) "Political subdivision" means a county, city, town, or metro township.
 - 3642 (b) "Political subdivision" does not mean:
 - 3643 (i) a ~~[local] special~~ district under ~~[Title 17B, Limited Purpose Local Government~~
 - 3644 ~~Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities - Special
 - 3645 Districts;
 - 3646 (ii) a special service district under Title 17D, Chapter 1, Special Service District Act;
 - 3647 or
 - 3648 (iii) a school district under Title 53G, Chapter 3, School District Creation and Change.
 - 3649 (5) (a) "Public building" means a building or permanent structure that is:
 - 3650 (i) owned, leased, or occupied by a political subdivision or a subunit of a political
 - 3651 subdivision;
 - 3652 (ii) open to public access in whole or in part; and
 - 3653 (iii) used for public education or political subdivision activities.
 - 3654 (b) "Public building" does not mean:

- 3655 (i) a building owned or leased by a political subdivision or a subunit of a political
3656 subdivision:
- 3657 (A) that is closed to public access;
3658 (B) where state or federal law restricts expressive activity; or
3659 (C) when the building is used by a person, in whole or in part, for a private function; or
3660 (ii) a public school.

3661 (6) (a) "Public grounds" means the area outside a public building that is a traditional
3662 public forum where members of the public may safely gather to engage in expressive activity.

3663 (b) "Public grounds" includes sidewalks, streets, and parks.

3664 (c) "Public grounds" does not include the interior of a public building.

3665 Section 54. Section **11-65-101** is amended to read:

3666 **11-65-101. Definitions.**

3667 As used in this chapter:

3668 (1) "Adjacent political subdivision" means a political subdivision of the state with a
3669 boundary that abuts the lake authority boundary or includes lake authority land.

3670 (2) "Board" means the lake authority's governing body, created in Section [11-65-301](#).

3671 (3) "Lake authority" means the Utah Lake Authority, created in Section [11-65-201](#).

3672 (4) "Lake authority boundary" means the boundary:

3673 (a) defined by recorded boundary settlement agreements between private landowners
3674 and the Division of Forestry, Fire, and State Lands; and

3675 (b) that separates privately owned land from Utah Lake sovereign land.

3676 (5) "Lake authority land" means land on the lake side of the lake authority boundary.

3677 (6) "Management" means work to coordinate and facilitate the improvement of Utah
3678 Lake, including work to enhance the long-term viability and health of Utah Lake and to
3679 produce economic, aesthetic, recreational, environmental, and other benefits for the state,
3680 consistent with the strategies, policies, and objectives described in this chapter.

3681 (7) "Management plan" means a plan to conceptualize, design, facilitate, coordinate,
3682 encourage, and bring about the management of the lake authority land to achieve the policies
3683 and objectives described in Section [11-65-203](#).

3684 (8) "Nonvoting member" means an individual appointed as a member of the board
3685 under Subsection [11-65-302](#)(6) who does not have the power to vote on matters of lake

3686 authority business.

3687 (9) "Project area" means an area that is identified in a project area plan as the area
3688 where the management described in the project area plan will occur.

3689 (10) "Project area budget" means a multiyear projection of annual or cumulative
3690 revenues and expenses and other fiscal matters pertaining to a project area.

3691 (11) "Project area plan" means a written plan that, after the plan's effective date,
3692 manages activity within a project area within the scope of a management plan.

3693 (12) "Public entity" means:

3694 (a) the state, including each department, division, or other agency of the state; or

3695 (b) a county, city, town, metro township, school district, ~~local~~ special district, special
3696 service district, interlocal cooperation entity, community reinvestment agency, or other political
3697 subdivision of the state.

3698 (13) "Publicly owned infrastructure and improvements":

3699 (a) means infrastructure, improvements, facilities, or buildings that:

3700 (i) benefit the public; and

3701 (ii) (A) are owned by a public entity or a utility; or

3702 (B) are publicly maintained or operated by a public entity;

3703 (b) includes:

3704 (i) facilities, lines, or systems that provide:

3705 (A) water, chilled water, or steam; or

3706 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,
3707 microgrids, or telecommunications service; and

3708 (ii) streets, roads, curbs, gutters, sidewalks, walkways, solid waste facilities, parking
3709 facilities, and public transportation facilities.

3710 (14) "Sovereign land" means land:

3711 (a) lying below the ordinary high water mark of a navigable body of water at the date
3712 of statehood; and

3713 (b) owned by the state by virtue of the state's sovereignty.

3714 (15) "Utah Lake" includes all waters of Utah Lake and all land, whether or not
3715 submerged under water, within the lake authority boundary.

3716 (16) "Voting member" means an individual appointed as a member of the board under

3717 Subsection 11-65-302(2).

3718 Section 55. Section 13-8-5 is amended to read:

3719 **13-8-5. Definitions -- Limitation on retention proceeds withheld -- Deposit in**
3720 **interest-bearing escrow account -- Release of proceeds -- Payment to subcontractors --**
3721 **Penalty -- No waiver.**

3722 (1) As used in this section:

3723 (a) (i) "Construction contract" means a written agreement between the parties relative
3724 to the design, construction, alteration, repair, or maintenance of a building, structure, highway,
3725 appurtenance, appliance, or other improvements to real property, including moving,
3726 demolition, and excavating for nonresidential commercial or industrial construction projects.

3727 (ii) If the construction contract is for construction of a project that is part residential
3728 and part nonresidential, this section applies only to that portion of the construction project that
3729 is nonresidential as determined pro rata based on the percentage of the total square footage of
3730 the project that is nonresidential.

3731 (b) "Construction lender" means any person, including a bank, trust company, savings
3732 bank, industrial bank, land bank, safe deposit company, private banker, savings and loan
3733 association, credit union, cooperative bank, small loan company, sales finance company,
3734 investment company, or any other financial institution that advances money to a borrower for
3735 the purpose of making alterations or improvements to real property. A construction lender
3736 does not include a person or entity who is acting in the capacity of contractor, original
3737 contractor, or subcontractor.

3738 (c) "Construction project" means an improvement to real property that is the subject of
3739 a construction contract.

3740 (d) "Contractor" means a person who, for compensation other than wages as an
3741 employee, undertakes any work in a construction trade, as defined in Section 58-55-102 and
3742 includes:

3743 (i) any person engaged as a maintenance person who regularly engages in activities set
3744 forth in Section 58-55-102 as a construction trade; or

3745 (ii) a construction manager who performs management and counseling services on a
3746 construction project for a fee.

3747 (e) "Original contractor" means the same as that term is defined in Section 38-1a-102.

3748 (f) "Owner" means the person who holds any legal or equitable title or interest in
3749 property. Owner does not include a construction lender unless the construction lender has an
3750 ownership interest in the property other than solely as a construction lender.

3751 (g) "Public agency" means any state agency or a county, city, town, school district,
3752 ~~local~~ special district, special service district, or other political subdivision of the state that
3753 enters into a construction contract for an improvement of public property.

3754 (h) "Retention payment" means release of retention proceeds as defined in Subsection
3755 (1)(i).

3756 (i) "Retention proceeds" means money earned by a contractor or subcontractor but
3757 retained by the owner or public agency pursuant to the terms of a construction contract to
3758 guarantee payment or performance by the contractor or subcontractor of the construction
3759 contract.

3760 (j) "Subcontractor" means the same as that term is defined in Section [38-1a-102](#).

3761 (2) (a) This section is applicable to all construction contracts relating to construction
3762 work or improvements entered into on or after July 1, 1999, between:

- 3763 (i) an owner or public agency and an original contractor;
- 3764 (ii) an original contractor and a subcontractor; and
- 3765 (iii) subcontractors under a contract described in Subsection (2)(a)(i) or (ii).

3766 (b) This section does not apply to a construction lender.

3767 (3) (a) Notwithstanding Section [58-55-603](#), the retention proceeds withheld and
3768 retained from any payment due under the terms of the construction contract may not exceed 5%
3769 of the payment:

- 3770 (i) by the owner or public agency to the original contractor;
- 3771 (ii) by the original contractor to any subcontractor; or
- 3772 (iii) by a subcontractor.

3773 (b) The total retention proceeds withheld may not exceed 5% of the total construction
3774 price.

3775 (c) The percentage of the retention proceeds withheld and retained pursuant to a
3776 construction contract between the original contractor and a subcontractor or between
3777 subcontractors shall be the same retention percentage as between the owner and the original
3778 contractor if:

3779 (i) the retention percentage in the original construction contract between an owner and
3780 the original contractor is less than 5%; or

3781 (ii) after the original construction contract is executed but before completion of the
3782 construction contract the retention percentage is reduced to less than 5%.

3783 (4) (a) If any payment on a contract with a private contractor, firm, or corporation to do
3784 work for an owner or public agency is retained or withheld by the owner or the public agency,
3785 as retention proceeds, it shall be placed in an interest-bearing account and accounted for
3786 separately from other amounts paid under the contract.

3787 (b) The interest accrued under Subsection (4)(a) shall be:

3788 (i) for the benefit of the contractor and subcontractors; and

3789 (ii) paid after the project is completed and accepted by the owner or the public agency.

3790 (c) The contractor shall ensure that any interest accrued on the retainage is distributed
3791 by the contractor to subcontractors on a pro rata basis.

3792 (d) Retention proceeds and accrued interest retained by an owner or public agency:

3793 (i) are considered to be in a constructive trust for the benefit of the contractor and
3794 subcontractors who have earned the proceeds; and

3795 (ii) are not subject to assignment, encumbrance, attachment, garnishment, or execution
3796 levy for the debt of any person holding the retention proceeds and accrued interest.

3797 (5) Any retention proceeds retained or withheld pursuant to this section and any
3798 accrued interest shall be released pursuant to a billing statement from the contractor within 45
3799 days from the later of:

3800 (a) the date the owner or public agency receives the billing statement from the
3801 contractor;

3802 (b) the date that a certificate of occupancy or final acceptance notice is issued to:

3803 (i) the original contractor who obtained the building permit from the building inspector
3804 or public agency;

3805 (ii) the owner or architect; or

3806 (iii) the public agency;

3807 (c) the date that a public agency or building inspector that has the authority to issue a
3808 certificate of occupancy does not issue the certificate but permits partial or complete occupancy
3809 or use of a construction project; or

3810 (d) the date the contractor accepts the final pay quantities.

3811 (6) If only partial occupancy of a construction project is permitted, any retention
3812 proceeds withheld and retained pursuant to this section and any accrued interest shall be
3813 partially released within 45 days under the same conditions as provided in Subsection (5) in
3814 direct proportion to the value of the part of the construction project occupied or used.

3815 (7) The billing statement from the contractor as provided in Subsection (5)(a) shall
3816 include documentation of lien releases or waivers.

3817 (8) (a) Notwithstanding Subsection (3):

3818 (i) if a contractor or subcontractor is in default or breach of the terms and conditions of
3819 the construction contract documents, plans, or specifications governing construction of the
3820 project, the owner or public agency may withhold from payment for as long as reasonably
3821 necessary an amount necessary to cure the breach or default of the contractor or subcontractor;
3822 or

3823 (ii) if a project or a portion of the project has been substantially completed, the owner
3824 or public agency may retain until completion up to twice the fair market value of the work of
3825 the original contractor or of any subcontractor that has not been completed:

3826 (A) in accordance with the construction contract documents, plans, and specifications;
3827 or

3828 (B) in the absence of plans and specifications, to generally accepted craft standards.

3829 (b) An owner or public agency that refuses payment under Subsection (8)(a) shall
3830 describe in writing within 45 days of withholding such amounts what portion of the work was
3831 not completed according to the standards specified in Subsection (8)(a).

3832 (9) (a) Except as provided in Subsection (9)(b), an original contractor or subcontractor
3833 who receives retention proceeds shall pay each of its subcontractors from whom retention has
3834 been withheld each subcontractor's share of the retention received within 10 days from the day
3835 that all or any portion of the retention proceeds is received:

3836 (i) by the original contractor from the owner or public agency; or

3837 (ii) by the subcontractor from:

3838 (A) the original contractor; or

3839 (B) a subcontractor.

3840 (b) Notwithstanding Subsection (9)(a), if a retention payment received by the original

3841 contractor is specifically designated for a particular subcontractor, payment of the retention
3842 shall be made to the designated subcontractor.

3843 (10) (a) In any action for the collection of the retained proceeds withheld and retained
3844 in violation of this section, the successful party is entitled to:

3845 (i) attorney fees; and

3846 (ii) other allowable costs.

3847 (b) (i) Any owner, public agency, original contractor, or subcontractor who knowingly
3848 and wrongfully withholds a retention shall be subject to a charge of 2% per month on the
3849 improperly withheld amount, in addition to any interest otherwise due.

3850 (ii) The charge described in Subsection (10)(b)(i) shall be paid to the contractor or
3851 subcontractor from whom the retention proceeds have been wrongfully withheld.

3852 (11) A party to a construction contract may not require any other party to waive any
3853 provision of this section.

3854 Section 56. Section **14-1-18** is amended to read:

3855 **14-1-18. Definitions -- Application of Procurement Code to payment and**
3856 **performance bonds.**

3857 (1) (a) For purposes of this chapter, "political subdivision" means any county, city,
3858 town, school district, [~~local~~] special district, special service district, community reinvestment
3859 agency, public corporation, institution of higher education of the state, public agency of any
3860 political subdivision, and, to the extent provided by law, any other entity which expends public
3861 funds for construction.

3862 (b) For purposes of applying Section [63G-6a-1103](#) to a political subdivision, "state"
3863 includes "political subdivision."

3864 (2) Notwithstanding any provision of Title 63G, Chapter 6a, Utah Procurement Code,
3865 to the contrary, Section [63G-6a-1103](#) applies to all contracts for the construction, alteration, or
3866 repair of any public building or public work of the state or a political subdivision of the state.

3867 Section 57. Section **15-7-2** is amended to read:

3868 **15-7-2. Definitions.**

3869 As used in this chapter:

3870 (1) "Authorized officer" means any individual required or permitted by any law or by
3871 the issuing public entity to execute on behalf of the public entity, a certificated registered

3872 public obligation or a writing relating to an uncertificated registered public obligation.

3873 (2) "Certificated registered public obligation" means a registered public obligation
3874 which is represented by an instrument.

3875 (3) "Code" means the Internal Revenue Code of 1954.

3876 (4) "Facsimile seal" means the reproduction by engraving, imprinting, stamping, or
3877 other means of the seal of the issuer, official, or official body.

3878 (5) "Facsimile signature" means the reproduction by engraving, imprinting, stamping,
3879 or other means of a manual signature.

3880 (6) "Financial intermediary" means a bank, broker, clearing corporation or other
3881 person, or the nominee of any of them, which in the ordinary course of its business maintains
3882 registered public obligation accounts for its customers.

3883 (7) "Issuer" means a public entity which issues an obligation.

3884 (8) "Obligation" means an agreement by a public entity to pay principal and any
3885 interest on the obligation, whether in the form of a contract to repay borrowed money, a lease,
3886 an installment purchase agreement, or otherwise, and includes a share, participation, or other
3887 interest in any such agreement.

3888 (9) "Official" or "official body" means the person or group of persons that is
3889 empowered to provide for the original issuance of an obligation of the issuer, by defining the
3890 obligation and its terms, conditions, and other incidents, or to perform duties with respect to a
3891 registered public obligation and any successor of such person or group of persons.

3892 (10) "Official actions" means the actions by statute, order, ordinance, resolution,
3893 contract, or other authorized means by which the issuer provides for issuance of a registered
3894 public obligation.

3895 (11) "Public entity" means any entity, department, or agency which is empowered
3896 under the laws of one or more states, territories, possessions of the United States or the District
3897 of Columbia, including this state, to issue obligations any interest with respect to which may,
3898 under any provision of law, be provided an exemption from the income tax referred to in the
3899 Code. The term "public entity" includes, without limitation, this state, an entity deriving
3900 powers from and acting pursuant to a state constitution or legislative act, a county, city, town, a
3901 municipal corporation, a quasi-municipal corporation, a state university or college, a school
3902 district, a special service district, a ~~local~~ special district, a separate legal or administrative

3903 entity created under the Interlocal Cooperation Act or other joint agreement entity, a
3904 community reinvestment agency, any other political subdivision, a public authority or public
3905 agency, a public trust, a nonprofit corporation, or other organizations.

3906 (12) "Registered public obligation" means an obligation issued by a public entity which
3907 is issued pursuant to a system of registration.

3908 (13) "System of registration" and its variants means a plan that provides:

3909 (a) with respect to a certificated registered public obligation, that:

3910 (i) the certificated registered public obligation specifies a person entitled to the
3911 registered public obligation and the rights it represents; and

3912 (ii) transfer of the certificated registered public obligation and the rights it represents
3913 may be registered upon books maintained for that purpose by or on behalf of the issuer; and

3914 (b) with respect to an uncertificated registered public obligation, that:

3915 (i) books maintained by or on behalf of the issuer for the purpose of registration of the
3916 transfer of a registered public obligation specify a person entitled to the registered public
3917 obligation and the rights evidenced by it; and

3918 (ii) transfer of the uncertificated registered public obligation and the rights evidenced
3919 by it be registered upon such books.

3920 (14) "Uncertificated registered public obligation" means a registered public obligation
3921 which is not represented by an instrument.

3922 Section 58. Section **19-3-301** is amended to read:

3923 **19-3-301. Restrictions on nuclear waste placement in state.**

3924 (1) The placement, including transfer, storage, decay in storage, treatment, or disposal,
3925 within the exterior boundaries of Utah of high-level nuclear waste or greater than class C
3926 radioactive waste is prohibited.

3927 (2) Notwithstanding Subsection (1) the governor, after consultation with the county
3928 executive and county legislative body of the affected county and with concurrence of the
3929 Legislature, may specifically approve the placement as provided in this part, but only if:

3930 (a) (i) the federal Nuclear Regulatory Commission issues a license, pursuant to the
3931 Nuclear Waste Policy Act, 42 U.S.C.A. 10101 et seq., or the Atomic Energy Act, 42 U.S.C.A.
3932 2011 et seq., for the placement within the exterior boundaries of Utah of high-level nuclear
3933 waste or greater than class C radioactive waste; and

3934 (ii) the authority of the federal Nuclear Regulatory Commission to grant a license
3935 under Subsection (2)(a)(i) is clearly upheld by a final judgment of a court of competent
3936 jurisdiction; or

3937 (b) an agency of the federal government is transporting the waste, and all state and
3938 federal requirements to proceed with the transportation have been met.

3939 (3) The requirement for the approval of a final court of competent jurisdiction shall be
3940 met in all of the following categories, in order for a state license proceeding regarding waste to
3941 begin:

3942 (a) transfer or transportation, by rail, truck, or other mechanisms;

3943 (b) storage, including any temporary storage at a site away from the generating reactor;

3944 (c) decay in storage;

3945 (d) treatment; and

3946 (e) disposal.

3947 (4) (a) Upon satisfaction of the requirements of Subsection (2)(a), for each category
3948 listed in Subsection (3), or satisfaction of the requirements under Subsection (2)(b), the
3949 governor, with the concurrence of the attorney general, shall certify in writing to the executive
3950 director of the Department of Environmental Quality that all of the requirements have been
3951 met, and that any necessary state licensing processes may begin.

3952 (b) Separate certification under this Subsection (4) shall be given for each category in
3953 Subsection (3).

3954 (5) (a) The department shall make, by rule, a determination of the dollar amount of the
3955 health and economic costs expected to result from a reasonably foreseeable accidental release
3956 of waste involving a transfer facility or storage facility, or during transportation of waste,
3957 within the exterior boundaries of the state. The department may initiate rulemaking under this
3958 Subsection (5)(a) on or after March 15, 2001.

3959 (b) (i) The department shall also determine the dollar amount currently available to
3960 cover the costs as determined in Subsection (5)(a):

3961 (A) under nuclear industry self-insurance;

3962 (B) under federal insurance requirements; and

3963 (C) in federal money.

3964 (ii) The department may not include any calculations of federal money that may be

3965 appropriated in the future in determining the amount under Subsection (5)(b)(i).

3966 (c) The department shall use the information compiled under Subsections (5)(a) and (b)
3967 to determine the amount of unfunded potential liability in the event of a release of waste from a
3968 storage or transfer facility, or a release during the transportation of waste.

3969 (6) (a) State agencies may not, for the purpose of providing any goods, services, or
3970 municipal-type services to a storage facility or transfer facility, or to any organization engaged
3971 in the transportation of waste, enter into any contracts or any other agreements prior to:

3972 (i) the satisfaction of the conditions in Subsection (4); and

3973 (ii) the executive director of the department having certified that the requirements of
3974 Sections 19-3-304 through 19-3-308 have been met for the purposes of a license application
3975 proceeding for a storage facility or transfer facility.

3976 (b) Political subdivisions of the state may not enter into any contracts or any other
3977 agreements for the purpose of providing any goods, services, or municipal-type services to a
3978 storage facility or transfer facility, or to any organization engaged in the transportation of
3979 waste.

3980 (c) This Subsection (6) does not prohibit a state agency from exercising the regulatory
3981 authority granted to it by law.

3982 (7) (a) Notwithstanding any other provision of law, any political subdivision may not
3983 be formed pursuant to the laws of Utah for the purpose of providing any goods, services, or
3984 municipal-type services to a storage facility or transfer facility prior to the satisfaction of the
3985 conditions in Subsection (4). These political subdivisions include:

3986 (i) a cooperative;

3987 (ii) a ~~[local]~~ special district authorized by ~~[Title 17B, Limited Purpose Local~~
3988 ~~Government Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities -
3989 Special Districts;

3990 (iii) a special service district under Title 17D, Chapter 1, Special Service District Act;

3991 (iv) a limited purpose local governmental entity authorized by Title 17, Counties;

3992 (v) any joint power agreement authorized by Title 11, Cities, Counties, and Local
3993 Taxing Units; and

3994 (vi) the formation of a municipality, or any authority of a municipality authorized by
3995 Title 10, Utah Municipal Code.

3996 (b) (i) Subsection (7)(a) shall be strictly interpreted. Any political subdivision
3997 authorized and formed under the laws of the state on or after March 15, 2001, which
3998 subsequently contracts to, or in any manner agrees to provide, or does provide goods, services,
3999 or municipal-type services to a storage facility or transfer facility is formed in violation of
4000 Subsection (7)(a).

4001 (ii) If the conditions of Subsection (7)(b)(i) apply, the persons who formed the political
4002 subdivision are considered to have knowingly violated a provision of this part, and the
4003 penalties of Section 19-3-312 apply.

4004 (8) (a) An organization may not be formed for the purpose of providing any goods,
4005 services, or municipal-type services to a storage facility or transfer facility prior to:

4006 (i) the satisfaction of the conditions in Subsection (4); and

4007 (ii) the executive director of the department having certified that the requirements of
4008 Sections 19-3-304 through 19-3-308 have been met.

4009 (b) A foreign organization may not be registered to do business in the state for the
4010 purpose of providing any goods, services, or municipal-type services to a storage facility or
4011 transfer facility prior to:

4012 (i) the satisfaction of the conditions in Subsection (4); and

4013 (ii) the executive director of the department having certified that the requirements of
4014 Sections 19-3-304 through 19-3-308 have been met.

4015 (c) The prohibitions of Subsections (8)(a) and (b) shall be strictly applied, and:

4016 (i) the formation of a new organization or registration of a foreign organization within
4017 the state, any of whose purposes are to provide goods, services, or municipal-type services to a
4018 storage facility or transfer facility may not be licensed or registered in the state, and the local or
4019 foreign organization is void and does not have authority to operate within the state;

4020 (ii) any organization which is formed or registered on or after March 15, 2001, and
4021 which subsequently contracts to, or in any manner agrees to provide, or does provide goods,
4022 services, or municipal-type services to a storage facility or transfer facility has been formed or
4023 registered in violation of Subsection (8)(a) or (b) respectively; and

4024 (iii) if the conditions of Subsection (8)(c)(ii) apply, the persons who formed the
4025 organization or the principals of the foreign organization, are considered to have knowingly
4026 violated a provision of this part, and are subject to the penalties in Section 19-3-312.

4027 (9) (a) (i) Any contract or agreement to provide any goods, services, or municipal-type
4028 services to any organization engaging in, or attempting to engage in the placement of high-level
4029 nuclear waste or greater than class C radioactive waste at a storage facility or transfer facility
4030 within the state are declared to be against the greater public interest, health, and welfare of the
4031 state, by promoting an activity which has the great potential to cause extreme public harm.

4032 (ii) These contracts or agreements under Subsection (9)(a)(i), whether formal or
4033 informal, are declared to be void from inception, agreement, or execution as against public
4034 policy.

4035 (b) (i) Any contract or other agreement to provide goods, services, or municipal-type
4036 services to storage or transfer facilities may not be executed within the state.

4037 (ii) Any contract or other agreement, existing or executed on or after March 15, 2001,
4038 is considered void from the time of agreement or execution.

4039 (10) (a) All contracts and agreements under Subsection (10)(b) are assessed an annual
4040 transaction fee of 75% of the gross value of the contract to the party providing the goods,
4041 services, or municipal-type services to the storage facility or transfer facility or transportation
4042 entity. The fee shall be assessed per calendar year, and is payable on a prorated basis on or
4043 before the last day of each month in accordance with rules established under Subsection
4044 (10)(d), and as follows:

4045 (i) 25% of the gross value of the contract to the department; and

4046 (ii) 50% of the gross value of the contract to the Department of Cultural and
4047 Community Engagement, to be used by the Utah Division of Indian Affairs as provided in
4048 Subsection (11).

4049 (b) Contracts and agreements subject to the fee under Subsection (10)(a) are those
4050 contracts and agreements to provide goods, services, or municipal-type services to a storage or
4051 transfer facility, or to any organization engaged in the transportation of high-level nuclear
4052 waste or greater than class C radioactive waste to a transfer facility or storage facility, and
4053 which:

4054 (i) are in existence on March 15, 2001; or

4055 (ii) become effective notwithstanding Subsection (9)(a).

4056 (c) Any governmental agency which regulates the charges to consumers for services
4057 provided by utilities or other organizations shall require the regulated utility or organization to

4058 include the fees under Subsection (10)(a) in the rates charged to the purchaser of the goods,
4059 services, or municipal-type services affected by Subsection (10)(b).

4060 (d) (i) The department, in consultation with the State Tax Commission, shall establish
4061 rules for the valuation of the contracts and assessment and collection of the fees, and other
4062 rules as necessary to determine the amount of and collection of the fee under Subsection
4063 (10)(a). The department may initiate rulemaking under this Subsection (10)(d)(i) on or after
4064 March 15, 2001.

4065 (ii) Persons and organizations holding contracts affected by Subsection (10)(b) shall
4066 make a good faith estimate of the fee under Subsection (10)(a) for calendar year 2001, and
4067 remit that amount to the department on or before July 31, 2001.

4068 (11) (a) The portion of the fees imposed under Subsection (10) which is to be paid to
4069 the Department of Cultural and Community Engagement for use by the Utah Division of Indian
4070 Affairs shall be used for establishment of a statewide community and economic development
4071 program for the tribes of Native American people within the exterior boundaries of the state
4072 who have by tribal procedure established a position rejecting siting of any nuclear waste facility
4073 on their reservation lands.

4074 (b) The program under Subsection (11)(a) shall include:

- 4075 (i) educational services and facilities;
- 4076 (ii) health care services and facilities;
- 4077 (iii) programs of economic development;
- 4078 (iv) utilities;
- 4079 (v) sewer;
- 4080 (vi) street lighting;
- 4081 (vii) roads and other infrastructure; and
- 4082 (viii) oversight and staff support for the program.

4083 (12) It is the intent of the Legislature that this part does not prohibit or interfere with a
4084 person's exercise of the rights under the First Amendment to the Constitution of the United
4085 States or under Utah Constitution, Article I, [Sec.] Section 15, by an organization attempting to
4086 site a storage facility or transfer facility within the borders of the state for the placement of
4087 high-level nuclear waste or greater than class C radioactive waste.

4088 Section 59. Section **19-4-111** is amended to read:

4089 **19-4-111. Fluoride added to or removed from water -- Election or shareholder**
4090 **vote required.**

4091 (1) As used in this section:

4092 (a) "Corporate public water system" means a public water system that is owned by a
4093 corporation engaged in distributing water only to its shareholders.

4094 (b) "Corporation" is as defined in Section [16-4-102](#).

4095 (c) "Fluoride" means a chemical compound that contains the fluoride ion and is used to
4096 fluoridate drinking water, including:

4097 (i) fluorosilicic acid;

4098 (ii) sodium fluorosilicate; or

4099 (iii) sodium fluoride.

4100 (d) "Fluoride supplier" means a person who:

4101 (i) manufactures, distributes, or packages or repackages fluoride;

4102 (ii) is NSF/ANSI Standard 60 certified;

4103 (iii) has evidence of the person's NSF/ANSI Standard 60 certification displayed on the
4104 website of a certification body accredited by the International Accreditation Forum, including:

4105 (A) NSF;

4106 (B) the Underwriter Laboratory; or

4107 (C) the Water Quality Association; and

4108 (iv) provides fluoride in compliance with applicable NSF/ANSI Standard 60
4109 certification requirements.

4110 (e) "Removal" means ceasing to add fluoride to a public water supply, the addition
4111 having been previously approved by the voters of a political subdivision.

4112 (2) (a) Except as provided in Subsection (7) or Subsection [19-4-104\(1\)\(a\)\(i\)](#), public
4113 water supplies, whether state, county, municipal, or district, may not have fluoride added to or
4114 removed from the water supply without the approval of a majority of voters in an election in
4115 the area affected.

4116 (b) An election shall be held:

4117 (i) upon the filing of an initiative petition requesting the action in accordance with state
4118 law governing initiative petitions;

4119 (ii) in the case of a municipal, ~~local~~ special district, special service district, or county

4120 water system that is functionally separate from any other water system, upon the passage of a
4121 resolution by the legislative body or ~~[local]~~ special district or special service district board
4122 representing the affected voters, submitting the question to the affected voters at a municipal
4123 general election; or

4124 (iii) in a county of the first or second class, upon the passage of a resolution by the
4125 county legislative body to place an opinion question relating to all public water systems within
4126 the county, except as provided in Subsection (3), on the ballot at a general election.

4127 (3) If a majority of voters on an opinion question under Subsection (2)(b)(iii) approve
4128 the addition of fluoride to or the removal of fluoride from the public water supplies within the
4129 county, the local health departments shall require the addition of fluoride to or the removal of
4130 fluoride from all public water supplies within that county other than those systems:

4131 (a) that are functionally separate from any other public water systems in that county;
4132 and

4133 (b) where a majority of the voters served by the public water system voted against the
4134 addition or removal of fluoride on the opinion question under Subsection (2)(b)(iii).

4135 (4) Nothing contained in this section prohibits the addition of chlorine or other water
4136 purifying agents.

4137 (5) Any political subdivision that, prior to November 2, 1976, decided to and was
4138 adding fluoride to the drinking water is considered to have complied with Subsection (2).

4139 (6) In an election held pursuant to Subsection (2)(b)(i), (ii), or (iii), where a majority of
4140 the voters approve the addition of fluoride to or the removal of fluoride from the public water
4141 supplies, no election to consider adding fluoride to or removing fluoride from the public water
4142 supplies shall be held for a period of four years from the date of approval by the majority of
4143 voters beginning with elections held in November 2000.

4144 (7) (a) A supplier may not add fluoride to or remove fluoride from a corporate public
4145 water system unless the majority of the votes cast by the shareholders of the corporate public
4146 water system authorize the supplier to add or remove the fluoride.

4147 (b) If a corporate public water system's shareholders do not vote to add fluoride under
4148 Subsection (7)(a), the supplier shall annually provide notice to a person who receives water
4149 from the corporate public water system of the average amount of fluoride in the water.

4150 (c) A vote of the corporate public water system's shareholders under Subsection (7)(a)

4151 does not require a supplier of another public water system, including a public water system that
4152 provides water to the corporate public water system, to add fluoride to or remove fluoride from
4153 the public water system.

4154 (8) If a local health department requires a public water system to add fluoride to public
4155 drinking water supplies under Subsection (3), the public water system shall fluoridate the
4156 public drinking water supplies with fluoride manufactured, distributed, packaged, and, if
4157 applicable, repackaged by a fluoride supplier who has provided copies of the original, dated
4158 documents used to obtain and maintain NSF/ANSI Standard 60 certification to:

- 4159 (a) the local health department that oversees the public water system; and
- 4160 (b) the division.

4161 (9) A public water system described in Subsection (8) shall obtain, for each quantity of
4162 fluoride acquired to fluoridate public drinking water supplies, a batch-specific certificate of
4163 analysis that represents the complete composition of the formulation of the undiluted raw
4164 fluoride substance, in percent or parts by weight, for each chemical and contaminant in the
4165 batch.

4166 (10) A local health department shall:

4167 (a) order the temporary removal of fluoride from a public water system within the
4168 boundaries of the local health department if the public water system:

- 4169 (i) violates Subsection (8) or (9); or
- 4170 (ii) is unable to fluoridate public drinking water supplies in accordance with

4171 Subsections (8) and (9); and

4172 (b) review and maintain the certification documents submitted to the local health
4173 department under Subsection (8).

4174 (11) A public water system described in Subsection (8) shall:

- 4175 (a) review and maintain certificates of analysis obtained under Subsection (9); and
- 4176 (b) upon request of a member of the public, provide a copy of a certificate of analysis
4177 obtained under Subsection (9) to the member of the public.

4178 (12) A local health department may order the temporary removal of fluoride from a
4179 public water system within the boundaries of the local health department if the public water
4180 system violates a provision of Subsection (11).

4181 (13) If a local health department orders the removal of fluoride from a public water

4182 system under Subsection (10)(a) or (12), the local health department shall:

4183 (a) issue a public notice regarding the temporary removal of fluoride from the public
4184 water system; and

4185 (b) when the public water system demonstrates its ability to fluoridate in accordance
4186 with Subsections (8), (9), and (11), revoke the removal requirement.

4187 (14) The division shall review and maintain the certification documents submitted to
4188 the division under Subsection (8).

4189 Section 60. Section **19-6-508** is amended to read:

4190 **19-6-508. Resource recovery project operated by an improvement district.**

4191 (1) As used in this section, "resource recovery project" means a project that consists of
4192 facilities for the handling, treatment and processing through anaerobic digestion, and resource
4193 recovery, of solid waste consisting primarily of organic matter.

4194 (2) An improvement district authorized to operate all or any part of a system for the
4195 collection, treatment, or disposition of sewage under Section [17B-2a-403](#) may own, acquire,
4196 construct, or operate a resource recovery project in accordance with this section.

4197 (3) An improvement district described in Subsection (2) may:

4198 (a) (i) own, acquire, construct, or operate a resource recovery project independently; or

4199 (ii) subject to Subsection (4), enter into a short- or long-term agreement for the
4200 ownership, acquisition, construction, management, or operation of a resource recovery project
4201 with:

4202 (A) a public agency, as defined in Section [11-13-103](#);

4203 (B) a private person; or

4204 (C) a combination of persons listed in Subsections (3)(a)(ii)(A) and (B);

4205 (b) accept and disburse money from a federal or state grant or any other source for the
4206 acquisition, construction, operation, maintenance, or improvement of a resource recovery
4207 project;

4208 (c) contract for the lease or purchase of land, a facility, or a vehicle for the operation of
4209 a resource recovery project;

4210 (d) establish one or more policies for the operation of a resource recovery project,
4211 including:

4212 (i) the hours of operation;

- 4213 (ii) the character and kind of waste accepted by the resource recovery project; and
4214 (iii) any policy necessary to ensure the safety of the resource recovery project
4215 personnel;
- 4216 (e) sell or contract for the sale of usable material, energy, fuel, or heat separated,
4217 extracted, recycled, or recovered from solid waste that consists primarily of organic matter in a
4218 resource recovery project;
- 4219 (f) issue a bond in accordance with [~~Title 17B, Chapter 1, Part 11, Local District~~
4220 ~~Bonds~~] Title 17B, Chapter 1, Part 11, Special District Bonds;
- 4221 (g) issue an industrial development revenue bond in accordance with Title 11, Chapter
4222 17, Utah Industrial Facilities and Development Act, to pay the costs of financing a project, as
4223 defined in Section 11-17-2, that consists of a resource recovery project;
- 4224 (h) agree to construct and operate a resource recovery project that manages the solid
4225 waste of a public entity or a private person, in accordance with one or more contracts and other
4226 arrangements described in a proceeding according to which a bond is issued; and
- 4227 (i) contract for and accept solid waste that consists primarily of organic matter at a
4228 resource recovery project regardless of whether the solid waste is generated inside or outside
4229 the boundaries of the improvement district.
- 4230 (4) (a) An agreement described in Subsection (3)(a)(ii) shall:
- 4231 (i) contain provisions that the improvement district's board determines are in the best
4232 interests of the improvement district, including provisions that address:
- 4233 (A) the purposes of the agreement;
- 4234 (B) the duration of the agreement;
- 4235 (C) the method of appointing or employing necessary personnel;
- 4236 (D) the method of financing the resource recovery project, including the apportionment
4237 of costs of construction and operation;
- 4238 (E) the ownership interest of each owner in the resource recovery project and other
4239 property used in connection with the resource recovery project;
- 4240 (F) the procedures for the disposition of property when the agreement expires or is
4241 terminated, or when the resource recovery project ceases operation for any reason;
- 4242 (G) any agreement of the parties prohibiting or restricting the alienation or partition of
4243 the undivided interests of an owner in the resource recovery project;

4244 (H) the construction and repair of the resource recovery project, including, if the parties
4245 agree, a determination that one of the parties may construct or repair the resource recovery
4246 project as agent for all parties to the agreement;

4247 (I) the administration, operation, and maintenance of the resource recovery project,
4248 including, if the parties agree, a determination that one of the parties may administer, operate,
4249 and maintain the resource recovery project as agent for all parties to the agreement;

4250 (J) the creation of a committee of representatives of the parties to the agreement,
4251 including the committee's powers;

4252 (K) if the parties agree, a provision that if any party defaults in the performance or
4253 discharge of the party's obligations under the agreement, the other parties may perform or
4254 assume, pro rata or otherwise, the obligations of the defaulting party and may, if the defaulting
4255 party fails to remedy the default, succeed to or require the disposition of the rights and interests
4256 of the defaulting party in the resource recovery project;

4257 (L) provisions for indemnification of construction, operation, and administration agents
4258 for completing construction, handling emergencies, and allocating output of the resource
4259 recovery project among the parties to the agreement according to the ownership interests of the
4260 parties;

4261 (M) methods for amending and terminating the agreement; and

4262 (N) any other matter determined by the parties to the agreement to be necessary; and

4263 (ii) provide for an equitable method of allocating operation, repair, and maintenance
4264 costs of the resource recovery project.

4265 (b) A provision under Subsection (4)(a)(i)(G) is not subject to any law restricting
4266 covenants against alienation or partition.

4267 (c) An improvement district's ownership interest in a resource recovery project may not
4268 be less than the proportion of money or the value of property supplied by the improvement
4269 district for the acquisition and construction of the resource recovery project.

4270 Section 61. Section **26-8a-102** is amended to read:

4271 **26-8a-102. Definitions.**

4272 As used in this chapter:

4273 (1) (a) "911 ambulance or paramedic services" means:

4274 (i) either:

- 4275 (A) 911 ambulance service;
- 4276 (B) 911 paramedic service; or
- 4277 (C) both 911 ambulance and paramedic service; and
- 4278 (ii) a response to a 911 call received by a designated dispatch center that receives 911
- 4279 or E911 calls.
- 4280 (b) "911 ambulance or paramedic services" does not mean a seven or 10 digit
- 4281 telephone call received directly by an ambulance provider licensed under this chapter.
- 4282 (2) "Ambulance" means a ground, air, or water vehicle that:
- 4283 (a) transports patients and is used to provide emergency medical services; and
- 4284 (b) is required to obtain a permit under Section 26-8a-304 to operate in the state.
- 4285 (3) "Ambulance provider" means an emergency medical service provider that:
- 4286 (a) transports and provides emergency medical care to patients; and
- 4287 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.
- 4288 (4) (a) "Behavioral emergency services" means delivering a behavioral health
- 4289 intervention to a patient in an emergency context within a scope and in accordance with
- 4290 guidelines established by the department.
- 4291 (b) "Behavioral emergency services" does not include engaging in the:
- 4292 (i) practice of mental health therapy as defined in Section 58-60-102;
- 4293 (ii) practice of psychology as defined in Section 58-61-102;
- 4294 (iii) practice of clinical social work as defined in Section 58-60-202;
- 4295 (iv) practice of certified social work as defined in Section 58-60-202;
- 4296 (v) practice of marriage and family therapy as defined in Section 58-60-302;
- 4297 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or
- 4298 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.
- 4299 (5) "Committee" means the State Emergency Medical Services Committee created by
- 4300 Section 26B-1-204.
- 4301 (6) "Community paramedicine" means medical care:
- 4302 (a) provided by emergency medical service personnel; and
- 4303 (b) provided to a patient who is not:
- 4304 (i) in need of ambulance transportation; or
- 4305 (ii) located in a health care facility as defined in Section 26-21-2.

4306 (7) "Direct medical observation" means in-person observation of a patient by a
4307 physician, registered nurse, physician's assistant, or individual licensed under Section
4308 [26-8a-302](#).

4309 (8) "Emergency medical condition" means:

4310 (a) a medical condition that manifests itself by symptoms of sufficient severity,
4311 including severe pain, that a prudent layperson, who possesses an average knowledge of health
4312 and medicine, could reasonably expect the absence of immediate medical attention to result in:

4313 (i) placing the individual's health in serious jeopardy;

4314 (ii) serious impairment to bodily functions; or

4315 (iii) serious dysfunction of any bodily organ or part; or

4316 (b) a medical condition that in the opinion of a physician or the physician's designee
4317 requires direct medical observation during transport or may require the intervention of an
4318 individual licensed under Section [26-8a-302](#) during transport.

4319 (9) (a) "Emergency medical service personnel" means an individual who provides
4320 emergency medical services or behavioral emergency services to a patient and is required to be
4321 licensed or certified under Section [26-8a-302](#).

4322 (b) "Emergency medical service personnel" includes a paramedic, medical director of a
4323 licensed emergency medical service provider, emergency medical service instructor, behavioral
4324 emergency services technician, other categories established by the committee, and a certified
4325 emergency medical dispatcher.

4326 (10) "Emergency medical service providers" means:

4327 (a) licensed ambulance providers and paramedic providers;

4328 (b) a facility or provider that is required to be designated under Subsection
4329 [26-8a-303\(1\)\(a\)](#); and

4330 (c) emergency medical service personnel.

4331 (11) "Emergency medical services" means:

4332 (a) medical services;

4333 (b) transportation services;

4334 (c) behavioral emergency services; or

4335 (d) any combination of the services described in Subsections (11)(a) through (c).

4336 (12) "Emergency medical service vehicle" means a land, air, or water vehicle that is:

- 4337 (a) maintained and used for the transportation of emergency medical personnel,
4338 equipment, and supplies to the scene of a medical emergency; and
- 4339 (b) required to be permitted under Section 26-8a-304.
- 4340 (13) "Governing body":
- 4341 (a) means the same as that term is defined in Section 11-42-102; and
- 4342 (b) for purposes of a "special service district" under Section 11-42-102, means a
4343 special service district that has been delegated the authority to select a provider under this
4344 chapter by the special service district's legislative body or administrative control board.
- 4345 (14) "Interested party" means:
- 4346 (a) a licensed or designated emergency medical services provider that provides
4347 emergency medical services within or in an area that abuts an exclusive geographic service area
4348 that is the subject of an application submitted pursuant to Part 4, Ambulance and Paramedic
4349 Providers;
- 4350 (b) any municipality, county, or fire district that lies within or abuts a geographic
4351 service area that is the subject of an application submitted pursuant to Part 4, Ambulance and
4352 Paramedic Providers; or
- 4353 (c) the department when acting in the interest of the public.
- 4354 (15) "Level of service" means the level at which an ambulance provider type of service
4355 is licensed as:
- 4356 (a) emergency medical technician;
- 4357 (b) advanced emergency medical technician; or
- 4358 (c) paramedic.
- 4359 (16) "Medical control" means a person who provides medical supervision to an
4360 emergency medical service provider.
- 4361 (17) "Non-911 service" means transport of a patient that is not 911 transport under
4362 Subsection (1).
- 4363 (18) "Nonemergency secured behavioral health transport" means an entity that:
- 4364 (a) provides nonemergency secure transportation services for an individual who:
- 4365 (i) is not required to be transported by an ambulance under Section 26-8a-305; and
4366 (ii) requires behavioral health observation during transport between any of the
4367 following facilities:

- 4368 (A) a licensed acute care hospital;
- 4369 (B) an emergency patient receiving facility;
- 4370 (C) a licensed mental health facility; and
- 4371 (D) the office of a licensed health care provider; and
- 4372 (b) is required to be designated under Section 26-8a-303.
- 4373 (19) "Paramedic provider" means an entity that:
- 4374 (a) employs emergency medical service personnel; and
- 4375 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.
- 4376 (20) "Patient" means an individual who, as the result of illness, injury, or a behavioral
- 4377 emergency condition, meets any of the criteria in Section 26-8a-305.
- 4378 (21) "Political subdivision" means:
- 4379 (a) a city, town, or metro township;
- 4380 (b) a county;
- 4381 (c) a special service district created under Title 17D, Chapter 1, Special Service
- 4382 District Act, for the purpose of providing fire protection services under Subsection
- 4383 17D-1-201(9);
- 4384 (d) a ~~[local]~~ special district created under ~~[Title 17B, Limited Purpose Local~~
- 4385 ~~Government Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities -
- 4386 Special Districts, for the purpose of providing fire protection, paramedic, and emergency
- 4387 services;
- 4388 (e) areas coming together as described in Subsection 26-8a-405.2(2)(b)(ii); or
- 4389 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.
- 4390 (22) "Trauma" means an injury requiring immediate medical or surgical intervention.
- 4391 (23) "Trauma system" means a single, statewide system that:
- 4392 (a) organizes and coordinates the delivery of trauma care within defined geographic
- 4393 areas from the time of injury through transport and rehabilitative care; and
- 4394 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
- 4395 delivering care for trauma patients, regardless of severity.
- 4396 (24) "Triage" means the sorting of patients in terms of disposition, destination, or
- 4397 priority. For prehospital trauma victims, triage requires a determination of injury severity to
- 4398 assess the appropriate level of care according to established patient care protocols.

4399 (25) "Triage, treatment, transportation, and transfer guidelines" means written
4400 procedures that:

4401 (a) direct the care of patients; and

4402 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
4403 center, or an emergency medical service provider.

4404 (26) "Type of service" means the category at which an ambulance provider is licensed
4405 as:

4406 (a) ground ambulance transport;

4407 (b) ground ambulance interfacility transport; or

4408 (c) both ground ambulance transport and ground ambulance interfacility transport.

4409 Section 62. Section **26-8a-405.2** is amended to read:

4410 **26-8a-405.2. Selection of provider -- Request for competitive sealed proposal --**

4411 **Public convenience and necessity.**

4412 (1) (a) A political subdivision may contract with an applicant approved under Section
4413 [26-8a-404](#) to provide services for the geographic service area that is approved by the
4414 department in accordance with Subsection (2), if:

4415 (i) the political subdivision complies with the provisions of this section and Section
4416 [26-8a-405.3](#) if the contract is for 911 ambulance or paramedic services; or

4417 (ii) the political subdivision complies with Sections [26-8a-405.3](#) and [26-8a-405.4](#), if
4418 the contract is for non-911 services.

4419 (b) (i) The provisions of this section and Sections [26-8a-405.1](#), [26-8a-405.3](#), and
4420 [26-8a-405.4](#) do not require a political subdivision to issue a request for proposal for ambulance
4421 or paramedic services or non-911 services.

4422 (ii) If a political subdivision does not contract with an applicant in accordance with this
4423 section and Section [26-8a-405.3](#), the provisions of Sections [26-8a-406](#) through [26-8a-409](#) apply
4424 to the issuance of a license for ambulance or paramedic services in the geographic service area
4425 that is within the boundaries of the political subdivision.

4426 (iii) If a political subdivision does not contract with an applicant in accordance with
4427 this section, Section [26-8a-405.3](#) and Section [26-8a-405.4](#), a license for the non-911 services in
4428 the geographic service area that is within the boundaries of the political subdivision may be
4429 issued:

4430 (A) under the public convenience and necessity provisions of Sections 26-8a-406
4431 through 26-8a-409; or

4432 (B) by a request for proposal issued by the department under Section 26-8a-405.5.

4433 (c) (i) For purposes of this Subsection (1)(c):

4434 (A) "Fire district" means a ~~[local]~~ special district under ~~[Title 17B, Limited Purpose~~
4435 ~~Local Government Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government
4436 Entities - Special Districts, that:

4437 (I) is located in a county of the first or second class; and

4438 (II) provides fire protection, paramedic, and emergency services.

4439 (B) "Participating municipality" means a city or town whose area is partly or entirely
4440 included within a county service area or fire district.

4441 (C) "Participating county" means a county whose unincorporated area is partly or
4442 entirely included within a fire district.

4443 (ii) A participating municipality or participating county may as provided in this section
4444 and Section 26-8a-405.3, contract with a provider for 911 ambulance or paramedic service.

4445 (iii) If the participating municipality or participating county contracts with a provider
4446 for services under this section and Section 26-8a-405.3:

4447 (A) the fire district is not obligated to provide the services that are included in the
4448 contract between the participating municipality or the participating county and the provider;

4449 (B) the fire district may impose taxes and obligations within the fire district in the same
4450 manner as if the participating municipality or participating county were receiving all services
4451 offered by the fire district; and

4452 (C) the participating municipality's and participating county's obligations to the fire
4453 district are not diminished.

4454 (2) (a) The political subdivision shall submit the request for proposal and the exclusive
4455 geographic service area to be included in a request for proposal issued under Subsections
4456 (1)(a)(i) or (ii) to the department for approval prior to issuing the request for proposal. The
4457 department shall approve the request for proposal and the exclusive geographic service area:

4458 (i) unless the geographic service area creates an orphaned area; and

4459 (ii) in accordance with Subsections (2)(b) and (c).

4460 (b) The exclusive geographic service area may:

4461 (i) include the entire geographic service area that is within the political subdivision's
4462 boundaries;

4463 (ii) include islands within or adjacent to other peripheral areas not included in the
4464 political subdivision that governs the geographic service area; or

4465 (iii) exclude portions of the geographic service area within the political subdivision's
4466 boundaries if another political subdivision or licensed provider agrees to include the excluded
4467 area within their license.

4468 (c) The proposed geographic service area for 911 ambulance or paramedic service shall
4469 demonstrate that non-911 ambulance or paramedic service will be provided in the geographic
4470 service area, either by the current provider, the applicant, or some other method acceptable to
4471 the department. The department may consider the effect of the proposed geographic service
4472 area on the costs to the non-911 provider and that provider's ability to provide only non-911
4473 services in the proposed area.

4474 Section 63. Section **26-8a-603** is amended to read:

4475 **26-8a-603. Volunteer Emergency Medical Service Personnel Health Insurance**
4476 **Program -- Creation -- Administration -- Eligibility -- Benefits -- Rulemaking -- Advisory**
4477 **board.**

4478 (1) As used in this section:

4479 (a) "Health benefit plan" means the same as that term is defined in Section [31A-1-301](#).

4480 (b) "Local government entity" means a political subdivision that:

4481 (i) is licensed as a ground ambulance provider under Part 4, Ambulance and Paramedic
4482 Providers; and

4483 (ii) as of January 1, 2022, does not offer health insurance benefits to volunteer
4484 emergency medical service personnel.

4485 (c) "PEHP" means the Public Employees' Benefit and Insurance Program created in
4486 Section [49-20-103](#).

4487 (d) "Political subdivision" means a county, a municipality, a limited purpose
4488 government entity described in [~~Title 17B, Limited Purpose Local Government Entities - Local~~
4489 ~~Districts~~] Title 17B, Limited Purpose Local Government Entities - Special Districts, or Title
4490 17D, Limited Purpose Local Government Entities - Other Entities, or an entity created by an
4491 interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.

4492 (e) "Qualifying association" means an association that represents two or more political
4493 subdivisions in the state.

4494 (2) The Volunteer Emergency Medical Service Personnel Health Insurance Program
4495 shall promote recruitment and retention of volunteer emergency medical service personnel by
4496 making health insurance available to volunteer emergency medical service personnel.

4497 (3) The department shall contract with a qualifying association to create, implement,
4498 and administer the Volunteer Emergency Medical Service Personnel Health Insurance Program
4499 described in this section.

4500 (4) Participation in the program is limited to emergency medical service personnel
4501 who:

4502 (a) are licensed under Section 26-8a-302 and are able to perform all necessary
4503 functions associated with the license;

4504 (b) provide emergency medical services under the direction of a local governmental
4505 entity:

4506 (i) by responding to 20% of calls for emergency medical services in a rolling
4507 twelve-month period;

4508 (ii) within a county of the third, fourth, fifth, or sixth class; and

4509 (iii) as a volunteer under the Fair Labor Standards Act, in accordance with 29 C.F.R.
4510 Sec. 553.106;

4511 (c) are not eligible for a health benefit plan through an employer or a spouse's
4512 employer;

4513 (d) are not eligible for medical coverage under a government sponsored healthcare
4514 program; and

4515 (e) reside in the state.

4516 (5) (a) A participant in the program is eligible to participate in PEHP in accordance
4517 with Subsection (5)(b) and Subsection 49-20-201(3).

4518 (b) Benefits available to program participants under PEHP are limited to health
4519 insurance that:

4520 (i) covers the program participant and the program participant's eligible dependents on
4521 a July 1 plan year;

4522 (ii) accepts enrollment during an open enrollment period or for a special enrollment

4523 event, including the initial eligibility of a program participant;

4524 (iii) if the program participant is no longer eligible for benefits, terminates on the last
4525 day of the last month for which the individual is a participant in the Volunteer Emergency
4526 Medical Service Personnel Health Insurance Program; and

4527 (iv) is not subject to continuation rights under state or federal law.

4528 (6) (a) The department may make rules in accordance with Title 63G, Chapter 3, Utah
4529 Administrative Rulemaking Act, to define additional criteria regarding benefit design and
4530 eligibility for the program.

4531 (b) The department shall convene an advisory board:

4532 (i) to advise the department on making rules under Subsection (6)(a); and

4533 (ii) that includes representation from at least the following entities:

4534 (A) the qualifying association that receives the contract under Subsection (3); and

4535 (B) PEHP.

4536 (7) For purposes of this section, the qualifying association that receives the contract
4537 under Subsection (3) shall be considered the public agency for whom the program participant is
4538 volunteering under 29 C.F.R. Sec. 553.101.

4539 Section 64. Section **26-18-21** is amended to read:

4540 **26-18-21. Medicaid intergovernmental transfer report -- Approval requirements.**

4541 (1) As used in this section:

4542 (a) (i) "Intergovernmental transfer" means the transfer of public funds from:

4543 (A) a local government entity to another nonfederal governmental entity; or

4544 (B) from a nonfederal, government owned health care facility regulated under Chapter
4545 21, Health Care Facility Licensing and Inspection Act, to another nonfederal governmental
4546 entity.

4547 (ii) "Intergovernmental transfer" does not include:

4548 (A) the transfer of public funds from one state agency to another state agency; or

4549 (B) a transfer of funds from the University of Utah Hospitals and Clinics.

4550 (b) (i) "Intergovernmental transfer program" means a federally approved

4551 reimbursement program or category that is authorized by the Medicaid state plan or waiver
4552 authority for intergovernmental transfers.

4553 (ii) "Intergovernmental transfer program" does not include the addition of a provider to

4554 an existing intergovernmental transfer program.

4555 (c) "Local government entity" means a county, city, town, special service district,
4556 [~~local~~] special district, or local education agency as that term is defined in Section 63J-5-102.

4557 (d) "Non-state government entity" means a hospital authority, hospital district, health
4558 care district, special service district, county, or city.

4559 (2) (a) An entity that receives federal Medicaid dollars from the department as a result
4560 of an intergovernmental transfer shall, on or before August 1, 2017, and on or before August 1
4561 each year thereafter, provide the department with:

4562 (i) information regarding the payments funded with the intergovernmental transfer as
4563 authorized by and consistent with state and federal law;

4564 (ii) information regarding the entity's ability to repay federal funds, to the extent
4565 required by the department in the contract for the intergovernmental transfer; and

4566 (iii) other information reasonably related to the intergovernmental transfer that may be
4567 required by the department in the contract for the intergovernmental transfer.

4568 (b) On or before October 15, 2017, and on or before October 15 each subsequent year,
4569 the department shall prepare a report for the Executive Appropriations Committee that
4570 includes:

4571 (i) the amount of each intergovernmental transfer under Subsection (2)(a);

4572 (ii) a summary of changes to CMS regulations and practices that are known by the
4573 department regarding federal funds related to an intergovernmental transfer program; and

4574 (iii) other information the department gathers about the intergovernmental transfer
4575 under Subsection (2)(a).

4576 (3) The department shall not create a new intergovernmental transfer program after
4577 July 1, 2017, unless the department reports to the Executive Appropriations Committee, in
4578 accordance with Section 63J-5-206, before submitting the new intergovernmental transfer
4579 program for federal approval. The report shall include information required by Subsection
4580 63J-5-102(1)(d) and the analysis required in Subsections (2)(a) and (b).

4581 (4) (a) The department shall enter into new Nursing Care Facility Non-State
4582 Government-Owned Upper Payment Limit program contracts and contract amendments adding
4583 new nursing care facilities and new non-state government entity operators in accordance with
4584 this Subsection (4).

4585 (b) (i) If the nursing care facility expects to receive less than \$1,000,000 in federal
4586 funds each year from the Nursing Care Facility Non-State Government-Owned Upper Payment
4587 Limit program, excluding seed funding and administrative fees paid by the non-state
4588 government entity, the department shall enter into a Nursing Care Facility Non-State
4589 Government-Owned Upper Payment Limit program contract with the non-state government
4590 entity operator of the nursing care facility.

4591 (ii) If the nursing care facility expects to receive between \$1,000,000 and \$10,000,000
4592 in federal funds each year from the Nursing Care Facility Non-State Government-Owned
4593 Upper Payment Limit program, excluding seed funding and administrative fees paid by the
4594 non-state government entity, the department shall enter into a Nursing Care Facility Non-State
4595 Government-Owned Upper Payment Limit program contract with the non-state government
4596 entity operator of the nursing care facility after receiving the approval of the Executive
4597 Appropriations Committee.

4598 (iii) If the nursing care facility expects to receive more than \$10,000,000 in federal
4599 funds each year from the Nursing Care Facility Non-State Government-Owned Upper Payment
4600 Limit program, excluding seed funding and administrative fees paid by the non-state
4601 government entity, the department may not approve the application without obtaining approval
4602 from the Legislature and the governor.

4603 (c) A non-state government entity may not participate in the Nursing Care Facility
4604 Non-State Government-Owned Upper Payment Limit program unless the non-state government
4605 entity is a special service district, county, or city that operates a hospital or holds a license
4606 under Chapter 21, Health Care Facility Licensing and Inspection Act.

4607 (d) Each non-state government entity that participates in the Nursing Care Facility
4608 Non-State Government-Owned Upper Payment Limit program shall certify to the department
4609 that:

4610 (i) the non-state government entity is a local government entity that is able to make an
4611 intergovernmental transfer under applicable state and federal law;

4612 (ii) the non-state government entity has sufficient public funds or other permissible
4613 sources of seed funding that comply with the requirements in 42 C.F.R. Part 433, Subpart B;

4614 (iii) the funds received from the Nursing Care Facility Non-State Government-Owned
4615 Upper Payment Limit program are:

4616 (A) for each nursing care facility, available for patient care until the end of the
4617 non-state government entity's fiscal year; and

4618 (B) used exclusively for operating expenses for nursing care facility operations, patient
4619 care, capital expenses, rent, royalties, and other operating expenses; and

4620 (iv) the non-state government entity has completed all licensing, enrollment, and other
4621 forms and documents required by federal and state law to register a change of ownership with
4622 the department and with CMS.

4623 (5) The department shall add a nursing care facility to an existing Nursing Care Facility
4624 Non-State Government-Owned Upper Payment Limit program contract if:

4625 (a) the nursing care facility is managed by or affiliated with the same non-state
4626 government entity that also manages one or more nursing care facilities that are included in an
4627 existing Nursing Care Facility Non-State Government-Owned Upper Payment Limit program
4628 contract; and

4629 (b) the non-state government entity makes the certification described in Subsection
4630 (4)(d)(ii).

4631 (6) The department may not increase the percentage of the administrative fee paid by a
4632 non-state government entity to the department under the Nursing Care Facility Non-State
4633 Government-Owned Upper Payment Limit program.

4634 (7) The department may not condition participation in the Nursing Care Facility
4635 Non-State Government-Owned Upper Payment Limit program on:

4636 (a) a requirement that the department be allowed to direct or determine the types of
4637 patients that a non-state government entity will treat or the course of treatment for a patient in a
4638 non-state government nursing care facility; or

4639 (b) a requirement that a non-state government entity or nursing care facility post a
4640 bond, purchase insurance, or create a reserve account of any kind.

4641 (8) The non-state government entity shall have the primary responsibility for ensuring
4642 compliance with Subsection (4)(d)(ii).

4643 (9) (a) The department may not enter into a new Nursing Care Facility Non-State
4644 Government-Owned Upper Payment Limit program contract before January 1, 2019.

4645 (b) Subsection (9)(a) does not apply to:

4646 (i) a new Nursing Care Facility Non-State Government-Owned Upper Payment Limit

4647 program contract that was included in the federal funds request summary under Section
4648 63J-5-201 for fiscal year 2018; or

4649 (ii) a nursing care facility that is operated or managed by the same company as a
4650 nursing care facility that was included in the federal funds request summary under Section
4651 63J-5-201 for fiscal year 2018.

4652 Section 65. Section 31A-23a-501 is amended to read:

4653 **31A-23a-501. Licensee compensation.**

4654 (1) As used in this section:

4655 (a) "Commission compensation" includes funds paid to or credited for the benefit of a
4656 licensee from:

4657 (i) commission amounts deducted from insurance premiums on insurance sold by or
4658 placed through the licensee;

4659 (ii) commission amounts received from an insurer or another licensee as a result of the
4660 sale or placement of insurance; or

4661 (iii) overrides, bonuses, contingent bonuses, or contingent commissions received from
4662 an insurer or another licensee as a result of the sale or placement of insurance.

4663 (b) (i) "Compensation from an insurer or third party administrator" means
4664 commissions, fees, awards, overrides, bonuses, contingent commissions, loans, stock options,
4665 gifts, prizes, or any other form of valuable consideration:

4666 (A) whether or not payable pursuant to a written agreement; and

4667 (B) received from:

4668 (I) an insurer; or

4669 (II) a third party to the transaction for the sale or placement of insurance.

4670 (ii) "Compensation from an insurer or third party administrator" does not mean
4671 compensation from a customer that is:

4672 (A) a fee or pass-through costs as provided in Subsection (1)(e); or

4673 (B) a fee or amount collected by or paid to the producer that does not exceed an
4674 amount established by the commissioner by administrative rule.

4675 (c) (i) "Customer" means:

4676 (A) the person signing the application or submission for insurance; or

4677 (B) the authorized representative of the insured actually negotiating the placement of

4678 insurance with the producer.

4679 (ii) "Customer" does not mean a person who is a participant or beneficiary of:

4680 (A) an employee benefit plan; or

4681 (B) a group or blanket insurance policy or group annuity contract sold, solicited, or
4682 negotiated by the producer or affiliate.

4683 (d) (i) "Noncommission compensation" includes all funds paid to or credited for the
4684 benefit of a licensee other than commission compensation.

4685 (ii) "Noncommission compensation" does not include charges for pass-through costs
4686 incurred by the licensee in connection with obtaining, placing, or servicing an insurance policy.

4687 (e) "Pass-through costs" include:

4688 (i) costs for copying documents to be submitted to the insurer; and

4689 (ii) bank costs for processing cash or credit card payments.

4690 (2) (a) Except as provided in Subsection (3), a licensee may receive from an insured or
4691 from a person purchasing an insurance policy, noncommission compensation.

4692 (b) Noncommission compensation shall be:

4693 (i) limited to actual or reasonable expenses incurred for services; and

4694 (ii) uniformly applied to all insureds or prospective insureds in a class or classes of
4695 business or for a specific service or services.

4696 (c) The following additional noncommission compensation is authorized:

4697 (i) compensation a surety bond's principal debtor pays, under procedures approved by a
4698 rule or order of the commissioner, to a producer of a compensation corporate surety for an
4699 extra service;

4700 (ii) compensation an insurance producer receives for services performed for an insured
4701 in connection with a claim adjustment, if the producer:

4702 (A) does not receive and is not promised compensation for aiding in the claim
4703 adjustment before the claim occurs; and

4704 (B) is also licensed as a public adjuster in accordance with Section [31A-26-203](#);

4705 (iii) compensation a consultant receives as a consulting fee, if the consultant complies
4706 with the requirements under Section [31A-23a-401](#); and

4707 (iv) a compensation arrangement that the commissioner approves after finding that the
4708 arrangement:

- 4709 (A) does not violate Section 31A-23a-401; and
- 4710 (B) is not harmful to the public.
- 4711 (d) All accounting records relating to noncommission compensation shall be
- 4712 maintained in a manner that facilitates an audit.
- 4713 (3) (a) A surplus lines producer may receive noncommission compensation when
- 4714 acting as a producer for the insured in a surplus lines transaction, if:
- 4715 (i) the producer and the insured have agreed on the producer's noncommission
- 4716 compensation; and
- 4717 (ii) the producer has disclosed to the insured the existence and source of any other
- 4718 compensation that accrues to the producer as a result of the transaction.
- 4719 (b) The disclosure required by this Subsection (3) shall:
- 4720 (i) include the signature of the insured or prospective insured acknowledging the
- 4721 noncommission compensation;
- 4722 (ii) clearly specify:
- 4723 (A) the amount of any known noncommission compensation;
- 4724 (B) the type and amount, if known, of any potential and contingent noncommission
- 4725 compensation; and
- 4726 (C) the existence and source of any other compensation; and
- 4727 (iii) be provided to the insured or prospective insured before the performance of the
- 4728 service.
- 4729 (4) (a) For purposes of this Subsection (4):
- 4730 (i) "Large customer" means an employer who, with respect to a calendar year and to a
- 4731 plan year:
- 4732 (A) employed an average of at least 100 eligible employees on each business day
- 4733 during the preceding calendar year; and
- 4734 (B) employs at least two employees on the first day of the plan year.
- 4735 (ii) "Producer" includes:
- 4736 (A) a producer;
- 4737 (B) an affiliate of a producer; or
- 4738 (C) a consultant.
- 4739 (b) A producer may not accept or receive any compensation from an insurer or third

4740 party administrator for the initial placement of a health benefit plan, other than a hospital
4741 confinement indemnity policy, unless prior to a large customer's initial purchase of the health
4742 benefit plan the producer discloses in writing to the large customer that the producer will
4743 receive compensation from the insurer or third party administrator for the placement of
4744 insurance, including the amount or type of compensation known to the producer at the time of
4745 the disclosure.

4746 (c) A producer shall:

4747 (i) obtain the large customer's signed acknowledgment that the disclosure under
4748 Subsection (4)(b) was made to the large customer; or

4749 (ii) (A) sign a statement that the disclosure required by Subsection (4)(b) was made to
4750 the large customer; and

4751 (B) keep the signed statement on file in the producer's office while the health benefit
4752 plan placed with the large customer is in force.

4753 (d) A licensee who collects or receives any part of the compensation from an insurer or
4754 third party administrator in a manner that facilitates an audit shall, while the health benefit plan
4755 placed with the large customer is in force, maintain a copy of:

4756 (i) the signed acknowledgment described in Subsection (4)(c)(i); or

4757 (ii) the signed statement described in Subsection (4)(c)(ii).

4758 (e) Subsection (4)(c) does not apply to:

4759 (i) a person licensed as a producer who acts only as an intermediary between an insurer
4760 and the customer's producer, including a managing general agent; or

4761 (ii) the placement of insurance in a secondary or residual market.

4762 (f) (i) A producer shall provide to a large customer listed in this Subsection (4)(f) an
4763 annual accounting, as defined by rule made by the department in accordance with Title 63G,
4764 Chapter 3, Utah Administrative Rulemaking Act, of all amounts the producer receives in
4765 commission compensation from an insurer or third party administrator as a result of the sale or
4766 placement of a health benefit plan to a large customer that is:

4767 (A) the state;

4768 (B) a political subdivision or instrumentality of the state or a combination thereof
4769 primarily engaged in educational activities or the administration or servicing of educational
4770 activities, including the State Board of Education and its instrumentalities, an institution of

4771 higher education and its branches, a school district and its instrumentalities, a vocational and
4772 technical school, and an entity arising out of a consolidation agreement between entities
4773 described under this Subsection (4)(f)(i)(B);

4774 (C) a county, city, town, ~~[local]~~ special district under ~~[Title 17B, Limited Purpose~~
4775 ~~Local Government Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government
4776 Entities - Special Districts, special service district under Title 17D, Chapter 1, Special Service
4777 District Act, an entity created by an interlocal cooperation agreement under Title 11, Chapter
4778 13, Interlocal Cooperation Act, or any other governmental entity designated in statute as a
4779 political subdivision of the state; or

4780 (D) a quasi-public corporation, that has the same meaning as defined in Section
4781 [63E-1-102](#).

4782 (ii) The department shall pattern the annual accounting required by this Subsection
4783 (4)(f) on the insurance related information on Internal Revenue Service Form 5500 and its
4784 relevant attachments.

4785 (g) At the request of the department, a producer shall provide the department a copy of:

4786 (i) a disclosure required by this Subsection (4); or

4787 (ii) an Internal Revenue Service Form 5500 and its relevant attachments.

4788 (5) This section does not alter the right of any licensee to recover from an insured the
4789 amount of any premium due for insurance effected by or through that licensee or to charge a
4790 reasonable rate of interest upon past-due accounts.

4791 (6) This section does not apply to bail bond producers or bail enforcement agents as
4792 defined in Section [31A-35-102](#).

4793 (7) A licensee may not receive noncommission compensation from an insurer, insured,
4794 or enrollee for providing a service or engaging in an act that is required to be provided or
4795 performed in order to receive commission compensation, except for the surplus lines
4796 transactions that do not receive commissions.

4797 Section 66. Section **34-30-14** is amended to read:

4798 **34-30-14. Public works -- Wages.**

4799 (1) For purposes of this section:

4800 (a) "Political subdivision" means a county, city, town, school district, ~~[local]~~ special
4801 district, special service district, public corporation, institution of higher education of the state,

4802 public agency of any political subdivision, or other entity that expends public funds for
4803 construction, maintenance, repair or improvement of public works.

4804 (b) "Public works" or "public works project" means a building, road, street, sewer,
4805 storm drain, water system, irrigation system, reclamation project, or other facility owned or to
4806 be contracted for by the state or a political subdivision, and that is to be paid for in whole or in
4807 part with tax revenue paid by residents of the state.

4808 (2) (a) Except as provided in Subsection (2)(b) or as required by federal or state law,
4809 the state or any political subdivision that contracts for the construction, maintenance, repair, or
4810 improvement of public works may not require that a contractor, subcontractor, or material
4811 supplier or carrier engaged in the construction, maintenance, repair, or improvement of public
4812 works pay its employees:

4813 (i) a predetermined amount of wages or wage rate; or

4814 (ii) a type, amount, or rate of employee benefits.

4815 (b) Subsection (2)(a) does not apply when federal law requires the payment of
4816 prevailing or minimum wages to persons working on projects funded in whole or in part by
4817 federal funds.

4818 (3) The state or any political subdivision that contracts for the construction,
4819 maintenance, repair, or improvement of public works may not require that a contractor,
4820 subcontractor, or material supplier or carrier engaged in the construction, maintenance, repair
4821 or improvement of public works execute or otherwise become a party to any project labor
4822 agreement, collective bargaining agreement, prehire agreement, or any other agreement with
4823 employees, their representatives, or any labor organization as a condition of bidding,
4824 negotiating, being awarded, or performing work on a public works project.

4825 (4) This section applies to any contract executed after May 1, 1995.

4826 Section 67. Section **34-32-1.1** is amended to read:

4827 **34-32-1.1. Prohibiting public employers from making payroll deductions for**
4828 **political purposes.**

4829 (1) As used in this section:

4830 (a) (i) "Labor organization" means a lawful organization of any kind that is composed,
4831 in whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing
4832 with employers concerning grievances, labor disputes, wages, rates of pay, hours of

4833 employment, or other terms and conditions of employment.

4834 (ii) Except as provided in Subsection (1)(a)(iii), "labor organization" includes each
4835 employee association and union for public employees.

4836 (iii) "Labor organization" does not include organizations governed by the National
4837 Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151
4838 et seq.

4839 (b) "Political purposes" means an act done with the intent or in a way to influence or
4840 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
4841 against any candidate for public office at any caucus, political convention, primary, or election.

4842 (c) "Public employee" means a person employed by:

4843 (i) the state of Utah or any administrative subunit of the state;

4844 (ii) a state institution of higher education; or

4845 (iii) a municipal corporation, a county, a municipality, a school district, a [~~local~~
4846 special district, a special service district, or any other political subdivision of the state.

4847 (d) "Public employer" means an employer that is:

4848 (i) the state of Utah or any administrative subunit of the state;

4849 (ii) a state institution of higher education; or

4850 (iii) a municipal corporation, a county, a municipality, a school district, a [~~local~~
4851 special district, a special service district, or any other political subdivision of the state.

4852 (e) "Union dues" means dues, fees, assessments, or other money required as a
4853 condition of membership or participation in a labor organization.

4854 (2) A public employer may not deduct from the wages of its employees any amounts to
4855 be paid to:

4856 (a) a candidate as defined in Section 20A-11-101;

4857 (b) a personal campaign committee as defined in Section 20A-11-101;

4858 (c) a political action committee as defined in Section 20A-11-101;

4859 (d) a political issues committee as defined in Section 20A-11-101;

4860 (e) a registered political party as defined in Section 20A-11-101;

4861 (f) a political fund as defined in Section 20A-11-1402; or

4862 (g) any entity established by a labor organization to solicit, collect, or distribute money
4863 primarily for political purposes as defined in this chapter.

4864 (3) The attorney general may bring an action to require a public employer to comply
4865 with the requirements of this section.

4866 Section 68. Section **34-41-101** is amended to read:

4867 **34-41-101. Definitions.**

4868 As used in this chapter:

4869 (1) "Drug" means any substance recognized as a drug in the United States
4870 Pharmacopeia, the National Formulary, the Homeopathic Pharmacopeia, or other drug
4871 compendia, including Title 58, Chapter 37, Utah Controlled Substances Act, or supplement to
4872 any of those compendia.

4873 (2) "Drug testing" means the scientific analysis for the presence of drugs or their
4874 metabolites in the human body in accordance with the definitions and terms of this chapter.

4875 (3) "Local governmental employee" means any person or officer in the service of a
4876 local governmental entity or state institution of higher education for compensation.

4877 (4) (a) "Local governmental entity" means any political subdivision of Utah including
4878 any county, municipality, local school district, ~~local~~ special district, special service district, or
4879 any administrative subdivision of those entities.

4880 (b) "Local governmental entity" does not mean Utah state government or its
4881 administrative subdivisions provided for in Sections [63A-17-1001](#) through [63A-17-1006](#).

4882 (5) "Periodic testing" means preselected and preannounced drug testing of employees
4883 or volunteers conducted on a regular schedule.

4884 (6) "Prospective employee" means any person who has made a written or oral
4885 application to become an employee of a local governmental entity or a state institution of
4886 higher education.

4887 (7) "Random testing" means the unannounced drug testing of an employee or volunteer
4888 who was selected for testing by using a method uninfluenced by any personal characteristics
4889 other than job category.

4890 (8) "Reasonable suspicion for drug testing" means an articulated belief based on the
4891 recorded specific facts and reasonable inferences drawn from those facts that a local
4892 government employee or volunteer is in violation of the drug-free workplace policy.

4893 (9) "Rehabilitation testing" means unannounced but preselected drug testing done as
4894 part of a program of counseling, education, and treatment of an employee or volunteer in

4895 conjunction with the drug-free workplace policy.

4896 (10) "Safety sensitive position" means any local governmental or state institution of
4897 higher education position involving duties which directly affects the safety of governmental
4898 employees, the general public, or positions where there is access to controlled substances, as
4899 defined in Title 58, Chapter 37, Utah Controlled Substances Act, during the course of
4900 performing job duties.

4901 (11) "Sample" means urine, blood, breath, saliva, or hair.

4902 (12) "State institution of higher education" means the institution as defined in Section
4903 [53B-3-102](#).

4904 (13) "Volunteer" means any person who donates services as authorized by the local
4905 governmental entity or state institution of higher education without pay or other compensation
4906 except expenses actually and reasonably incurred.

4907 Section 69. Section **34-52-102** is amended to read:

4908 **34-52-102. Definitions.**

4909 As used in this chapter:

4910 (1) "Applicant" means an individual who provides information to a public or private
4911 employer for the purpose of obtaining employment.

4912 (2) (a) "Criminal conviction" means a verdict or finding of guilt after a criminal trial or
4913 a plea of guilty or nolo contendere to a criminal charge.

4914 (b) "Criminal conviction" does not include an expunged criminal conviction.

4915 (3) (a) "Private employer" means a person who has one or more employees employed
4916 in the same business, or in or about the same establishment, under any contract of hire, express
4917 or implied, oral or written.

4918 (b) "Private employer" does not include a public employer.

4919 (4) "Public employer" means an employer that is:

4920 (a) the state or any administrative subunit of the state, including a department, division,
4921 board, council, committee, institution, office, bureau, or other similar administrative unit of
4922 state government;

4923 (b) a state institution of higher education; or

4924 (c) a municipal corporation, county, municipality, school district, ~~local~~ special
4925 district, special service district, or other political subdivision of the state.

4926 Section 70. Section **35A-1-102** is amended to read:

4927 **35A-1-102. Definitions.**

4928 Unless otherwise specified, as used in this title:

4929 (1) "Client" means an individual who the department has determined to be eligible for
4930 services or benefits under:

4931 (a) Chapter 3, Employment Support Act; and

4932 (b) Chapter 5, Training and Workforce Improvement Act.

4933 (2) "Department" means the Department of Workforce Services created in Section
4934 **35A-1-103**.

4935 (3) "Economic service area" means an economic service area established in accordance
4936 with Chapter 2, Economic Service Areas.

4937 (4) "Employment assistance" means services or benefits provided by the department
4938 under:

4939 (a) Chapter 3, Employment Support Act; and

4940 (b) Chapter 5, Training and Workforce Improvement Act.

4941 (5) "Employment center" is a location in an economic service area where the services
4942 provided by an economic service area under Section **35A-2-201** may be accessed by a client.

4943 (6) "Employment counselor" means an individual responsible for developing an
4944 employment plan and coordinating the services and benefits under this title in accordance with
4945 Chapter 2, Economic Service Areas.

4946 (7) "Employment plan" means a written agreement between the department and a client
4947 that describes:

4948 (a) the relationship between the department and the client;

4949 (b) the obligations of the department and the client; and

4950 (c) the result if an obligation is not fulfilled by the department or the client.

4951 (8) "Executive director" means the executive director of the department appointed
4952 under Section **35A-1-201**.

4953 (9) "Government entity" means the state or any county, municipality, ~~local~~ special
4954 district, special service district, or other political subdivision or administrative unit of the state,
4955 a state institution of higher education as defined in Section **53B-2-101**, or a local education
4956 agency as defined in Section **53G-7-401**.

- 4957 (10) "Public assistance" means:
- 4958 (a) services or benefits provided under Chapter 3, Employment Support Act;
- 4959 (b) medical assistance provided under Title 26, Chapter 18, Medical Assistance Act;
- 4960 (c) foster care maintenance payments provided from the General Fund or under Title
- 4961 IV-E of the Social Security Act;
- 4962 (d) SNAP benefits; and
- 4963 (e) any other public funds expended for the benefit of a person in need of financial,
- 4964 medical, food, housing, or related assistance.
- 4965 (11) "SNAP" means the federal "Supplemental Nutrition Assistance Program" under
- 4966 Title 7, U.S.C. Chapter 51, Supplemental Nutrition Assistance Program, formerly known as the
- 4967 federal Food Stamp Program.
- 4968 (12) "SNAP benefit" or "SNAP benefits" means a financial benefit, coupon, or
- 4969 privilege available under SNAP.
- 4970 (13) "Stabilization" means addressing the basic living, family care, and social or
- 4971 psychological needs of the client so that the client may take advantage of training or
- 4972 employment opportunities provided under this title or through other agencies or institutions.
- 4973 (14) "Vulnerable populations" means children or adults with a life situation that
- 4974 substantially affects that individual's ability to:
- 4975 (a) provide personal protection;
- 4976 (b) provide necessities such as food, shelter, clothing, or mental or other health care;
- 4977 (c) obtain services necessary for health, safety, or welfare;
- 4978 (d) carry out the activities of daily living;
- 4979 (e) manage the adult's own financial resources; or
- 4980 (f) comprehend the nature and consequences of remaining in a situation of abuse,
- 4981 neglect, or exploitation.
- 4982 Section 71. Section **36-11-102** is amended to read:
- 4983 **36-11-102. Definitions.**
- 4984 As used in this chapter:
- 4985 (1) "Aggregate daily expenditures" means:
- 4986 (a) for a single lobbyist, principal, or government officer, the total of all expenditures
- 4987 made within a calendar day by the lobbyist, principal, or government officer for the benefit of

4988 an individual public official;

4989 (b) for an expenditure made by a member of a lobbyist group, the total of all
4990 expenditures made within a calendar day by every member of the lobbyist group for the benefit
4991 of an individual public official; or

4992 (c) for a multiclient lobbyist, the total of all expenditures made by the multiclient
4993 lobbyist within a calendar day for the benefit of an individual public official, regardless of
4994 whether the expenditures were attributed to different clients.

4995 (2) "Approved activity" means an event, a tour, or a meeting:

4996 (a) (i) to which a legislator or another nonexecutive branch public official is invited;
4997 and

4998 (ii) attendance at which is approved by:

4999 (A) the speaker of the House of Representatives, if the public official is a member of
5000 the House of Representatives or another nonexecutive branch public official; or

5001 (B) the president of the Senate, if the public official is a member of the Senate or
5002 another nonexecutive branch public official; or

5003 (b) (i) to which a public official who holds a position in the executive branch of state
5004 government is invited; and

5005 (ii) attendance at which is approved by the governor or the lieutenant governor.

5006 (3) "Board of education" means:

5007 (a) a local school board described in Title 53G, Chapter 4, School Districts;

5008 (b) the State Board of Education;

5009 (c) the State Charter School Board created under Section [53G-5-201](#); or

5010 (d) a charter school governing board described in Title 53G, Chapter 5, Charter
5011 Schools.

5012 (4) "Capitol hill complex" means the same as that term is defined in Section
5013 [63C-9-102](#).

5014 (5) (a) "Compensation" means anything of economic value, however designated, that is
5015 paid, loaned, granted, given, donated, or transferred to an individual for the provision of
5016 services or ownership before any withholding required by federal or state law.

5017 (b) "Compensation" includes:

5018 (i) a salary or commission;

- 5019 (ii) a bonus;
- 5020 (iii) a benefit;
- 5021 (iv) a contribution to a retirement program or account;
- 5022 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue
- 5023 Code, and subject to social security deductions, including a payment in excess of the maximum
- 5024 amount subject to deduction under social security law;
- 5025 (vi) an amount that the individual authorizes to be deducted or reduced for salary
- 5026 deferral or other benefits authorized by federal law; or
- 5027 (vii) income based on an individual's ownership interest.
- 5028 (6) "Compensation payor" means a person who pays compensation to a public official
- 5029 in the ordinary course of business:
- 5030 (a) because of the public official's ownership interest in the compensation payor; or
- 5031 (b) for services rendered by the public official on behalf of the compensation payor.
- 5032 (7) "Education action" means:
- 5033 (a) a resolution, policy, or other official action for consideration by a board of
- 5034 education;
- 5035 (b) a nomination or appointment by an education official or a board of education;
- 5036 (c) a vote on an administrative action taken by a vote of a board of education;
- 5037 (d) an adjudicative proceeding over which an education official has direct or indirect
- 5038 control;
- 5039 (e) a purchasing or contracting decision;
- 5040 (f) drafting or making a policy, resolution, or rule;
- 5041 (g) determining a rate or fee; or
- 5042 (h) making an adjudicative decision.
- 5043 (8) "Education official" means:
- 5044 (a) a member of a board of education;
- 5045 (b) an individual appointed to or employed in a position under a board of education, if
- 5046 that individual:
- 5047 (i) occupies a policymaking position or makes purchasing or contracting decisions;
- 5048 (ii) drafts resolutions or policies or drafts or makes rules;
- 5049 (iii) determines rates or fees;

5050 (iv) makes decisions relating to an education budget or the expenditure of public
5051 money; or
5052 (v) makes adjudicative decisions; or
5053 (c) an immediate family member of an individual described in Subsection (8)(a) or (b).
5054 (9) "Event" means entertainment, a performance, a contest, or a recreational activity
5055 that an individual participates in or is a spectator at, including a sporting event, an artistic
5056 event, a play, a movie, dancing, or singing.
5057 (10) "Executive action" means:
5058 (a) a nomination or appointment by the governor;
5059 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule
5060 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
5061 (c) agency ratemaking proceedings; or
5062 (d) an adjudicative proceeding of a state agency.
5063 (11) (a) "Expenditure" means any of the items listed in this Subsection (11)(a) when
5064 given to or for the benefit of a public official unless consideration of equal or greater value is
5065 received:
5066 (i) a purchase, payment, or distribution;
5067 (ii) a loan, gift, or advance;
5068 (iii) a deposit, subscription, or forbearance;
5069 (iv) services or goods;
5070 (v) money;
5071 (vi) real property;
5072 (vii) a ticket or admission to an event; or
5073 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide
5074 any item listed in Subsections (11)(a)(i) through (vii).
5075 (b) "Expenditure" does not mean:
5076 (i) a commercially reasonable loan made in the ordinary course of business;
5077 (ii) a campaign contribution:
5078 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial
5079 Reporting Requirements, Section 10-3-208, Section 17-16-6.5, or any applicable ordinance
5080 adopted under Subsection 10-3-208(6) or 17-16-6.5(1); or

- 5081 (B) lawfully given to a person that is not required to report the contribution under a law
5082 or ordinance described in Subsection (11)(b)(ii)(A);
- 5083 (iii) printed informational material that is related to the performance of the recipient's
5084 official duties;
- 5085 (iv) a devise or inheritance;
- 5086 (v) any item listed in Subsection (11)(a) if:
- 5087 (A) given by a relative;
- 5088 (B) given by a compensation payor for a purpose solely unrelated to the public
5089 official's position as a public official;
- 5090 (C) the item is food or beverage with a value that does not exceed the food
5091 reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed
5092 the food reimbursement rate; or
- 5093 (D) the item is not food or beverage, has a value of less than \$10, and the aggregate
5094 daily expenditures do not exceed \$10;
- 5095 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the
5096 following are invited:
- 5097 (A) all members of the Legislature;
- 5098 (B) all members of a standing or interim committee;
- 5099 (C) all members of an official legislative task force;
- 5100 (D) all members of a party caucus; or
- 5101 (E) all members of a group described in Subsections (11)(b)(vi)(A) through (D) who
5102 are attending a meeting of a national organization whose primary purpose is addressing general
5103 legislative policy;
- 5104 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public
5105 official who is:
- 5106 (A) giving a speech at the event, tour, or meeting;
- 5107 (B) participating in a panel discussion at the event, tour, or meeting; or
- 5108 (C) presenting or receiving an award at the event, tour, or meeting;
- 5109 (viii) a plaque, commendation, or award that:
- 5110 (A) is presented in public; and
- 5111 (B) has the name of the individual receiving the plaque, commendation, or award

5112 inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or
5113 award;

5114 (ix) a gift that:

5115 (A) is an item that is not consumable and not perishable;

5116 (B) a public official, other than a local official or an education official, accepts on
5117 behalf of the state;

5118 (C) the public official promptly remits to the state;

5119 (D) a property administrator does not reject under Section [63G-23-103](#);

5120 (E) does not constitute a direct benefit to the public official before or after the public
5121 official remits the gift to the state; and

5122 (F) after being remitted to the state, is not transferred, divided, distributed, or used to
5123 distribute a gift or benefit to one or more public officials in a manner that would otherwise
5124 qualify the gift as an expenditure if the gift were given directly to a public official;

5125 (x) any of the following with a cash value not exceeding \$30:

5126 (A) a publication; or

5127 (B) a commemorative item;

5128 (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose of
5129 which is:

5130 (A) to solicit a contribution that is reportable under Title 20A, Chapter 11, Campaign
5131 and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section [10-3-208](#), Section

5132 [17-16-6.5](#), or an applicable ordinance adopted under Subsection [10-3-208\(6\)](#) or [17-16-6.5\(1\)](#);

5133 (B) to solicit a campaign contribution that a person is not required to report under a law
5134 or ordinance described in Subsection (11)(b)(xi)(A); or

5135 (C) charitable solicitation, as defined in Section [13-22-2](#);

5136 (xii) travel to, lodging at, food or beverage served at, and admission to an approved
5137 activity;

5138 (xiii) sponsorship of an approved activity;

5139 (xiv) notwithstanding Subsection (11)(a)(vii), admission to, attendance at, or travel to
5140 or from an event, a tour, or a meeting:

5141 (A) that is sponsored by a governmental entity;

5142 (B) that is widely attended and related to a governmental duty of a public official;

5143 (C) for a local official, that is sponsored by an organization that represents only local
5144 governments, including the Utah Association of Counties, the Utah League of Cities and
5145 Towns, or the Utah Association of Special Districts; or

5146 (D) for an education official, that is sponsored by a public school, a charter school, or
5147 an organization that represents only public schools or charter schools, including the Utah
5148 Association of Public Charter Schools, the Utah School Boards Association, or the Utah
5149 School Superintendents Association; or

5150 (xv) travel to a widely attended tour or meeting related to a governmental duty of a
5151 public official if that travel results in a financial savings to:

5152 (A) for a public official who is not a local official or an education official, the state; or

5153 (B) for a public official who is a local official or an education official, the local
5154 government or board of education to which the public official belongs.

5155 (12) "Food reimbursement rate" means the total amount set by the director of the
5156 Division of Finance, by rule, under Section [63A-3-107](#), for in-state meal reimbursement, for an
5157 employee of the executive branch, for an entire day.

5158 (13) (a) "Foreign agent" means an individual who engages in lobbying under contract
5159 with a foreign government.

5160 (b) "Foreign agent" does not include an individual who is recognized by the United
5161 States Department of State as a duly accredited diplomatic or consular officer of a foreign
5162 government, including a duly accredited honorary consul.

5163 (14) "Foreign government" means a government other than the government of:

5164 (a) the United States;

5165 (b) a state within the United States;

5166 (c) a territory or possession of the United States; or

5167 (d) a political subdivision of the United States.

5168 (15) (a) "Government officer" means:

5169 (i) an individual elected to a position in state or local government, when acting in the
5170 capacity of the state or local government position;

5171 (ii) an individual elected to a board of education, when acting in the capacity of a
5172 member of a board of education;

5173 (iii) an individual appointed to fill a vacancy in a position described in Subsection

- 5174 (15)(a)(i) or (ii), when acting in the capacity of the position; or
5175 (iv) an individual appointed to or employed in a full-time position by state government,
5176 local government, or a board of education, when acting in the capacity of the individual's
5177 appointment or employment.
- 5178 (b) "Government officer" does not mean a member of the legislative branch of state
5179 government.
- 5180 (16) "Immediate family" means:
5181 (a) a spouse;
5182 (b) a child residing in the household; or
5183 (c) an individual claimed as a dependent for tax purposes.
- 5184 (17) "Legislative action" means:
5185 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or
5186 proposed in either house of the Legislature or its committees or requested by a legislator; and
5187 (b) the action of the governor in approving or vetoing legislation.
- 5188 (18) "Lobbying" means communicating with a public official for the purpose of
5189 influencing a legislative action, executive action, local action, or education action.
- 5190 (19) (a) "Lobbyist" means:
5191 (i) an individual who is employed by a principal; or
5192 (ii) an individual who contracts for economic consideration, other than reimbursement
5193 for reasonable travel expenses, with a principal to lobby a public official.
- 5194 (b) "Lobbyist" does not include:
5195 (i) a government officer;
5196 (ii) a member or employee of the legislative branch of state government;
5197 (iii) a person, including a principal, while appearing at, or providing written comments
5198 to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah Administrative
5199 Rulemaking Act or Title 63G, Chapter 4, Administrative Procedures Act;
- 5200 (iv) a person participating on or appearing before an advisory or study task force,
5201 commission, board, or committee, constituted by the Legislature, a local government, a board
5202 of education, or any agency or department of state government, except legislative standing,
5203 appropriation, or interim committees;
- 5204 (v) a representative of a political party;

5205 (vi) an individual representing a bona fide church solely for the purpose of protecting
5206 the right to practice the religious doctrines of the church, unless the individual or church makes
5207 an expenditure that confers a benefit on a public official;

5208 (vii) a newspaper, television station or network, radio station or network, periodical of
5209 general circulation, or book publisher for the purpose of publishing news items, editorials,
5210 other comments, or paid advertisements that directly or indirectly urge legislative action,
5211 executive action, local action, or education action;

5212 (viii) an individual who appears on the individual's own behalf before a committee of
5213 the Legislature, an agency of the executive branch of state government, a board of education,
5214 the governing body of a local government, a committee of a local government, or a committee
5215 of a board of education, solely for the purpose of testifying in support of or in opposition to
5216 legislative action, executive action, local action, or education action; or

5217 (ix) an individual representing a business, entity, or industry, who:

5218 (A) interacts with a public official, in the public official's capacity as a public official,
5219 while accompanied by a registered lobbyist who is lobbying in relation to the subject of the
5220 interaction or while presenting at a legislative committee meeting at the same time that the
5221 registered lobbyist is attending another legislative committee meeting; and

5222 (B) does not make an expenditure for, or on behalf of, a public official in relation to the
5223 interaction or during the period of interaction.

5224 (20) "Lobbyist group" means two or more lobbyists, principals, government officers, or
5225 any combination of lobbyists, principals, and government officers, who each contribute a
5226 portion of an expenditure made to benefit a public official or member of the public official's
5227 immediate family.

5228 (21) "Local action" means:

5229 (a) an ordinance or resolution for consideration by a local government;

5230 (b) a nomination or appointment by a local official or a local government;

5231 (c) a vote on an administrative action taken by a vote of a local government's
5232 legislative body;

5233 (d) an adjudicative proceeding over which a local official has direct or indirect control;

5234 (e) a purchasing or contracting decision;

5235 (f) drafting or making a policy, resolution, or rule;

- 5236 (g) determining a rate or fee; or
- 5237 (h) making an adjudicative decision.
- 5238 (22) "Local government" means:
- 5239 (a) a county, city, town, or metro township;
- 5240 (b) a ~~[local]~~ special district governed by ~~[Title 17B, Limited Purpose Local~~
- 5241 Government Entities - Local Districts] Title 17B, Limited Purpose Local Government Entities -
- 5242 Special Districts;
- 5243 (c) a special service district governed by Title 17D, Chapter 1, Special Service District
- 5244 Act;
- 5245 (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local
- 5246 Government Entities - Community Reinvestment Agency Act;
- 5247 (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;
- 5248 (f) a redevelopment agency; or
- 5249 (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter
- 5250 13, Interlocal Cooperation Act.
- 5251 (23) "Local official" means:
- 5252 (a) an elected member of a local government;
- 5253 (b) an individual appointed to or employed in a position in a local government if that
- 5254 individual:
- 5255 (i) occupies a policymaking position or makes purchasing or contracting decisions;
- 5256 (ii) drafts ordinances or resolutions or drafts or makes rules;
- 5257 (iii) determines rates or fees; or
- 5258 (iv) makes adjudicative decisions; or
- 5259 (c) an immediate family member of an individual described in Subsection (23)(a) or
- 5260 (b).
- 5261 (24) "Meeting" means a gathering of people to discuss an issue, receive instruction, or
- 5262 make a decision, including a conference, seminar, or summit.
- 5263 (25) "Multiclient lobbyist" means a single lobbyist, principal, or government officer
- 5264 who represents two or more clients and divides the aggregate daily expenditure made to benefit
- 5265 a public official or member of the public official's immediate family between two or more of
- 5266 those clients.

5267 (26) "Principal" means a person that employs an individual to perform lobbying, either
5268 as an employee or as an independent contractor.

5269 (27) "Public official" means:

5270 (a) (i) a member of the Legislature;

5271 (ii) an individual elected to a position in the executive branch of state government; or

5272 (iii) an individual appointed to or employed in a position in the executive or legislative
5273 branch of state government if that individual:

5274 (A) occupies a policymaking position or makes purchasing or contracting decisions;

5275 (B) drafts legislation or makes rules;

5276 (C) determines rates or fees; or

5277 (D) makes adjudicative decisions;

5278 (b) an immediate family member of a person described in Subsection (27)(a);

5279 (c) a local official; or

5280 (d) an education official.

5281 (28) "Public official type" means a notation to identify whether a public official is:

5282 (a) (i) a member of the Legislature;

5283 (ii) an individual elected to a position in the executive branch of state government;

5284 (iii) an individual appointed to or employed in a position in the legislative branch of
5285 state government who meets the definition of public official under Subsection (27)(a)(iii);

5286 (iv) an individual appointed to or employed in a position in the executive branch of
5287 state government who meets the definition of public official under Subsection (27)(a)(iii);

5288 (v) a local official, including a description of the type of local government for which
5289 the individual is a local official; or

5290 (vi) an education official, including a description of the type of board of education for
5291 which the individual is an education official; or

5292 (b) an immediate family member of an individual described in Subsection (27)(a), (c),
5293 or (d).

5294 (29) "Quarterly reporting period" means the three-month period covered by each
5295 financial report required under Subsection [36-11-201\(2\)\(a\)](#).

5296 (30) "Related person" means a person, agent, or employee who knowingly and
5297 intentionally assists a lobbyist, principal, or government officer in lobbying.

5298 (31) "Relative" means:

5299 (a) a spouse;

5300 (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law,
5301 brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin; or

5302 (c) a spouse of an individual described in Subsection (31)(b).

5303 (32) "Tour" means visiting a location, for a purpose relating to the duties of a public
5304 official, and not primarily for entertainment, including:

5305 (a) viewing a facility;

5306 (b) viewing the sight of a natural disaster; or

5307 (c) assessing a circumstance in relation to which a public official may need to take
5308 action within the scope of the public official's duties.

5309 Section 72. Section **36-11-201** is amended to read:

5310 **36-11-201. Lobbyist, principal, and government officer financial reporting**
5311 **requirements -- Prohibition for related person to make expenditures.**

5312 (1) (a) (i) Except as provided in Subsection (1)(a)(ii), a lobbyist shall file financial
5313 reports with the lieutenant governor on or before the due dates specified in Subsection (2).

5314 (ii) A lobbyist who has not made an expenditure during a quarterly reporting period is
5315 not required to file a quarterly financial report for that quarterly reporting period.

5316 (iii) A lobbyist who is not required to file any quarterly reports under this section for a
5317 calendar year shall, on or before January 10 of the following year, file a financial report listing
5318 the amount of the expenditures for the entire preceding year as "none."

5319 (b) Except as provided in Subsection (1)(c), a government officer or principal that
5320 makes an expenditure during any of the quarterly reporting periods under Subsection (2)(a)
5321 shall file a financial report with the lieutenant governor on or before the date that a report for
5322 that quarter is due.

5323 (c) (i) As used in this Subsection (1)(c), "same local government type" means:

5324 (A) for a county government, the same county government or another county
5325 government;

5326 (B) for a municipal government, the same municipal government or another municipal
5327 government;

5328 (C) for a board of education, the same board of education;

5329 (D) for a local school board described in Title 53G, Chapter 4, School Districts, the
5330 same local school board or another local school board;

5331 (E) for a [~~local~~] special district, the same [~~local~~] special district or another [~~local~~]
5332 special district or a special service district;

5333 (F) for a special service district, the same special service district or another special
5334 service district or a [~~local~~] special district; or

5335 (G) for a participant in an interlocal agreement, another participant in the same
5336 interlocal agreement.

5337 (ii) A local official or an education official is not required, under this section, to report
5338 an expenditure made by the local official or education official to another local official or
5339 education official of the same local government type as the local official or education official
5340 making the expenditure.

5341 (2) (a) A financial report is due quarterly on the following dates:

5342 (i) April 10, for the period of January 1 through March 31;

5343 (ii) July 10, for the period of April 1 through June 30;

5344 (iii) October 10, for the period of July 1 through September 30; and

5345 (iv) January 10, for the period of October 1 through December 31 of the previous year.

5346 (b) If the due date for a financial report falls on a Saturday, Sunday, or legal holiday,
5347 the report is due on the next succeeding business day.

5348 (c) A financial report is timely filed if it is filed electronically before the close of
5349 regular office hours on or before the due date.

5350 (3) A financial report shall contain:

5351 (a) the total amount of expenditures made to benefit any public official during the
5352 quarterly reporting period;

5353 (b) the total amount of expenditures made, by the type of public official, during the
5354 quarterly reporting period;

5355 (c) for the financial report due on January 10:

5356 (i) the total amount of expenditures made to benefit any public official during the last
5357 calendar year; and

5358 (ii) the total amount of expenditures made, by the type of public official, during the last
5359 calendar year;

5360 (d) a disclosure of each expenditure made during the quarterly reporting period to
5361 reimburse or pay for travel or lodging for a public official, including:

- 5362 (i) each travel destination and each lodging location;
- 5363 (ii) the name of each public official who benefitted from the expenditure on travel or
5364 lodging;
- 5365 (iii) the public official type of each public official named;
- 5366 (iv) for each public official named, a listing of the amount and purpose of each
5367 expenditure made for travel or lodging; and
- 5368 (v) the total amount of expenditures listed under Subsection (3)(d)(iv);

5369 (e) a disclosure of aggregate daily expenditures greater than \$10 made during the
5370 quarterly reporting period including:

- 5371 (i) the date and purpose of the expenditure;
- 5372 (ii) the location of the expenditure;
- 5373 (iii) the name of any public official benefitted by the expenditure;
- 5374 (iv) the type of the public official benefitted by the expenditure; and
- 5375 (v) the total monetary worth of the benefit that the expenditure conferred on any public
5376 official;
- 5377 (f) for each public official who was employed by the lobbyist, principal, or government
5378 officer, a list that provides:

- 5379 (i) the name of the public official; and
- 5380 (ii) the nature of the employment with the public official;
- 5381 (g) each bill or resolution, by number and short title, on behalf of which the lobbyist,
5382 principal, or government officer made an expenditure to a public official;
- 5383 (h) a description of each executive action on behalf of which the lobbyist, principal, or
5384 government officer made an expenditure to a public official;
- 5385 (i) a description of each local action or education action regarding which the lobbyist,
5386 principal, or government officer made an expenditure to a local official or education official;
- 5387 (j) the general purposes, interests, and nature of the entities that the lobbyist, principal,
5388 or government officer filing the report represents; and
- 5389 (k) for a lobbyist, a certification that the information provided in the report is true,
5390 accurate, and complete to the lobbyist's best knowledge and belief.

5391 (4) A related person may not, while assisting a lobbyist, principal, or government
5392 officer in lobbying, make an expenditure that benefits a public official under circumstances that
5393 would otherwise fall within the disclosure requirements of this chapter if the expenditure was
5394 made by the lobbyist, principal, or government officer.

5395 (5) The lieutenant governor shall:

5396 (a) (i) develop a preprinted form for a financial report required by this section; and

5397 (ii) make copies of the form available to a lobbyist, principal, or government officer
5398 who requests a form; and

5399 (b) provide a reporting system that allows a lobbyist, principal, or government officer
5400 to submit a financial report required by this chapter via the Internet.

5401 (6) (a) A lobbyist and a principal shall continue to file a financial report required by
5402 this section until the lobbyist or principal files a statement with the lieutenant governor that:

5403 (i) (A) for a lobbyist, states that the lobbyist has ceased lobbying activities; or

5404 (B) for a principal, states that the principal no longer employs an individual as a
5405 lobbyist;

5406 (ii) in the case of a lobbyist, states that the lobbyist is surrendering the lobbyist's
5407 license;

5408 (iii) contains a listing, as required by this section, of all previously unreported
5409 expenditures that have been made through the date of the statement; and

5410 (iv) states that the lobbyist or principal will not make any additional expenditure that is
5411 not disclosed on the statement unless the lobbyist or principal complies with the disclosure and
5412 licensing requirements of this chapter.

5413 (b) Except as provided in Subsection (1)(a)(ii), a lobbyist or principal that is required
5414 to file a financial report under this section is required to file the report quarterly until the
5415 lobbyist or principal files the statement required by Subsection (6)(a).

5416 Section 73. Section **36-11-304** is amended to read:

5417 **36-11-304. Expenditures over certain amounts prohibited -- Exceptions.**

5418 (1) Except as provided in Subsection (2) or (3), a lobbyist, principal, or government
5419 officer may not make or offer to make aggregate daily expenditures that exceed:

5420 (a) for food or beverage, the food reimbursement rate; or

5421 (b) \$10 for expenditures other than food or beverage.

5422 (2) A lobbyist, principal, or government officer may make aggregate daily expenditures
5423 that exceed the limits described in Subsection (1):

5424 (a) for the following items, if the expenditure is reported in accordance with Section
5425 36-11-201:

5426 (i) food;

5427 (ii) beverage;

5428 (iii) travel;

5429 (iv) lodging; or

5430 (v) admission to or attendance at a tour or meeting that is not an approved activity; or

5431 (b) if the expenditure is made for a purpose solely unrelated to the public official's
5432 position as a public official.

5433 (3) (a) As used in this Subsection (3), "same local government type" means:

5434 (i) for a county government, the same county government or another county
5435 government;

5436 (ii) for a municipal government, the same municipal government or another municipal
5437 government;

5438 (iii) for a board of education, the same board of education;

5439 (iv) for a local school board described in Title 53G, Chapter 4, School Districts, the
5440 same local school board or another local school board;

5441 (v) for a ~~[local]~~ special district, the same ~~[local]~~ special district or another ~~[local]~~
5442 special district or a special service district;

5443 (vi) for a special service district, the same special service district or another special
5444 service district or a ~~[local]~~ special district; or

5445 (vii) for a participant in an interlocal agreement, another participant in the same
5446 interlocal agreement.

5447 (b) This section does not apply to an expenditure made by a local official or an
5448 education official to another local official or education official of the same local government
5449 type as the local official or education official making the expenditure.

5450 Section 74. Section 36-12-13 is amended to read:

5451 **36-12-13. Office of the Legislative Fiscal Analyst established -- Powers, functions,**
5452 **and duties -- Qualifications.**

5453 (1) There is established an Office of the Legislative Fiscal Analyst as a permanent staff
5454 office for the Legislature.

5455 (2) The powers, functions, and duties of the Office of the Legislative Fiscal Analyst
5456 under the supervision of the fiscal analyst are:

5457 (a) (i) to estimate general revenue collections, including comparisons of:

5458 (A) current estimates for each major tax type to long-term trends for that tax type;

5459 (B) current estimates for federal fund receipts to long-term federal fund trends; and

5460 (C) current estimates for tax collections and federal fund receipts to long-term trends

5461 deflated for the inflationary effects of debt monetization; and

5462 (ii) to report the analysis required under Subsection (2)(a)(i) to the Legislature's

5463 Executive Appropriations Committee before each annual general session of the Legislature;

5464 (b) to analyze in detail the state budget before the convening of each legislative session

5465 and make recommendations to the Legislature on each item or program appearing in the

5466 budget, including:

5467 (i) funding for and performance of programs, acquisitions, and services currently

5468 undertaken by state government to determine whether each department, agency, institution, or

5469 program should:

5470 (A) continue at its current level of expenditure;

5471 (B) continue at a different level of expenditure; or

5472 (C) be terminated; and

5473 (ii) increases or decreases to spending authority and other resource allocations for the

5474 current and future fiscal years;

5475 (c) to prepare on all proposed bills fiscal estimates that reflect:

5476 (i) potential state government revenue impacts;

5477 (ii) anticipated state government expenditure changes;

5478 (iii) anticipated expenditure changes for county, municipal, [~~local~~] special district, or

5479 special service district governments; and

5480 (iv) anticipated direct expenditure by Utah residents and businesses, including the unit

5481 cost, number of units, and total cost to all impacted residents and businesses;

5482 (d) to indicate whether each proposed bill will impact the regulatory burden for Utah

5483 residents or businesses, and if so:

- 5484 (i) whether the impact increases or decreases the regulatory burden; and
5485 (ii) whether the change in burden is high, medium, or low;
5486 (e) beginning in 2017 and repeating every three years after 2017, to prepare the
5487 following cycle of analyses of long-term fiscal sustainability:
5488 (i) in year one, the joint revenue volatility report required under Section [63J-1-205](#);
5489 (ii) in year two, a long-term budget for programs appropriated from major funds and
5490 tax types; and
5491 (iii) in year three, a budget stress test comparing estimated future revenue to and
5492 expenditure from major funds and tax types under various potential economic conditions;
5493 (f) to report instances in which the administration may be failing to carry out the
5494 expressed intent of the Legislature;
5495 (g) to propose and analyze statutory changes for more effective operational economies
5496 or more effective administration;
5497 (h) to prepare, before each annual general session of the Legislature, a summary
5498 showing the current status of the following as compared to the past nine fiscal years:
5499 (i) debt;
5500 (ii) long-term liabilities;
5501 (iii) contingent liabilities;
5502 (iv) General Fund borrowing;
5503 (v) reserves;
5504 (vi) fund and nonlapsing balances; and
5505 (vii) cash funded capital investments;
5506 (i) to make recommendations for addressing the items described in Subsection (2)(h) in
5507 the upcoming annual general session of the Legislature;
5508 (j) to prepare, after each session of the Legislature, a summary showing the effect of
5509 the final legislative program on the financial condition of the state;
5510 (k) to conduct organizational and management improvement studies in accordance
5511 with Title 63J, Chapter 1, Part 9, Government Performance Reporting and Efficiency Process,
5512 and legislative rule;
5513 (l) to prepare and deliver upon request of any interim committee or the Legislative
5514 Management Committee, reports on the finances of the state and on anticipated or proposed

5515 requests for appropriations;

5516 (m) to recommend areas for research studies by the executive department or the interim
5517 committees;

5518 (n) to appoint and develop a professional staff within budget limitations;

5519 (o) to prepare and submit the annual budget request for the office;

5520 (p) to develop a taxpayer receipt:

5521 (i) available to taxpayers through a website; and

5522 (ii) that allows a taxpayer to view on the website an estimate of how the taxpayer's tax
5523 dollars are expended for government purposes; and

5524 (q) to publish or provide other information on taxation and government expenditures
5525 that may be accessed by the public.

5526 (3) The legislative fiscal analyst shall have a master's degree in public administration,
5527 political science, economics, accounting, or the equivalent in academic or practical experience.

5528 (4) In carrying out the duties provided for in this section, the legislative fiscal analyst
5529 may obtain access to all records, documents, and reports necessary to the scope of the
5530 legislative fiscal analyst's duties according to the procedures contained in Title 36, Chapter 14,
5531 Legislative Subpoena Powers.

5532 (5) The Office of the Legislative Fiscal Analyst shall provide any information the State
5533 Board of Education reports in accordance with Subsection [53E-3-507\(7\)](#) to:

5534 (a) the chief sponsor of the proposed bill; and

5535 (b) upon request, any legislator.

5536 Section 75. Section **38-1b-102** is amended to read:

5537 **38-1b-102. Definitions.**

5538 As used in this chapter:

5539 (1) "Alternate means" means the same as that term is defined in Section [38-1a-102](#).

5540 (2) "Construction project" means the same as that term is defined in Section [38-1a-102](#).

5541 (3) "Construction work" means the same as that term is defined in Section [38-1a-102](#).

5542 (4) "Designated agent" means the same as that term is defined in Section [38-1a-102](#).

5543 (5) "Division" means the Division of Professional Licensing created in Section
5544 [58-1-103](#).

5545 (6) "Government project" means a construction project undertaken by or for:

- 5546 (a) the state, including a department, division, or other agency of the state; or
- 5547 (b) a county, city, town, school district, ~~local~~ special district, special service district,
- 5548 community reinvestment agency, or other political subdivision of the state.
- 5549 (7) "Government project-identifying information" means:
- 5550 (a) the lot or parcel number of each lot included in the project property that has a lot or
- 5551 parcel number; or
- 5552 (b) the unique project number assigned by the designated agent.
- 5553 (8) "Original contractor" means the same as that term is defined in Section 38-1a-102.
- 5554 (9) "Owner" means the same as that term is defined in Section 38-1a-102.
- 5555 (10) "Owner-builder" means the same as that term is defined in Section 38-1a-102.
- 5556 (11) "Private project" means a construction project that is not a government project.
- 5557 (12) "Project property" means the same as that term is defined in Section 38-1a-102.
- 5558 (13) "Registry" means the same as that term is defined in Section 38-1a-102.
- 5559 Section 76. Section 38-9-102 is amended to read:
- 5560 **38-9-102. Definitions.**
- 5561 As used in this chapter:
- 5562 (1) "Affected person" means:
- 5563 (a) a person who is a record interest holder of the real property that is the subject of a
- 5564 recorded nonconsensual common law document; or
- 5565 (b) the person against whom a recorded nonconsensual common law document
- 5566 purports to reflect or establish a claim or obligation.
- 5567 (2) "Document sponsor" means a person who, personally or through a designee, signs
- 5568 or submits for recording a document that is, or is alleged to be, a nonconsensual common law
- 5569 document.
- 5570 (3) "Interest holder" means a person who holds or possesses a present, lawful property
- 5571 interest in certain real property, including an owner, title holder, mortgagee, trustee, or
- 5572 beneficial owner.
- 5573 (4) "Lien claimant" means a person claiming an interest in real property who offers a
- 5574 document for recording or filing with any county recorder in the state asserting a lien, or notice
- 5575 of interest, or other claim of interest in certain real property.
- 5576 (5) "Nonconsensual common law document" means a document that is submitted to a

- 5577 county recorder's office for recording against public official property that:
- 5578 (a) purports to create a lien or encumbrance on or a notice of interest in the real
- 5579 property;
- 5580 (b) at the time the document is recorded, is not:
- 5581 (i) expressly authorized by this chapter or a state or federal statute;
- 5582 (ii) authorized by or contained in an order or judgment of a court of competent
- 5583 jurisdiction; or
- 5584 (iii) signed by or expressly authorized by a document signed by the owner of the real
- 5585 property; and
- 5586 (c) is submitted in relation to the public official's status or capacity as a public official.
- 5587 (6) "Owner" means a person who has a vested ownership interest in real property.
- 5588 (7) "Political subdivision" means a county, city, town, school district, special
- 5589 improvement or taxing district, ~~local~~ special district, special service district, or other
- 5590 governmental subdivision or public corporation.
- 5591 (8) "Public official" means:
- 5592 (a) a current or former:
- 5593 (i) member of the Legislature;
- 5594 (ii) member of Congress;
- 5595 (iii) judge;
- 5596 (iv) member of law enforcement;
- 5597 (v) corrections officer;
- 5598 (vi) active member of the Utah State Bar; or
- 5599 (vii) member of the Board of Pardons and Parole;
- 5600 (b) an individual currently or previously appointed or elected to an elected position in:
- 5601 (i) the executive branch of state or federal government; or
- 5602 (ii) a political subdivision;
- 5603 (c) an individual currently or previously appointed to or employed in a position in a
- 5604 political subdivision, or state or federal government that:
- 5605 (i) is a policymaking position; or
- 5606 (ii) involves:
- 5607 (A) purchasing or contracting decisions;

- 5608 (B) drafting legislation or making rules;
- 5609 (C) determining rates or fees; or
- 5610 (D) making adjudicative decisions; or
- 5611 (d) an immediate family member of a person described in Subsections (8)(a) through
- 5612 (c).

5613 (9) "Public official property" means real property that has at least one record interest
5614 holder who is a public official.

5615 (10) (a) "Record interest holder" means a person who holds or possesses a present,
5616 lawful property interest in real property, including an owner, titleholder, mortgagee, trustee, or
5617 beneficial owner, and whose name and interest in that real property appears in the county
5618 recorder's records for the county in which the property is located.

5619 (b) "Record interest holder" includes any grantor in the chain of the title in real
5620 property.

5621 (11) "Record owner" means an owner whose name and ownership interest in certain
5622 real property is recorded or filed in the county recorder's records for the county in which the
5623 property is located.

5624 (12) "Wrongful lien" means any document that purports to create a lien, notice of
5625 interest, or encumbrance on an owner's interest in certain real property and at the time it is
5626 recorded is not:

- 5627 (a) expressly authorized by this chapter or another state or federal statute;
- 5628 (b) authorized by or contained in an order or judgment of a court of competent
5629 jurisdiction in the state; or
- 5630 (c) signed by or authorized pursuant to a document signed by the owner of the real
5631 property.

5632 Section 77. Section **45-1-101** is amended to read:

5633 **45-1-101. Legal notice publication requirements.**

5634 (1) As used in this section:

5635 (a) "Average advertisement rate" means:

5636 (i) in determining a rate for publication on the public legal notice website or in a
5637 newspaper that primarily distributes publications in a county of the third, fourth, fifth, or sixth
5638 class, a newspaper's gross advertising revenue for the preceding calendar quarter divided by the

5639 gross column-inch space used in the newspaper for advertising for the previous calendar
5640 quarter; or

5641 (ii) in determining a rate for publication in a newspaper that primarily distributes
5642 publications in a county of the first or second class, a newspaper's average rate for all
5643 qualifying advertising segments for the preceding calendar quarter for an advertisement:

5644 (A) published in the same section of the newspaper as the legal notice; and

5645 (B) of the same column-inch space as the legal notice.

5646 (b) "Column-inch space" means a unit of space that is one standard column wide by
5647 one inch high.

5648 (c) "Gross advertising revenue" means the total revenue obtained by a newspaper from
5649 all of its qualifying advertising segments.

5650 (d) (i) "Legal notice" means:

5651 (A) a communication required to be made public by a state statute or state agency rule;

5652 or

5653 (B) a notice required for judicial proceedings or by judicial decision.

5654 (ii) "Legal notice" does not include:

5655 (A) a public notice published by a public body in accordance with the provisions of
5656 Sections [52-4-202](#) and [63A-16-601](#); or

5657 (B) a notice of delinquency in the payment of property taxes described in Section
5658 [59-2-1332.5](#).

5659 [~~(e)~~ "Local district" is as defined in Section [17B-1-102](#).]

5660 [~~(f)~~ (e) "Public legal notice website" means the website described in Subsection (2)(b)
5661 for the purpose of publishing a legal notice online.

5662 [~~(g)~~ (f) (i) "Qualifying advertising segment" means, except as provided in Subsection
5663 [~~(1)(g)(ii)~~ (1)(f)(ii), a category of print advertising sold by a newspaper, including classified
5664 advertising, line advertising, and display advertising.

5665 (ii) "Qualifying advertising segment" does not include legal notice advertising.

5666 (g) "Special district" means the same as that term is defined in Section [17B-1-102](#).

5667 (h) "Special service district" [~~is as~~] means the same as that term is defined in Section
5668 [17D-1-102](#).

5669 (2) Except as provided in Subsections (8) and (9), notwithstanding any other legal

5670 notice provision established by law, a person required by law to publish legal notice shall
5671 publish the notice:

5672 (a) (i) as required by the statute establishing the legal notice requirement; or

5673 (ii) by serving legal notice, by certified mail or in person, directly on all parties for
5674 whom the statute establishing the legal notice requirement requires legal notice, if:

5675 (A) the direct service of legal notice does not replace publication in a newspaper that
5676 primarily distributes publications in a county of the third, fourth, fifth, or sixth class;

5677 (B) the statute clearly identifies the parties;

5678 (C) the person can prove that the person has identified all parties for whom notice is
5679 required; and

5680 (D) the person keeps a record of the service for at least two years; and

5681 (b) on a public legal notice website established by the combined efforts of Utah's
5682 newspapers that collectively distribute newspapers to the majority of newspaper subscribers in
5683 the state.

5684 (3) The public legal notice website shall:

5685 (a) be available for viewing and searching by the general public, free of charge; and

5686 (b) accept legal notice posting from any newspaper in the state.

5687 (4) A person that publishes legal notice as required under Subsection (2) is not relieved
5688 from complying with an otherwise applicable requirement under Title 52, Chapter 4, Open and
5689 Public Meetings Act.

5690 (5) If legal notice is required by law and one option for complying with the
5691 requirement is publication in a newspaper, or if a [~~local~~] special district or a special service
5692 district publishes legal notice in a newspaper, the newspaper:

5693 (a) may not charge more for publication than the newspaper's average advertisement
5694 rate; and

5695 (b) shall publish the legal notice on the public legal notice website at no additional
5696 cost.

5697 (6) If legal notice is not required by law, if legal notice is required by law and the
5698 person providing legal notice, in accordance with the requirements of law, chooses not to
5699 publish the legal notice in a newspaper, or if a [~~local~~] special district or a special service district
5700 with an annual operating budget of less than \$250,000 chooses to publish a legal notice on the

5701 public notice website without publishing the complete notice in the newspaper, a newspaper:

5702 (a) may not charge more than an amount equal to 15% of the newspaper's average
5703 advertisement rate for publishing five column lines in the newspaper to publish legal notice on
5704 the public legal notice website;

5705 (b) may not require that the legal notice be published in the newspaper; and

5706 (c) at the request of the person publishing on the legal notice website, shall publish in
5707 the newspaper up to five column lines, at no additional charge, that briefly describe the legal
5708 notice and provide the web address where the full public legal notice can be found.

5709 (7) If a newspaper offers to publish the type of legal notice described in Subsection (5),
5710 it may not refuse to publish the type of legal notice described in Subsection (6).

5711 (8) Notwithstanding the requirements of a statute that requires the publication of legal
5712 notice, if legal notice is required by law to be published by a [toeat] special district or a special
5713 service district with an annual operating budget of \$250,000 or more, the [toeat] special district
5714 or special service district shall satisfy its legal notice publishing requirements by:

5715 (a) mailing a written notice, postage prepaid:

5716 (i) to each voter in the [toeat] special district or special service district; and

5717 (ii) that contains the information required by the statute that requires the publication of
5718 legal notice; or

5719 (b) publishing the legal notice in a newspaper and on the legal public notice website as
5720 described in Subsection (5).

5721 (9) Notwithstanding the requirements of a statute that requires the publication of legal
5722 notice, if legal notice is required by law to be published by a [toeat] special district or a special
5723 service district with an annual operating budget of less than \$250,000, the [toeat] special
5724 district or special service district shall satisfy its legal notice publishing requirements by:

5725 (a) mailing a written notice, postage prepaid:

5726 (i) to each voter in the [toeat] special district or special service district; and

5727 (ii) that contains the information required by the statute that requires the publication of
5728 legal notice; or

5729 (b) publishing the legal notice in a newspaper and on the public legal notice website as
5730 described in Subsection (5); or

5731 (c) publishing the legal notice on the public legal notice website as described in

5732 Subsection (6).

5733 Section 78. Section **49-11-102** is amended to read:

5734 **49-11-102. Definitions.**

5735 As used in this title:

5736 (1) (a) "Active member" means a member who:

5737 (i) is employed by a participating employer and accruing service credit; or

5738 (ii) within the previous 120 days:

5739 (A) has been employed by a participating employer; and

5740 (B) accrued service credit.

5741 (b) "Active member" does not include a retiree.

5742 (2) "Actuarial equivalent" means a benefit of equal value when computed upon the
5743 basis of mortality tables as recommended by the actuary and adopted by the executive director,
5744 including regular interest.

5745 (3) "Actuarial interest rate" means the interest rate as recommended by the actuary and
5746 adopted by the board upon which the funding of system costs and benefits are computed.

5747 (4) (a) "Agency" means:

5748 (i) a department, division, agency, office, authority, commission, board, institution, or
5749 hospital of the state;

5750 (ii) a county, municipality, school district, ~~local~~ special district, or special service
5751 district;

5752 (iii) a state college or university; or

5753 (iv) any other participating employer.

5754 (b) "Agency" does not include an entity listed under Subsection (4)(a)(i) that is a
5755 subdivision of another entity listed under Subsection (4)(a).

5756 (5) "Allowance" or "retirement allowance" means the pension plus the annuity,
5757 including any cost of living or other authorized adjustments to the pension and annuity.

5758 (6) "Alternate payee" means a member's former spouse or family member eligible to
5759 receive payments under a Domestic Relations Order in compliance with Section [49-11-612](#).

5760 (7) "Amortization rate" means the board certified percent of salary required to amortize
5761 the unfunded actuarial accrued liability in accordance with policies established by the board
5762 upon the advice of the actuary.

- 5763 (8) "Annuity" means monthly payments derived from member contributions.
- 5764 (9) "Appointive officer" means an employee appointed to a position for a definite and
5765 fixed term of office by official and duly recorded action of a participating employer whose
5766 appointed position is designated in the participating employer's charter, creation document, or
5767 similar document, and:
- 5768 (a) who earns \$500 or more per month, indexed as of January 1, 1990, as provided in
5769 Section 49-12-407 for a Tier I appointive officer; and
- 5770 (b) whose appointive position is full-time as certified by the participating employer for
5771 a Tier II appointive officer.
- 5772 (10) (a) "At-will employee" means a person who is employed by a participating
5773 employer and:
- 5774 (i) who is not entitled to merit or civil service protection and is generally considered
5775 exempt from a participating employer's merit or career service personnel systems;
- 5776 (ii) whose on-going employment status is entirely at the discretion of the person's
5777 employer; or
- 5778 (iii) who may be terminated without cause by a designated supervisor, manager, or
5779 director.
- 5780 (b) "At-will employee" does not include a career employee who has obtained a
5781 reasonable expectation of continued employment based on inclusion in a participating
5782 employer's merit system, civil service protection system, or career service personnel systems,
5783 policies, or plans.
- 5784 (11) "Beneficiary" means any person entitled to receive a payment under this title
5785 through a relationship with or designated by a member, participant, covered individual, or
5786 alternate payee of a defined contribution plan.
- 5787 (12) "Board" means the Utah State Retirement Board established under Section
5788 49-11-202.
- 5789 (13) "Board member" means a person serving on the Utah State Retirement Board as
5790 established under Section 49-11-202.
- 5791 (14) "Board of Higher Education" or "Utah Board of Higher Education" means the
5792 Utah Board of Higher Education described in Section 53B-1-402.
- 5793 (15) "Certified contribution rate" means the board certified percent of salary paid on

5794 behalf of an active member to the office to maintain the system on a financially and actuarially
5795 sound basis.

5796 (16) "Contributions" means the total amount paid by the participating employer and the
5797 member into a system or to the Utah Governors' and Legislators' Retirement Plan under
5798 Chapter 19, Utah Governors' and Legislators' Retirement Act.

5799 (17) "Council member" means a person serving on the Membership Council
5800 established under Section [49-11-205](#).

5801 (18) "Covered individual" means any individual covered under Chapter 20, Public
5802 Employees' Benefit and Insurance Program Act.

5803 (19) "Current service" means covered service under:

5804 (a) Chapter 12, Public Employees' Contributory Retirement Act;

5805 (b) Chapter 13, Public Employees' Noncontributory Retirement Act;

5806 (c) Chapter 14, Public Safety Contributory Retirement Act;

5807 (d) Chapter 15, Public Safety Noncontributory Retirement Act;

5808 (e) Chapter 16, Firefighters' Retirement Act;

5809 (f) Chapter 17, Judges' Contributory Retirement Act;

5810 (g) Chapter 18, Judges' Noncontributory Retirement Act;

5811 (h) Chapter 19, Utah Governors' and Legislators' Retirement Act;

5812 (i) Chapter 22, New Public Employees' Tier II Contributory Retirement Act; or

5813 (j) Chapter 23, New Public Safety and Firefighter Tier II Contributory Retirement Act.

5814 (20) "Defined benefit" or "defined benefit plan" or "defined benefit system" means a
5815 system or plan offered under this title to provide a specified allowance to a retiree or a retiree's
5816 spouse after retirement that is based on a set formula involving one or more of the following
5817 factors:

5818 (a) years of service;

5819 (b) final average monthly salary; or

5820 (c) a retirement multiplier.

5821 (21) "Defined contribution" or "defined contribution plan" means any defined
5822 contribution plan or deferred compensation plan authorized under the Internal Revenue Code
5823 and administered by the board.

5824 (22) "Educational institution" means a political subdivision or instrumentality of the

5825 state or a combination thereof primarily engaged in educational activities or the administration
5826 or servicing of educational activities, including:

5827 (a) the State Board of Education and its instrumentalities;

5828 (b) any institution of higher education and its branches;

5829 (c) any school district and its instrumentalities;

5830 (d) any vocational and technical school; and

5831 (e) any entity arising out of a consolidation agreement between entities described under
5832 this Subsection (22).

5833 (23) "Elected official":

5834 (a) means a person elected to a state office, county office, municipal office, school
5835 board or school district office, ~~local~~ special district office, or special service district office;

5836 (b) includes a person who is appointed to serve an unexpired term of office described
5837 under Subsection (23)(a); and

5838 (c) does not include a judge or justice who is subject to a retention election under
5839 Section [20A-12-201](#).

5840 (24) (a) "Employer" means any department, educational institution, or political
5841 subdivision of the state eligible to participate in a government-sponsored retirement system
5842 under federal law.

5843 (b) "Employer" may also include an agency financed in whole or in part by public
5844 funds.

5845 (25) "Exempt employee" means an employee working for a participating employer:

5846 (a) who is not eligible for service credit under Section [49-12-203](#), [49-13-203](#),
5847 [49-14-203](#), [49-15-203](#), or [49-16-203](#); and

5848 (b) for whom a participating employer is not required to pay contributions or
5849 nonelective contributions.

5850 (26) "Final average monthly salary" means the amount computed by dividing the
5851 compensation received during the final average salary period under each system by the number
5852 of months in the final average salary period.

5853 (27) "Fund" means any fund created under this title for the purpose of paying benefits
5854 or costs of administering a system, plan, or program.

5855 (28) (a) "Inactive member" means a member who has not been employed by a

5856 participating employer for a period of at least 120 days.

5857 (b) "Inactive member" does not include retirees.

5858 (29) (a) "Initially entering" means hired, appointed, or elected for the first time, in
5859 current service as a member with any participating employer.

5860 (b) "Initially entering" does not include a person who has any prior service credit on
5861 file with the office.

5862 (c) "Initially entering" includes an employee of a participating employer, except for an
5863 employee that is not eligible under a system or plan under this title, who:

5864 (i) does not have any prior service credit on file with the office;

5865 (ii) is covered by a retirement plan other than a retirement plan created under this title;

5866 and

5867 (iii) moves to a position with a participating employer that is covered by this title.

5868 (30) "Institution of higher education" means an institution described in Section
5869 [53B-1-102](#).

5870 (31) (a) "Member" means a person, except a retiree, with contributions on deposit with
5871 a system, the Utah Governors' and Legislators' Retirement Plan under Chapter 19, Utah
5872 Governors' and Legislators' Retirement Act, or with a terminated system.

5873 (b) "Member" also includes leased employees within the meaning of Section 414(n)(2)
5874 of the Internal Revenue Code, if the employees have contributions on deposit with the office.
5875 If leased employees constitute less than 20% of the participating employer's work force that is
5876 not highly compensated within the meaning of Section 414(n)(5)(c)(ii), Internal Revenue Code,
5877 "member" does not include leased employees covered by a plan described in Section 414(n)(5)
5878 of the federal Internal Revenue Code.

5879 (32) "Member contributions" means the sum of the contributions paid to a system or
5880 the Utah Governors' and Legislators' Retirement Plan, including refund interest if allowed by a
5881 system, and which are made by:

5882 (a) the member; and

5883 (b) the participating employer on the member's behalf under Section 414(h) of the
5884 Internal Revenue Code.

5885 (33) "Nonelective contribution" means an amount contributed by a participating
5886 employer into a participant's defined contribution account.

5887 (34) "Normal cost rate":

5888 (a) means the percent of salary that is necessary for a retirement system that is fully
5889 funded to maintain its fully funded status; and

5890 (b) is determined by the actuary based on the assumed rate of return established by the
5891 board.

5892 (35) "Office" means the Utah State Retirement Office.

5893 (36) "Participant" means an individual with voluntary deferrals or nonelective
5894 contributions on deposit with the defined contribution plans administered under this title.

5895 (37) "Participating employer" means a participating employer, as defined by Chapter
5896 12, Public Employees' Contributory Retirement Act, Chapter 13, Public Employees'
5897 Noncontributory Retirement Act, Chapter 14, Public Safety Contributory Retirement Act,
5898 Chapter 15, Public Safety Noncontributory Retirement Act, Chapter 16, Firefighters'
5899 Retirement Act, Chapter 17, Judges' Contributory Retirement Act, and Chapter 18, Judges'
5900 Noncontributory Retirement Act, or an agency financed in whole or in part by public funds
5901 which is participating in a system or plan as of January 1, 2002.

5902 (38) "Part-time appointed board member" means a person:

5903 (a) who is appointed to serve as a member of a board, commission, council, committee,
5904 or panel of a participating employer; and

5905 (b) whose service as a part-time appointed board member does not qualify as a regular
5906 full-time employee as defined under Section [49-12-102](#), [49-13-102](#), or [49-22-102](#).

5907 (39) "Pension" means monthly payments derived from participating employer
5908 contributions.

5909 (40) "Plan" means the Utah Governors' and Legislators' Retirement Plan created by
5910 Chapter 19, Utah Governors' and Legislators' Retirement Act, the New Public Employees' Tier
5911 II Defined Contribution Plan created by Chapter 22, Part 4, Tier II Defined Contribution Plan,
5912 the New Public Safety and Firefighter Tier II Defined Contribution Plan created by Chapter 23,
5913 Part 4, Tier II Defined Contribution Plan, or the defined contribution plans created under
5914 Section [49-11-801](#).

5915 (41) (a) "Political subdivision" means any local government entity, including cities,
5916 towns, counties, and school districts, but only if the subdivision is a juristic entity that is legally
5917 separate and distinct from the state and only if its employees are not by virtue of their

5918 relationship to the entity employees of the state.

5919 (b) "Political subdivision" includes [~~local~~] special districts, special service districts, or
5920 authorities created by the Legislature or by local governments, including the office.

5921 (c) "Political subdivision" does not include a project entity created under Title 11,
5922 Chapter 13, Interlocal Cooperation Act, that was formed prior to July 1, 1987.

5923 (42) "Program" means the Public Employees' Insurance Program created under Chapter
5924 20, Public Employees' Benefit and Insurance Program Act, or the Public Employees'
5925 Long-Term Disability program created under Chapter 21, Public Employees' Long-Term
5926 Disability Act.

5927 (43) "Public funds" means those funds derived, either directly or indirectly, from public
5928 taxes or public revenue, dues or contributions paid or donated by the membership of the
5929 organization, used to finance an activity whose objective is to improve, on a nonprofit basis,
5930 the governmental, educational, and social programs and systems of the state or its political
5931 subdivisions.

5932 (44) "Qualified defined contribution plan" means a defined contribution plan that
5933 meets the requirements of Section 401(k) or Section 403(b) of the Internal Revenue Code.

5934 (45) "Refund interest" means the amount accrued on member contributions at a rate
5935 adopted by the board.

5936 (46) "Retiree" means an individual who has qualified for an allowance under this title.

5937 (47) "Retirement" means the status of an individual who has become eligible, applies
5938 for, and is entitled to receive an allowance under this title.

5939 (48) "Retirement date" means the date selected by the member on which the member's
5940 retirement becomes effective with the office.

5941 (49) "Retirement related contribution":

5942 (a) means any employer payment to any type of retirement plan or program made on
5943 behalf of an employee; and

5944 (b) does not include Social Security payments or Social Security substitute payments
5945 made on behalf of an employee.

5946 (50) "Service credit" means:

5947 (a) the period during which an employee is employed and compensated by a
5948 participating employer and meets the eligibility requirements for membership in a system or the

5949 Utah Governors' and Legislators' Retirement Plan, provided that any required contributions are
5950 paid to the office; and

5951 (b) periods of time otherwise purchasable under this title.

5952 (51) "Surviving spouse" means:

5953 (a) the lawful spouse who has been married to a member for at least six months
5954 immediately before the death date of the member; or

5955 (b) a former lawful spouse of a member with a valid domestic relations order benefits
5956 on file with the office before the member's death date in accordance with Section [49-11-612](#).

5957 (52) "System" means the individual retirement systems created by Chapter 12, Public
5958 Employees' Contributory Retirement Act, Chapter 13, Public Employees' Noncontributory
5959 Retirement Act, Chapter 14, Public Safety Contributory Retirement Act, Chapter 15, Public
5960 Safety Noncontributory Retirement Act, Chapter 16, Firefighters' Retirement Act, Chapter 17,
5961 Judges' Contributory Retirement Act, Chapter 18, Judges' Noncontributory Retirement Act, and
5962 Chapter 19, Utah Governors' and Legislators' Retirement Act, the defined benefit portion of the
5963 Tier II Hybrid Retirement System under Chapter 22, Part 3, Tier II Hybrid Retirement System,
5964 and the defined benefit portion of the Tier II Hybrid Retirement System under Chapter 23, Part
5965 3, Tier II Hybrid Retirement System.

5966 (53) "Technical college" means the same as that term is defined in Section
5967 [53B-1-101.5](#).

5968 (54) "Tier I" means a system or plan under this title for which:

5969 (a) an employee is eligible to participate if the employee initially enters regular
5970 full-time employment before July 1, 2011; or

5971 (b) a governor or legislator who initially enters office before July 1, 2011.

5972 (55) (a) "Tier II" means a system or plan under this title provided in lieu of a Tier I
5973 system or plan for an employee, governor, legislator, or full-time elected official who does not
5974 have Tier I service credit in a system or plan under this title:

5975 (i) if the employee initially enters regular full-time employment on or after July 1,
5976 2011; or

5977 (ii) if the governor, legislator, or full-time elected official initially enters office on or
5978 after July 1, 2011.

5979 (b) "Tier II" includes:

- 5980 (i) the Tier II hybrid system established under:
- 5981 (A) Chapter 22, Part 3, Tier II Hybrid Retirement System; or
- 5982 (B) Chapter 23, Part 3, Tier II Hybrid Retirement System; and
- 5983 (ii) the Tier II Defined Contribution Plan (Tier II DC Plan) established under:
- 5984 (A) Chapter 22, Part 4, Tier II Defined Contribution Plan; or
- 5985 (B) Chapter 23, Part 4, Tier II Defined Contribution Plan.
- 5986 (56) "Unfunded actuarial accrued liability" or "UAAL":
- 5987 (a) is determined by the system's actuary; and
- 5988 (b) means the excess, if any, of the accrued liability of a retirement system over the
- 5989 actuarial value of its assets.

5990 (57) "Voluntary deferrals" means an amount contributed by a participant into that

5991 participant's defined contribution account.

5992 Section 79. Section **49-11-205** is amended to read:

5993 **49-11-205. Membership Council established -- Members -- Chair -- Duties --**

5994 **Expenses and per diem.**

5995 (1) There is established a Membership Council to perform the duties under Subsection

5996 (5).

5997 (2) The Membership Council shall be composed of 15 council members selected as

5998 follows:

5999 (a) three council members shall be school employees selected by the governing board

6000 of an association representative of a majority of school employees who are members of a

6001 system administered by the board;

6002 (b) one council member shall be a classified school employee selected by the

6003 governing board of the association representative of a majority of classified school employees

6004 who are members of a system administered by the board;

6005 (c) two council members shall be public employees selected by the governing board of

6006 the association representative of a majority of the public employees who are members of a

6007 system administered by the board;

6008 (d) one council member shall be a municipal officer or employee selected by the

6009 governing board of the association representative of a majority of the municipalities who

6010 participate in a system administered by the board;

6011 (e) one council member shall be a county officer or employee selected by the governing
6012 board of the association representative of a majority of counties who participate in a system
6013 administered by the board;

6014 (f) one council member shall be a representative of members of the Judges'
6015 Noncontributory Retirement System selected by the Judicial Council;

6016 (g) one council member shall be a representative of members of the Public Safety
6017 Retirement Systems selected by the governing board of the association representative of the
6018 majority of peace officers who are members of the Public Safety Retirement Systems;

6019 (h) one council member shall be a representative of members of the Firefighters'
6020 Retirement System selected by the governing board of the association representative of the
6021 majority of paid professional firefighters who are members of the Firefighters' Retirement
6022 System;

6023 (i) one council member shall be a retiree selected by the governing board of the
6024 association representing the largest number of retirees, who are not public education retirees,
6025 from the Public Employees' Contributory, Public Employees' Noncontributory, and New Public
6026 Employees' Tier II Contributory Retirement Systems;

6027 (j) one council member shall be a retiree selected by the governing board of the
6028 association representing the largest number of public education retirees;

6029 (k) one council member shall be a school business official selected by the governing
6030 board of the association representative of a majority of the school business officials from
6031 public education employers who participate in a system administered by the board; and

6032 (l) one council member shall be a special district officer or employee selected by the
6033 governing board of the association representing the largest number of special service districts
6034 and ~~local~~ special districts who participate in a system administered by the board.

6035 (3) (a) Each entity granted authority to select council members under Subsection (2)
6036 may also revoke the selection at any time.

6037 (b) Each term on the council shall be for a period of four years, subject to Subsection
6038 (3)(a).

6039 (c) Each term begins on July 1 and expires on June 30.

6040 (d) When a vacancy occurs on the council for any reason, the replacement shall be
6041 selected for the remainder of the unexpired term.

- 6042 (4) The council shall annually designate one council member as chair.
- 6043 (5) The council shall:
 - 6044 (a) recommend to the board and to the Legislature benefits and policies for members of
 - 6045 any system or plan administered by the board;
 - 6046 (b) recommend procedures and practices to improve the administration of the systems
 - 6047 and plans and the public employee relations responsibilities of the board and office;
 - 6048 (c) examine the record of all decisions affecting retirement benefits made by a hearing
 - 6049 officer under Section 49-11-613;
 - 6050 (d) submit nominations to the board for the position of executive director if that
 - 6051 position is vacant;
 - 6052 (e) advise and counsel with the board and the director on policies affecting members of
 - 6053 the various systems administered by the office; and
 - 6054 (f) perform other duties assigned to it by the board.
- 6055 (6) A member of the council may not receive compensation or benefits for the
- 6056 member's service, but may receive per diem and travel expenses in accordance with:
 - 6057 (a) Section 63A-3-106;
 - 6058 (b) Section 63A-3-107; and
 - 6059 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 - 6060 63A-3-107.
- 6061 Section 80. Section 51-4-2 is amended to read:
 - 6062 **51-4-2. Deposits by political subdivisions.**
 - 6063 (1) As used in this section:
 - 6064 (a) "Officer" means each:
 - 6065 (i) county treasurer, county auditor, county assessor, county clerk, clerk of the district
 - 6066 court, city treasurer, city clerk, justice court judge; and
 - 6067 (ii) other officer of a political subdivision.
 - 6068 (b) "Political subdivision" means a county, city, town, school district, ~~local~~ special
 - 6069 district, and special service district.
 - 6070 (2) (a) Each officer shall deposit all public funds daily, if practicable, but no later than
 - 6071 once every three banking days.
 - 6072 (b) Each officer shall deposit all public funds only in qualified depositories unless the

6073 public funds need to be deposited in a bank outside Utah in order to provide for:

6074 (i) payment of maturing bonds or other evidences of indebtedness; or

6075 (ii) payment of the interest on bonds or other evidences of indebtedness.

6076 (3) (a) (i) Each officer shall require all checks to be made payable to the office of the
6077 officer receiving funds or to the political subdivision's treasurer.

6078 (ii) An officer may not accept a check unless it is made payable to the office of the
6079 officer receiving funds or to the political subdivision's treasurer.

6080 (b) Each officer shall deposit all money the officer collects into an account controlled
6081 by the political subdivision's treasurer.

6082 (4) (a) Except as provided in Subsection (4)(b) and unless a shorter time for depositing
6083 funds is otherwise required by law, each political subdivision that has collected funds that are
6084 due to the state or to another political subdivision of the state shall, on or before the tenth day
6085 of each month, pay all of those funds that were receipted during the last month:

6086 (i) to a qualified depository for the credit of the appropriate public treasurer; or

6087 (ii) to the appropriate public treasurer.

6088 (b) Property tax collections shall be apportioned and paid according to Section

6089 [59-2-1365](#).

6090 Section 81. Section **51-7-3** is amended to read:

6091 **51-7-3. Definitions.**

6092 As used in this chapter:

6093 (1) "Agent" means "agent" as defined in Section [61-1-13](#).

6094 (2) "Certified dealer" means:

6095 (a) a primary reporting dealer recognized by the Federal Reserve Bank of New York
6096 who is certified by the director as having met the applicable criteria of council rule; or

6097 (b) a broker dealer who:

6098 (i) has and maintains an office and a resident registered principal in the state;

6099 (ii) meets the capital requirements established by council rules;

6100 (iii) meets the requirements for good standing established by council rule; and

6101 (iv) is certified by the director as meeting quality criteria established by council rule.

6102 (3) "Certified investment adviser" means a federal covered adviser, as defined in

6103 Section [61-1-13](#), or an investment adviser, as defined in Section [61-1-13](#), who is certified by

6104 the director as having met the applicable criteria of council rule.

6105 (4) "Commissioner" means the commissioner of financial institutions.

6106 (5) "Council" means the State Money Management Council created by Section
6107 [51-7-16](#).

6108 (6) "Covered bond" means a publicly placed debt security issued by a bank, other
6109 regulated financial institution, or a subsidiary of either that is secured by a pool of loans that
6110 remain on the balance sheet of the issuer or its subsidiary.

6111 (7) "Director" means the director of the Utah State Division of Securities of the
6112 Department of Commerce.

6113 (8) (a) "Endowment funds" means gifts, devises, or bequests of property of any kind
6114 donated to a higher education institution from any source.

6115 (b) "Endowment funds" does not mean money used for the general operation of a
6116 higher education institution that is received by the higher education institution from:

- 6117 (i) state appropriations;
- 6118 (ii) federal contracts;
- 6119 (iii) federal grants;
- 6120 (iv) private research grants; and
- 6121 (v) tuition and fees collected from students.

6122 (9) "First tier commercial paper" means commercial paper rated by at least two
6123 nationally recognized statistical rating organizations in the highest short-term rating category.

6124 (10) "Funds functioning as endowments" means funds, regardless of source, whose
6125 corpus is intended to be held in perpetuity by formal institutional designation according to the
6126 institution's policy for designating those funds.

6127 (11) "GASB" or "Governmental Accounting Standards Board" means the
6128 Governmental Accounting Standards Board that is responsible for accounting standards used
6129 by public entities.

6130 (12) "Hard put" means an unconditional sell-back provision or a redemption provision
6131 applicable at issue to a note or bond, allowing holders to sell their holdings back to the issuer
6132 or to an equal or higher-rated third party provider at specific intervals and specific prices
6133 determined at the time of issuance.

6134 (13) "Higher education institution" means the institutions specified in Section

6135 53B-1-102.

6136 (14) "Investment adviser representative" is as defined in Section 61-1-13.

6137 (15) (a) "Investment agreement" means any written agreement that has specifically
6138 negotiated withdrawal or reinvestment provisions and a specifically negotiated interest rate.

6139 (b) "Investment agreement" includes any agreement to supply investments on one or
6140 more future dates.

6141 (16) "Local government" means a county, municipality, school district, ~~[local]~~ special
6142 district under [Title 17B, Limited Purpose Local Government Entities - Local Districts] Title
6143 17B, Limited Purpose Local Government Entities - Special Districts, special service district
6144 under Title 17D, Chapter 1, Special Service District Act, or any other political subdivision of
6145 the state.

6146 (17) "Market value" means market value as defined in the Master Repurchase
6147 Agreement.

6148 (18) "Master Repurchase Agreement" means the current standard Master Repurchase
6149 Agreement approved by the Public Securities Association or by any successor organization.

6150 (19) "Maximum amount" means, with respect to qualified depositories, the total
6151 amount of:

6152 (a) deposits in excess of the federal deposit insurance limit; and

6153 (b) nonqualifying repurchase agreements.

6154 (20) "Money market mutual fund" means an open-end managed investment fund:

6155 (a) that complies with the diversification, quality, and maturity requirements of Rule
6156 2a-7 or any successor rule of the Securities and Exchange Commission applicable to money
6157 market mutual funds; and

6158 (b) that assesses no sales load on the purchase of shares and no contingent deferred
6159 sales charge or other similar charges, however designated.

6160 (21) "Nationally recognized statistical rating organization" means an organization that
6161 has been designated as a nationally recognized statistical rating organization by the Securities
6162 and Exchange Commission's Division of Market Regulation.

6163 (22) "Nonqualifying repurchase agreement" means a repurchase agreement evidencing
6164 indebtedness of a qualified depository arising from the transfer of obligations of the United
6165 States Treasury or other authorized investments to public treasurers that is:

6166 (a) evidenced by a safekeeping receipt issued by the qualified depository;
6167 (b) included in the depository's maximum amount of public funds; and
6168 (c) valued and maintained at market value plus an appropriate margin collateral
6169 requirement based upon the term of the agreement and the type of securities acquired.

6170 (23) "Operating funds" means current balances and other funds that are to be disbursed
6171 for operation of the state government or any of its boards, commissions, institutions,
6172 departments, divisions, agencies, or other similar instrumentalities, or any county, city, school
6173 district, political subdivision, or other public body.

6174 (24) "Permanent funds" means funds whose principal may not be expended, the
6175 earnings from which are to be used for purposes designated by law.

6176 (25) "Permitted depository" means any out-of-state financial institution that meets
6177 quality criteria established by rule of the council.

6178 (26) "Public funds" means money, funds, and accounts, regardless of the source from
6179 which the money, funds, and accounts are derived, that are owned, held, or administered by the
6180 state or any of its boards, commissions, institutions, departments, divisions, agencies, bureaus,
6181 laboratories, or other similar instrumentalities, or any county, city, school district, political
6182 subdivision, or other public body.

6183 (27) (a) "Public money" means "public funds."

6184 (b) "Public money," as used in Article VII, Sec. 15, Utah Constitution, means the same
6185 as "state funds."

6186 (28) "Public treasurer" includes the state treasurer and the official of any state board,
6187 commission, institution, department, division, agency, or other similar instrumentality, or of
6188 any county, city, school district, charter school, political subdivision, or other public body who
6189 has the responsibility for the safekeeping and investment of any public funds.

6190 (29) "Qualified depository" means a Utah depository institution or an out-of-state
6191 depository institution, as those terms are defined in Section [7-1-103](#), that is authorized to
6192 conduct business in this state under Section [7-1-702](#) or Title 7, Chapter 19, Acquisition of
6193 Failing Depository Institutions or Holding Companies, whose deposits are insured by an
6194 agency of the federal government and that has been certified by the commissioner of financial
6195 institutions as having met the requirements established under this chapter and the rules of the
6196 council to be eligible to receive deposits of public funds.

6197 (30) "Qualifying repurchase agreement" means a repurchase agreement evidencing
6198 indebtedness of a financial institution or government securities dealer acting as principal
6199 arising from the transfer of obligations of the United States Treasury or other authorized
6200 investments to public treasurers only if purchased securities are:

6201 (a) delivered to the public treasurer's safekeeping agent or custodian as contemplated
6202 by Section 7 of the Master Repurchase Agreement; and

6203 (b) valued and maintained at market value plus an appropriate margin collateral
6204 requirement based upon the term of the agreement and the type of securities acquired.

6205 (31) "Reciprocal deposits" means deposits that are initially deposited into a qualified
6206 depository and are then redeposited through a deposit account registry service:

6207 (a) in one or more FDIC-insured depository institutions in amounts up to the relevant
6208 FDIC-insured deposit limit for a depositor in each depository institution; and

6209 (b) in exchange for reciprocal FDIC-insured deposits made through the deposit account
6210 registry service to the qualified depository.

6211 (32) "Securities division" means Utah's Division of Securities created within the
6212 Department of Commerce by Section [13-1-2](#).

6213 (33) "State funds" means:

6214 (a) public money raised by operation of law for the support and operation of the state
6215 government; and

6216 (b) all other money, funds, and accounts, regardless of the source from which the
6217 money, funds, or accounts are derived, that are owned, held, or administered by the state or any
6218 of its boards, commissions, institutions, departments, divisions, agencies, bureaus, laboratories,
6219 or other similar instrumentalities.

6220 Section 82. Section **52-4-203** is amended to read:

6221 **52-4-203. Written minutes of open meetings -- Public records -- Recording of**
6222 **meetings.**

6223 (1) Except as provided under Subsection (7), written minutes and a recording shall be
6224 kept of all open meetings.

6225 (2) (a) Written minutes of an open meeting shall include:

6226 (i) the date, time, and place of the meeting;

6227 (ii) the names of members present and absent;

6228 (iii) the substance of all matters proposed, discussed, or decided by the public body
6229 which may include a summary of comments made by members of the public body;
6230 (iv) a record, by individual member, of each vote taken by the public body;
6231 (v) the name of each person who:
6232 (A) is not a member of the public body; and
6233 (B) after being recognized by the presiding member of the public body, provided
6234 testimony or comments to the public body;
6235 (vi) the substance, in brief, of the testimony or comments provided by the public under
6236 Subsection (2)(a)(v); and
6237 (vii) any other information that is a record of the proceedings of the meeting that any
6238 member requests be entered in the minutes or recording.

6239 (b) A public body may satisfy the requirement under Subsection (2)(a)(iii) or (vi) that
6240 minutes include the substance of matters proposed, discussed, or decided or the substance of
6241 testimony or comments by maintaining a publicly available online version of the minutes that
6242 provides a link to the meeting recording at the place in the recording where the matter is
6243 proposed, discussed, or decided or the testimony or comments provided.

6244 (c) A public body that has members who were elected to the public body shall satisfy
6245 the requirement described in Subsection (2)(a)(iv) by recording each vote:
6246 (i) in list format;
6247 (ii) by category for each action taken by a member, including yes votes, no votes, and
6248 absent members; and
6249 (iii) by each member's name.

6250 (3) A recording of an open meeting shall:
6251 (a) be a complete and unedited record of all open portions of the meeting from the
6252 commencement of the meeting through adjournment of the meeting; and
6253 (b) be properly labeled or identified with the date, time, and place of the meeting.

6254 (4) (a) As used in this Subsection (4):
6255 (i) "Approved minutes" means written minutes:
6256 (A) of an open meeting; and
6257 (B) that have been approved by the public body that held the open meeting.
6258 (ii) "Electronic information" means information presented or provided in an electronic

6259 format.

6260 (iii) "Pending minutes" means written minutes:

6261 (A) of an open meeting; and

6262 (B) that have been prepared in draft form and are subject to change before being

6263 approved by the public body that held the open meeting.

6264 (iv) "Specified local public body" means a legislative body of a county, city, town, or

6265 metro township.

6266 (v) "State public body" means a public body that is an administrative, advisory,

6267 executive, or legislative body of the state.

6268 (vi) "State website" means the Utah Public Notice Website created under Section

6269 [63A-16-601](#).

6270 (b) Pending minutes, approved minutes, and a recording of a public meeting are public

6271 records under Title 63G, Chapter 2, Government Records Access and Management Act.

6272 (c) Pending minutes shall contain a clear indication that the public body has not yet

6273 approved the minutes or that the minutes are subject to change until the public body approves

6274 them.

6275 (d) A public body shall require an individual who, at an open meeting of the public

6276 body, publicly presents or provides electronic information, relating to an item on the public

6277 body's meeting agenda, to provide the public body, at the time of the meeting, an electronic or

6278 hard copy of the electronic information for inclusion in the public record.

6279 (e) A state public body shall:

6280 (i) make pending minutes available to the public within 30 days after holding the open

6281 meeting that is the subject of the pending minutes;

6282 (ii) within three business days after approving written minutes of an open meeting:

6283 (A) post to the state website a copy of the approved minutes and any public materials

6284 distributed at the meeting;

6285 (B) make the approved minutes and public materials available to the public at the

6286 public body's primary office; and

6287 (C) if the public body provides online minutes under Subsection (2)(b), post approved

6288 minutes that comply with Subsection (2)(b) and the public materials on the public body's

6289 website; and

6290 (iii) within three business days after holding an open meeting, post on the state website
6291 an audio recording of the open meeting, or a link to the recording.

6292 (f) A specified local public body shall:

6293 (i) make pending minutes available to the public within 30 days after holding the open
6294 meeting that is the subject of the pending minutes;

6295 (ii) within three business days after approving written minutes of an open meeting,
6296 post and make available a copy of the approved minutes and any public materials distributed at
6297 the meeting, as provided in Subsection (4)(e)(ii); and

6298 (iii) within three business days after holding an open meeting, make an audio recording
6299 of the open meeting available to the public for listening.

6300 (g) A public body that is not a state public body or a specified local public body shall:

6301 (i) make pending minutes available to the public within a reasonable time after holding
6302 the open meeting that is the subject of the pending minutes;

6303 (ii) within three business days after approving written minutes of an open meeting:

6304 (A) post and make available a copy of the approved minutes and any public materials
6305 distributed at the meeting, as provided in Subsection (4)(e)(ii); or

6306 (B) comply with Subsections (4)(e)(ii)(B) and (C) and post to the state website a link to
6307 a website on which the approved minutes and any public materials distributed at the meeting
6308 are posted; and

6309 (iii) within three business days after holding an open meeting, make an audio recording
6310 of the open meeting available to the public for listening.

6311 (h) A public body shall establish and implement procedures for the public body's
6312 approval of the written minutes of each meeting.

6313 (i) Approved minutes of an open meeting are the official record of the meeting.

6314 (5) All or any part of an open meeting may be independently recorded by any person in
6315 attendance if the recording does not interfere with the conduct of the meeting.

6316 (6) The written minutes or recording of an open meeting that are required to be
6317 retained permanently shall be maintained in or converted to a format that meets long-term
6318 records storage requirements.

6319 (7) Notwithstanding Subsection (1), a recording is not required to be kept of:

6320 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken

6321 by the public body; or

6322 (b) an open meeting of a ~~[local]~~ special district under ~~[Title 17B, Limited Purpose~~
6323 ~~Local Government Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government
6324 Entities - Special Districts, or special service district under Title 17D, Chapter 1, Special
6325 Service District Act, if the district's annual budgeted expenditures for all funds, excluding
6326 capital expenditures and debt service, are \$50,000 or less.

6327 Section 83. Section **52-8-102** is amended to read:

6328 **52-8-102. Definitions.**

6329 As used in this chapter:

6330 (1) "Attribution" means to be responsible for the truth, correctness, and accuracy of a
6331 report.

6332 (2) "Chief executive officer" means:

6333 (a) the governor, for the state;

6334 (b) the chair of the county commission or the county executive, for a county; and

6335 (c) the mayor, for a municipality, or if governed under a council-manager form of
6336 government, the chair of the council.

6337 (3) "Government entity" includes the state, its agencies and institutions, each county,
6338 municipality, school district, ~~[local]~~ special district, and special service district in Utah.

6339 (4) "Promotional literature" means reports whose primary or secondary purpose is to
6340 provide nonresidents with information about the government entity that produced the report.

6341 (5) (a) "Report" means each account, statement, record of proceedings, summary of
6342 activities, and other written or printed document required by statute that is prepared or
6343 produced by a government entity that is distributed to the public.

6344 (b) "Report" does not mean written or printed documents whose primary purpose is to
6345 provide biographical information about government officials.

6346 Section 84. Section **53-2a-203** is amended to read:

6347 **53-2a-203. Definitions.**

6348 As used in this part:

6349 (1) "Chief executive officer" means:

6350 (a) for a municipality:

6351 (i) the mayor for a municipality operating under all forms of municipal government

6352 except the council-manager form of government; or
6353 (ii) the city manager for a municipality operating under the council-manager form of
6354 government;
6355 (b) for a county:
6356 (i) the chair of the county commission for a county operating under the county
6357 commission or expanded county commission form of government;
6358 (ii) the county executive officer for a county operating under the county-executive
6359 council form of government; or
6360 (iii) the county manager for a county operating under the council-manager form of
6361 government;
6362 (c) for a special service district:
6363 (i) the chief executive officer of the county or municipality that created the special
6364 service district if authority has not been delegated to an administrative control board as
6365 provided in Section 17D-1-301;
6366 (ii) the chair of the administrative control board to which authority has been delegated
6367 as provided in Section 17D-1-301; or
6368 (iii) the general manager or other officer or employee to whom authority has been
6369 delegated by the governing body of the special service district as provided in Section
6370 17D-1-301; or
6371 (d) for a ~~local~~ special district:
6372 (i) the chair of the board of trustees selected as provided in Section 17B-1-309; or
6373 (ii) the general manager or other officer or employee to whom authority has been
6374 delegated by the board of trustees.
6375 (2) "Executive action" means any of the following actions by the governor during a
6376 state of emergency:
6377 (a) an order, a rule, or a regulation made by the governor as described in Section
6378 53-2a-209;
6379 (b) an action by the governor to suspend or modify a statute as described in Subsection
6380 53-2a-204(1)(j); or
6381 (c) an action by the governor to suspend the enforcement of a statute as described in
6382 Subsection 53-2a-209(4).

6383 (3) "Exigent circumstances" means a significant change in circumstances following the
6384 expiration of a state of emergency declared in accordance with this chapter that:

6385 (a) substantially increases the threat to public safety or health relative to the
6386 circumstances in existence when the state of emergency expired;

6387 (b) poses an imminent threat to public safety or health; and

6388 (c) was not known or foreseen and could not have been known or foreseen at the time
6389 the state of emergency expired.

6390 (4) "Legislative emergency response committee" means the Legislative Emergency
6391 Response Committee created in Section [53-2a-218](#).

6392 (5) "Local emergency" means a condition in any municipality or county of the state
6393 which requires that emergency assistance be provided by the affected municipality or county or
6394 another political subdivision to save lives and protect property within its jurisdiction in
6395 response to a disaster, or to avoid or reduce the threat of a disaster.

6396 (6) "Long-term state of emergency" means a state of emergency:

6397 (a) that lasts longer than 30 days; or

6398 (b) declared to respond to exigent circumstances as described in Subsection
6399 [53-2a-206\(3\)](#).

6400 (7) "Political subdivision" means a municipality, county, special service district, or
6401 ~~[local]~~ special district.

6402 Section 85. Section **53-2a-302** is amended to read:

6403 **53-2a-302. Definitions.**

6404 As used in this part:

6405 (1) "Emergency responder":

6406 (a) means a person in the public or private sector:

6407 (i) who has special skills, qualification, training, knowledge, or experience, whether or
6408 not possessing a license, certificate, permit, or other official recognition for the skills,
6409 qualification, training, knowledge, or experience, that would benefit a participating political
6410 subdivision in responding to a locally declared emergency or in an authorized drill or exercise;
6411 and

6412 (ii) whom a participating political subdivision requests or authorizes to assist in
6413 responding to a locally declared emergency or in an authorized drill or exercise; and

- 6414 (b) includes:
- 6415 (i) a law enforcement officer;
- 6416 (ii) a firefighter;
- 6417 (iii) an emergency medical services worker;
- 6418 (iv) a physician, physician assistant, nurse, or other public health worker;
- 6419 (v) an emergency management official;
- 6420 (vi) a public works worker;
- 6421 (vii) a building inspector;
- 6422 (viii) an architect, engineer, or other design professional; or
- 6423 (ix) a person with specialized equipment operations skills or training or with any other
- 6424 skills needed to provide aid in a declared emergency.
- 6425 (2) "Participating political subdivision" means each county, municipality, public safety
- 6426 district, and public safety interlocal entity that has not adopted a resolution under Section
- 6427 [53-2a-306](#) withdrawing itself from the statewide mutual aid system.
- 6428 (3) "Public safety district" means a ~~[local]~~ special district under ~~[Title 17B, Limited~~
- 6429 ~~Purpose Local Government Entities - Local Districts]~~ Title 17B, Limited Purpose Local
- 6430 Government Entities - Special Districts, or special service district under Title 17D, Chapter 1,
- 6431 Special Service District Act, that provides public safety service.
- 6432 (4) "Public safety interlocal entity" means an interlocal entity under Title 11, Chapter
- 6433 13, Interlocal Cooperation Act, that provides public safety service.
- 6434 (5) "Public safety service" means a service provided to the public to protect life and
- 6435 property and includes fire protection, police protection, emergency medical service, and
- 6436 hazardous material response service.
- 6437 (6) "Requesting political subdivision" means a participating political subdivision that
- 6438 requests emergency assistance under Section [53-2a-207](#) from one or more other participating
- 6439 political subdivisions.
- 6440 (7) "Responding political subdivision" means a participating political subdivision that
- 6441 responds to a request under Section [53-2a-307](#) from a requesting political subdivision.
- 6442 (8) "State" means the state of Utah.
- 6443 (9) "Statewide mutual aid system" or "system" means the aggregate of all participating
- 6444 political subdivisions and the state.

6445 Section 86. Section **53-2a-305** is amended to read:

6446 **53-2a-305. Agreements not affected by this part.**

6447 Nothing in this part may be construed:

6448 (1) to limit the state, a county, municipality, [~~local~~] special district, special service
6449 district, or interlocal entity from entering into an agreement allowed by law for public safety
6450 and related purposes; or

6451 (2) to affect an agreement to which the state, a county, municipality, [~~local~~] special
6452 district, special service district, or interlocal entity is a party.

6453 Section 87. Section **53-2a-602** is amended to read:

6454 **53-2a-602. Definitions.**

6455 (1) Unless otherwise defined in this section, the terms that are used in this part mean
6456 the same as those terms are defined in Part 1, Emergency Management Act.

6457 (2) As used in this part:

6458 (a) "Agent of the state" means any representative of a state agency, local agency, or
6459 non-profit entity that agrees to provide support to a requesting intrastate or interstate
6460 government entity that has declared an emergency or disaster and has requested assistance
6461 through the division.

6462 (b) "Declared disaster" means one or more events:

6463 (i) within the state;

6464 (ii) that occur within a limited period of time;

6465 (iii) that involve:

6466 (A) a significant number of persons being at risk of bodily harm, sickness, or death; or

6467 (B) a significant portion of real property at risk of loss;

6468 (iv) that are sudden in nature and generally occur less frequently than every three years;

6469 and

6470 (v) that results in:

6471 (A) the president of the United States declaring an emergency or major disaster in the
6472 state;

6473 (B) the governor declaring a state of emergency under [~~Title 53, Chapter 2a, Part 2,~~
6474 ~~Disaster Response and Recovery Act~~] Part 2 Disaster Response and Recovery Act; or

6475 (C) the chief executive officer of a local government declaring a local emergency under

6476 Part 2, Disaster Response and Recovery Act.

6477 (c) "Disaster recovery account" means the State Disaster Recovery Restricted Account
6478 created in Section [53-2a-603](#).

6479 (d) (i) "Emergency disaster services" means:

6480 (A) evacuation;

6481 (B) shelter;

6482 (C) medical triage;

6483 (D) emergency transportation;

6484 (E) repair of infrastructure;

6485 (F) safety services, including fencing or roadblocks;

6486 (G) sandbagging;

6487 (H) debris removal;

6488 (I) temporary bridges;

6489 (J) procurement and distribution of food, water, or ice;

6490 (K) procurement and deployment of generators;

6491 (L) rescue or recovery;

6492 (M) emergency protective measures; or

6493 (N) services similar to those described in Subsections (2)(d)(i)(A) through (M), as
6494 defined by the division by rule, that are generally required in response to a declared disaster.

6495 (ii) "Emergency disaster services" does not include:

6496 (A) emergency preparedness; or

6497 (B) notwithstanding whether or not a county participates in the Wildland Fire
6498 Suppression Fund created in Section [65A-8-204](#), any fire suppression or presuppression costs
6499 that may be paid for from the Wildland Fire Suppression Fund if the county participates in the
6500 Wildland Fire Suppression Fund.

6501 (e) "Emergency preparedness" means the following done for the purpose of being
6502 prepared for an emergency as defined by the division by rule made in accordance with Title
6503 63G, Chapter 3, Utah Administrative Rulemaking Act:

6504 (i) the purchase of equipment;

6505 (ii) the training of personnel; or

6506 (iii) the obtaining of a certification.

- 6507 (f) "Governing body" means:
- 6508 (i) for a county, city, or town, the legislative body of the county, city, or town;
- 6509 (ii) for a ~~[local]~~ special district, the board of trustees of the ~~[local]~~ special district; and
- 6510 (iii) for a special service district:
- 6511 (A) the legislative body of the county, city, or town that established the special service
- 6512 district, if no administrative control board has been appointed under Section [17D-1-301](#); or
- 6513 (B) the administrative control board of the special service district, if an administrative
- 6514 control board has been appointed under Section [17D-1-301](#).
- 6515 ~~[(g) "Local district" means the same as that term is defined in Section [17B-1-102](#).]~~
- 6516 ~~[(h)]~~ (g) "Local fund" means a local government disaster fund created in accordance
- 6517 with Section [53-2a-605](#).
- 6518 ~~[(i)]~~ (h) "Local government" means:
- 6519 (i) a county;
- 6520 (ii) a city or town; or
- 6521 (iii) a ~~[local]~~ special district or special service district that:
- 6522 (A) operates a water system;
- 6523 (B) provides transportation service;
- 6524 (C) provides, operates, and maintains correctional and rehabilitative facilities and
- 6525 programs for municipal, state, and other detainees and prisoners;
- 6526 (D) provides consolidated 911 and emergency dispatch service;
- 6527 (E) operates an airport; or
- 6528 (F) operates a sewage system.
- 6529 (i) "Special district" means the same as that term is defined in Section [17B-1-102](#).
- 6530 (j) "Special fund" means a fund other than a general fund of a local government that is
- 6531 created for a special purpose established under the uniform system of budgeting, accounting,
- 6532 and reporting.
- 6533 (k) "Special service district" means the same as that term is defined in Section
- 6534 [17D-1-102](#).
- 6535 (l) "State's prime interest rate" means the average interest rate paid by the state on
- 6536 general obligation bonds issued during the most recent fiscal year in which bonds were sold.
- 6537 Section 88. Section [53-2a-605](#) is amended to read:

6538 **53-2a-605. Local government disaster funds.**

6539 (1) (a) Subject to this section and notwithstanding anything to the contrary contained in
6540 Title 10, Utah Municipal Code, [~~or~~] Title 17, Counties, [~~Title 17B, Limited Purpose Local~~
6541 ~~Government Entities - Local Districts~~] Title 17B, Limited Purpose Local Government Entities -
6542 Special Districts, or Title 17D, Chapter 1, Special Service District Act, the governing body of a
6543 local government may create and maintain by ordinance a special fund known as a local
6544 government disaster fund.

6545 (b) The local fund shall consist of:

6546 (i) subject to the limitations of this section, money transferred to it in accordance with
6547 Subsection (2);

6548 (ii) any other public or private money received by the local government that is:

6549 (A) given to the local government for purposes consistent with this section; and

6550 (B) deposited into the local fund at the request of:

6551 (I) the governing body of the local government; or

6552 (II) the person giving the money; and

6553 (iii) interest or income realized from the local fund.

6554 (c) Interest or income realized from the local fund shall be deposited into the local
6555 fund.

6556 (d) Money in a local fund may be:

6557 (i) deposited or invested as provided in Section [51-7-11](#); or

6558 (ii) transferred by the local government treasurer to the state treasurer under Section
6559 [51-7-5](#) for the state treasurer's management and control under Title 51, Chapter 7, State Money
6560 Management Act.

6561 (e) (i) The money in a local fund may accumulate from year to year until the local
6562 government governing body determines to spend any money in the local fund for one or more
6563 of the purposes specified in Subsection (3).

6564 (ii) Money in a local fund at the end of a fiscal year:

6565 (A) shall remain in the local fund for future use; and

6566 (B) may not be transferred to any other fund or used for any other purpose.

6567 (2) The amounts transferred to a local fund may not exceed 10% of the total estimated
6568 revenues of the local government for the current fiscal period that are not restricted or

6569 otherwise obligated.

6570 (3) Money in the fund may only be used to fund the services and activities of the local
6571 government creating the local fund in response to:

6572 (a) a declared disaster within the boundaries of the local government;

6573 (b) the aftermath of the disaster that gave rise to a declared disaster within the
6574 boundaries of the local government; and

6575 (c) subject to Subsection (5), emergency preparedness.

6576 (4) (a) A local fund is subject to this part and:

6577 (i) in the case of a town, Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah
6578 Towns, except that:

6579 (A) in addition to the funds listed in Section 10-5-106, the mayor shall prepare a
6580 budget for the local fund;

6581 (B) Section 10-5-119 addressing termination of special funds does not apply to a local
6582 fund; and

6583 (C) the council of the town may not authorize an interfund loan under Section
6584 10-5-120 from the local fund;

6585 (ii) in the case of a city, Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah
6586 Cities, except that:

6587 (A) in addition to the funds listed in Section 10-6-109, the mayor shall prepare a
6588 budget for the local fund;

6589 (B) Section 10-6-131 addressing termination of special funds does not apply to a local
6590 fund; and

6591 (C) the governing body of the city may not authorize an interfund loan under Section
6592 10-6-132 from the local fund; and

6593 (iii) in the case of a county, Title 17, Chapter 36, Uniform Fiscal Procedures Act for
6594 Counties, except that:

6595 (A) Section 17-36-29 addressing termination of special funds does not apply to a local
6596 fund; and

6597 (B) the governing body of the county may not authorize an interfund loan under
6598 Section 17-36-30 from the local fund;

6599 (iv) in the case of a ~~local~~ special district or special service district, ~~[Title 17B];~~

6600 ~~Chapter 1, Part 6, Fiscal Procedures for Local Districts]~~ Title 17B, Chapter 1, Part 6, Fiscal
6601 Procedures for Special Districts, except that:

6602 (A) Section 17B-1-625, addressing termination of a special fund, does not apply to a
6603 local fund; and

6604 (B) the governing body of the [~~local~~] special district or special service district may not
6605 authorize an interfund loan under Section 17B-1-626 from the local fund; and

6606 (v) in the case of an interlocal entity, Title 11, Chapter 13, Part 5, Fiscal Procedures for
6607 Interlocal Entities, except for the following provisions:

6608 (A) Section 11-13-522 addressing termination of a special fund does not apply to a
6609 local fund; and

6610 (B) the governing board of the interlocal entity may not authorize an interfund loan
6611 under Section 11-13-523 from the local fund.

6612 (b) Notwithstanding Subsection (4)(a), transfers of money to a local fund or the
6613 accumulation of money in a local fund do not affect any limits on fund balances, net assets, or
6614 the accumulation of retained earnings in any of the following of a local government:

- 6615 (i) a general fund;
- 6616 (ii) an enterprise fund;
- 6617 (iii) an internal service fund; or
- 6618 (iv) any other fund.

6619 (5) (a) A local government may not expend during a fiscal year more than 10% of the
6620 money budgeted to be deposited into a local fund during that fiscal year for emergency
6621 preparedness.

6622 (b) The amount described in Subsection (5)(a) shall be determined before the adoption
6623 of the tentative budget.

6624 Section 89. Section **53-2a-1301** is amended to read:

6625 **53-2a-1301. Definitions.**

6626 As used in the part:

6627 (1) "Account" means the Post Disaster Recovery and Mitigation Restricted Account
6628 created in Section 53-2a-1302.

6629 (2) "Affected community" means a community directly affected by an ongoing or
6630 recent disaster.

- 6631 (3) "Chief executive officer" means the same as that term is defined in Section
6632 [53-2a-203](#).
- 6633 (4) "Community" means a county, municipality, [~~local~~] special district, or special
6634 service district.
- 6635 (5) "Costs not recoverable" include:
6636 (a) the county threshold; and
6637 (b) costs covered by insurance or federal government grants, including funding
6638 provided to the state by FEMA's Public Assistance grant program described in 44 C.F.R.
6639 Chapter 1, Subchapter D, Part 206.
- 6640 (6) "County threshold" means, for each county, the countywide per capita indicator
6641 established by FEMA for the state, multiplied by the population of the county as determined by
6642 the division.
- 6643 (7) "Disaster recovery" means action taken to remove debris, implement life-saving
6644 emergency protective measures, or repair, replace, or restore facilities in response to a disaster.
- 6645 (8) "Disaster recovery grant" means money granted to an affected community for
6646 disaster recovery that amounts to not more than 75% of the difference between the cost of
6647 disaster recovery, as determined by the division after reviewing the official damage assessment,
6648 and costs not recoverable.
- 6649 (9) "FEMA" means the Federal Emergency Management Agency.
- 6650 (10) "Post hazard mitigation" means action taken, after a natural disaster, to reduce or
6651 eliminate risk to people or property that may occur as a result of the long-term effects of the
6652 natural disaster or a subsequent natural disaster, including action to prevent damage caused by
6653 flooding, earthquake, dam failure, wildfire, landslide, severe weather, drought, and problem
6654 soil.
- 6655 (11) "Post hazard mitigation grant" means money granted to a community for post
6656 hazard mitigation that amounts to not more than 75% of the costs deemed necessary by the
6657 division to complete the post hazard mitigation.
- 6658 (12) "Official damage assessment" means a financial assessment of the damage to an
6659 affected community, caused by a disaster, that is conducted under the direction of the
6660 governing body of the affected community, in accordance with the rules described in Section
6661 [53-2a-1305](#).

6662 Section 90. Section **53-3-207** is amended to read:

6663 **53-3-207. License certificates or driving privilege cards issued to drivers by class**
6664 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**
6665 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

6666 (1) As used in this section:

6667 (a) "Driving privilege" means the privilege granted under this chapter to drive a motor
6668 vehicle.

6669 (b) "Governmental entity" means the state or a political subdivision of the state.

6670 (c) "Health care professional" means:

6671 (i) a licensed physician, physician assistant, nurse practitioner, or mental health
6672 therapist; or

6673 (ii) any other licensed health care professional the division designates by rule made in
6674 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

6675 (d) "Political subdivision" means any county, city, town, school district, public transit
6676 district, community reinvestment agency, special improvement or taxing district, ~~local~~ special
6677 district, special service district, an entity created by an interlocal agreement adopted under Title
6678 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public
6679 corporation.

6680 (e) "Invisible condition" means a physical or mental condition that may interfere with
6681 an individual's ability to communicate with a law enforcement officer, including:

6682 (i) a communication impediment;

6683 (ii) hearing loss;

6684 (iii) blindness or a visual impairment;

6685 (iv) autism spectrum disorder;

6686 (v) a drug allergy;

6687 (vi) Alzheimer's disease or dementia;

6688 (vii) post-traumatic stress disorder;

6689 (viii) traumatic brain injury;

6690 (ix) schizophrenia;

6691 (x) epilepsy;

6692 (xi) a developmental disability;

6693 (xii) Down syndrome;

6694 (xiii) diabetes;

6695 (xiv) a heart condition; or

6696 (xv) any other condition approved by the department.

6697 (f) "Invisible condition identification symbol" means a symbol or alphanumeric code
6698 that indicates that an individual is an individual with an invisible condition.

6699 (g) "State" means this state, and includes any office, department, agency, authority,
6700 commission, board, institution, hospital, college, university, children's justice center, or other
6701 instrumentality of the state.

6702 (2) (a) The division shall issue to every individual privileged to drive a motor vehicle, a
6703 regular license certificate, a limited-term license certificate, or a driving privilege card
6704 indicating the type or class of motor vehicle the individual may drive.

6705 (b) An individual may not drive a class of motor vehicle unless granted the privilege in
6706 that class.

6707 (3) (a) Every regular license certificate, limited-term license certificate, or driving
6708 privilege card shall bear:

6709 (i) the distinguishing number assigned to the individual by the division;

6710 (ii) the name, birth date, and Utah residence address of the individual;

6711 (iii) a brief description of the individual for the purpose of identification;

6712 (iv) any restrictions imposed on the license under Section [53-3-208](#);

6713 (v) a photograph of the individual;

6714 (vi) a photograph or other facsimile of the individual's signature;

6715 (vii) an indication whether the individual intends to make an anatomical gift under
6716 Title 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the driving privilege is
6717 extended under Subsection [53-3-214](#)(3); and

6718 (viii) except as provided in Subsection (3)(b), if the individual states that the individual
6719 is a veteran of the United States military on the application for a driver license in accordance
6720 with Section [53-3-205](#) and provides verification that the individual was granted an honorable
6721 or general discharge from the United States Armed Forces, an indication that the individual is a
6722 United States military veteran for a regular license certificate or limited-term license certificate
6723 issued on or after July 1, 2011.

6724 (b) A regular license certificate or limited-term license certificate issued to an
6725 individual younger than 21 years old on a portrait-style format as required in Subsection (7)(b)
6726 is not required to include an indication that the individual is a United States military veteran
6727 under Subsection (3)(a)(viii).

6728 (c) A new license certificate issued by the division may not bear the individual's social
6729 security number.

6730 (d) (i) The regular license certificate, limited-term license certificate, or driving
6731 privilege card shall be of an impervious material, resistant to wear, damage, and alteration.

6732 (ii) The size, form, and color of the regular license certificate, limited-term license
6733 certificate, or driving privilege card shall be as prescribed by the commissioner.

6734 (iii) The commissioner may also prescribe the issuance of a special type of limited
6735 regular license certificate, limited-term license certificate, or driving privilege card under
6736 Subsection 53-3-220(4).

6737 (4) (a) The division shall include or affix an invisible condition identification symbol
6738 on an individual's regular license certificate, limited-term license certificate, or driving
6739 privilege card if the individual, on a form prescribed by the department:

6740 (i) requests the division to include the invisible condition identification symbol;

6741 (ii) provides written verification from a health care professional that the individual is
6742 an individual with an invisible condition; and

6743 (iii) signs a waiver of liability for the release of any medical information to:

6744 (A) the department;

6745 (B) any person who has access to the individual's medical information as recorded on
6746 the individual's driving record or the Utah Criminal Justice Information System under this
6747 chapter; and

6748 (C) any other person who may view or receive notice of the individual's medical
6749 information by seeing the individual's regular license certificate, limited-term license
6750 certificate, or driving privilege card or the individual's information in the Utah Criminal Justice
6751 Information System.

6752 (b) As part of the form described in Subsection (4)(a), the department shall advise the
6753 individual that by submitting the signed waiver, the individual consents to the release of the
6754 individual's medical information to any person described in Subsections (4)(a)(iii)(A) through

6755 (C), even if the person is otherwise ineligible to access the individual's medical information
6756 under state or federal law.

6757 (c) The division may not:

6758 (i) charge a fee to include the invisible condition identification symbol on the
6759 individual's regular license certificate, limited-term license certificate, or driving privilege card;
6760 or

6761 (ii) after including the invisible condition identification symbol on the individual's
6762 previously issued regular license certificate, limited-term license certificate, or driving
6763 privilege card, require the individual to provide subsequent written verification described in
6764 Subsection (4)(a)(ii) to include the invisible condition identification symbol on the individual's
6765 renewed or extended regular license certificate, limited-term license certificate, or driving
6766 privilege card.

6767 (d) The inclusion of an invisible condition identification symbol on an individual's
6768 license certificate, limited-term license certificate, or driving privilege card in accordance with
6769 Subsection (4)(a) does not confer any legal rights or privileges on the individual, including
6770 parking privileges for individuals with disabilities under Section [41-1a-414](#).

6771 (e) For each individual issued a regular license certificate, limited-term license
6772 certificate, or driving privilege card under this section that includes an invisible condition
6773 identification symbol, the division shall include in the division's database a brief description of
6774 the nature of the individual's invisible condition in the individual's record and provide the brief
6775 description to the Utah Criminal Justice Information System.

6776 (f) Except as provided in this section, the division may not release the information
6777 described in Subsection (4)(e).

6778 (g) Within 30 days after the day on which the division receives an individual's written
6779 request, the division shall:

6780 (i) remove from the individual's record in the division's database the invisible condition
6781 identification symbol and the brief description described in Subsection (4)(e); and

6782 (ii) provide the individual's updated record to the Utah Criminal Justice Information
6783 System.

6784 (5) As provided in Section [63G-2-302](#), the information described in Subsection (4)(a)
6785 is a private record for purposes of Title 63G, Chapter 2, Government Records Access and

6786 Management Act.

6787 (6) (a) (i) The division, upon determining after an examination that an applicant is
6788 mentally and physically qualified to be granted a driving privilege, may issue to an applicant a
6789 receipt for the fee if the applicant is eligible for a regular license certificate or limited-term
6790 license certificate.

6791 (ii) (A) The division shall issue a temporary regular license certificate or temporary
6792 limited-term license certificate allowing the individual to drive a motor vehicle while the
6793 division is completing the division's investigation to determine whether the individual is
6794 entitled to be granted a driving privilege.

6795 (B) A temporary regular license certificate or a temporary limited-term license
6796 certificate issued under this Subsection (6) shall be recognized and have the same rights and
6797 privileges as a regular license certificate or a limited-term license certificate.

6798 (b) The temporary regular license certificate or temporary limited-term license
6799 certificate shall be in the individual's immediate possession while driving a motor vehicle, and
6800 the temporary regular license certificate or temporary limited-term license certificate is invalid
6801 when the individual's regular license certificate or limited-term license certificate has been
6802 issued or when, for good cause, the privilege has been refused.

6803 (c) The division shall indicate on the temporary regular license certificate or temporary
6804 limited-term license certificate a date after which the temporary regular license certificate or
6805 temporary limited-term license certificate is not valid as a temporary license.

6806 (d) (i) Except as provided in Subsection (6)(d)(ii), the division may not issue a
6807 temporary driving privilege card or other temporary permit to an applicant for a driving
6808 privilege card.

6809 (ii) The division may issue a learner permit issued in accordance with Section
6810 [53-3-210.5](#) to an applicant for a driving privilege card.

6811 (7) (a) The division shall distinguish learner permits, temporary permits, regular
6812 license certificates, limited-term license certificates, and driving privilege cards issued to any
6813 individual younger than 21 years old by use of plainly printed information or the use of a color
6814 or other means not used for other regular license certificates, limited-term license certificates,
6815 or driving privilege cards.

6816 (b) The division shall distinguish a regular license certificate, limited-term license

6817 certificate, or driving privilege card issued to an individual younger than 21 years old by use of
6818 a portrait-style format not used for other regular license certificates, limited-term license
6819 certificates, or driving privilege cards and by plainly printing the date the regular license
6820 certificate, limited-term license certificate, or driving privilege card holder is 21 years old.

6821 (8) The division shall distinguish a limited-term license certificate by clearly indicating
6822 on the document:

6823 (a) that the limited-term license certificate is temporary; and

6824 (b) the limited-term license certificate's expiration date.

6825 (9) (a) The division shall only issue a driving privilege card to an individual whose
6826 privilege was obtained without providing evidence of lawful presence in the United States as
6827 required under Subsection [53-3-205](#)(8).

6828 (b) The division shall distinguish a driving privilege card from a license certificate by:

6829 (i) use of a format, color, font, or other means; and

6830 (ii) clearly displaying on the front of the driving privilege card a phrase substantially
6831 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

6832 (10) The provisions of Subsection (7)(b) do not apply to a learner permit, temporary
6833 permit, temporary regular license certificate, temporary limited-term license certificate, or any
6834 other temporary permit.

6835 (11) The division shall issue temporary license certificates of the same nature, except
6836 as to duration, as the license certificates that they temporarily replace, as are necessary to
6837 implement applicable provisions of this section and Section [53-3-223](#).

6838 (12) (a) A governmental entity may not accept a driving privilege card as proof of
6839 personal identification.

6840 (b) A driving privilege card may not be used as a document providing proof of an
6841 individual's age for any government required purpose.

6842 (13) An individual who violates Subsection (2)(b) is guilty of an infraction.

6843 (14) Unless otherwise provided, the provisions, requirements, classes, endorsements,
6844 fees, restrictions, and sanctions under this code apply to a:

6845 (a) driving privilege in the same way as a license or limited-term license issued under
6846 this chapter; and

6847 (b) limited-term license certificate or driving privilege card in the same way as a

6848 regular license certificate issued under this chapter.

6849 Section 91. Section **53-5-708** is amended to read:

6850 **53-5-708. Permit -- Names private.**

6851 (1) (a) The bureau shall maintain a record in its office of any permit issued under this
6852 part.

6853 (b) Notwithstanding the requirements of Subsection **63G-2-301(2)(b)**, the names,
6854 addresses, telephone numbers, dates of birth, and Social Security numbers of persons receiving
6855 permits are protected records under Subsection **63G-2-305(11)**.

6856 (c) Notwithstanding Section **63G-2-206**, a person may not share any of the information
6857 listed in Subsection (1)(b) with any office, department, division, or other agency of the federal
6858 government unless:

6859 (i) the disclosure is necessary to conduct a criminal background check on the
6860 individual who is the subject of the information;

6861 (ii) the disclosure of information is made pursuant to a court order directly associated
6862 with an active investigation or prosecution of the individual who is the subject of the
6863 information;

6864 (iii) the disclosure is made to a criminal justice agency in a criminal investigation or
6865 prosecution;

6866 (iv) the disclosure is made by a law enforcement agency within the state to another law
6867 enforcement agency in the state or in another state in connection with an investigation,
6868 including a preliminary investigation, or a prosecution of the individual who is the subject of
6869 the information;

6870 (v) the disclosure is made by a law enforcement agency within the state to an employee
6871 of a federal law enforcement agency in the course of a combined law enforcement effort
6872 involving the law enforcement agency within the state and the federal law enforcement agency;
6873 or

6874 (vi) the disclosure is made in response to a routine request that a federal law
6875 enforcement officer makes to obtain information on an individual whom the federal law
6876 enforcement officer detains, including for a traffic stop, or questions because of the individual's
6877 suspected violation of state law.

6878 (d) A person is guilty of a class A misdemeanor if the person knowingly:

6879 (i) discloses information listed in Subsection (1)(b) in violation of the provisions under
6880 Title 63G, Chapter 2, Government Records Access and Management Act, applicable to
6881 protected records; or

6882 (ii) shares information in violation of Subsection (1)(c).

6883 (e) (i) As used in this Subsection (1)(e), "governmental agency" means:

6884 (A) the state or any department, division, agency, or other instrumentality of the state;

6885 or

6886 (B) a political subdivision of the state, including a county, city, town, school district,

6887 [~~local~~] special district, and special service district.

6888 (ii) A governmental agency may not compel or attempt to compel an individual who
6889 has been issued a concealed firearm permit to divulge whether the individual:

6890 (A) has been issued a concealed firearm permit; or

6891 (B) is carrying a concealed firearm.

6892 (iii) Subsection (1)(e)(ii) does not apply to a law enforcement officer.

6893 (2) The bureau shall immediately file a copy of each permit it issues under this part.

6894 Section 92. Section **53-7-104** is amended to read:

6895 **53-7-104. Enforcement of state fire code and rules -- Division of authority and**
6896 **responsibility.**

6897 (1) The authority and responsibility for enforcing the state fire code and rules made
6898 under this chapter is divided as provided in this section.

6899 (2) The fire officers of any city or county shall enforce the state fire code and rules of
6900 the state fire marshal in their respective areas.

6901 (3) The state fire marshal may enforce the state fire code and rules in:

6902 (a) areas outside of corporate cities, fire protection districts, and other [~~local~~] special
6903 districts or special service districts organized for fire protection purposes;

6904 (b) state-owned property, school district owned property, and privately owned property
6905 used for schools located within corporate cities and county fire protection districts, asylums,
6906 mental hospitals, hospitals, sanitariums, homes for the aged, residential health-care facilities,
6907 children's homes or institutions, or similar institutional type occupancy of any capacity; and

6908 (c) corporate cities, counties, fire protection districts, and special service districts
6909 organized for fire protection purposes upon receiving a request from the chief fire official or

6910 the local governing body.

6911 Section 93. Section **53-21-101** is amended to read:

6912 **53-21-101. Definitions.**

6913 As used in this chapter:

6914 (1) "Crime scene investigator technician" means an individual employed by a law
6915 enforcement agency to collect and analyze evidence from crime scenes and crime-related
6916 incidents.

6917 (2) "Department" means the Department of Public Safety.

6918 (3) "First responder" means:

6919 (a) a law enforcement officer, as defined in Section [53-13-103](#);

6920 (b) an emergency medical technician, as defined in Section [26-8c-102](#);

6921 (c) an advanced emergency medical technician, as defined in Section [26-8c-102](#);

6922 (d) a paramedic, as defined in Section [26-8c-102](#);

6923 (e) a firefighter, as defined in Section [34A-3-113](#);

6924 (f) a dispatcher, as defined in Section [53-6-102](#);

6925 (g) a correctional officer, as defined in Section [53-13-104](#);

6926 (h) a special function officer, as defined in Section [53-13-105](#), employed by a local
6927 sheriff;

6928 (i) a search and rescue worker under the supervision of a local sheriff;

6929 (j) a credentialed criminal justice system victim advocate as defined in Section
6930 [77-38-403](#) who responds to incidents with a law enforcement officer;

6931 (k) a crime scene investigator technician; or

6932 (l) a wildland firefighter.

6933 (4) "First responder agency" means a ~~[local]~~ special district, municipality, interlocal
6934 entity, or other political subdivision that employs a first responder to provide fire protection,
6935 paramedic, law enforcement, or emergency services.

6936 (5) "Mental health resources" means:

6937 (a) an assessment to determine appropriate mental health treatment that is performed
6938 by a mental health therapist;

6939 (b) outpatient mental health treatment provided by a mental health therapist; or

6940 (c) peer support services provided by a peer support specialist who is qualified to

6941 provide peer support services under Subsection 62A-15-103(2)(h).

6942 (6) "Mental health therapist" means the same as that term is defined in Section
6943 58-60-102.

6944 (7) "Plan" means a plan to implement or expand a program that provides mental health
6945 resources to first responders for which the division awards a grant under this chapter.

6946 Section 94. Section 53B-16-104 is amended to read:

6947 **53B-16-104. Restrictions on higher education entities bidding on architect or**
6948 **engineering services in public procurement projects.**

6949 (1) As used in this section:

6950 (a) "Architect-engineer services" means those professional services within the scope of
6951 the practice of architecture as defined in Section 58-3a-102, or professional engineering as
6952 defined in Section 58-22-102.

6953 (b) "Government entity" means a state agency, an institution of higher education, a
6954 county, a municipality, a local school district, a ~~local~~ special district, or a special service
6955 district.

6956 (2) When a government entity elects to obtain architect or engineering services by
6957 using a competitive procurement process and has provided public notice of its competitive
6958 procurement process:

6959 (a) a higher education entity, or any part of one, may not submit a proposal in response
6960 to the government entity's competitive procurement process; and

6961 (b) the government entity may not award a contract to perform the architect or
6962 engineering services solicited in the competitive procurement process to a higher education
6963 entity or any part of one.

6964 (3) (a) Subject to the prohibition contained in Subsection (3)(b), an employee of a
6965 higher education entity may, in a private capacity, submit a proposal in response to the
6966 competitive procurement process.

6967 (b) An employee of a higher education entity may not use any supplies, materials, or
6968 other resources owned by, or any persons matriculating at, attending, or employed by, the
6969 higher education entity in:

6970 (i) preparing a response to the competitive procurement process; or

6971 (ii) completing any work, assignment, or contract awarded to the employee resulting

6972 from that competitive procurement process.

6973 Section 95. Section **53B-28-402** is amended to read:

6974 **53B-28-402. Campus safety study -- Report to Legislature.**

6975 (1) As used in this section:

6976 (a) "Campus law enforcement" means a unit of an institution that provides public
6977 safety services.

6978 (b) (i) "Institution" means an institution of higher education described in Section
6979 [53B-2-101](#).

6980 (ii) "Institution" includes an institution's campus law enforcement.

6981 [~~(c)~~] "Local district" means the same as that term is defined in Section [17B-1-102](#);

6982 [~~(d)~~] (c) "Local law enforcement" means a state or local law enforcement agency other
6983 than campus law enforcement.

6984 [~~(e)~~] (d) "Public safety services" means police services, security services, dispatch
6985 services, emergency services, or other similar services.

6986 [~~(f)~~] (e) "Sexual violence" means the same as that term is defined in Section
6987 [53B-28-301](#).

6988 (f) "Special district" means the same as that term is defined in Section [17B-1-102](#).

6989 (g) "Special service district" means the same as that term is defined in Section
6990 [17D-1-102](#).

6991 (h) "Student" means the same as that term is defined in Section [53B-28-301](#).

6992 (i) "Student organization" means the same as that term is defined in Section
6993 [53B-28-401](#).

6994 (2) The board shall:

6995 (a) study issues related to providing public safety services on institution campuses,
6996 including:

6997 (i) policies and practices for hiring, supervision, and firing of campus law enforcement
6998 officers;

6999 (ii) training of campus law enforcement in responding to incidents of sexual violence
7000 or other crimes reported by or involving a student, including training related to lethality or
7001 similar assessments;

7002 (iii) how campus law enforcement and local law enforcement respond to reports of

7003 incidents of sexual violence or other crimes reported by or involving a student, including
7004 supportive measures for victims and disciplinary actions for perpetrators;

7005 (iv) training provided to faculty, staff, students, and student organizations on campus
7006 safety and prevention of sexual violence;

7007 (v) roles, responsibilities, jurisdiction, and authority of local law enforcement and
7008 campus law enforcement, including authority based on:

7009 (A) the type of public safety services provided; or
7010 (B) geographic boundaries;

7011 (vi) how an institution and local law enforcement coordinate to respond to on-campus
7012 and off-campus incidents requiring public safety services, including:

7013 (A) legal requirements or restrictions affecting coordination;
7014 (B) agreements, practices, or procedures governing coordination between an institution
7015 and local law enforcement, including mutual support, sharing information, or dispatch
7016 management; and

7017 (C) any issues that may affect the timeliness of a response to an on-campus or
7018 off-campus incident reported by or involving a student;

7019 (vii) infrastructure, staffing, and equipment considerations that impact the effectiveness
7020 of campus law enforcement or local law enforcement responses to an on-campus or off-campus
7021 incident reported by or involving a student;

7022 (viii) the benefits and disadvantages of an institution employing campus law
7023 enforcement compared to local law enforcement providing public safety services on an
7024 institution campus;

7025 (ix) an institution's compliance with federal and state crime statistic reporting
7026 requirements;

7027 (x) how an institution informs faculty, staff, and students about a crime or emergency
7028 on campus;

7029 (xi) national best practices for providing public safety services on institution campuses,
7030 including differences in best practices based on the size, infrastructure, location, and other
7031 relevant characteristics of a college or university; and

7032 (xii) any other issue the board determines is relevant to the study;

7033 (b) make recommendations for providing public safety services on institution campuses

7034 statewide;

7035 (c) produce a final report of the study described in this section, including the
7036 recommendations described in Subsection (2)(b); and

7037 (d) in accordance with Section 68-3-14, present the final report described in Subsection
7038 (2)(c) to the Education Interim Committee and the Law Enforcement and Criminal Justice
7039 Interim Committee at or before the committees' November 2021 meetings.

7040 (3) In carrying out the board's duties under this section, the board may coordinate with
7041 individuals and organizations with knowledge, expertise, or experience related to the board's
7042 duties under this section, including:

7043 (a) the [Utah] Department of Health;

7044 (b) the Utah Office for Victims of Crime;

7045 (c) the Utah Council on Victims of Crime;

7046 (d) institutions;

7047 (e) local law enforcement;

7048 (f) [local] special districts or special service districts that provide 911 and emergency
7049 dispatch service; and

7050 (g) community and other non-governmental organizations.

7051 Section 96. Section 53G-3-204 is amended to read:

7052 **53G-3-204. Notice before preparing or amending a long-range plan or acquiring**
7053 **certain property.**

7054 (1) As used in this section:

7055 (a) "Affected entity" means each county, municipality, [local] special district under
7056 [~~Title 17B, Limited Purpose Local Government Entities - Local Districts~~] Title 17B, Limited
7057 Purpose Local Government Entities - Special Districts, special service district under Title 17D,
7058 Chapter 1, Special Service District Act, interlocal cooperation entity established under Title 11,
7059 Chapter 13, Interlocal Cooperation Act, and specified public utility:

7060 (i) whose services or facilities are likely to require expansion or significant
7061 modification because of an intended use of land; or

7062 (ii) that has filed with the school district a copy of the general or long-range plan of the
7063 county, municipality, [local] special district, special service district, school district, interlocal
7064 cooperation entity, or specified public utility.

7065 (b) "Specified public utility" means an electrical corporation, gas corporation, or
7066 telephone corporation, as those terms are defined in Section [54-2-1](#).

7067 (2) (a) If a school district located in a county of the first or second class prepares a
7068 long-range plan regarding the school district's facilities proposed for the future or amends an
7069 already existing long-range plan, the school district shall, before preparing a long-range plan or
7070 amendments to an existing long-range plan, provide written notice, as provided in this section,
7071 of the school district's intent to prepare a long-range plan or to amend an existing long-range
7072 plan.

7073 (b) Each notice under Subsection (2)(a) shall:

7074 (i) indicate that the school district intends to prepare a long-range plan or to amend a
7075 long-range plan, as the case may be;

7076 (ii) describe or provide a map of the geographic area that will be affected by the
7077 long-range plan or amendments to a long-range plan;

7078 (iii) be:

7079 (A) sent to each county in whose unincorporated area and each municipality in whose
7080 boundaries is located the land on which the proposed long-range plan or amendments to a
7081 long-range plan are expected to indicate that the proposed facilities will be located;

7082 (B) sent to each affected entity;

7083 (C) sent to the Utah Geospatial Resource Center created in Section [63A-16-505](#);

7084 (D) sent to each association of governments, established pursuant to an interlocal
7085 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or
7086 municipality described in Subsection (2)(b)(iii)(A) is a member; and

7087 (E) placed on the Utah Public Notice Website created under Section [63A-16-601](#);

7088 (iv) with respect to the notice to counties and municipalities described in Subsection
7089 (2)(b)(iii)(A) and affected entities, invite them to provide information for the school district to
7090 consider in the process of preparing, adopting, and implementing the long-range plan or
7091 amendments to a long-range plan concerning:

7092 (A) impacts that the use of land proposed in the proposed long-range plan or
7093 amendments to a long-range plan may have on the county, municipality, or affected entity; and

7094 (B) uses of land that the county, municipality, or affected entity is planning or
7095 considering that may conflict with the proposed long-range plan or amendments to a long-range

7096 plan; and

7097 (v) include the address of an Internet website, if the school district has one, and the
7098 name and telephone number of an individual where more information can be obtained
7099 concerning the school district's proposed long-range plan or amendments to a long-range plan.

7100 (3) (a) Except as provided in Subsection (3)(d), each school district intending to
7101 acquire real property in a county of the first or second class for the purpose of expanding the
7102 district's infrastructure or other facilities shall provide written notice, as provided in this
7103 Subsection (3), of the school district's intent to acquire the property if the intended use of the
7104 property is contrary to:

7105 (i) the anticipated use of the property under the county or municipality's general plan;

7106 or

7107 (ii) the property's current zoning designation.

7108 (b) Each notice under Subsection (3)(a) shall:

7109 (i) indicate that the school district intends to acquire real property;

7110 (ii) identify the real property; and

7111 (iii) be sent to:

7112 (A) each county in whose unincorporated area and each municipality in whose
7113 boundaries the property is located; and

7114 (B) each affected entity.

7115 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
7116 [63G-2-305](#)(8).

7117 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the school district
7118 previously provided notice under Subsection (2) identifying the general location within the
7119 municipality or unincorporated part of the county where the property to be acquired is located.

7120 (ii) If a school district is not required to comply with the notice requirement of
7121 Subsection (3)(a) because of application of Subsection (3)(d)(i), the school district shall
7122 provide the notice specified in Subsection (3)(a) as soon as practicable after the school district's
7123 acquisition of the real property.

7124 Section 97. Section **53G-4-402** is amended to read:

7125 **53G-4-402. Powers and duties generally.**

7126 (1) A local school board shall:

7127 (a) implement the core standards for Utah public schools using instructional materials
7128 that best correlate to the core standards for Utah public schools and graduation requirements;

7129 (b) administer tests, required by the state board, which measure the progress of each
7130 student, and coordinate with the state superintendent and state board to assess results and create
7131 plans to improve the student's progress, which shall be submitted to the state board for
7132 approval;

7133 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
7134 students that need remediation and determine the type and amount of federal, state, and local
7135 resources to implement remediation;

7136 (d) for each grading period and for each course in which a student is enrolled, issue a
7137 grade or performance report to the student:

7138 (i) that reflects the student's work, including the student's progress based on mastery,
7139 for the grading period; and

7140 (ii) in accordance with the local school board's adopted grading or performance
7141 standards and criteria;

7142 (e) develop early warning systems for students or classes failing to make progress;

7143 (f) work with the state board to establish a library of documented best practices,
7144 consistent with state and federal regulations, for use by the ~~local~~ special districts;

7145 (g) implement training programs for school administrators, including basic
7146 management training, best practices in instructional methods, budget training, staff
7147 management, managing for learning results and continuous improvement, and how to help
7148 every child achieve optimal learning in basic academic subjects; and

7149 (h) ensure that the local school board meets the data collection and reporting standards
7150 described in Section [53E-3-501](#).

7151 (2) Local school boards shall spend Minimum School Program funds for programs and
7152 activities for which the state board has established minimum standards or rules under Section
7153 [53E-3-501](#).

7154 (3) (a) A local school board may purchase, sell, and make improvements on school
7155 sites, buildings, and equipment and construct, erect, and furnish school buildings.

7156 (b) School sites or buildings may only be conveyed or sold on local school board
7157 resolution affirmed by at least two-thirds of the members.

7158 (4) (a) A local school board may participate in the joint construction or operation of a
7159 school attended by children residing within the district and children residing in other districts
7160 either within or outside the state.

7161 (b) Any agreement for the joint operation or construction of a school shall:
7162 (i) be signed by the president of the local school board of each participating district;
7163 (ii) include a mutually agreed upon pro rata cost; and
7164 (iii) be filed with the state board.

7165 (5) A local school board may establish, locate, and maintain elementary, secondary,
7166 and applied technology schools.

7167 (6) Except as provided in Section [53E-3-905](#), a local school board may enroll children
7168 in school who are at least five years old before September 2 of the year in which admission is
7169 sought.

7170 (7) A local school board may establish and support school libraries.

7171 (8) A local school board may collect damages for the loss, injury, or destruction of
7172 school property.

7173 (9) A local school board may authorize guidance and counseling services for children
7174 and their parents before, during, or following enrollment of the children in schools.

7175 (10) (a) A local school board shall administer and implement federal educational
7176 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National
7177 Education Programs.

7178 (b) Federal funds are not considered funds within the school district budget under
7179 Chapter 7, Part 3, Budgets.

7180 (11) (a) A local school board may organize school safety patrols and adopt policies
7181 under which the patrols promote student safety.

7182 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
7183 parental consent for the appointment.

7184 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
7185 of a highway intended for vehicular traffic use.

7186 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
7187 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
7188 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

7189 (12) (a) A local school board may on its own behalf, or on behalf of an educational
7190 institution for which the local school board is the direct governing body, accept private grants,
7191 loans, gifts, endowments, devises, or bequests that are made for educational purposes.

7192 (b) These contributions are not subject to appropriation by the Legislature.

7193 (13) (a) A local school board may appoint and fix the compensation of a compliance
7194 officer to issue citations for violations of Subsection 76-10-105(2)(b).

7195 (b) A person may not be appointed to serve as a compliance officer without the
7196 person's consent.

7197 (c) A teacher or student may not be appointed as a compliance officer.

7198 (14) A local school board shall adopt bylaws and policies for the local school board's
7199 own procedures.

7200 (15) (a) A local school board shall make and enforce policies necessary for the control
7201 and management of the district schools.

7202 (b) Local school board policies shall be in writing, filed, and referenced for public
7203 access.

7204 (16) A local school board may hold school on legal holidays other than Sundays.

7205 (17) (a) A local school board shall establish for each school year a school traffic safety
7206 committee to implement this Subsection (17).

7207 (b) The committee shall be composed of one representative of:

7208 (i) the schools within the district;

7209 (ii) the Parent Teachers' Association of the schools within the district;

7210 (iii) the municipality or county;

7211 (iv) state or local law enforcement; and

7212 (v) state or local traffic safety engineering.

7213 (c) The committee shall:

7214 (i) receive suggestions from school community councils, parents, teachers, and others
7215 and recommend school traffic safety improvements, boundary changes to enhance safety, and
7216 school traffic safety program measures;

7217 (ii) review and submit annually to the Department of Transportation and affected
7218 municipalities and counties a child access routing plan for each elementary, middle, and junior
7219 high school within the district;

7220 (iii) consult the Utah Safety Council and the Division of Family Health Services and
7221 provide training to all school children in kindergarten through grade 6, within the district, on
7222 school crossing safety and use; and

7223 (iv) help ensure the district's compliance with rules made by the Department of
7224 Transportation under Section [41-6a-303](#).

7225 (d) The committee may establish subcommittees as needed to assist in accomplishing
7226 the committee's duties under Subsection (17)(c).

7227 (18) (a) A local school board shall adopt and implement a comprehensive emergency
7228 response plan to prevent and combat violence in the local school board's public schools, on
7229 school grounds, on its school vehicles, and in connection with school-related activities or
7230 events.

7231 (b) The plan shall:

7232 (i) include prevention, intervention, and response components;

7233 (ii) be consistent with the student conduct and discipline policies required for school
7234 districts under Chapter 11, Part 2, Miscellaneous Requirements;

7235 (iii) require professional learning for all district and school building staff on what their
7236 roles are in the emergency response plan;

7237 (iv) provide for coordination with local law enforcement and other public safety
7238 representatives in preventing, intervening, and responding to violence in the areas and activities
7239 referred to in Subsection (18)(a); and

7240 (v) include procedures to notify a student, to the extent practicable, who is off campus
7241 at the time of a school violence emergency because the student is:

7242 (A) participating in a school-related activity; or

7243 (B) excused from school for a period of time during the regular school day to
7244 participate in religious instruction at the request of the student's parent.

7245 (c) The state board, through the state superintendent, shall develop comprehensive
7246 emergency response plan models that local school boards may use, where appropriate, to
7247 comply with Subsection (18)(a).

7248 (d) A local school board shall, by July 1 of each year, certify to the state board that its
7249 plan has been practiced at the school level and presented to and reviewed by its teachers,
7250 administrators, students, and their parents and local law enforcement and public safety

7251 representatives.

7252 (19) (a) A local school board may adopt an emergency response plan for the treatment
7253 of sports-related injuries that occur during school sports practices and events.

7254 (b) The plan may be implemented by each secondary school in the district that has a
7255 sports program for students.

7256 (c) The plan may:

7257 (i) include emergency personnel, emergency communication, and emergency
7258 equipment components;

7259 (ii) require professional learning on the emergency response plan for school personnel
7260 who are involved in sports programs in the district's secondary schools; and

7261 (iii) provide for coordination with individuals and agency representatives who:

7262 (A) are not employees of the school district; and

7263 (B) would be involved in providing emergency services to students injured while
7264 participating in sports events.

7265 (d) The local school board, in collaboration with the schools referred to in Subsection
7266 (19)(b), may review the plan each year and make revisions when required to improve or
7267 enhance the plan.

7268 (e) The state board, through the state superintendent, shall provide local school boards
7269 with an emergency plan response model that local school boards may use to comply with the
7270 requirements of this Subsection (19).

7271 (20) A local school board shall do all other things necessary for the maintenance,
7272 prosperity, and success of the schools and the promotion of education.

7273 (21) (a) Before closing a school or changing the boundaries of a school, a local school
7274 board shall:

7275 (i) at least 120 days before approving the school closure or school boundary change,
7276 provide notice to the following that the local school board is considering the closure or
7277 boundary change:

7278 (A) parents of students enrolled in the school, using the same form of communication
7279 the local school board regularly uses to communicate with parents;

7280 (B) parents of students enrolled in other schools within the school district that may be
7281 affected by the closure or boundary change, using the same form of communication the local

7282 school board regularly uses to communicate with parents; and
7283 (C) the governing council and the mayor of the municipality in which the school is
7284 located;

7285 (ii) provide an opportunity for public comment on the proposed school closure or
7286 school boundary change during at least two public local school board meetings; and
7287 (iii) hold a public hearing as defined in Section 10-9a-103 and provide public notice of
7288 the public hearing as described in Subsection (21)(b).

7289 (b) The notice of a public hearing required under Subsection (21)(a)(iii) shall:

7290 (i) indicate the:

7291 (A) school or schools under consideration for closure or boundary change; and
7292 (B) the date, time, and location of the public hearing;

7293 (ii) at least 10 days before the public hearing, be:

7294 (A) published:

7295 (I) in a newspaper of general circulation in the area; and
7296 (II) on the Utah Public Notice Website created in Section 63A-16-601; and
7297 (B) posted in at least three public locations within the municipality in which the school
7298 is located on the school district's official website, and prominently at the school; and
7299 (iii) at least 30 days before the public hearing described in Subsection (21)(a)(iii), be
7300 provided as described in Subsections (21)(a)(i)(A), (B), and (C).

7301 (22) A local school board may implement a facility energy efficiency program
7302 established under Title 11, Chapter 44, Performance Efficiency Act.

7303 (23) A local school board may establish or partner with a certified youth court in
7304 accordance with Section 80-6-902 or establish or partner with a comparable restorative justice
7305 program, in coordination with schools in that district. A school may refer a student to a youth
7306 court or a comparable restorative justice program in accordance with Section 53G-8-211.

7307 (24) A local school board shall:

7308 (a) make curriculum that the school district uses readily accessible and available for a
7309 parent to view;

7310 (b) annually notify a parent of a student enrolled in the school district of how to access
7311 the information described in Subsection (24)(a); and
7312 (c) include on the school district's website information about how to access the

7313 information described in Subsection (24)(a).

7314 Section 98. Section **54-3-28** is amended to read:

7315 **54-3-28. Notice required of certain public utilities before preparing or amending**
7316 **a long-range plan or acquiring certain property.**

7317 (1) As used in this section:

7318 (a) (i) "Affected entity" means each county, municipality, ~~[local]~~ special district under
7319 ~~[Title 17B, Limited Purpose Local Government Entities - Local Districts]~~ Title 17B, Limited
7320 Purpose Local Government Entities - Special Districts, special service district, school district,
7321 interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,
7322 and specified public utility:

7323 (A) whose services or facilities are likely to require expansion or significant
7324 modification because of expected uses of land under a proposed long-range plan or under
7325 proposed amendments to a long-range plan; or

7326 (B) that has filed with the specified public utility a copy of the general or long-range
7327 plan of the county, municipality, ~~[local]~~ special district, special service district, school district,
7328 interlocal cooperation entity, or specified public utility.

7329 (ii) "Affected entity" does not include the specified public utility that is required under
7330 Subsection (2) to provide notice.

7331 (b) "Specified public utility" means an electrical corporation, gas corporation, or
7332 telephone corporation, as those terms are defined in Section [54-2-1](#).

7333 (2) (a) If a specified public utility prepares a long-range plan regarding the specified
7334 public utility's facilities proposed for the future in a county of the first or second class or
7335 amends an already existing long-range plan, the specified public utility shall, before preparing a
7336 long-range plan or amendments to an existing long-range plan, provide written notice, as
7337 provided in this section, of the specified public utility's intent to prepare a long-range plan or to
7338 amend an existing long-range plan.

7339 (b) Each notice under Subsection (2) shall:

7340 (i) indicate that the specified public utility intends to prepare a long-range plan or to
7341 amend a long-range plan, as the case may be;

7342 (ii) describe or provide a map of the geographic area that will be affected by the
7343 long-range plan or amendments to a long-range plan;

7344 (iii) be sent to:

7345 (A) each county in whose unincorporated area and each municipality in whose

7346 boundaries is located the land on which the proposed long-range plan or amendments to a

7347 long-range plan are expected to indicate that the proposed facilities will be located;

7348 (B) each affected entity;

7349 (C) the Utah Geospatial Resource Center created in Section [63A-16-505](#);

7350 (D) each association of governments, established pursuant to an interlocal agreement

7351 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality

7352 described in Subsection (2)(b)(iii)(A) is a member; and

7353 (E) the state planning coordinator appointed under Section [63J-4-401](#);

7354 (iv) with respect to the notice to counties and municipalities described in Subsection

7355 (2)(b)(iii)(A) and affected entities, invite them to provide information for the specified public

7356 utility to consider in the process of preparing, adopting, and implementing the long-range plan

7357 or amendments to a long-range plan concerning:

7358 (A) impacts that the use of land proposed in the proposed long-range plan or

7359 amendments to a long-range plan may have on the county, municipality, or affected entity; and

7360 (B) uses of land that the county, municipality, or affected entity is planning or

7361 considering that may conflict with the proposed long-range plan or amendments to a long-range

7362 plan; and

7363 (v) include the address of an Internet website, if the specified public utility has one, and

7364 the name and telephone number of an individual where more information can be obtained

7365 concerning the specified public utility's proposed long-range plan or amendments to a

7366 long-range plan.

7367 (3) (a) Except as provided in Subsection (3)(d), each specified public utility intending

7368 to acquire real property in a county of the first or second class for the purpose of expanding the

7369 specified public utility's infrastructure or other facilities used for providing the services that the

7370 specified public utility is authorized to provide shall provide written notice, as provided in this

7371 Subsection (3), of the specified public utility's intent to acquire the property if the intended use

7372 of the property is contrary to:

7373 (i) the anticipated use of the property under the county or municipality's general plan;

7374 or

- 7375 (ii) the property's current zoning designation.
- 7376 (b) Each notice under Subsection (3)(a) shall:
- 7377 (i) indicate that the specified public utility intends to acquire real property;
- 7378 (ii) identify the real property; and
- 7379 (iii) be sent to:
- 7380 (A) each county in whose unincorporated area and each municipality in whose
- 7381 boundaries the property is located; and
- 7382 (B) each affected entity.
- 7383 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
- 7384 [63G-2-305\(8\)](#).
- 7385 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the specified
- 7386 public utility previously provided notice under Subsection (2) identifying the general location
- 7387 within the municipality or unincorporated part of the county where the property to be acquired
- 7388 is located.
- 7389 (ii) If a specified public utility is not required to comply with the notice requirement of
- 7390 Subsection (3)(a) because of application of Subsection (3)(d)(i), the specified public utility
- 7391 shall provide the notice specified in Subsection (3)(a) as soon as practicable after the specified
- 7392 public utility's acquisition of the real property.
- 7393 Section 99. Section **54-14-103** is amended to read:
- 7394 **54-14-103. Definitions.**
- 7395 As used in this chapter:
- 7396 (1) "Actual excess cost" means the difference in cost between:
- 7397 (a) the standard cost of a facility; and
- 7398 (b) the actual cost of the facility, including any necessary right-of-way, as determined
- 7399 in accordance with Section [54-14-203](#).
- 7400 (2) "Board" means the Utility Facility Review Board.
- 7401 (3) "Commencement of construction of a facility" includes the project design and the
- 7402 ordering of materials necessary to construct the facility.
- 7403 (4) "Estimated excess cost" means any material difference in estimated cost between
- 7404 the costs of a facility, including any necessary right-of-way, if constructed in accordance with
- 7405 the requirements of a local government and the standard cost of the facility.

7406 (5) (a) "Facility" means a transmission line, a substation, a gas pipeline, a tap, a
7407 measuring device, or a treatment device.

7408 (b) "Facility" includes a high voltage power line route as defined in Section 54-18-102.

7409 (6) (a) "Gas pipeline" means equipment, material, and structures used to transport gas
7410 to the public utility's customers, including:

7411 (i) pipe;

7412 (ii) a compressor;

7413 (iii) a pressure regulator;

7414 (iv) a support structure; and

7415 (v) any other equipment or structure used to transport or facilitate transportation of gas
7416 through a pipe.

7417 (b) "Gas pipeline" does not include a service line.

7418 (7) "Local government":

7419 (a) means a city or town as defined in Section 10-1-104 or a county; or

7420 (b) may refer to one or more of the local governments in whose jurisdiction a facility is
7421 located if a facility is proposed to be located in more than one local government jurisdiction.

7422 (8) "Pay" includes, in reference to a local government paying the actual excess cost of a
7423 facility, payment by:

7424 (a) a ~~[local] special district under [Title 17B, Limited Purpose Local Government~~
7425 ~~Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities - Special
7426 Districts;

7427 (b) a special service district under Title 17D, Chapter 1, Special Service District Act;

7428 or

7429 (c) a private entity other than the public utility pursuant to a regulation or decision of
7430 the local government.

7431 (9) (a) "Standard cost" means the estimated cost of a facility, including any necessary
7432 right-of-way, if constructed in accordance with:

7433 (i) the public utility's normal practices; and

7434 (ii) zoning, subdivision, and building code regulations of a local government, including
7435 siting, setback, screening, and landscaping requirements:

7436 (A) imposed on similar land uses in the same zone; and

7437 (B) that do not impair the ability of the public utility to provide service to its customers
7438 in a safe, reliable, adequate, and efficient manner.

7439 (b) With respect to a transmission line, "standard cost" is the cost of any overhead line
7440 constructed in accordance with the public utility's normal practices.

7441 (c) With respect to a facility of a gas corporation, "standard cost" is the cost of
7442 constructing the facility in accordance with the public utility's normal practices.

7443 (10) (a) "Substation" means a separate space within which electric supply equipment is
7444 located for the purpose of switching, regulating, transforming, or otherwise modifying the
7445 characteristics of electricity, including:

7446 (i) electrical equipment such as transformers, circuit breakers, voltage regulating
7447 equipment, buses, switches, capacitor banks, reactors, protection and control equipment, and
7448 other related equipment;

7449 (ii) the site at which the equipment is located, any foundations, support structures,
7450 buildings, or driveways necessary to locate, operate, and maintain the equipment at the site;
7451 and

7452 (iii) the structure intended to restrict access to the equipment to qualified persons.

7453 (b) "Substation" does not include a distribution pole-mounted or pad-mounted
7454 transformer that is used for the final transformation of power to the voltage level utilized by the
7455 customer.

7456 (11) (a) "Transmission line" means an electrical line, including structures, equipment,
7457 plant, or fixtures associated with the electrical line, operated at a nominal voltage of 34,000
7458 volts or above.

7459 (b) "Transmission line" includes, for purposes of Title 54, Chapter 18, Siting of High
7460 Voltage Power Line Act, an electrical line as described in Subsection (11)(a) operated at a
7461 nominal voltage of 230 kilovolts or more.

7462 Section 100. Section **57-8-27** is amended to read:

7463 **57-8-27. Separate taxation.**

7464 (1) Each unit and its percentage of undivided interest in the common or community
7465 areas and facilities shall be considered to be a parcel and shall be subject to separate
7466 assessment and taxation by each assessing unit, ~~local~~ special district, and special service
7467 district for all types of taxes authorized by law, including ad valorem levies and special

7468 assessments. Neither the building or buildings, the property, nor any of the common areas and
7469 facilities may be considered a parcel.

7470 (2) In the event any of the interests in real property made subject to this chapter by the
7471 declaration are leasehold interests, if the lease creating these interests is of record in the office
7472 of the county recorder, if the balance of the term remaining under the lease is at least 40 years
7473 at the time the leasehold interest is made subject to this chapter, if units are situated or are to be
7474 situated on or within the real property covered by the lease, and if the lease provides that the
7475 lessee shall pay all taxes and assessments imposed by governmental authority, then until 10
7476 years prior to the date that the leasehold is to expire or until the lease is terminated, whichever
7477 first occurs, all taxes and assessments on the real property covered by the lease shall be levied
7478 against the owner of the lessee's interest. If the owner of the reversion under the lease has
7479 executed the declaration and condominium plat, until 10 years prior to the date that the
7480 leasehold is to expire, or until the lease is terminated, whichever first occurs, all taxes and
7481 assessments on the real property covered by the lease shall be separately levied against the unit
7482 owners having an interest in the lease, with each unit owner for taxation purposes being
7483 considered the owner of a parcel consisting of his undivided condominium interest in the fee of
7484 the real property affected by the lease.

7485 (3) No forfeiture or sale of the improvements or the property as a whole for delinquent
7486 real estate taxes, special assessments, or charges shall divest or in anywise affect the title to an
7487 individual unit if the real estate taxes or duly levied share of the assessments and charges on the
7488 individual unit are currently paid.

7489 (4) Any exemption from taxes that may exist on real property or the ownership of the
7490 property may not be denied by virtue of the submission of the property to this chapter.

7491 (5) Timeshare interests and timeshare estates, as defined in Section [57-19-2](#), may not
7492 be separately taxed but shall be valued, assessed, and taxed at the unit level. The value of
7493 timeshare interests and timeshare estates, for purposes of ad valorem taxation, shall be
7494 determined by valuing the real property interest associated with the timeshare interest or
7495 timeshare estate, exclusive of the value of any intangible property and rights associated with
7496 the acquisition, operation, ownership, and use of the timeshare interest or timeshare estate,
7497 including the fees and costs associated with the sale of timeshare interests and timeshare estates
7498 that exceed those fees and costs normally incurred in the sale of other similar properties, the

7499 fees and costs associated with the operation, ownership, and use of timeshare interests and
7500 timeshare estates, vacation exchange rights, vacation conveniences and services, club
7501 memberships, and any other intangible rights and benefits available to a timeshare unit owner.
7502 Nothing in this section shall be construed as requiring the assessment of any real property
7503 interest associated with a timeshare interest or timeshare estate at less than its fair market
7504 value. Notice of assessment, delinquency, sale, or any other purpose required by law is
7505 considered sufficient for all purposes if the notice is given to the management committee.

7506 Section 101. Section **59-2-102** is amended to read:

7507 **59-2-102. Definitions.**

7508 As used in this chapter:

7509 (1) (a) "Acquisition cost" means any cost required to put an item of tangible personal
7510 property into service.

7511 (b) "Acquisition cost" includes:

7512 (i) the purchase price of a new or used item;

7513 (ii) the cost of freight, shipping, loading at origin, unloading at destination, crating,
7514 skidding, or any other applicable cost of shipping;

7515 (iii) the cost of installation, engineering, rigging, erection, or assembly, including
7516 foundations, pilings, utility connections, or similar costs; and

7517 (iv) sales and use taxes.

7518 (2) "Aerial applicator" means aircraft or rotorcraft used exclusively for the purpose of
7519 engaging in dispensing activities directly affecting agriculture or horticulture with an
7520 airworthiness certificate from the Federal Aviation Administration certifying the aircraft or
7521 rotorcraft's use for agricultural and pest control purposes.

7522 (3) "Air charter service" means an air carrier operation that requires the customer to
7523 hire an entire aircraft rather than book passage in whatever capacity is available on a scheduled
7524 trip.

7525 (4) "Air contract service" means an air carrier operation available only to customers
7526 that engage the services of the carrier through a contractual agreement and excess capacity on
7527 any trip and is not available to the public at large.

7528 (5) "Aircraft" means the same as that term is defined in Section [72-10-102](#).

7529 (6) (a) Except as provided in Subsection (6)(b), "airline" means an air carrier that:

- 7530 (i) operates:
- 7531 (A) on an interstate route; and
- 7532 (B) on a scheduled basis; and
- 7533 (ii) offers to fly one or more passengers or cargo on the basis of available capacity on a
- 7534 regularly scheduled route.
- 7535 (b) "Airline" does not include an:
- 7536 (i) air charter service; or
- 7537 (ii) air contract service.
- 7538 (7) "Assessment roll" or "assessment book" means a permanent record of the
- 7539 assessment of property as assessed by the county assessor and the commission and may be
- 7540 maintained manually or as a computerized file as a consolidated record or as multiple records
- 7541 by type, classification, or categories.
- 7542 (8) "Base parcel" means a parcel of property that was legally:
- 7543 (a) subdivided into two or more lots, parcels, or other divisions of land; or
- 7544 (b) (i) combined with one or more other parcels of property; and
- 7545 (ii) subdivided into two or more lots, parcels, or other divisions of land.
- 7546 (9) (a) "Certified revenue levy" means a property tax levy that provides an amount of
- 7547 ad valorem property tax revenue equal to the sum of:
- 7548 (i) the amount of ad valorem property tax revenue to be generated statewide in the
- 7549 previous year from imposing a multicounty assessing and collecting levy, as specified in
- 7550 Section [59-2-1602](#); and
- 7551 (ii) the product of:
- 7552 (A) eligible new growth, as defined in Section [59-2-924](#); and
- 7553 (B) the multicounty assessing and collecting levy certified by the commission for the
- 7554 previous year.
- 7555 (b) For purposes of this Subsection (9), "ad valorem property tax revenue" does not
- 7556 include property tax revenue received by a taxing entity from personal property that is:
- 7557 (i) assessed by a county assessor in accordance with Part 3, County Assessment; and
- 7558 (ii) semiconductor manufacturing equipment.
- 7559 (c) For purposes of calculating the certified revenue levy described in this Subsection
- 7560 (9), the commission shall use:

- 7561 (i) the taxable value of real property assessed by a county assessor contained on the
7562 assessment roll;
- 7563 (ii) the taxable value of real and personal property assessed by the commission; and
7564 (iii) the taxable year end value of personal property assessed by a county assessor
7565 contained on the prior year's assessment roll.
- 7566 (10) "County-assessed commercial vehicle" means:
- 7567 (a) any commercial vehicle, trailer, or semitrailer that is not apportioned under Section
7568 [41-1a-301](#) and is not operated interstate to transport the vehicle owner's goods or property in
7569 furtherance of the owner's commercial enterprise;
- 7570 (b) any passenger vehicle owned by a business and used by its employees for
7571 transportation as a company car or vanpool vehicle; and
- 7572 (c) vehicles that are:
- 7573 (i) especially constructed for towing or wrecking, and that are not otherwise used to
7574 transport goods, merchandise, or people for compensation;
- 7575 (ii) used or licensed as taxicabs or limousines;
- 7576 (iii) used as rental passenger cars, travel trailers, or motor homes;
- 7577 (iv) used or licensed in this state for use as ambulances or hearses;
- 7578 (v) especially designed and used for garbage and rubbish collection; or
7579 (vi) used exclusively to transport students or their instructors to or from any private,
7580 public, or religious school or school activities.
- 7581 (11) "Eligible judgment" means a final and unappealable judgment or order under
7582 Section [59-2-1330](#):
- 7583 (a) that became a final and unappealable judgment or order no more than 14 months
7584 before the day on which the notice described in Section [59-2-919.1](#) is required to be provided;
7585 and
- 7586 (b) for which a taxing entity's share of the final and unappealable judgment or order is
7587 greater than or equal to the lesser of:
- 7588 (i) \$5,000; or
7589 (ii) 2.5% of the total ad valorem property taxes collected by the taxing entity in the
7590 previous fiscal year.
- 7591 (12) (a) "Escaped property" means any property, whether personal, land, or any

7592 improvements to the property, that is subject to taxation and is:

7593 (i) inadvertently omitted from the tax rolls, assigned to the incorrect parcel, or assessed
7594 to the wrong taxpayer by the assessing authority;

7595 (ii) undervalued or omitted from the tax rolls because of the failure of the taxpayer to
7596 comply with the reporting requirements of this chapter; or

7597 (iii) undervalued because of errors made by the assessing authority based upon
7598 incomplete or erroneous information furnished by the taxpayer.

7599 (b) "Escaped property" does not include property that is undervalued because of the use
7600 of a different valuation methodology or because of a different application of the same valuation
7601 methodology.

7602 (13) (a) "Fair market value" means the amount at which property would change hands
7603 between a willing buyer and a willing seller, neither being under any compulsion to buy or sell
7604 and both having reasonable knowledge of the relevant facts.

7605 (b) For purposes of taxation, "fair market value" shall be determined using the current
7606 zoning laws applicable to the property in question, except in cases where there is a reasonable
7607 probability of a change in the zoning laws affecting that property in the tax year in question and
7608 the change would have an appreciable influence upon the value.

7609 (14) "Geothermal fluid" means water in any form at temperatures greater than 120
7610 degrees centigrade naturally present in a geothermal system.

7611 (15) "Geothermal resource" means:

7612 (a) the natural heat of the earth at temperatures greater than 120 degrees centigrade;
7613 and

7614 (b) the energy, in whatever form, including pressure, present in, resulting from, created
7615 by, or which may be extracted from that natural heat, directly or through a material medium.

7616 (16) (a) "Goodwill" means:

7617 (i) acquired goodwill that is reported as goodwill on the books and records that a
7618 taxpayer maintains for financial reporting purposes; or

7619 (ii) the ability of a business to:

7620 (A) generate income that exceeds a normal rate of return on assets and that results from
7621 a factor described in Subsection (16)(b); or

7622 (B) obtain an economic or competitive advantage resulting from a factor described in

- 7623 Subsection (16)(b).
- 7624 (b) The following factors apply to Subsection (16)(a)(ii):
- 7625 (i) superior management skills;
- 7626 (ii) reputation;
- 7627 (iii) customer relationships;
- 7628 (iv) patronage; or
- 7629 (v) a factor similar to Subsections (16)(b)(i) through (iv).
- 7630 (c) "Goodwill" does not include:
- 7631 (i) the intangible property described in Subsection (19)(a) or (b);
- 7632 (ii) locational attributes of real property, including:
- 7633 (A) zoning;
- 7634 (B) location;
- 7635 (C) view;
- 7636 (D) a geographic feature;
- 7637 (E) an easement;
- 7638 (F) a covenant;
- 7639 (G) proximity to raw materials;
- 7640 (H) the condition of surrounding property; or
- 7641 (I) proximity to markets;
- 7642 (iii) value attributable to the identification of an improvement to real property,
- 7643 including:
- 7644 (A) reputation of the designer, builder, or architect of the improvement;
- 7645 (B) a name given to, or associated with, the improvement; or
- 7646 (C) the historic significance of an improvement; or
- 7647 (iv) the enhancement or assemblage value specifically attributable to the interrelation
- 7648 of the existing tangible property in place working together as a unit.
- 7649 (17) "Governing body" means:
- 7650 (a) for a county, city, or town, the legislative body of the county, city, or town;
- 7651 (b) for a ~~[local]~~ special district under ~~[Title 17B, Limited Purpose Local Government~~
- 7652 ~~Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities - Special
- 7653 Districts, the ~~[local]~~ special district's board of trustees;

7654 (c) for a school district, the local board of education;
7655 (d) for a special service district under Title 17D, Chapter 1, Special Service District
7656 Act:
7657 (i) the legislative body of the county or municipality that created the special service
7658 district, to the extent that the county or municipal legislative body has not delegated authority
7659 to an administrative control board established under Section 17D-1-301; or
7660 (ii) the administrative control board, to the extent that the county or municipal
7661 legislative body has delegated authority to an administrative control board established under
7662 Section 17D-1-301; or
7663 (e) for a public infrastructure district under Title 17D, Chapter 4, Public Infrastructure
7664 District Act, the public infrastructure district's board of trustees.
7665 (18) (a) Except as provided in Subsection (18)(c), "improvement" means a building,
7666 structure, fixture, fence, or other item that is permanently attached to land, regardless of
7667 whether the title has been acquired to the land, if:
7668 (i) (A) attachment to land is essential to the operation or use of the item; and
7669 (B) the manner of attachment to land suggests that the item will remain attached to the
7670 land in the same place over the useful life of the item; or
7671 (ii) removal of the item would:
7672 (A) cause substantial damage to the item; or
7673 (B) require substantial alteration or repair of a structure to which the item is attached.
7674 (b) "Improvement" includes:
7675 (i) an accessory to an item described in Subsection (18)(a) if the accessory is:
7676 (A) essential to the operation of the item described in Subsection (18)(a); and
7677 (B) installed solely to serve the operation of the item described in Subsection (18)(a);
7678 and
7679 (ii) an item described in Subsection (18)(a) that is temporarily detached from the land
7680 for repairs and remains located on the land.
7681 (c) "Improvement" does not include:
7682 (i) an item considered to be personal property pursuant to rules made in accordance
7683 with Section 59-2-107;
7684 (ii) a moveable item that is attached to land for stability only or for an obvious

7685 temporary purpose;

7686 (iii) (A) manufacturing equipment and machinery; or

7687 (B) essential accessories to manufacturing equipment and machinery;

7688 (iv) an item attached to the land in a manner that facilitates removal without substantial

7689 damage to the land or the item; or

7690 (v) a transportable factory-built housing unit as defined in Section 59-2-1502 if that

7691 transportable factory-built housing unit is considered to be personal property under Section

7692 59-2-1503.

7693 (19) "Intangible property" means:

7694 (a) property that is capable of private ownership separate from tangible property,

7695 including:

7696 (i) money;

7697 (ii) credits;

7698 (iii) bonds;

7699 (iv) stocks;

7700 (v) representative property;

7701 (vi) franchises;

7702 (vii) licenses;

7703 (viii) trade names;

7704 (ix) copyrights; and

7705 (x) patents;

7706 (b) a low-income housing tax credit;

7707 (c) goodwill; or

7708 (d) a renewable energy tax credit or incentive, including:

7709 (i) a federal renewable energy production tax credit under Section 45, Internal Revenue

7710 Code;

7711 (ii) a federal energy credit for qualified renewable electricity production facilities under

7712 Section 48, Internal Revenue Code;

7713 (iii) a federal grant for a renewable energy property under American Recovery and

7714 Reinvestment Act of 2009, Pub. L. No. 111-5, Section 1603; and

7715 (iv) a tax credit under Subsection 59-7-614(5).

- 7716 (20) "Livestock" means:
- 7717 (a) a domestic animal;
- 7718 (b) a fish;
- 7719 (c) a fur-bearing animal;
- 7720 (d) a honeybee; or
- 7721 (e) poultry.
- 7722 (21) "Low-income housing tax credit" means:
- 7723 (a) a federal low-income housing tax credit under Section 42, Internal Revenue Code;
- 7724 or
- 7725 (b) a low-income housing tax credit under Section 59-7-607 or Section 59-10-1010.
- 7726 (22) "Metalliferous minerals" includes gold, silver, copper, lead, zinc, and uranium.
- 7727 (23) "Mine" means a natural deposit of either metalliferous or nonmetalliferous
- 7728 valuable mineral.
- 7729 (24) "Mining" means the process of producing, extracting, leaching, evaporating, or
- 7730 otherwise removing a mineral from a mine.
- 7731 (25) (a) "Mobile flight equipment" means tangible personal property that is owned or
- 7732 operated by an air charter service, air contract service, or airline and:
- 7733 (i) is capable of flight or is attached to an aircraft that is capable of flight; or
- 7734 (ii) is contained in an aircraft that is capable of flight if the tangible personal property
- 7735 is intended to be used:
- 7736 (A) during multiple flights;
- 7737 (B) during a takeoff, flight, or landing; and
- 7738 (C) as a service provided by an air charter service, air contract service, or airline.
- 7739 (b) (i) "Mobile flight equipment" does not include a spare part other than a spare
- 7740 engine that is rotated at regular intervals with an engine that is attached to the aircraft.
- 7741 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 7742 commission may make rules defining the term "regular intervals."
- 7743 (26) "Nonmetalliferous minerals" includes, but is not limited to, oil, gas, coal, salts,
- 7744 sand, rock, gravel, and all carboniferous materials.
- 7745 (27) "Part-year residential property" means property that is not residential property on
- 7746 January 1 of a calendar year but becomes residential property after January 1 of the calendar

7747 year.

7748 (28) "Personal property" includes:

7749 (a) every class of property as defined in Subsection (29) that is the subject of
7750 ownership and is not real estate or an improvement;

7751 (b) any pipe laid in or affixed to land whether or not the ownership of the pipe is
7752 separate from the ownership of the underlying land, even if the pipe meets the definition of an
7753 improvement;

7754 (c) bridges and ferries;

7755 (d) livestock; and

7756 (e) outdoor advertising structures as defined in Section [72-7-502](#).

7757 (29) (a) "Property" means property that is subject to assessment and taxation according
7758 to its value.

7759 (b) "Property" does not include intangible property as defined in this section.

7760 (30) (a) "Public utility" means:

7761 (i) the operating property of a railroad, gas corporation, oil or gas transportation or
7762 pipeline company, coal slurry pipeline company, electrical corporation, sewerage corporation,
7763 or heat corporation where the company performs the service for, or delivers the commodity to,
7764 the public generally or companies serving the public generally, or in the case of a gas
7765 corporation or an electrical corporation, where the gas or electricity is sold or furnished to any
7766 member or consumers within the state for domestic, commercial, or industrial use; and

7767 (ii) the operating property of any entity or person defined under Section [54-2-1](#) except
7768 water corporations.

7769 (b) "Public utility" does not include the operating property of a telecommunications
7770 service provider.

7771 (31) (a) Subject to Subsection (31)(b), "qualifying exempt primary residential rental
7772 personal property" means household furnishings, furniture, and equipment that:

7773 (i) are used exclusively within a dwelling unit that is the primary residence of a tenant;

7774 (ii) are owned by the owner of the dwelling unit that is the primary residence of a
7775 tenant; and

7776 (iii) after applying the residential exemption described in Section [59-2-103](#), are exempt
7777 from taxation under this chapter in accordance with Subsection [59-2-1115\(2\)](#).

7778 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
7779 commission may by rule define the term "dwelling unit" for purposes of this Subsection (31)
7780 and Subsection (34).

7781 (32) "Real estate" or "real property" includes:

7782 (a) the possession of, claim to, ownership of, or right to the possession of land;

7783 (b) all mines, minerals, and quarries in and under the land, all timber belonging to
7784 individuals or corporations growing or being on the lands of this state or the United States, and
7785 all rights and privileges appertaining to these; and

7786 (c) improvements.

7787 (33) (a) "Relationship with an owner of the property's land surface rights" means a
7788 relationship described in Subsection 267(b), Internal Revenue Code, except that the term 25%
7789 shall be substituted for the term 50% in Subsection 267(b), Internal Revenue Code.

7790 (b) For purposes of determining if a relationship described in Subsection 267(b),
7791 Internal Revenue Code, exists, the ownership of stock shall be determined using the ownership
7792 rules in Subsection 267(c), Internal Revenue Code.

7793 (34) (a) "Residential property," for purposes of the reductions and adjustments under
7794 this chapter, means any property used for residential purposes as a primary residence.

7795 (b) "Residential property" includes:

7796 (i) except as provided in Subsection (34)(b)(ii), includes household furnishings,
7797 furniture, and equipment if the household furnishings, furniture, and equipment are:

7798 (A) used exclusively within a dwelling unit that is the primary residence of a tenant;
7799 and

7800 (B) owned by the owner of the dwelling unit that is the primary residence of a tenant;
7801 and

7802 (ii) if the county assessor determines that the property will be used for residential
7803 purposes as a primary residence:

7804 (A) property under construction; or

7805 (B) unoccupied property.

7806 (c) "Residential property" does not include property used for transient residential use.

7807 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
7808 commission may by rule define the term "dwelling unit" for purposes of Subsection (31) and

7809 this Subsection (34).

7810 (35) "Split estate mineral rights owner" means a person that:

7811 (a) has a legal right to extract a mineral from property;

7812 (b) does not hold more than a 25% interest in:

7813 (i) the land surface rights of the property where the wellhead is located; or

7814 (ii) an entity with an ownership interest in the land surface rights of the property where
7815 the wellhead is located;

7816 (c) is not an entity in which the owner of the land surface rights of the property where
7817 the wellhead is located holds more than a 25% interest; and

7818 (d) does not have a relationship with an owner of the land surface rights of the property
7819 where the wellhead is located.

7820 (36) (a) "State-assessed commercial vehicle" means:

7821 (i) any commercial vehicle, trailer, or semitrailer that operates interstate or intrastate to
7822 transport passengers, freight, merchandise, or other property for hire; or

7823 (ii) any commercial vehicle, trailer, or semitrailer that operates interstate and transports
7824 the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.

7825 (b) "State-assessed commercial vehicle" does not include vehicles used for hire that are
7826 specified in Subsection (10)(c) as county-assessed commercial vehicles.

7827 (37) "Subdivided lot" means a lot, parcel, or other division of land, that is a division of
7828 a base parcel.

7829 (38) "Tax area" means a geographic area created by the overlapping boundaries of one
7830 or more taxing entities.

7831 (39) "Taxable value" means fair market value less any applicable reduction allowed for
7832 residential property under Section [59-2-103](#).

7833 (40) "Taxing entity" means any county, city, town, school district, special taxing
7834 district, ~~[local] special~~ district under ~~[Title 17B, Limited Purpose Local Government Entities =~~
7835 ~~Local Districts]~~ Title 17B, Limited Purpose Local Government Entities - Special Districts, or
7836 other political subdivision of the state with the authority to levy a tax on property.

7837 (41) (a) "Tax roll" means a permanent record of the taxes charged on property, as
7838 extended on the assessment roll, and may be maintained on the same record or records as the
7839 assessment roll or may be maintained on a separate record properly indexed to the assessment

7840 roll.

7841 (b) "Tax roll" includes tax books, tax lists, and other similar materials.

7842 (42) "Telecommunications service provider" means the same as that term is defined in
7843 Section [59-12-102](#).

7844 Section 102. Section **59-2-511** is amended to read:

7845 **59-2-511. Acquisition of land by governmental entity -- Requirements -- Rollback**
7846 **tax -- One-time in lieu fee payment -- Passage of title.**

7847 (1) For purposes of this section, "governmental entity" means:

7848 (a) the United States;

7849 (b) the state;

7850 (c) a political subdivision of the state, including:

7851 (i) a county;

7852 (ii) a city;

7853 (iii) a town;

7854 (iv) a school district;

7855 (v) a ~~local~~ special district; or

7856 (vi) a special service district; or

7857 (d) an entity created by the state or the United States, including:

7858 (i) an agency;

7859 (ii) a board;

7860 (iii) a bureau;

7861 (iv) a commission;

7862 (v) a committee;

7863 (vi) a department;

7864 (vii) a division;

7865 (viii) an institution;

7866 (ix) an instrumentality; or

7867 (x) an office.

7868 (2) (a) Except as provided in Subsections (3) and (4), land acquired by a governmental
7869 entity is subject to the rollback tax imposed by this part if:

7870 (i) prior to the governmental entity acquiring the land, the land is assessed under this

7871 part; and

7872 (ii) after the governmental entity acquires the land, the land does not meet the
7873 requirements of Section 59-2-503 for assessment under this part.

7874 (b) A person dedicating a public right-of-way to a governmental entity shall pay the
7875 rollback tax imposed by this part if:

7876 (i) a portion of the public right-of-way is located within a subdivision as defined in
7877 Section 10-9a-103; or

7878 (ii) in exchange for the dedication, the person dedicating the public right-of-way
7879 receives:

7880 (A) money; or

7881 (B) other consideration.

7882 (3) (a) Except as provided in Subsection (4), land acquired by a governmental entity is
7883 not subject to the rollback tax imposed by this part, but is subject to a one-time in lieu fee
7884 payment as provided in Subsection (3)(b), if:

7885 (i) the governmental entity acquires the land by eminent domain;

7886 (ii) (A) the land is under the threat or imminence of eminent domain proceedings; and

7887 (B) the governmental entity provides written notice of the proceedings to the owner; or

7888 (iii) the land is donated to the governmental entity.

7889 (b) (i) If a governmental entity acquires land under Subsection (3)(a)(iii), the
7890 governmental entity shall make a one-time in lieu fee payment:

7891 (A) to the county treasurer of the county in which the land is located; and

7892 (B) in an amount equal to the amount of rollback tax calculated under Section

7893 59-2-506.

7894 (ii) If a governmental entity acquires land under Subsection (3)(a)(i) or (3)(a)(ii), the
7895 governmental entity shall make a one-time in lieu fee payment:

7896 (A) to the county treasurer of the county in which the land is located; and

7897 (B) (I) if the land remaining after the acquisition by the governmental entity meets the
7898 requirements of Section 59-2-503, in an amount equal to the rollback tax under Section

7899 59-2-506 on the land acquired by the governmental entity; or

7900 (II) if the land remaining after the acquisition by the governmental entity is less than
7901 five acres, in an amount equal to the rollback tax under Section 59-2-506 on the land acquired

7902 by the governmental entity and the land remaining after the acquisition by the governmental
7903 entity.

7904 (iii) For purposes of Subsection (3)(b)(ii), "land remaining after the acquisition by the
7905 governmental entity" includes other eligible acreage that is used in conjunction with the land
7906 remaining after the acquisition by the governmental entity.

7907 (c) A county receiving an in lieu fee payment under Subsection (3)(b) shall distribute
7908 the revenues generated by the payment:

7909 (i) to the taxing entities in which the land is located; and

7910 (ii) in the same proportion as the revenue from real property taxes is distributed.

7911 (4) Except as provided in Section 59-2-506.5, if land acquired by a governmental entity
7912 is made subject to a conservation easement in accordance with Section 59-2-506.5:

7913 (a) the land is not subject to the rollback tax imposed by this part; and

7914 (b) the governmental entity acquiring the land is not required to make an in lieu fee
7915 payment under Subsection (3)(b).

7916 (5) If a governmental entity acquires land subject to assessment under this part, title to
7917 the land may not pass to the governmental entity until the following are paid to the county
7918 treasurer:

7919 (a) any tax due under this part;

7920 (b) any one-time in lieu fee payment due under this part; and

7921 (c) any interest due under this part.

7922 Section 103. Section 59-2-919 is amended to read:

7923 **59-2-919. Notice and public hearing requirements for certain tax increases --**

7924 **Exceptions.**

7925 (1) As used in this section:

7926 (a) "Additional ad valorem tax revenue" means ad valorem property tax revenue
7927 generated by the portion of the tax rate that exceeds the taxing entity's certified tax rate.

7928 (b) "Ad valorem tax revenue" means ad valorem property tax revenue not including
7929 revenue from:

7930 (i) eligible new growth as defined in Section 59-2-924; or

7931 (ii) personal property that is:

7932 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and

7933 (B) semiconductor manufacturing equipment.

7934 (c) "Calendar year taxing entity" means a taxing entity that operates under a fiscal year
7935 that begins on January 1 and ends on December 31.

7936 (d) "County executive calendar year taxing entity" means a calendar year taxing entity
7937 that operates under the county executive-council form of government described in Section
7938 [17-52a-203](#).

7939 (e) "Current calendar year" means the calendar year immediately preceding the
7940 calendar year for which a calendar year taxing entity seeks to levy a tax rate that exceeds the
7941 calendar year taxing entity's certified tax rate.

7942 (f) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year that
7943 begins on July 1 and ends on June 30.

7944 (g) "Last year's property tax budgeted revenue" does not include revenue received by a
7945 taxing entity from a debt service levy voted on by the public.

7946 (2) A taxing entity may not levy a tax rate that exceeds the taxing entity's certified tax
7947 rate unless the taxing entity meets:

7948 (a) the requirements of this section that apply to the taxing entity; and

7949 (b) all other requirements as may be required by law.

7950 (3) (a) Subject to Subsection (3)(b) and except as provided in Subsection (5), a
7951 calendar year taxing entity may levy a tax rate that exceeds the calendar year taxing entity's
7952 certified tax rate if the calendar year taxing entity:

7953 (i) 14 or more days before the date of the regular general election or municipal general
7954 election held in the current calendar year, states at a public meeting:

7955 (A) that the calendar year taxing entity intends to levy a tax rate that exceeds the
7956 calendar year taxing entity's certified tax rate;

7957 (B) the dollar amount of and purpose for additional ad valorem tax revenue that would
7958 be generated by the proposed increase in the certified tax rate; and

7959 (C) the approximate percentage increase in ad valorem tax revenue for the taxing entity
7960 based on the proposed increase described in Subsection (3)(a)(i)(B);

7961 (ii) provides notice for the public meeting described in Subsection (3)(a)(i) in
7962 accordance with Title 52, Chapter 4, Open and Public Meetings Act, including providing a
7963 separate item on the meeting agenda that notifies the public that the calendar year taxing entity

7964 intends to make the statement described in Subsection (3)(a)(i);
7965 (iii) meets the advertisement requirements of Subsections (6) and (7) before the
7966 calendar year taxing entity conducts the public hearing required by Subsection (3)(a)(v);
7967 (iv) provides notice by mail:
7968 (A) seven or more days before the regular general election or municipal general
7969 election held in the current calendar year; and
7970 (B) as provided in Subsection (3)(c); and
7971 (v) conducts a public hearing that is held:
7972 (A) in accordance with Subsections (8) and (9); and
7973 (B) in conjunction with the public hearing required by Section 17-36-13 or 17B-1-610.
7974 (b) (i) For a county executive calendar year taxing entity, the statement described in
7975 Subsection (3)(a)(i) shall be made by the:
7976 (A) county council;
7977 (B) county executive; or
7978 (C) both the county council and county executive.
7979 (ii) If the county council makes the statement described in Subsection (3)(a)(i) or the
7980 county council states a dollar amount of additional ad valorem tax revenue that is greater than
7981 the amount of additional ad valorem tax revenue previously stated by the county executive in
7982 accordance with Subsection (3)(a)(i), the county executive calendar year taxing entity shall:
7983 (A) make the statement described in Subsection (3)(a)(i) 14 or more days before the
7984 county executive calendar year taxing entity conducts the public hearing under Subsection
7985 (3)(a)(v); and
7986 (B) provide the notice required by Subsection (3)(a)(iv) 14 or more days before the
7987 county executive calendar year taxing entity conducts the public hearing required by
7988 Subsection (3)(a)(v).
7989 (c) The notice described in Subsection (3)(a)(iv):
7990 (i) shall be mailed to each owner of property:
7991 (A) within the calendar year taxing entity; and
7992 (B) listed on the assessment roll;
7993 (ii) shall be printed on a separate form that:
7994 (A) is developed by the commission;

7995 (B) states at the top of the form, in bold upper-case type no smaller than 18 point
7996 "NOTICE OF PROPOSED TAX INCREASE"; and
7997 (C) may be mailed with the notice required by Section 59-2-1317;
7998 (iii) shall contain for each property described in Subsection (3)(c)(i):
7999 (A) the value of the property for the current calendar year;
8000 (B) the tax on the property for the current calendar year; and
8001 (C) subject to Subsection (3)(d), for the calendar year for which the calendar year
8002 taxing entity seeks to levy a tax rate that exceeds the calendar year taxing entity's certified tax
8003 rate, the estimated tax on the property;
8004 (iv) shall contain the following statement:
8005 "[Insert name of taxing entity] is proposing a tax increase for [insert applicable calendar
8006 year]. This notice contains estimates of the tax on your property and the proposed tax increase
8007 on your property as a result of this tax increase. These estimates are calculated on the basis of
8008 [insert previous applicable calendar year] data. The actual tax on your property and proposed
8009 tax increase on your property may vary from this estimate.";
8010 (v) shall state the date, time, and place of the public hearing described in Subsection
8011 (3)(a)(v); and
8012 (vi) may contain other property tax information approved by the commission.
8013 (d) For purposes of Subsection (3)(c)(iii)(C), a calendar year taxing entity shall
8014 calculate the estimated tax on property on the basis of:
8015 (i) data for the current calendar year; and
8016 (ii) the amount of additional ad valorem tax revenue stated in accordance with this
8017 section.
8018 (4) Except as provided in Subsection (5), a fiscal year taxing entity may levy a tax rate
8019 that exceeds the fiscal year taxing entity's certified tax rate if the fiscal year taxing entity:
8020 (a) provides notice by meeting the advertisement requirements of Subsections (6) and
8021 (7) before the fiscal year taxing entity conducts the public meeting at which the fiscal year
8022 taxing entity's annual budget is adopted; and
8023 (b) conducts a public hearing in accordance with Subsections (8) and (9) before the
8024 fiscal year taxing entity's annual budget is adopted.
8025 (5) (a) A taxing entity is not required to meet the notice or public hearing requirements

8026 of Subsection (3) or (4) if the taxing entity is expressly exempted by law from complying with
8027 the requirements of this section.

8028 (b) A taxing entity is not required to meet the notice requirements of Subsection (3) or
8029 (4) if:

8030 (i) Section 53F-8-301 allows the taxing entity to levy a tax rate that exceeds that
8031 certified tax rate without having to comply with the notice provisions of this section; or

8032 (ii) the taxing entity:

8033 (A) budgeted less than \$20,000 in ad valorem tax revenue for the previous fiscal year;

8034 and

8035 (B) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax
8036 revenue.

8037 (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this
8038 section shall be published:

8039 (i) subject to Section 45-1-101, in a newspaper or combination of newspapers of
8040 general circulation in the taxing entity;

8041 (ii) electronically in accordance with Section 45-1-101; and

8042 (iii) on the Utah Public Notice Website created in Section 63A-16-601.

8043 (b) The advertisement described in Subsection (6)(a)(i) shall:

8044 (i) be no less than 1/4 page in size;

8045 (ii) use type no smaller than 18 point; and

8046 (iii) be surrounded by a 1/4-inch border.

8047 (c) The advertisement described in Subsection (6)(a)(i) may not be placed in that
8048 portion of the newspaper where legal notices and classified advertisements appear.

8049 (d) It is the intent of the Legislature that:

8050 (i) whenever possible, the advertisement described in Subsection (6)(a)(i) appear in a
8051 newspaper that is published at least one day per week; and

8052 (ii) the newspaper or combination of newspapers selected:

8053 (A) be of general interest and readership in the taxing entity; and

8054 (B) not be of limited subject matter.

8055 (e) (i) The advertisement described in Subsection (6)(a)(i) shall:

8056 (A) except as provided in Subsection (6)(f), be run once each week for the two weeks

8057 before a taxing entity conducts a public hearing described under Subsection (3)(a)(v) or (4)(b);
8058 and

8059 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the
8060 advertisement, which shall be seven or more days after the day the first advertisement is
8061 published, for the purpose of hearing comments regarding any proposed increase and to explain
8062 the reasons for the proposed increase.

8063 (ii) The advertisement described in Subsection (6)(a)(ii) shall:

8064 (A) be published two weeks before a taxing entity conducts a public hearing described
8065 in Subsection (3)(a)(v) or (4)(b); and

8066 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the
8067 advertisement, which shall be seven or more days after the day the first advertisement is
8068 published, for the purpose of hearing comments regarding any proposed increase and to explain
8069 the reasons for the proposed increase.

8070 (f) If a fiscal year taxing entity's public hearing information is published by the county
8071 auditor in accordance with Section 59-2-919.2, the fiscal year taxing entity is not subject to the
8072 requirement to run the advertisement twice, as required by Subsection (6)(e)(i), but shall run
8073 the advertisement once during the week before the fiscal year taxing entity conducts a public
8074 hearing at which the taxing entity's annual budget is discussed.

8075 (g) For purposes of Subsection (3)(a)(iii) or (4)(a), the form and content of an
8076 advertisement shall be substantially as follows:

8077 "NOTICE OF PROPOSED TAX INCREASE

8078 (NAME OF TAXING ENTITY)

8079 The (name of the taxing entity) is proposing to increase its property tax revenue.

8080 ● The (name of the taxing entity) tax on a (insert the average value of a residence
8081 in the taxing entity rounded to the nearest thousand dollars) residence would increase from
8082 \$_____ to \$_____, which is \$_____ per year.

8083 ● The (name of the taxing entity) tax on a (insert the value of a business having
8084 the same value as the average value of a residence in the taxing entity) business would increase
8085 from \$_____ to \$_____, which is \$_____ per year.

8086 ● If the proposed budget is approved, (name of the taxing entity) would increase
8087 its property tax budgeted revenue by ___% above last year's property tax budgeted revenue

8088 excluding eligible new growth.

8089 All concerned citizens are invited to a public hearing on the tax increase.

8090 PUBLIC HEARING

8091 Date/Time: (date) (time)

8092 Location: (name of meeting place and address of meeting place)

8093 To obtain more information regarding the tax increase, citizens may contact the (name
8094 of the taxing entity) at (phone number of taxing entity)."

8095 (7) The commission:

8096 (a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
8097 Rulemaking Act, governing the joint use of one advertisement described in Subsection (6) by
8098 two or more taxing entities; and

8099 (b) subject to Section 45-1-101, may authorize:

8100 (i) the use of a weekly newspaper:

8101 (A) in a county having both daily and weekly newspapers if the weekly newspaper
8102 would provide equal or greater notice to the taxpayer; and

8103 (B) if the county petitions the commission for the use of the weekly newspaper; or

8104 (ii) the use by a taxing entity of a commission approved direct notice to each taxpayer
8105 if:

8106 (A) the cost of the advertisement would cause undue hardship;

8107 (B) the direct notice is different and separate from that provided for in Section
8108 59-2-919.1; and

8109 (C) the taxing entity petitions the commission for the use of a commission approved
8110 direct notice.

8111 (8) (a) (i) (A) A fiscal year taxing entity shall, on or before March 1, notify the county
8112 legislative body in which the fiscal year taxing entity is located of the date, time, and place of
8113 the first public hearing at which the fiscal year taxing entity's annual budget will be discussed.

8114 (B) A county that receives notice from a fiscal year taxing entity under Subsection
8115 (8)(a)(i)(A) shall include on the notice required by Section 59-2-919.1 the date, time, and place
8116 of the public hearing described in Subsection (8)(a)(i)(A).

8117 (ii) A calendar year taxing entity shall, on or before October 1 of the current calendar
8118 year, notify the county legislative body in which the calendar year taxing entity is located of the

8119 date, time, and place of the first public hearing at which the calendar year taxing entity's annual
8120 budget will be discussed.

8121 (b) (i) A public hearing described in Subsection (3)(a)(v) or (4)(b) shall be:

8122 (A) open to the public; and

8123 (B) held at a meeting of the taxing entity with no items on the agenda other than
8124 discussion and action on the taxing entity's intent to levy a tax rate that exceeds the taxing
8125 entity's certified tax rate, the taxing entity's budget, a [~~local~~] special district's or special service
8126 district's fee implementation or increase, or a combination of these items.

8127 (ii) The governing body of a taxing entity conducting a public hearing described in
8128 Subsection (3)(a)(v) or (4)(b) shall provide an interested party desiring to be heard an
8129 opportunity to present oral testimony:

8130 (A) within reasonable time limits; and

8131 (B) without unreasonable restriction on the number of individuals allowed to make
8132 public comment.

8133 (c) (i) Except as provided in Subsection (8)(c)(ii), a taxing entity may not schedule a
8134 public hearing described in Subsection (3)(a)(v) or (4)(b) at the same time as the public hearing
8135 of another overlapping taxing entity in the same county.

8136 (ii) The taxing entities in which the power to set tax levies is vested in the same
8137 governing board or authority may consolidate the public hearings described in Subsection
8138 (3)(a)(v) or (4)(b) into one public hearing.

8139 (d) A county legislative body shall resolve any conflict in public hearing dates and
8140 times after consultation with each affected taxing entity.

8141 (e) (i) A taxing entity shall hold a public hearing described in Subsection (3)(a)(v) or
8142 (4)(b) beginning at or after 6 p.m.

8143 (ii) If a taxing entity holds a public meeting for the purpose of addressing general
8144 business of the taxing entity on the same date as a public hearing described in Subsection
8145 (3)(a)(v) or (4)(b), the public meeting addressing general business items shall conclude before
8146 the beginning of the public hearing described in Subsection (3)(a)(v) or (4)(b).

8147 (f) (i) Except as provided in Subsection (8)(f)(ii), a taxing entity may not hold the
8148 public hearing described in Subsection (3)(a)(v) or (4)(b) on the same date as another public
8149 hearing of the taxing entity.

8150 (ii) A taxing entity may hold the following hearings on the same date as a public
8151 hearing described in Subsection (3)(a)(v) or (4)(b):

8152 (A) a budget hearing;

8153 (B) if the taxing entity is a ~~local~~ special district or a special service district, a fee
8154 hearing described in Section 17B-1-643;

8155 (C) if the taxing entity is a town, an enterprise fund hearing described in Section
8156 10-5-107.5; or

8157 (D) if the taxing entity is a city, an enterprise fund hearing described in Section
8158 10-6-135.5.

8159 (9) (a) If a taxing entity does not make a final decision on budgeting additional ad
8160 valorem tax revenue at a public hearing described in Subsection (3)(a)(v) or (4)(b), the taxing
8161 entity shall:

8162 (i) announce at that public hearing the scheduled time and place of the next public
8163 meeting at which the taxing entity will consider budgeting the additional ad valorem tax
8164 revenue; and

8165 (ii) if the taxing entity is a fiscal year taxing entity, hold the public meeting described
8166 in Subsection (9)(a)(i) before September 1.

8167 (b) A calendar year taxing entity may not adopt a final budget that budgets an amount
8168 of additional ad valorem tax revenue that exceeds the largest amount of additional ad valorem
8169 tax revenue stated at a public meeting under Subsection (3)(a)(i).

8170 (c) A public hearing on levying a tax rate that exceeds a fiscal year taxing entity's
8171 certified tax rate may coincide with a public hearing on the fiscal year taxing entity's proposed
8172 annual budget.

8173 Section 104. Section 59-2-924.2 is amended to read:

8174 **59-2-924.2. Adjustments to the calculation of a taxing entity's certified tax rate.**

8175 (1) For purposes of this section, "certified tax rate" means a certified tax rate calculated
8176 in accordance with Section 59-2-924.

8177 (2) Beginning January 1, 1997, if a taxing entity receives increased revenues from
8178 uniform fees on tangible personal property under Section 59-2-405, 59-2-405.1, 59-2-405.2,
8179 59-2-405.3, or 72-10-110.5 as a result of any county imposing a sales and use tax under
8180 Chapter 12, Part 11, County Option Sales and Use Tax, the taxing entity shall decrease its

8181 certified tax rate to offset the increased revenues.

8182 (3) (a) Beginning July 1, 1997, if a county has imposed a sales and use tax under
8183 Chapter 12, Part 11, County Option Sales and Use Tax, the county's certified tax rate shall be:

8184 (i) decreased on a one-time basis by the amount of the estimated sales and use tax
8185 revenue to be distributed to the county under Subsection 59-12-1102(3); and

8186 (ii) increased by the amount necessary to offset the county's reduction in revenue from
8187 uniform fees on tangible personal property under Section 59-2-405, 59-2-405.1, 59-2-405.2,
8188 59-2-405.3, or 72-10-110.5 as a result of the decrease in the certified tax rate under Subsection
8189 (3)(a)(i).

8190 (b) The commission shall determine estimates of sales and use tax distributions for
8191 purposes of Subsection (3)(a).

8192 (4) Beginning January 1, 1998, if a municipality has imposed an additional resort
8193 communities sales and use tax under Section 59-12-402, the municipality's certified tax rate
8194 shall be decreased on a one-time basis by the amount necessary to offset the first 12 months of
8195 estimated revenue from the additional resort communities sales and use tax imposed under
8196 Section 59-12-402.

8197 (5) (a) This Subsection (5) applies to each county that:

8198 (i) establishes a countywide special service district under Title 17D, Chapter 1, Special
8199 Service District Act, to provide jail service, as provided in Subsection 17D-1-201(10); and

8200 (ii) levies a property tax on behalf of the special service district under Section
8201 17D-1-105.

8202 (b) (i) The certified tax rate of each county to which this Subsection (5) applies shall be
8203 decreased by the amount necessary to reduce county revenues by the same amount of revenues
8204 that will be generated by the property tax imposed on behalf of the special service district.

8205 (ii) Each decrease under Subsection (5)(b)(i) shall occur contemporaneously with the
8206 levy on behalf of the special service district under Section 17D-1-105.

8207 (6) (a) As used in this Subsection (6):

8208 (i) "Annexing county" means a county whose unincorporated area is included within a
8209 public safety district by annexation.

8210 (ii) "Annexing municipality" means a municipality whose area is included within a
8211 public safety district by annexation.

8212 (iii) "Equalized public safety protection tax rate" means the tax rate that results from:

8213 (A) calculating, for each participating county and each participating municipality, the
8214 property tax revenue necessary:

8215 (I) in the case of a fire district, to cover all of the costs associated with providing fire
8216 protection, paramedic, and emergency services:

8217 (Aa) for a participating county, in the unincorporated area of the county; and

8218 (Bb) for a participating municipality, in the municipality; or

8219 (II) in the case of a police district, to cover all the costs:

8220 (Aa) associated with providing law enforcement service:

8221 (Ii) for a participating county, in the unincorporated area of the county; and

8222 (IIii) for a participating municipality, in the municipality; and

8223 (Bb) that the police district board designates as the costs to be funded by a property
8224 tax; and

8225 (B) adding all the amounts calculated under Subsection (6)(a)(iii)(A) for all
8226 participating counties and all participating municipalities and then dividing that sum by the
8227 aggregate taxable value of the property, as adjusted in accordance with Section 59-2-913:

8228 (I) for participating counties, in the unincorporated area of all participating counties;
8229 and

8230 (II) for participating municipalities, in all the participating municipalities.

8231 (iv) "Fire district" means a service area under Title 17B, Chapter 2a, Part 9, Service
8232 Area Act:

8233 (A) created to provide fire protection, paramedic, and emergency services; and

8234 (B) in the creation of which an election was not required under Subsection
8235 17B-1-214(3)(d).

8236 (v) "Participating county" means a county whose unincorporated area is included
8237 within a public safety district at the time of the creation of the public safety district.

8238 (vi) "Participating municipality" means a municipality whose area is included within a
8239 public safety district at the time of the creation of the public safety district.

8240 (vii) "Police district" means a service area under Title 17B, Chapter 2a, Part 9, Service
8241 Area Act, within a county of the first class:

8242 (A) created to provide law enforcement service; and

- 8243 (B) in the creation of which an election was not required under Subsection
8244 [17B-1-214](#)(3)(d).
- 8245 (viii) "Public safety district" means a fire district or a police district.
- 8246 (ix) "Public safety service" means:
- 8247 (A) in the case of a public safety district that is a fire district, fire protection,
8248 paramedic, and emergency services; and
- 8249 (B) in the case of a public safety district that is a police district, law enforcement
8250 service.
- 8251 (b) In the first year following creation of a public safety district, the certified tax rate of
8252 each participating county and each participating municipality shall be decreased by the amount
8253 of the equalized public safety tax rate.
- 8254 (c) In the first budget year following annexation to a public safety district, the certified
8255 tax rate of each annexing county and each annexing municipality shall be decreased by an
8256 amount equal to the amount of revenue budgeted by the annexing county or annexing
8257 municipality:
- 8258 (i) for public safety service; and
- 8259 (ii) in:
- 8260 (A) for a taxing entity operating under a January 1 through December 31 fiscal year,
8261 the prior calendar year; or
- 8262 (B) for a taxing entity operating under a July 1 through June 30 fiscal year, the prior
8263 fiscal year.
- 8264 (d) Each tax levied under this section by a public safety district shall be considered to
8265 be levied by:
- 8266 (i) each participating county and each annexing county for purposes of the county's tax
8267 limitation under Section [59-2-908](#); and
- 8268 (ii) each participating municipality and each annexing municipality for purposes of the
8269 municipality's tax limitation under Section [10-5-112](#), for a town, or Section [10-6-133](#), for a
8270 city.
- 8271 (e) The calculation of a public safety district's certified tax rate for the year of
8272 annexation shall be adjusted to include an amount of revenue equal to one half of the amount
8273 of revenue budgeted by the annexing entity for public safety service in the annexing entity's

8274 prior fiscal year if:

8275 (i) the public safety district operates on a January 1 through December 31 fiscal year;

8276 (ii) the public safety district approves an annexation of an entity operating on a July 1
8277 through June 30 fiscal year; and

8278 (iii) the annexation described in Subsection (6)(e)(ii) takes effect on July 1.

8279 (7) (a) The base taxable value as defined in Section 17C-1-102 shall be reduced for any
8280 year to the extent necessary to provide a community reinvestment agency established under
8281 Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency
8282 Act, with approximately the same amount of money the agency would have received without a
8283 reduction in the county's certified tax rate, calculated in accordance with Section 59-2-924, if:

8284 (i) in that year there is a decrease in the certified tax rate under Subsection (2) or (3)(a);

8285 (ii) the amount of the decrease is more than 20% of the county's certified tax rate of the
8286 previous year; and

8287 (iii) the decrease results in a reduction of the amount to be paid to the agency under
8288 Section 17C-1-403 or 17C-1-404.

8289 (b) The base taxable value as defined in Section 17C-1-102 shall be increased in any
8290 year to the extent necessary to provide a community reinvestment agency with approximately
8291 the same amount of money as the agency would have received without an increase in the
8292 certified tax rate that year if:

8293 (i) in that year the base taxable value as defined in Section 17C-1-102 is reduced due to
8294 a decrease in the certified tax rate under Subsection (2) or (3)(a); and

8295 (ii) the certified tax rate of a city, school district, ~~local~~ special district, or special
8296 service district increases independent of the adjustment to the taxable value of the base year.

8297 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2) or (3)(a),
8298 the amount of money allocated and, when collected, paid each year to a community
8299 reinvestment agency established under Title 17C, Limited Purpose Local Government Entities -
8300 Community Reinvestment Agency Act, for the payment of bonds or other contract
8301 indebtedness, but not for administrative costs, may not be less than that amount would have
8302 been without a decrease in the certified tax rate under Subsection (2) or (3)(a).

8303 (8) (a) For the calendar year beginning on January 1, 2014, the calculation of a county
8304 assessing and collecting levy shall be adjusted by the amount necessary to offset:

8305 (i) any change in the certified tax rate that may result from amendments to Part 16,
8306 Multicounty Assessing and Collecting Levy, in Laws of Utah 2014, Chapter 270, Section 3;
8307 and

8308 (ii) the difference in the amount of revenue a taxing entity receives from or contributes
8309 to the Property Tax Valuation Fund, created in Section 59-2-1602, that may result from
8310 amendments to Part 16, Multicounty Assessing and Collecting Levy, in Laws of Utah 2014,
8311 Chapter 270, Section 3.

8312 (b) A taxing entity is not required to comply with the notice and public hearing
8313 requirements in Section 59-2-919 for an adjustment to the county assessing and collecting levy
8314 described in Subsection (8)(a).

8315 Section 105. Section 59-2-1101 is amended to read:

8316 **59-2-1101. Definitions -- Exemption of certain property -- Proportional payments**
8317 **for certain property -- Exception -- County legislative body authority to adopt rules or**
8318 **ordinances.**

8319 (1) As used in this section:

8320 (a) "Charitable purposes" means:

8321 (i) for property used as a nonprofit hospital or a nursing home, the standards outlined in
8322 Howell v. County Board of Cache County ex rel. IHC Hospitals, Inc., 881 P.2d 880 (Utah
8323 1994); and

8324 (ii) for property other than property described in Subsection (1)(a)(i), providing a gift
8325 to the community.

8326 (b) (i) "Educational purposes" means purposes carried on by an educational
8327 organization that normally:

8328 (A) maintains a regular faculty and curriculum; and

8329 (B) has a regularly enrolled body of pupils and students.

8330 (ii) "Educational purposes" includes:

8331 (A) the physical or mental teaching, training, or conditioning of competitive athletes by
8332 a national governing body of sport recognized by the United States Olympic Committee that
8333 qualifies as being tax exempt under Section 501(c)(3), Internal Revenue Code; and

8334 (B) an activity in support of or incidental to the teaching, training, or conditioning
8335 described in this Subsection (1)(b)(ii).

8336 (c) "Exclusive use exemption" means a property tax exemption under Subsection
8337 (3)(a)(iv), for property owned by a nonprofit entity used exclusively for one or more of the
8338 following purposes:

- 8339 (i) religious purposes;
- 8340 (ii) charitable purposes; or
- 8341 (iii) educational purposes.

8342 (d) (i) "Farm machinery and equipment" means tractors, milking equipment and
8343 storage and cooling facilities, feed handling equipment, irrigation equipment, harvesters,
8344 choppers, grain drills and planters, tillage tools, scales, combines, spreaders, sprayers, haying
8345 equipment, including balers and cubers, and any other machinery or equipment used primarily
8346 for agricultural purposes.

8347 (ii) "Farm machinery and equipment" does not include vehicles required to be
8348 registered with the Motor Vehicle Division or vehicles or other equipment used for business
8349 purposes other than farming.

8350 (e) "Gift to the community" means:

- 8351 (i) the lessening of a government burden; or
- 8352 (ii) (A) the provision of a significant service to others without immediate expectation
8353 of material reward;

8354 (B) the use of the property is supported to a material degree by donations and gifts
8355 including volunteer service;

8356 (C) the recipients of the charitable activities provided on the property are not required
8357 to pay for the assistance received, in whole or in part, except that if in part, to a material
8358 degree;

8359 (D) the beneficiaries of the charitable activities provided on the property are
8360 unrestricted or, if restricted, the restriction bears a reasonable relationship to the charitable
8361 objectives of the nonprofit entity that owns the property; and

8362 (E) any commercial activities provided on the property are subordinate or incidental to
8363 charitable activities provided on the property.

8364 (f) "Government exemption" means a property tax exemption provided under
8365 Subsection (3)(a)(i), (ii), or (iii).

8366 (g) (i) "Nonprofit entity" means an entity:

8367 (A) that is organized on a nonprofit basis, that dedicates the entity's property to the
8368 entity's nonprofit purpose, and that makes no dividend or other form of financial benefit
8369 available to a private interest;

8370 (B) for which, upon dissolution, the entity's assets are distributable only for exempt
8371 purposes under state law or to the government for a public purpose; and

8372 (C) for which none of the net earnings or donations made to the entity inure to the
8373 benefit of private shareholders or other individuals, as the private inurement standard has been
8374 interpreted under Section 501(c)(3), Internal Revenue Code.

8375 (ii) "Nonprofit entity" includes an entity:

8376 (A) if the entity is treated as a disregarded entity for federal income tax purposes and
8377 wholly owned by, and controlled under the direction of, a nonprofit entity; and

8378 (B) for which none of the net earnings and profits of the entity inure to the benefit of
8379 any person other than a nonprofit entity.

8380 (h) "Tax relief" means an exemption, deferral, or abatement that is authorized by this
8381 part, Part 18, Tax Deferral and Tax Abatement, or Part 19, Armed Forces Exemptions.

8382 (2) (a) Except as provided in Subsection (2)(b) or (c), tax relief may be allowed only if
8383 the claimant is the owner of the property as of January 1 of the year the exemption is claimed.

8384 (b) Notwithstanding Subsection (2)(a), a claimant shall collect and pay a proportional
8385 tax based upon the length of time that the property was not owned by the claimant if:

8386 (i) the claimant is a federal, state, or political subdivision entity described in
8387 Subsection (3)(a)(i), (ii), or (iii); or

8388 (ii) pursuant to Subsection (3)(a)(iv):

8389 (A) the claimant is a nonprofit entity; and

8390 (B) the property is used exclusively for religious, charitable, or educational purposes.

8391 (c) Subsection (2)(a) does not apply to an exemption described in Part 19, Armed
8392 Forces Exemptions .

8393 (3) (a) The following property is exempt from taxation:

8394 (i) property exempt under the laws of the United States;

8395 (ii) property of:

8396 (A) the state;

8397 (B) school districts; and

- 8398 (C) public libraries;
- 8399 (iii) except as provided in Title 11, Chapter 13, Interlocal Cooperation Act, property of:
- 8400 (A) counties;
- 8401 (B) cities;
- 8402 (C) towns;
- 8403 (D) [~~local~~] special districts;
- 8404 (E) special service districts; and
- 8405 (F) all other political subdivisions of the state;
- 8406 (iv) except as provided in Subsection (6) or (7), property owned by a nonprofit entity
- 8407 used exclusively for one or more of the following purposes:
- 8408 (A) religious purposes;
- 8409 (B) charitable purposes; or
- 8410 (C) educational purposes;
- 8411 (v) places of burial not held or used for private or corporate benefit;
- 8412 (vi) farm machinery and equipment;
- 8413 (vii) a high tunnel, as defined in Section 10-9a-525;
- 8414 (viii) intangible property; and
- 8415 (ix) the ownership interest of an out-of-state public agency, as defined in Section
- 8416 11-13-103:
- 8417 (A) if that ownership interest is in property providing additional project capacity, as
- 8418 defined in Section 11-13-103; and
- 8419 (B) on which a fee in lieu of ad valorem property tax is payable under Section
- 8420 11-13-302.
- 8421 (b) For purposes of a property tax exemption for property of school districts under
- 8422 Subsection (3)(a)(ii)(B), a charter school under Title 53G, Chapter 5, Charter Schools, is
- 8423 considered to be a school district.
- 8424 (4) Subject to Subsection (5), if property that is allowed an exclusive use exemption or
- 8425 a government exemption ceases to qualify for the exemption because of a change in the
- 8426 ownership of the property:
- 8427 (a) the new owner of the property shall pay a proportional tax based upon the period of
- 8428 time:

- 8429 (i) beginning on the day that the new owner acquired the property; and
8430 (ii) ending on the last day of the calendar year during which the new owner acquired
8431 the property; and
- 8432 (b) the new owner of the property and the person from whom the new owner acquires
8433 the property shall notify the county assessor, in writing, of the change in ownership of the
8434 property within 30 days from the day that the new owner acquires the property.
- 8435 (5) Notwithstanding Subsection (4)(a), the proportional tax described in Subsection
8436 (4)(a):
- 8437 (a) is subject to any exclusive use exemption or government exemption that the
8438 property is entitled to under the new ownership of the property; and
- 8439 (b) applies only to property that is acquired after December 31, 2005.
- 8440 (6) (a) A property may not receive an exemption under Subsection (3)(a)(iv) if:
- 8441 (i) the nonprofit entity that owns the property participates in or intervenes in any
8442 political campaign on behalf of or in opposition to any candidate for public office, including
8443 the publishing or distribution of statements; or
- 8444 (ii) a substantial part of the activities of the nonprofit entity that owns the property
8445 consists of carrying on propaganda or otherwise attempting to influence legislation, except as
8446 provided under Subsection 501(h), Internal Revenue Code.
- 8447 (b) Whether a nonprofit entity is engaged in an activity described in Subsection (6)(a)
8448 shall be determined using the standards described in Section 501, Internal Revenue Code.
- 8449 (7) A property may not receive an exemption under Subsection (3)(a)(iv) if:
- 8450 (a) the property is used for a purpose that is not religious, charitable, or educational;
8451 and
- 8452 (b) the use for a purpose that is not religious, charitable, or educational is more than de
8453 minimis.
- 8454 (8) A county legislative body may adopt rules or ordinances to:
- 8455 (a) effectuate the exemptions, deferrals, abatements, or other relief from taxation
8456 provided in this part, Part 18, Tax Deferral and Tax Abatement, or Part 19, Armed Forces
8457 Exemptions; and
- 8458 (b) designate one or more persons to perform the functions given the county under this
8459 part, Part 18, Tax Deferral and Tax Abatement, or Part 19, Armed Forces Exemptions.

8460 (9) If a person is dissatisfied with a tax relief decision made under designated
8461 decision-making authority as described in Subsection (8)(b), that person may appeal the
8462 decision to the commission under Section 59-2-1006.

8463 Section 106. Section 59-2-1317 is amended to read:

8464 **59-2-1317. Tax notice -- Contents of notice -- Procedures and requirements for**
8465 **providing notice.**

8466 (1) As used in this section, "political subdivision lien" means the same as that term is
8467 defined in Section 11-60-102.

8468 (2) Subject to the other provisions of this section, the county treasurer shall:

8469 (a) collect the taxes and tax notice charges; and

8470 (b) provide a notice to each taxpayer that contains the following:

8471 (i) the kind and value of property assessed to the taxpayer;

8472 (ii) the street address of the property, if available to the county;

8473 (iii) that the property may be subject to a detailed review in the next year under Section
8474 59-2-303.1;

8475 (iv) the amount of taxes levied;

8476 (v) a separate statement of the taxes levied only on a certain kind or class of property
8477 for a special purpose;

8478 (vi) property tax information pertaining to taxpayer relief, options for payment of
8479 taxes, and collection procedures;

8480 (vii) any tax notice charges applicable to the property, including:

8481 (A) if applicable, a political subdivision lien for road damage that a railroad company
8482 causes, as described in Section 10-7-30;

8483 (B) if applicable, a political subdivision lien for municipal water distribution, as
8484 described in Section 10-8-17, or a political subdivision lien for an increase in supply from a
8485 municipal water distribution, as described in Section 10-8-19;

8486 (C) if applicable, a political subdivision lien for unpaid abatement fees as described in
8487 Section 10-11-4;

8488 (D) if applicable, a political subdivision lien for the unpaid portion of an assessment
8489 assessed in accordance with Title 11, Chapter 42, Assessment Area Act, or Title 11, Chapter
8490 42a, Commercial Property Assessed Clean Energy Act, including unpaid costs, charges, and

8491 interest as of the date the local entity certifies the unpaid amount to the county treasurer;

8492 (E) if applicable, for a ~~local~~ special district in accordance with Section 17B-1-902, a
8493 political subdivision lien for an unpaid fee, administrative cost, or interest;

8494 (F) if applicable, a political subdivision lien for an unpaid irrigation district use charge
8495 as described in Section 17B-2a-506;

8496 (G) if applicable, a political subdivision lien for a contract assessment under a water
8497 contract, as described in Section 17B-2a-1007;

8498 (H) if applicable, a property tax penalty that a public infrastructure district imposes, as
8499 described in Section 17D-4-304; and

8500 (I) if applicable, an annual payment to the Military Installation Development Authority
8501 or an entity designated by the authority in accordance with Section 63H-1-501;

8502 (viii) if a county's tax notice includes an assessment area charge, a statement that, due
8503 to potentially ongoing assessment area charges, costs, penalties, and interest, payment of a tax
8504 notice charge may not:

8505 (A) pay off the full amount the property owner owes to the tax notice entity; or

8506 (B) cause a release of the lien underlying the tax notice charge;

8507 (ix) the date the taxes and tax notice charges are due;

8508 (x) the street address at which the taxes and tax notice charges may be paid;

8509 (xi) the date on which the taxes and tax notice charges are delinquent;

8510 (xii) the penalty imposed on delinquent taxes and tax notice charges;

8511 (xiii) a statement that explains the taxpayer's right to direct allocation of a partial
8512 payment in accordance with Subsection (9);

8513 (xiv) other information specifically authorized to be included on the notice under this
8514 chapter; and

8515 (xv) other property tax information approved by the commission.

8516 (3) (a) Unless expressly allowed under this section or another statutory provision, the
8517 treasurer may not add an amount to be collected to the property tax notice.

8518 (b) If the county treasurer adds an amount to be collected to the property tax notice
8519 under this section or another statutory provision that expressly authorizes the item's inclusion
8520 on the property tax notice:

8521 (i) the amount constitutes a tax notice charge; and

8522 (ii) (A) the tax notice charge has the same priority as property tax; and
8523 (B) a delinquency of the tax notice charge triggers a tax sale, in accordance with
8524 Section [59-2-1343](#).

8525 (4) For any property for which property taxes or tax notice charges are delinquent, the
8526 notice described in Subsection (2) shall state, "Prior taxes or tax notice charges are delinquent
8527 on this parcel."

8528 (5) Except as provided in Subsection (6), the county treasurer shall:

8529 (a) mail the notice required by this section, postage prepaid; or

8530 (b) leave the notice required by this section at the taxpayer's residence or usual place of
8531 business, if known.

8532 (6) (a) Subject to the other provisions of this Subsection (6), a county treasurer may, at
8533 the county treasurer's discretion, provide the notice required by this section by electronic mail if
8534 a taxpayer makes an election, according to procedures determined by the county treasurer, to
8535 receive the notice by electronic mail.

8536 (b) A taxpayer may revoke an election to receive the notice required by this section by
8537 electronic mail if the taxpayer provides written notice to the treasurer on or before October 1.

8538 (c) A revocation of an election under this section does not relieve a taxpayer of the
8539 duty to pay a tax or tax notice charge due under this chapter on or before the due date for
8540 paying the tax or tax notice charge.

8541 (d) A county treasurer shall provide the notice required by this section using a method
8542 described in Subsection (5), until a taxpayer makes a new election in accordance with this
8543 Subsection (6), if:

8544 (i) the taxpayer revokes an election in accordance with Subsection (6)(b) to receive the
8545 notice required by this section by electronic mail; or

8546 (ii) the county treasurer finds that the taxpayer's electronic mail address is invalid.

8547 (e) A person is considered to be a taxpayer for purposes of this Subsection (6)
8548 regardless of whether the property that is the subject of the notice required by this section is
8549 exempt from taxation.

8550 (7) (a) The county treasurer shall provide the notice required by this section to a
8551 taxpayer on or before November 1.

8552 (b) The county treasurer shall keep on file in the county treasurer's office the

8553 information set forth in the notice.

8554 (c) The county treasurer is not required to mail a tax receipt acknowledging payment.

8555 (8) This section does not apply to property taxed under Section 59-2-1302 or
8556 59-2-1307.

8557 (9) (a) A taxpayer who pays less than the full amount due on the taxpayer's property tax
8558 notice may, on a form provided by the county treasurer, direct how the county treasurer
8559 allocates the partial payment between:

8560 (i) the total amount due for property tax;

8561 (ii) the amount due for assessments, past due ~~total~~ special district fees, and other tax
8562 notice charges; and

8563 (iii) any other amounts due on the property tax notice.

8564 (b) The county treasurer shall comply with a direction submitted to the county treasurer
8565 in accordance with Subsection (9)(a).

8566 (c) The provisions of this Subsection (9) do not:

8567 (i) affect the right or ability of a local entity to pursue any available remedy for
8568 non-payment of any item listed on a taxpayer's property tax notice; or

8569 (ii) toll or otherwise change any time period related to a remedy described in
8570 Subsection (9)(c)(i).

8571 Section 107. Section 59-2-1710 is amended to read:

8572 **59-2-1710. Acquisition of land by governmental entity -- Requirements --**

8573 **Rollback tax -- One-time in lieu fee payment -- Passage of title.**

8574 (1) For purposes of this section, "governmental entity" means:

8575 (a) the United States;

8576 (b) the state;

8577 (c) a political subdivision of the state, including a county, city, town, school district,
8578 ~~total~~ special district, or special service district; or

8579 (d) an entity created by the state or the United States, including an agency, board,
8580 bureau, commission, committee, department, division, institution, instrumentality, or office.

8581 (2) (a) Except as provided in Subsections (3) and (4), land acquired by a governmental
8582 entity is subject to the rollback tax imposed by this part if:

8583 (i) before the governmental entity acquires the land, the land is assessed under this

8584 part; and

8585 (ii) after the governmental entity acquires the land, the land does not meet the
8586 requirements of Section 59-2-1703 for assessment under this part.

8587 (b) A person dedicating a public right-of-way to a governmental entity shall pay the
8588 rollback tax imposed by this part if:

8589 (i) a portion of the public right-of-way is located within a subdivision as defined in
8590 Section 10-9a-103; or

8591 (ii) in exchange for the dedication, the person dedicating the public right-of-way
8592 receives money or other consideration.

8593 (3) (a) Land acquired by a governmental entity is not subject to the rollback tax
8594 imposed by this part, but is subject to a one-time in lieu fee payment as provided in Subsection
8595 (3)(b), if:

8596 (i) the governmental entity acquires the land by eminent domain;

8597 (ii) (A) the land is under the threat or imminence of eminent domain proceedings; and

8598 (B) the governmental entity provides written notice of the proceedings to the owner; or

8599 (iii) the land is donated to the governmental entity.

8600 (b) (i) If a governmental entity acquires land under Subsection (3)(a)(iii), the
8601 governmental entity shall make a one-time in lieu fee payment:

8602 (A) to the county treasurer of the county in which the land is located; and

8603 (B) in an amount equal to the amount of rollback tax calculated under Section
8604 59-2-1705.

8605 (ii) A governmental entity that acquires land under Subsection (3)(a)(i) or (ii) shall
8606 make a one-time in lieu fee payment to the county treasurer of the county in which the land is
8607 located:

8608 (A) if the land remaining after the acquisition by the governmental entity meets the
8609 requirements of Section 59-2-1703, in an amount equal to the rollback tax under Section
8610 59-2-1705 on the land acquired by the governmental entity; or

8611 (B) if the land remaining after the acquisition by the governmental entity is less than
8612 two acres, in an amount equal to the rollback tax under Section 59-2-1705 on the land acquired
8613 by the governmental entity and the land remaining after the acquisition by the governmental
8614 entity.

8615 (c) A county receiving an in lieu fee payment under Subsection (3)(b) shall distribute
8616 the revenues collected from the payment:

8617 (i) to the taxing entities in which the land is located; and

8618 (ii) in the same proportion as the revenue from real property taxes is distributed.

8619 (4) If a governmental entity acquires land subject to assessment under this part, title to
8620 the land may not pass to the governmental entity until any tax, one-time in lieu fee payment,
8621 and applicable interest due under this part are paid to the county treasurer.

8622 Section 108. Section **63A-5b-901** is amended to read:

8623 **63A-5b-901. Definitions.**

8624 As used in this part:

8625 (1) "Applicant" means a person who submits a timely, qualified proposal to the
8626 division.

8627 (2) "Condemnee" means the same as that term is defined in Section [78B-6-520.3](#).

8628 (3) "Division-owned property" means real property, including an interest in real
8629 property, to which the division holds title, regardless of who occupies or uses the real property.

8630 (4) "Local government entity" means a county, city, town, metro township, [~~local~~]
8631 special district, special service district, community development and renewal agency,
8632 conservation district, school district, or other political subdivision of the state.

8633 (5) "Primary state agency" means a state agency for which the division holds title to
8634 real property that the state agency occupies or uses, as provided in Subsection
8635 [63A-5b-303\(1\)\(a\)\(iv\)](#).

8636 (6) "Private party" means a person who is not a state agency, local government entity,
8637 or public purpose nonprofit entity.

8638 (7) "Public purpose nonprofit entity" means a corporation, association, organization, or
8639 entity that:

8640 (a) is located within the state;

8641 (b) is not a state agency or local government entity;

8642 (c) is exempt from federal income taxation under Section 501(c)(3), Internal Revenue
8643 Code; and

8644 (d) operates to fulfill a public purpose.

8645 (8) "Qualified proposal" means a written proposal that:

8646 (a) meets the criteria established by the division by rule under Section 63A-5b-903;
8647 (b) if submitted by a local government entity or public purpose nonprofit entity,
8648 explains the public purpose for which the local government entity or public purpose nonprofit
8649 entity seeks a transfer of ownership or lease of the vacant division-owned property; and
8650 (c) the director determines will, if accepted and implemented, provide a material
8651 benefit to the state.

8652 (9) "Secondary state agency" means a state agency:

8653 (a) that is authorized to hold title to real property that the state agency occupies or uses,
8654 as provided in Section 63A-5b-304; and

8655 (b) for which the division does not hold title to real property that the state agency
8656 occupies or uses.

8657 (10) "State agency" means a department, division, office, entity, agency, or other unit
8658 of state government.

8659 (11) "Transfer of ownership" includes a transfer of the ownership of vacant
8660 division-owned property that occurs as part of an exchange of the vacant division-owned
8661 property for another property.

8662 (12) "Vacant division-owned property" means division-owned property that:

8663 (a) a primary state agency is not occupying or using; and

8664 (b) the director has determined should be made available for:

8665 (i) use or occupancy by a primary state agency; or

8666 (ii) a transfer of ownership or lease to a secondary state agency, local government
8667 entity, public purpose nonprofit entity, or private party.

8668 (13) "Written proposal" means a brief statement in writing that explains:

8669 (a) the proposed use or occupancy, transfer of ownership, or lease of vacant
8670 division-owned property; and

8671 (b) how the state will benefit from the proposed use or occupancy, transfer of
8672 ownership, or lease.

8673 Section 109. Section 63A-5b-1102 is amended to read:

8674 **63A-5b-1102. Memorials by the state or state agencies.**

8675 (1) As used in this section:

8676 (a) "Authorizing agency" means an agency that holds title to state land.

8677 (b) "Authorizing agency" does not mean a [~~local~~] special district under [~~Title 17B,~~
8678 ~~Limited Purpose Local Government Entities - Local Districts~~] Title 17B, Limited Purpose
8679 Local Government Entities - Special Districts, or a special service district under Title 17D,
8680 Chapter 1, Special Service District Act.

8681 (2) The Legislature, the governor, or an authorizing agency may authorize the use or
8682 donation of state land for the purpose of maintaining, erecting, or contributing to the erection or
8683 maintenance of a memorial to commemorate individuals who have:

8684 (a) participated in or have given their lives in any of the one or more wars or military
8685 conflicts in which the United States of America has been a participant; or

8686 (b) given their lives in association with public service on behalf of the state, including
8687 firefighters, peace officers, highway patrol officers, or other public servants.

8688 (3) The use or donation of state land in relation to a memorial described in Subsection
8689 (2) may include:

8690 (a) using or appropriating public funds for the purchase, development, improvement, or
8691 maintenance of state land on which a memorial is located or established;

8692 (b) using or appropriating public funds for the erection, improvement, or maintenance
8693 of a memorial;

8694 (c) donating or selling state land for use in relation to a memorial; or

8695 (d) authorizing the use of state land for a memorial that is funded or maintained in part
8696 or in full by another public or private entity.

8697 (4) The Legislature, the governor, or an authorizing agency may specify the form,
8698 placement, and design of a memorial that is subject to this section if the Legislature, the
8699 governor, or the authorizing agency holds title to, has authority over, or donates the land on
8700 which a memorial is established.

8701 (5) A memorial within the definition of a capital development project, as defined in
8702 Section [63A-5b-401](#), is required to be approved as provided for in Section [63A-5b-402](#).

8703 (6) Nothing in this section may be construed as a prohibition of a memorial, including
8704 a memorial for a purpose not covered by this section, that:

8705 (a) is erected within the approval requirements in effect at the time of the memorial's
8706 erection; or

8707 (b) may be duly authorized through other legal means.

8708 Section 110. Section **63A-9-101** is amended to read:

8709 **63A-9-101. Definitions.**

8710 As used in this part:

8711 (1) (a) "Agency" means each department, commission, board, council, agency,
8712 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
8713 unit, bureau, panel, or other administrative unit of the state.

8714 (b) "Agency" includes the State Board of Education and each higher education
8715 institution described in Section [53B-1-102](#).

8716 (c) "Agency" includes the legislative and judicial branches.

8717 (2) "Committee" means the Motor Vehicle Review Committee created by this chapter.

8718 (3) "Director" means the director of the division.

8719 (4) "Division" means the Division of Fleet Operations created by this chapter.

8720 (5) "Executive director" means the executive director of the Department of
8721 Government Operations.

8722 (6) "Local agency" means:

8723 (a) a county;

8724 (b) a municipality;

8725 (c) a school district;

8726 (d) a ~~local~~ special district;

8727 (e) a special service district;

8728 (f) an interlocal entity as defined under Section [11-13-103](#); or

8729 (g) any other political subdivision of the state, including a local commission, board, or
8730 other governmental entity that is vested with the authority to make decisions regarding the
8731 public's business.

8732 (7) (a) "Motor vehicle" means a self-propelled vehicle capable of carrying passengers.

8733 (b) "Motor vehicle" includes vehicles used for construction and other nontransportation
8734 purposes.

8735 (8) "State vehicle" means each motor vehicle owned, operated, or in the possession of
8736 an agency.

8737 Section 111. Section **63A-9-401** is amended to read:

8738 **63A-9-401. Division -- Duties.**

- 8739 (1) The division shall:
- 8740 (a) perform all administrative duties and functions related to management of state
- 8741 vehicles;
- 8742 (b) coordinate all purchases of state vehicles;
- 8743 (c) establish one or more fleet automation and information systems for state vehicles;
- 8744 (d) make rules establishing requirements for:
- 8745 (i) maintenance operations for state vehicles;
- 8746 (ii) use requirements for state vehicles;
- 8747 (iii) fleet safety and loss prevention programs;
- 8748 (iv) preventative maintenance programs;
- 8749 (v) procurement of state vehicles, including:
- 8750 (A) vehicle standards;
- 8751 (B) alternative fuel vehicle requirements;
- 8752 (C) short-term lease programs;
- 8753 (D) equipment installation; and
- 8754 (E) warranty recovery programs;
- 8755 (vi) fuel management programs;
- 8756 (vii) cost management programs;
- 8757 (viii) business and personal use practices, including commute standards;
- 8758 (ix) cost recovery and billing procedures;
- 8759 (x) disposal of state vehicles;
- 8760 (xi) reassignment of state vehicles and reallocation of vehicles throughout the fleet;
- 8761 (xii) standard use and rate structures for state vehicles; and
- 8762 (xiii) insurance and risk management requirements;
- 8763 (e) establish a parts inventory;
- 8764 (f) create and administer a fuel dispensing services program that meets the
- 8765 requirements of Subsection (2);
- 8766 (g) emphasize customer service when dealing with agencies and agency employees;
- 8767 (h) conduct an annual audit of all state vehicles for compliance with division
- 8768 requirements;
- 8769 (i) before charging a rate, fee, or other amount to an executive branch agency, or to a

8770 subscriber of services other than an executive branch agency:

8771 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established
8772 in Section [63A-1-114](#); and

8773 (ii) obtain the approval of the Legislature as required by Section [63J-1-410](#) or
8774 [63J-1-504](#); and

8775 (j) conduct an annual market analysis of proposed rates and fees, which analysis shall
8776 include a comparison of the division's rates and fees with the fees of other public or private
8777 sector providers where comparable services and rates are reasonably available.

8778 (2) The division shall operate a fuel dispensing services program in a manner that:

8779 (a) reduces the risk of environmental damage and subsequent liability for leaks
8780 involving state-owned underground storage tanks;

8781 (b) eliminates fuel site duplication and reduces overall costs associated with fuel
8782 dispensing;

8783 (c) provides efficient fuel management and efficient and accurate accounting of
8784 fuel-related expenses;

8785 (d) where practicable, privatizes portions of the state's fuel dispensing system;

8786 (e) provides central planning for fuel contingencies;

8787 (f) establishes fuel dispensing sites that meet geographical distribution needs and that
8788 reflect usage patterns;

8789 (g) where practicable, uses alternative sources of energy; and

8790 (h) provides safe, accessible fuel supplies in an emergency.

8791 (3) The division shall:

8792 (a) ensure that the state and each of its agencies comply with state and federal law and
8793 state and federal rules and regulations governing underground storage tanks;

8794 (b) coordinate the installation of new state-owned underground storage tanks and the
8795 upgrading or retrofitting of existing underground storage tanks;

8796 (c) by no later than June 30, 2025, ensure that an underground storage tank qualifies for
8797 a rebate, provided under Subsection [19-6-410.5\(5\)\(d\)](#), of a portion of the environmental
8798 assurance fee described in Subsection [19-6-410.5\(4\)](#), if the underground storage tank is owned
8799 by:

8800 (i) the state;

- 8801 (ii) a state agency; or
- 8802 (iii) a county, municipality, school district, ~~[local]~~ special district, special service
- 8803 district, or federal agency that has subscribed to the fuel dispensing service provided by the
- 8804 division under Subsection (6)(b);
- 8805 (d) report to the Natural Resources, Agriculture, and Environmental Quality
- 8806 Appropriations Subcommittee by no later than:
- 8807 (i) November 30, 2020, on the status of the requirements of Subsection (3)(c); and
- 8808 (ii) November 30, 2024, on whether:
- 8809 (A) the requirements of Subsection (3)(c) have been met; and
- 8810 (B) additional funding is needed to accomplish the requirements of Subsection (3)(c);
- 8811 and
- 8812 (e) ensure that counties, municipalities, school districts, ~~[local]~~ special districts, and
- 8813 special service districts subscribing to services provided by the division sign a contract that:
- 8814 (i) establishes the duties and responsibilities of the parties;
- 8815 (ii) establishes the cost for the services; and
- 8816 (iii) defines the liability of the parties.
- 8817 (4) In fulfilling the requirements of Subsection (3)(c), the division may give priority to
- 8818 underground storage tanks owned by the state or a state agency under Subsections (3)(c)(i) and
- 8819 (ii).
- 8820 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 8821 the director of the Division of Fleet Operations:
- 8822 (i) may make rules governing fuel dispensing; and
- 8823 (ii) shall make rules establishing standards and procedures for purchasing the most
- 8824 economically appropriate size and type of vehicle for the purposes and driving conditions for
- 8825 which the vehicle will be used, including procedures for granting exceptions to the standards
- 8826 by the executive director of the Department of Government Operations.
- 8827 (b) Rules made under Subsection (5)(a)(ii):
- 8828 (i) shall designate a standard vehicle size and type that shall be designated as the
- 8829 statewide standard vehicle for fleet expansion and vehicle replacement;
- 8830 (ii) may designate different standard vehicle size and types based on defined categories
- 8831 of vehicle use;

8832 (iii) may, when determining a standard vehicle size and type for a specific category of
8833 vehicle use, consider the following factors affecting the vehicle class:

- 8834 (A) size requirements;
- 8835 (B) economic savings;
- 8836 (C) fuel efficiency;
- 8837 (D) driving and use requirements;
- 8838 (E) safety;
- 8839 (F) maintenance requirements;
- 8840 (G) resale value; and
- 8841 (H) the requirements of Section 63A-9-403; and

8842 (iv) shall require agencies that request a vehicle size and type that is different from the
8843 standard vehicle size and type to:

8844 (A) submit a written request for a nonstandard vehicle to the division that contains the
8845 following:

- 8846 (I) the make and model of the vehicle requested, including acceptable alternate vehicle
8847 makes and models as applicable;
- 8848 (II) the reasons justifying the need for a nonstandard vehicle size or type;
- 8849 (III) the date of the request; and
- 8850 (IV) the name and signature of the person making the request; and
- 8851 (B) obtain the division's written approval for the nonstandard vehicle.

8852 (6) (a) (i) Each state agency and each higher education institution shall subscribe to the
8853 fuel dispensing services provided by the division.

8854 (ii) A state agency may not provide or subscribe to any other fuel dispensing services,
8855 systems, or products other than those provided by the division.

8856 (b) Counties, municipalities, school districts, ~~[local]~~ special districts, special service
8857 districts, and federal agencies may subscribe to the fuel dispensing services provided by the
8858 division if:

8859 (i) the county or municipal legislative body, the school district, or the ~~[local]~~ special
8860 district or special service district board recommends that the county, municipality, school
8861 district, ~~[local]~~ special district, or special service district subscribe to the fuel dispensing
8862 services of the division; and

- 8863 (ii) the division approves participation in the program by that government unit.
- 8864 (7) The director, with the approval of the executive director, may delegate functions to
- 8865 institutions of higher education, by contract or other means authorized by law, if:
- 8866 (a) the agency or institution of higher education has requested the authority;
- 8867 (b) in the judgment of the director, the state agency or institution has the necessary
- 8868 resources and skills to perform the delegated responsibilities; and
- 8869 (c) the delegation of authority is in the best interest of the state and the function
- 8870 delegated is accomplished according to provisions contained in law or rule.
- 8871 Section 112. Section **63A-15-102** is amended to read:
- 8872 **63A-15-102. Definitions.**
- 8873 (1) "Commission" means the Political Subdivisions Ethics Review Commission
- 8874 established in Section [63A-15-201](#).
- 8875 (2) "Complainant" means a person who files a complaint in accordance with Section
- 8876 [63A-15-501](#).
- 8877 (3) "Ethics violation" means a violation of:
- 8878 (a) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;
- 8879 (b) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or
- 8880 (c) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
- 8881 (4) "Local political subdivision ethics commission" means an ethics commission
- 8882 established by a political subdivision within the political subdivision or with another political
- 8883 subdivision by interlocal agreement in accordance with Section [63A-15-103](#).
- 8884 (5) "Political subdivision" means a county, municipality, school district, community
- 8885 reinvestment agency, ~~local~~ special district, special service district, an entity created by an
- 8886 interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, a local
- 8887 building authority, or any other governmental subdivision or public corporation.
- 8888 (6) (a) "Political subdivision employee" means a person who is:
- 8889 (i) (A) in a municipality, employed as a city manager or non-elected chief executive on
- 8890 a full or part-time basis; or
- 8891 (B) employed as the non-elected chief executive by a political subdivision other than a
- 8892 municipality on a full or part-time basis; and
- 8893 (ii) subject to:

- 8894 (A) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;
- 8895 (B) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or
- 8896 (C) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
- 8897 (b) "Political subdivision employee" does not include:
- 8898 (i) a person who is a political subdivision officer;
- 8899 (ii) an employee of a state entity; or
- 8900 (iii) a legislative employee as defined in Section 67-16-3.
- 8901 (7) "Political subdivision governing body" means:
- 8902 (a) for a county, the county legislative body as defined in Section 68-3-12.5;
- 8903 (b) for a municipality, the council of the city or town;
- 8904 (c) for a school district, the local board of education described in Section 53G-4-201;
- 8905 (d) for a community reinvestment agency, the agency board described in Section
- 8906 17C-1-203;
- 8907 (e) for a ~~local~~ special district, the board of trustees described in Section 17B-1-301;
- 8908 (f) for a special service district:
- 8909 (i) the legislative body of the county, city, or town that established the special service
- 8910 district, if no administrative control board has been appointed under Section 17D-1-301; or
- 8911 (ii) the administrative control board of the special service district, if an administrative
- 8912 control board has been appointed under Section 17D-1-301;
- 8913 (g) for an entity created by an interlocal agreement, the governing body of an interlocal
- 8914 entity, as defined in Section 11-13-103;
- 8915 (h) for a local building authority, the governing body, as defined in Section 17D-2-102,
- 8916 that creates the local building authority; or
- 8917 (i) for any other governmental subdivision or public corporation, the board or other
- 8918 body authorized to make executive and management decisions for the subdivision or public
- 8919 corporation.
- 8920 (8) (a) "Political subdivision officer" means a person elected in a political subdivision
- 8921 who is subject to:
- 8922 (i) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;
- 8923 (ii) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or
- 8924 (iii) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

- 8925 (b) "Political subdivision officer" does not include:
- 8926 (i) a person elected or appointed to a state entity;
- 8927 (ii) the governor;
- 8928 (iii) the lieutenant governor;
- 8929 (iv) a member or member-elect of either house of the Legislature; or
- 8930 (v) a member of Utah's congressional delegation.
- 8931 (9) "Respondent" means a person who files a response in accordance with Section
- 8932 [63A-15-604](#).
- 8933 Section 113. Section **63A-15-201** is amended to read:
- 8934 **63A-15-201. Commission established -- Membership.**
- 8935 (1) There is established a Political Subdivisions Ethics Review Commission.
- 8936 (2) The commission is composed of seven individuals, each of whom is registered to
- 8937 vote in this state and appointed by the governor with the advice and consent of the Senate, as
- 8938 follows:
- 8939 (a) one member who has served, but no longer serves, as a judge of a court of record in
- 8940 this state;
- 8941 (b) one member who has served as a mayor or municipal council member no more
- 8942 recently than four years before the date of appointment;
- 8943 (c) one member who has served as a member of a local board of education no more
- 8944 recently than four years before the date of appointment;
- 8945 (d) two members who are lay persons; and
- 8946 (e) two members, each of whom is one of the following:
- 8947 (i) a municipal mayor no more recently than four years before the date of appointment;
- 8948 (ii) a municipal council member no more recently than four years before the date of
- 8949 appointment;
- 8950 (iii) a county mayor no more recently than four years before the date of appointment;
- 8951 (iv) a county commissioner no more recently than four years before the date of
- 8952 appointment;
- 8953 (v) a special service district administrative control board member no more recently
- 8954 than four years before the date of appointment;
- 8955 (vi) a ~~local~~ special district board of trustees member no more recently than four years

8956 before the date of appointment; or

8957 (vii) a judge who has served, but no longer serves, as a judge of a court of record in
8958 this state.

8959 (3) (a) A member of the commission may not, during the member's term of office on
8960 the commission, act or serve as:

8961 (i) a political subdivision officer;

8962 (ii) a political subdivision employee;

8963 (iii) an agency head as defined in Section 67-16-3;

8964 (iv) a lobbyist as defined in Section 36-11-102; or

8965 (v) a principal as defined in Section 36-11-102.

8966 (b) In addition to the seven members described in Subsection (2), the governor shall,
8967 with the advice and consent of the Senate, appoint one individual as an alternate member of the
8968 commission who:

8969 (i) may be a lay person;

8970 (ii) shall be registered to vote in the state; and

8971 (iii) complies with the requirements described in Subsection (3)(a).

8972 (c) The alternate member described in Subsection (3)(b):

8973 (i) shall serve as a member of the commission in the place of one of the seven members
8974 described in Subsection (2) if that member is temporarily unable or unavailable to participate in
8975 a commission function or is disqualified under Section 63A-15-303; and

8976 (ii) may not cast a vote on the commission unless the alternate member is serving in
8977 the capacity described in Subsection (3)(c)(i).

8978 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each member of the commission
8979 shall serve a four-year term.

8980 (ii) When appointing the initial members upon formation of the commission, a member
8981 described in Subsections (2)(b) through (d) shall be appointed to a two-year term so that
8982 approximately half of the commission is appointed every two years.

8983 (b) (i) When a vacancy occurs in the commission's membership for any reason, a
8984 replacement member shall be appointed for the unexpired term of the vacating member using
8985 the procedures and requirements of Subsection (2).

8986 (ii) For the purposes of this section, an appointment for an unexpired term of a

8987 vacating member is not considered a full term.

8988 (c) A member may not be appointed to serve for more than two full terms, whether
8989 those terms are two or four years.

8990 (d) A member of the commission may resign from the commission by giving one
8991 month's written notice of the resignation to the governor.

8992 (e) The governor shall remove a member from the commission if the member:

8993 (i) is convicted of, or enters a plea of guilty to, a crime involving moral turpitude;

8994 (ii) enters a plea of no contest or a plea in abeyance to a crime involving moral
8995 turpitude; or

8996 (iii) fails to meet the qualifications of office as provided in this section.

8997 (f) (i) If a commission member is accused of wrongdoing in a complaint, or if a
8998 commission member has a conflict of interest in relation to a matter before the commission:

8999 (A) the alternate member described in Subsection (3)(b) shall serve in the member's
9000 place for the purposes of reviewing the complaint; or

9001 (B) if the alternate member has already taken the place of another commission member
9002 or is otherwise not available, the commission shall appoint another individual to temporarily
9003 serve in the member's place for the purposes of reviewing the complaint.

9004 (ii) An individual appointed by the commission under Subsection (4)(f)(i)(B):

9005 (A) is not required to be confirmed by the Senate;

9006 (B) may be a lay person;

9007 (C) shall be registered to vote in the state; and

9008 (D) shall comply with Subsection (3)(a).

9009 (5) (a) Except as provided in Subsection (5)(b)(i), a member of the commission may
9010 not receive compensation or benefits for the member's service.

9011 (b) (i) A member may receive per diem and expenses incurred in the performance of
9012 the member's official duties at the rates established by the Division of Finance under Sections
9013 [63A-3-106](#) and [63A-3-107](#).

9014 (ii) A member may decline to receive per diem and expenses for the member's service.

9015 (6) The commission members shall, by a majority vote, elect a commission chair from
9016 among the commission members.

9017 Section 114. Section **63C-24-102** is amended to read:

9018 **63C-24-102. Definitions.**

9019 As used in this chapter:

9020 (1) "Commission" means the Personal Privacy Oversight Commission created in
9021 Section [63C-24-201](#).

9022 (2) (a) "Government entity" means the state, a county, a municipality, a higher
9023 education institution, a ~~local~~ special district, a special service district, a school district, an
9024 independent entity, or any other political subdivision of the state or an administrative subunit of
9025 any political subdivision, including a law enforcement entity.

9026 (b) "Government entity" includes an agent of an entity described in Subsection (2)(a).

9027 (3) "Independent entity" means the same as that term is defined in Section [63E-1-102](#).

9028 (4) (a) "Personal data" means any information relating to an identified or identifiable
9029 individual.

9030 (b) "Personal data" includes personally identifying information.

9031 (5) (a) "Privacy practice" means the acquisition, use, storage, or disposal of personal
9032 data.

9033 (b) "Privacy practice" includes:

9034 (i) a technology use related to personal data; and

9035 (ii) policies related to the protection, storage, sharing, and retention of personal data.

9036 Section 115. Section **63E-1-102** is amended to read:

9037 **63E-1-102. Definitions -- List of independent entities.**

9038 As used in this title:

9039 (1) "Authorizing statute" means the statute creating an entity as an independent entity.

9040 (2) "Committee" means the Retirement and Independent Entities Committee created by
9041 Section [63E-1-201](#).

9042 (3) "Independent corporation" means a corporation incorporated in accordance with
9043 Chapter 2, Independent Corporations Act.

9044 (4) (a) "Independent entity" means an entity having a public purpose relating to the
9045 state or its citizens that is individually created by the state or is given by the state the right to
9046 exist and conduct its affairs as an:

9047 (i) independent state agency; or

9048 (ii) independent corporation.

- 9049 (b) "Independent entity" includes the:
- 9050 (i) Utah Beef Council, created by Section 4-21-103;
- 9051 (ii) Utah Dairy Commission created by Section 4-22-103;
- 9052 (iii) Heber Valley Historic Railroad Authority created by Section 63H-4-102;
- 9053 (iv) Utah Housing Corporation created by Section 63H-8-201;
- 9054 (v) Utah State Fair Corporation created by Section 63H-6-103;
- 9055 (vi) Utah State Retirement Office created by Section 49-11-201;
- 9056 (vii) School and Institutional Trust Lands Administration created by Section
- 9057 53C-1-201;
- 9058 (viii) School and Institutional Trust Fund Office created by Section 53D-1-201;
- 9059 (ix) Utah Communications Authority created by Section 63H-7a-201;
- 9060 (x) Utah Capital Investment Corporation created by Section 63N-6-301; and
- 9061 (xi) Military Installation Development Authority created by Section 63H-1-201.
- 9062 (c) Notwithstanding this Subsection (4), "independent entity" does not include:
- 9063 (i) the Public Service Commission of Utah created by Section 54-1-1;
- 9064 (ii) an institution within the state system of higher education;
- 9065 (iii) a city, county, or town;
- 9066 (iv) a local school district;
- 9067 (v) a ~~[local] special~~ district under ~~[Title 17B, Limited Purpose Local Government~~
- 9068 ~~Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities - Special
- 9069 Districts; or
- 9070 (vi) a special service district under Title 17D, Chapter 1, Special Service District Act.
- 9071 (5) "Independent state agency" means an entity that is created by the state, but is
- 9072 independent of the governor's direct supervisory control.
- 9073 (6) "Money held in trust" means money maintained for the benefit of:
- 9074 (a) one or more private individuals, including public employees;
- 9075 (b) one or more public or private entities; or
- 9076 (c) the owners of a quasi-public corporation.
- 9077 (7) "Public corporation" means an artificial person, public in ownership, individually
- 9078 created by the state as a body politic and corporate for the administration of a public purpose
- 9079 relating to the state or its citizens.

9080 (8) "Quasi-public corporation" means an artificial person, private in ownership,
9081 individually created as a corporation by the state, which has accepted from the state the grant of
9082 a franchise or contract involving the performance of a public purpose relating to the state or its
9083 citizens.

9084 Section 116. Section **63G-2-103** is amended to read:

9085 **63G-2-103. Definitions.**

9086 As used in this chapter:

9087 (1) "Audit" means:

9088 (a) a systematic examination of financial, management, program, and related records
9089 for the purpose of determining the fair presentation of financial statements, adequacy of
9090 internal controls, or compliance with laws and regulations; or

9091 (b) a systematic examination of program procedures and operations for the purpose of
9092 determining their effectiveness, economy, efficiency, and compliance with statutes and
9093 regulations.

9094 (2) "Chronological logs" mean the regular and customary summary records of law
9095 enforcement agencies and other public safety agencies that show:

9096 (a) the time and general nature of police, fire, and paramedic calls made to the agency;
9097 and

9098 (b) any arrests or jail bookings made by the agency.

9099 (3) "Classification," "classify," and their derivative forms mean determining whether a
9100 record series, record, or information within a record is public, private, controlled, protected, or
9101 exempt from disclosure under Subsection [63G-2-201\(3\)\(b\)](#).

9102 (4) (a) "Computer program" means:

9103 (i) a series of instructions or statements that permit the functioning of a computer
9104 system in a manner designed to provide storage, retrieval, and manipulation of data from the
9105 computer system; and

9106 (ii) any associated documentation and source material that explain how to operate the
9107 computer program.

9108 (b) "Computer program" does not mean:

9109 (i) the original data, including numbers, text, voice, graphics, and images;

9110 (ii) analysis, compilation, and other manipulated forms of the original data produced by

9111 use of the program; or

9112 (iii) the mathematical or statistical formulas, excluding the underlying mathematical
9113 algorithms contained in the program, that would be used if the manipulated forms of the
9114 original data were to be produced manually.

9115 (5) (a) "Contractor" means:

9116 (i) any person who contracts with a governmental entity to provide goods or services
9117 directly to a governmental entity; or

9118 (ii) any private, nonprofit organization that receives funds from a governmental entity.

9119 (b) "Contractor" does not mean a private provider.

9120 (6) "Controlled record" means a record containing data on individuals that is controlled
9121 as provided by Section [63G-2-304](#).

9122 (7) "Designation," "designate," and their derivative forms mean indicating, based on a
9123 governmental entity's familiarity with a record series or based on a governmental entity's
9124 review of a reasonable sample of a record series, the primary classification that a majority of
9125 records in a record series would be given if classified and the classification that other records
9126 typically present in the record series would be given if classified.

9127 (8) "Elected official" means each person elected to a state office, county office,
9128 municipal office, school board or school district office, ~~local~~ special district office, or special
9129 service district office, but does not include judges.

9130 (9) "Explosive" means a chemical compound, device, or mixture:

9131 (a) commonly used or intended for the purpose of producing an explosion; and

9132 (b) that contains oxidizing or combustive units or other ingredients in proportions,
9133 quantities, or packing so that:

9134 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the
9135 compound or mixture may cause a sudden generation of highly heated gases; and

9136 (ii) the resultant gaseous pressures are capable of:

9137 (A) producing destructive effects on contiguous objects; or

9138 (B) causing death or serious bodily injury.

9139 (10) "Government audit agency" means any governmental entity that conducts an audit.

9140 (11) (a) "Governmental entity" means:

9141 (i) executive department agencies of the state, the offices of the governor, lieutenant

9142 governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole,
9143 the Board of Examiners, the National Guard, the Career Service Review Office, the State
9144 Board of Education, the Utah Board of Higher Education, and the State Archives;

9145 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal
9146 Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative
9147 committees, except any political party, group, caucus, or rules or sifting committee of the
9148 Legislature;

9149 (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar
9150 administrative units in the judicial branch;

9151 (iv) any state-funded institution of higher education or public education; or

9152 (v) any political subdivision of the state, but, if a political subdivision has adopted an
9153 ordinance or a policy relating to information practices pursuant to Section 63G-2-701, this
9154 chapter shall apply to the political subdivision to the extent specified in Section 63G-2-701 or
9155 as specified in any other section of this chapter that specifically refers to political subdivisions.

9156 (b) "Governmental entity" also means:

9157 (i) every office, agency, board, bureau, committee, department, advisory board, or
9158 commission of an entity listed in Subsection (11)(a) that is funded or established by the
9159 government to carry out the public's business;

9160 (ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative
9161 undertaking;

9162 (iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;

9163 (iv) an association as defined in Section 53G-7-1101;

9164 (v) the Utah Independent Redistricting Commission; and

9165 (vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or
9166 more law enforcement officers, as defined in Section 53-13-103.

9167 (c) "Governmental entity" does not include the Utah Educational Savings Plan created
9168 in Section 53B-8a-103.

9169 (12) "Gross compensation" means every form of remuneration payable for a given
9170 period to an individual for services provided including salaries, commissions, vacation pay,
9171 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any
9172 similar benefit received from the individual's employer.

- 9173 (13) "Individual" means a human being.
- 9174 (14) (a) "Initial contact report" means an initial written or recorded report, however
9175 titled, prepared by peace officers engaged in public patrol or response duties describing official
9176 actions initially taken in response to either a public complaint about or the discovery of an
9177 apparent violation of law, which report may describe:
- 9178 (i) the date, time, location, and nature of the complaint, the incident, or offense;
 - 9179 (ii) names of victims;
 - 9180 (iii) the nature or general scope of the agency's initial actions taken in response to the
9181 incident;
 - 9182 (iv) the general nature of any injuries or estimate of damages sustained in the incident;
 - 9183 (v) the name, address, and other identifying information about any person arrested or
9184 charged in connection with the incident; or
 - 9185 (vi) the identity of the public safety personnel, except undercover personnel, or
9186 prosecuting attorney involved in responding to the initial incident.
- 9187 (b) Initial contact reports do not include follow-up or investigative reports prepared
9188 after the initial contact report. However, if the information specified in Subsection (14)(a)
9189 appears in follow-up or investigative reports, it may only be treated confidentially if it is
9190 private, controlled, protected, or exempt from disclosure under Subsection [63G-2-201\(3\)\(b\)](#).
- 9191 (c) Initial contact reports do not include accident reports, as that term is described in
9192 Title 41, Chapter 6a, Part 4, Accident Responsibilities.
- 9193 (15) "Legislative body" means the Legislature.
- 9194 (16) "Notice of compliance" means a statement confirming that a governmental entity
9195 has complied with an order of the State Records Committee.
- 9196 (17) "Person" means:
- 9197 (a) an individual;
 - 9198 (b) a nonprofit or profit corporation;
 - 9199 (c) a partnership;
 - 9200 (d) a sole proprietorship;
 - 9201 (e) other type of business organization; or
 - 9202 (f) any combination acting in concert with one another.
- 9203 (18) "Private provider" means any person who contracts with a governmental entity to

9204 provide services directly to the public.

9205 (19) "Private record" means a record containing data on individuals that is private as
9206 provided by Section [63G-2-302](#).

9207 (20) "Protected record" means a record that is classified protected as provided by
9208 Section [63G-2-305](#).

9209 (21) "Public record" means a record that is not private, controlled, or protected and that
9210 is not exempt from disclosure as provided in Subsection [63G-2-201\(3\)\(b\)](#).

9211 (22) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film,
9212 card, tape, recording, electronic data, or other documentary material regardless of physical form
9213 or characteristics:

9214 (i) that is prepared, owned, received, or retained by a governmental entity or political
9215 subdivision; and

9216 (ii) where all of the information in the original is reproducible by photocopy or other
9217 mechanical or electronic means.

9218 (b) "Record" does not mean:

9219 (i) a personal note or personal communication prepared or received by an employee or
9220 officer of a governmental entity:

9221 (A) in a capacity other than the employee's or officer's governmental capacity; or

9222 (B) that is unrelated to the conduct of the public's business;

9223 (ii) a temporary draft or similar material prepared for the originator's personal use or
9224 prepared by the originator for the personal use of an individual for whom the originator is
9225 working;

9226 (iii) material that is legally owned by an individual in the individual's private capacity;

9227 (iv) material to which access is limited by the laws of copyright or patent unless the
9228 copyright or patent is owned by a governmental entity or political subdivision;

9229 (v) proprietary software;

9230 (vi) junk mail or a commercial publication received by a governmental entity or an
9231 official or employee of a governmental entity;

9232 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections
9233 of a library open to the public;

9234 (viii) material that is cataloged, indexed, or inventoried and contained in the collections

- 9235 of a library open to the public, regardless of physical form or characteristics of the material;
- 9236 (ix) a daily calendar or other personal note prepared by the originator for the
- 9237 originator's personal use or for the personal use of an individual for whom the originator is
- 9238 working;
- 9239 (x) a computer program that is developed or purchased by or for any governmental
- 9240 entity for its own use;
- 9241 (xi) a note or internal memorandum prepared as part of the deliberative process by:
- 9242 (A) a member of the judiciary;
- 9243 (B) an administrative law judge;
- 9244 (C) a member of the Board of Pardons and Parole; or
- 9245 (D) a member of any other body, other than an association or appeals panel as defined
- 9246 in Section [53G-7-1101](#), charged by law with performing a quasi-judicial function;
- 9247 (xii) a telephone number or similar code used to access a mobile communication
- 9248 device that is used by an employee or officer of a governmental entity, provided that the
- 9249 employee or officer of the governmental entity has designated at least one business telephone
- 9250 number that is a public record as provided in Section [63G-2-301](#);
- 9251 (xiii) information provided by the Public Employees' Benefit and Insurance Program,
- 9252 created in Section [49-20-103](#), to a county to enable the county to calculate the amount to be
- 9253 paid to a health care provider under Subsection [17-50-319\(2\)\(e\)\(ii\)](#);
- 9254 (xiv) information that an owner of unimproved property provides to a local entity as
- 9255 provided in Section [11-42-205](#);
- 9256 (xv) a video or audio recording of an interview, or a transcript of the video or audio
- 9257 recording, that is conducted at a Children's Justice Center established under Section [67-5b-102](#);
- 9258 (xvi) child pornography, as defined by Section [76-5b-103](#);
- 9259 (xvii) before final disposition of an ethics complaint occurs, a video or audio recording
- 9260 of the closed portion of a meeting or hearing of:
- 9261 (A) a Senate or House Ethics Committee;
- 9262 (B) the Independent Legislative Ethics Commission;
- 9263 (C) the Independent Executive Branch Ethics Commission, created in Section
- 9264 [63A-14-202](#); or
- 9265 (D) the Political Subdivisions Ethics Review Commission established in Section

9266 [63A-15-201](#); or

9267 (xviii) confidential communication described in Section [58-60-102](#), [58-61-102](#), or
9268 [58-61-702](#).

9269 (23) "Record series" means a group of records that may be treated as a unit for
9270 purposes of designation, description, management, or disposition.

9271 (24) "Records officer" means the individual appointed by the chief administrative
9272 officer of each governmental entity, or the political subdivision to work with state archives in
9273 the care, maintenance, scheduling, designation, classification, disposal, and preservation of
9274 records.

9275 (25) "Schedule," "scheduling," and their derivative forms mean the process of
9276 specifying the length of time each record series should be retained by a governmental entity for
9277 administrative, legal, fiscal, or historical purposes and when each record series should be
9278 transferred to the state archives or destroyed.

9279 (26) "Sponsored research" means research, training, and other sponsored activities as
9280 defined by the federal Executive Office of the President, Office of Management and Budget:

9281 (a) conducted:

9282 (i) by an institution within the state system of higher education defined in Section
9283 [53B-1-102](#); and

9284 (ii) through an office responsible for sponsored projects or programs; and

9285 (b) funded or otherwise supported by an external:

9286 (i) person that is not created or controlled by the institution within the state system of
9287 higher education; or

9288 (ii) federal, state, or local governmental entity.

9289 (27) "State archives" means the Division of Archives and Records Service created in
9290 Section [63A-12-101](#).

9291 (28) "State archivist" means the director of the state archives.

9292 (29) "State Records Committee" means the State Records Committee created in
9293 Section [63G-2-501](#).

9294 (30) "Summary data" means statistical records and compilations that contain data
9295 derived from private, controlled, or protected information but that do not disclose private,
9296 controlled, or protected information.

9297 Section 117. Section **63G-2-305** is amended to read:

9298 **63G-2-305. Protected records.**

9299 The following records are protected if properly classified by a governmental entity:

9300 (1) trade secrets as defined in Section **13-24-2** if the person submitting the trade secret
9301 has provided the governmental entity with the information specified in Section **63G-2-309**;

9302 (2) commercial information or nonindividual financial information obtained from a
9303 person if:

9304 (a) disclosure of the information could reasonably be expected to result in unfair
9305 competitive injury to the person submitting the information or would impair the ability of the
9306 governmental entity to obtain necessary information in the future;

9307 (b) the person submitting the information has a greater interest in prohibiting access
9308 than the public in obtaining access; and

9309 (c) the person submitting the information has provided the governmental entity with
9310 the information specified in Section **63G-2-309**;

9311 (3) commercial or financial information acquired or prepared by a governmental entity
9312 to the extent that disclosure would lead to financial speculations in currencies, securities, or
9313 commodities that will interfere with a planned transaction by the governmental entity or cause
9314 substantial financial injury to the governmental entity or state economy;

9315 (4) records, the disclosure of which could cause commercial injury to, or confer a
9316 competitive advantage upon a potential or actual competitor of, a commercial project entity as
9317 defined in Subsection **11-13-103(4)**;

9318 (5) test questions and answers to be used in future license, certification, registration,
9319 employment, or academic examinations;

9320 (6) records, the disclosure of which would impair governmental procurement
9321 proceedings or give an unfair advantage to any person proposing to enter into a contract or
9322 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
9323 Subsection (6) does not restrict the right of a person to have access to, after the contract or
9324 grant has been awarded and signed by all parties:

9325 (a) a bid, proposal, application, or other information submitted to or by a governmental
9326 entity in response to:

9327 (i) an invitation for bids;

- 9328 (ii) a request for proposals;
- 9329 (iii) a request for quotes;
- 9330 (iv) a grant; or
- 9331 (v) other similar document; or
- 9332 (b) an unsolicited proposal, as defined in Section 63G-6a-712;
- 9333 (7) information submitted to or by a governmental entity in response to a request for
- 9334 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
- 9335 the right of a person to have access to the information, after:
 - 9336 (a) a contract directly relating to the subject of the request for information has been
 - 9337 awarded and signed by all parties; or
 - 9338 (b) (i) a final determination is made not to enter into a contract that relates to the
 - 9339 subject of the request for information; and
 - 9340 (ii) at least two years have passed after the day on which the request for information is
 - 9341 issued;
 - 9342 (8) records that would identify real property or the appraisal or estimated value of real
 - 9343 or personal property, including intellectual property, under consideration for public acquisition
 - 9344 before any rights to the property are acquired unless:
 - 9345 (a) public interest in obtaining access to the information is greater than or equal to the
 - 9346 governmental entity's need to acquire the property on the best terms possible;
 - 9347 (b) the information has already been disclosed to persons not employed by or under a
 - 9348 duty of confidentiality to the entity;
 - 9349 (c) in the case of records that would identify property, potential sellers of the described
 - 9350 property have already learned of the governmental entity's plans to acquire the property;
 - 9351 (d) in the case of records that would identify the appraisal or estimated value of
 - 9352 property, the potential sellers have already learned of the governmental entity's estimated value
 - 9353 of the property; or
 - 9354 (e) the property under consideration for public acquisition is a single family residence
 - 9355 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
 - 9356 the property as required under Section 78B-6-505;
 - 9357 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
 - 9358 compensated transaction of real or personal property including intellectual property, which, if

9359 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
9360 of the subject property, unless:

9361 (a) the public interest in access is greater than or equal to the interests in restricting
9362 access, including the governmental entity's interest in maximizing the financial benefit of the
9363 transaction; or

9364 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
9365 the value of the subject property have already been disclosed to persons not employed by or
9366 under a duty of confidentiality to the entity;

9367 (10) records created or maintained for civil, criminal, or administrative enforcement
9368 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
9369 release of the records:

9370 (a) reasonably could be expected to interfere with investigations undertaken for
9371 enforcement, discipline, licensing, certification, or registration purposes;

9372 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
9373 proceedings;

9374 (c) would create a danger of depriving a person of a right to a fair trial or impartial
9375 hearing;

9376 (d) reasonably could be expected to disclose the identity of a source who is not
9377 generally known outside of government and, in the case of a record compiled in the course of
9378 an investigation, disclose information furnished by a source not generally known outside of
9379 government if disclosure would compromise the source; or

9380 (e) reasonably could be expected to disclose investigative or audit techniques,
9381 procedures, policies, or orders not generally known outside of government if disclosure would
9382 interfere with enforcement or audit efforts;

9383 (11) records the disclosure of which would jeopardize the life or safety of an
9384 individual;

9385 (12) records the disclosure of which would jeopardize the security of governmental
9386 property, governmental programs, or governmental recordkeeping systems from damage, theft,
9387 or other appropriation or use contrary to law or public policy;

9388 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
9389 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere

9390 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

9391 (14) records that, if disclosed, would reveal recommendations made to the Board of
9392 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
9393 Board of Pardons and Parole, or the Department of Human Services that are based on the
9394 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
9395 jurisdiction;

9396 (15) records and audit workpapers that identify audit, collection, and operational
9397 procedures and methods used by the State Tax Commission, if disclosure would interfere with
9398 audits or collections;

9399 (16) records of a governmental audit agency relating to an ongoing or planned audit
9400 until the final audit is released;

9401 (17) records that are subject to the attorney client privilege;

9402 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
9403 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,
9404 quasi-judicial, or administrative proceeding;

9405 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
9406 from a member of the Legislature; and

9407 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
9408 legislative action or policy may not be classified as protected under this section; and

9409 (b) (i) an internal communication that is part of the deliberative process in connection
9410 with the preparation of legislation between:

9411 (A) members of a legislative body;

9412 (B) a member of a legislative body and a member of the legislative body's staff; or

9413 (C) members of a legislative body's staff; and

9414 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
9415 legislative action or policy may not be classified as protected under this section;

9416 (20) (a) records in the custody or control of the Office of Legislative Research and
9417 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
9418 legislation or contemplated course of action before the legislator has elected to support the
9419 legislation or course of action, or made the legislation or course of action public; and

9420 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the

9421 Office of Legislative Research and General Counsel is a public document unless a legislator
9422 asks that the records requesting the legislation be maintained as protected records until such
9423 time as the legislator elects to make the legislation or course of action public;

9424 (21) research requests from legislators to the Office of Legislative Research and
9425 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
9426 in response to these requests;

9427 (22) drafts, unless otherwise classified as public;

9428 (23) records concerning a governmental entity's strategy about:

9429 (a) collective bargaining; or

9430 (b) imminent or pending litigation;

9431 (24) records of investigations of loss occurrences and analyses of loss occurrences that
9432 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
9433 Uninsured Employers' Fund, or similar divisions in other governmental entities;

9434 (25) records, other than personnel evaluations, that contain a personal recommendation
9435 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
9436 personal privacy, or disclosure is not in the public interest;

9437 (26) records that reveal the location of historic, prehistoric, paleontological, or
9438 biological resources that if known would jeopardize the security of those resources or of
9439 valuable historic, scientific, educational, or cultural information;

9440 (27) records of independent state agencies if the disclosure of the records would
9441 conflict with the fiduciary obligations of the agency;

9442 (28) records of an institution within the state system of higher education defined in
9443 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,
9444 retention decisions, and promotions, which could be properly discussed in a meeting closed in
9445 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
9446 the final decisions about tenure, appointments, retention, promotions, or those students
9447 admitted, may not be classified as protected under this section;

9448 (29) records of the governor's office, including budget recommendations, legislative
9449 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
9450 policies or contemplated courses of action before the governor has implemented or rejected
9451 those policies or courses of action or made them public;

9452 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
9453 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
9454 recommendations in these areas;

9455 (31) records provided by the United States or by a government entity outside the state
9456 that are given to the governmental entity with a requirement that they be managed as protected
9457 records if the providing entity certifies that the record would not be subject to public disclosure
9458 if retained by it;

9459 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
9460 public body except as provided in Section [52-4-206](#);

9461 (33) records that would reveal the contents of settlement negotiations but not including
9462 final settlements or empirical data to the extent that they are not otherwise exempt from
9463 disclosure;

9464 (34) memoranda prepared by staff and used in the decision-making process by an
9465 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
9466 other body charged by law with performing a quasi-judicial function;

9467 (35) records that would reveal negotiations regarding assistance or incentives offered
9468 by or requested from a governmental entity for the purpose of encouraging a person to expand
9469 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
9470 person or place the governmental entity at a competitive disadvantage, but this section may not
9471 be used to restrict access to a record evidencing a final contract;

9472 (36) materials to which access must be limited for purposes of securing or maintaining
9473 the governmental entity's proprietary protection of intellectual property rights including patents,
9474 copyrights, and trade secrets;

9475 (37) the name of a donor or a prospective donor to a governmental entity, including an
9476 institution within the state system of higher education defined in Section [53B-1-102](#), and other
9477 information concerning the donation that could reasonably be expected to reveal the identity of
9478 the donor, provided that:

9479 (a) the donor requests anonymity in writing;

9480 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
9481 classified protected by the governmental entity under this Subsection (37); and

9482 (c) except for an institution within the state system of higher education defined in

9483 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
9484 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
9485 over the donor, a member of the donor's immediate family, or any entity owned or controlled
9486 by the donor or the donor's immediate family;

9487 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
9488 73-18-13;

9489 (39) a notification of workers' compensation insurance coverage described in Section
9490 34A-2-205;

9491 (40) (a) the following records of an institution within the state system of higher
9492 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
9493 or received by or on behalf of faculty, staff, employees, or students of the institution:

9494 (i) unpublished lecture notes;

9495 (ii) unpublished notes, data, and information:

9496 (A) relating to research; and

9497 (B) of:

9498 (I) the institution within the state system of higher education defined in Section
9499 53B-1-102; or

9500 (II) a sponsor of sponsored research;

9501 (iii) unpublished manuscripts;

9502 (iv) creative works in process;

9503 (v) scholarly correspondence; and

9504 (vi) confidential information contained in research proposals;

9505 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
9506 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

9507 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

9508 (41) (a) records in the custody or control of the Office of the Legislative Auditor
9509 General that would reveal the name of a particular legislator who requests a legislative audit
9510 prior to the date that audit is completed and made public; and

9511 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
9512 Office of the Legislative Auditor General is a public document unless the legislator asks that
9513 the records in the custody or control of the Office of the Legislative Auditor General that would

9514 reveal the name of a particular legislator who requests a legislative audit be maintained as
9515 protected records until the audit is completed and made public;

9516 (42) records that provide detail as to the location of an explosive, including a map or
9517 other document that indicates the location of:

9518 (a) a production facility; or
9519 (b) a magazine;

9520 (43) information contained in the statewide database of the Division of Aging and
9521 Adult Services created by Section [62A-3-311.1](#);

9522 (44) information contained in the Licensing Information System described in Title 80,
9523 Chapter 2, Child Welfare Services;

9524 (45) information regarding National Guard operations or activities in support of the
9525 National Guard's federal mission;

9526 (46) records provided by any pawn or secondhand business to a law enforcement
9527 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop,
9528 Secondhand Merchandise, and Catalytic Converter Transaction Information Act;

9529 (47) information regarding food security, risk, and vulnerability assessments performed
9530 by the Department of Agriculture and Food;

9531 (48) except to the extent that the record is exempt from this chapter pursuant to Section
9532 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
9533 prepared or maintained by the Division of Emergency Management, and the disclosure of
9534 which would jeopardize:

9535 (a) the safety of the general public; or
9536 (b) the security of:

9537 (i) governmental property;
9538 (ii) governmental programs; or
9539 (iii) the property of a private person who provides the Division of Emergency
9540 Management information;

9541 (49) records of the Department of Agriculture and Food that provides for the
9542 identification, tracing, or control of livestock diseases, including any program established under
9543 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
9544 of Animal Disease;

9545 (50) as provided in Section [26-39-501](#):
9546 (a) information or records held by the Department of Health related to a complaint
9547 regarding a child care program or residential child care which the department is unable to
9548 substantiate; and
9549 (b) information or records related to a complaint received by the Department of Health
9550 from an anonymous complainant regarding a child care program or residential child care;
9551 (51) unless otherwise classified as public under Section [63G-2-301](#) and except as
9552 provided under Section [41-1a-116](#), an individual's home address, home telephone number, or
9553 personal mobile phone number, if:
9554 (a) the individual is required to provide the information in order to comply with a law,
9555 ordinance, rule, or order of a government entity; and
9556 (b) the subject of the record has a reasonable expectation that this information will be
9557 kept confidential due to:
9558 (i) the nature of the law, ordinance, rule, or order; and
9559 (ii) the individual complying with the law, ordinance, rule, or order;
9560 (52) the portion of the following documents that contains a candidate's residential or
9561 mailing address, if the candidate provides to the filing officer another address or phone number
9562 where the candidate may be contacted:
9563 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
9564 described in Section [20A-9-201](#), [20A-9-202](#), [20A-9-203](#), [20A-9-404](#), [20A-9-405](#), [20A-9-408](#),
9565 [20A-9-408.5](#), [20A-9-502](#), or [20A-9-601](#);
9566 (b) an affidavit of impecuniosity, described in Section [20A-9-201](#); or
9567 (c) a notice of intent to gather signatures for candidacy, described in Section
9568 [20A-9-408](#);
9569 (53) the name, home address, work addresses, and telephone numbers of an individual
9570 that is engaged in, or that provides goods or services for, medical or scientific research that is:
9571 (a) conducted within the state system of higher education, as defined in Section
9572 [53B-1-102](#); and
9573 (b) conducted using animals;
9574 (54) in accordance with Section [78A-12-203](#), any record of the Judicial Performance
9575 Evaluation Commission concerning an individual commissioner's vote, in relation to whether a

9576 judge meets or exceeds minimum performance standards under Subsection 78A-12-203(4), and
9577 information disclosed under Subsection 78A-12-203(5)(e);

9578 (55) information collected and a report prepared by the Judicial Performance
9579 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
9580 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
9581 the information or report;

9582 (56) records provided or received by the Public Lands Policy Coordinating Office in
9583 furtherance of any contract or other agreement made in accordance with Section 63L-11-202;

9584 (57) information requested by and provided to the 911 Division under Section
9585 63H-7a-302;

9586 (58) in accordance with Section 73-10-33:

9587 (a) a management plan for a water conveyance facility in the possession of the Division
9588 of Water Resources or the Board of Water Resources; or

9589 (b) an outline of an emergency response plan in possession of the state or a county or
9590 municipality;

9591 (59) the following records in the custody or control of the Office of Inspector General
9592 of Medicaid Services, created in Section 63A-13-201:

9593 (a) records that would disclose information relating to allegations of personal
9594 misconduct, gross mismanagement, or illegal activity of a person if the information or
9595 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
9596 through other documents or evidence, and the records relating to the allegation are not relied
9597 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
9598 report or final audit report;

9599 (b) records and audit workpapers to the extent they would disclose the identity of a
9600 person who, during the course of an investigation or audit, communicated the existence of any
9601 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
9602 regulation adopted under the laws of this state, a political subdivision of the state, or any
9603 recognized entity of the United States, if the information was disclosed on the condition that
9604 the identity of the person be protected;

9605 (c) before the time that an investigation or audit is completed and the final
9606 investigation or final audit report is released, records or drafts circulated to a person who is not

- 9607 an employee or head of a governmental entity for the person's response or information;
- 9608 (d) records that would disclose an outline or part of any investigation, audit survey
- 9609 plan, or audit program; or
- 9610 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
- 9611 investigation or audit;
- 9612 (60) records that reveal methods used by the Office of Inspector General of Medicaid
- 9613 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
- 9614 abuse;
- 9615 (61) information provided to the Department of Health or the Division of Professional
- 9616 Licensing under Subsections 58-67-304(3) and (4) and Subsections 58-68-304(3) and (4);
- 9617 (62) a record described in Section 63G-12-210;
- 9618 (63) captured plate data that is obtained through an automatic license plate reader
- 9619 system used by a governmental entity as authorized in Section 41-6a-2003;
- 9620 (64) any record in the custody of the Utah Office for Victims of Crime relating to a
- 9621 victim, including:
- 9622 (a) a victim's application or request for benefits;
- 9623 (b) a victim's receipt or denial of benefits; and
- 9624 (c) any administrative notes or records made or created for the purpose of, or used to,
- 9625 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
- 9626 Reparations Fund;
- 9627 (65) an audio or video recording created by a body-worn camera, as that term is
- 9628 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
- 9629 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
- 9630 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
- 9631 that term is defined in Section 62A-2-101, except for recordings that:
- 9632 (a) depict the commission of an alleged crime;
- 9633 (b) record any encounter between a law enforcement officer and a person that results in
- 9634 death or bodily injury, or includes an instance when an officer fires a weapon;
- 9635 (c) record any encounter that is the subject of a complaint or a legal proceeding against
- 9636 a law enforcement officer or law enforcement agency;
- 9637 (d) contain an officer involved critical incident as defined in Subsection

9638 76-2-408(1)(f); or

9639 (e) have been requested for reclassification as a public record by a subject or
9640 authorized agent of a subject featured in the recording;

9641 (66) a record pertaining to the search process for a president of an institution of higher
9642 education described in Section 53B-2-102, except for application materials for a publicly
9643 announced finalist;

9644 (67) an audio recording that is:

9645 (a) produced by an audio recording device that is used in conjunction with a device or
9646 piece of equipment designed or intended for resuscitating an individual or for treating an
9647 individual with a life-threatening condition;

9648 (b) produced during an emergency event when an individual employed to provide law
9649 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

9650 (i) is responding to an individual needing resuscitation or with a life-threatening
9651 condition; and

9652 (ii) uses a device or piece of equipment designed or intended for resuscitating an
9653 individual or for treating an individual with a life-threatening condition; and

9654 (c) intended and used for purposes of training emergency responders how to improve
9655 their response to an emergency situation;

9656 (68) records submitted by or prepared in relation to an applicant seeking a
9657 recommendation by the Research and General Counsel Subcommittee, the Budget
9658 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
9659 employment position with the Legislature;

9660 (69) work papers as defined in Section 31A-2-204;

9661 (70) a record made available to Adult Protective Services or a law enforcement agency
9662 under Section 61-1-206;

9663 (71) a record submitted to the Insurance Department in accordance with Section
9664 31A-37-201;

9665 (72) a record described in Section 31A-37-503;

9666 (73) any record created by the Division of Professional Licensing as a result of
9667 Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

9668 (74) a record described in Section 72-16-306 that relates to the reporting of an injury

9669 involving an amusement ride;

9670 (75) except as provided in Subsection 63G-2-305.5(1), the signature of an individual
9671 on a political petition, or on a request to withdraw a signature from a political petition,
9672 including a petition or request described in the following titles:

9673 (a) Title 10, Utah Municipal Code;

9674 (b) Title 17, Counties;

9675 (c) [~~Title 17B, Limited Purpose Local Government Entities - Local Districts~~] Title
9676 17B, Limited Purpose Local Government Entities - Special Districts;

9677 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and

9678 (e) Title 20A, Election Code;

9679 (76) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in
9680 a voter registration record;

9681 (77) except as provided in Subsection 63G-2-305.5(3), any signature, other than a
9682 signature described in Subsection (75) or (76), in the custody of the lieutenant governor or a
9683 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;

9684 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part
9685 5, Victims Guidelines for Prosecutors Act;

9686 (79) a record submitted to the Insurance Department under Section 31A-48-103;

9687 (80) personal information, as defined in Section 63G-26-102, to the extent disclosure is
9688 prohibited under Section 63G-26-103;

9689 (81) an image taken of an individual during the process of booking the individual into
9690 jail, unless:

9691 (a) the individual is convicted of a criminal offense based upon the conduct for which
9692 the individual was incarcerated at the time the image was taken;

9693 (b) a law enforcement agency releases or disseminates the image:

9694 (i) after determining that the individual is a fugitive or an imminent threat to an
9695 individual or to public safety and releasing or disseminating the image will assist in
9696 apprehending the individual or reducing or eliminating the threat; or

9697 (ii) to a potential witness or other individual with direct knowledge of events relevant
9698 to a criminal investigation or criminal proceeding for the purpose of identifying or locating an
9699 individual in connection with the criminal investigation or criminal proceeding; or

9700 (c) a judge orders the release or dissemination of the image based on a finding that the
9701 release or dissemination is in furtherance of a legitimate law enforcement interest;

9702 (82) a record:

9703 (a) concerning an interstate claim to the use of waters in the Colorado River system;

9704 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
9705 representative from another state or the federal government as provided in Section

9706 [63M-14-205](#); and

9707 (c) the disclosure of which would:

9708 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
9709 Colorado River system;

9710 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to
9711 negotiate the best terms and conditions regarding the use of water in the Colorado River
9712 system; or

9713 (iii) give an advantage to another state or to the federal government in negotiations
9714 regarding the use of water in the Colorado River system;

9715 (83) any part of an application described in Section [63N-16-201](#) that the Governor's
9716 Office of Economic Opportunity determines is nonpublic, confidential information that if
9717 disclosed would result in actual economic harm to the applicant, but this Subsection (83) may
9718 not be used to restrict access to a record evidencing a final contract or approval decision;

9719 (84) the following records of a drinking water or wastewater facility:

9720 (a) an engineering or architectural drawing of the drinking water or wastewater facility;
9721 and

9722 (b) except as provided in Section [63G-2-106](#), a record detailing tools or processes the
9723 drinking water or wastewater facility uses to secure, or prohibit access to, the records described
9724 in Subsection (84)(a); and

9725 (85) a statement that an employee of a governmental entity provides to the
9726 governmental entity as part of the governmental entity's personnel or administrative
9727 investigation into potential misconduct involving the employee if the governmental entity:

9728 (a) requires the statement under threat of employment disciplinary action, including
9729 possible termination of employment, for the employee's refusal to provide the statement; and

9730 (b) provides the employee assurance that the statement cannot be used against the

9731 employee in any criminal proceeding.

9732 Section 118. Section **63G-6a-103** is amended to read:

9733 **63G-6a-103. Definitions.**

9734 As used in this chapter:

9735 (1) "Approved vendor" means a person who has been approved for inclusion on an
9736 approved vendor list through the approved vendor list process.

9737 (2) "Approved vendor list" means a list of approved vendors established under Section
9738 [63G-6a-507](#).

9739 (3) "Approved vendor list process" means the procurement process described in
9740 Section [63G-6a-507](#).

9741 (4) "Bidder" means a person who submits a bid or price quote in response to an
9742 invitation for bids.

9743 (5) "Bidding process" means the procurement process described in Part 6, Bidding.

9744 (6) "Board" means the Utah State Procurement Policy Board, created in Section
9745 [63G-6a-202](#).

9746 (7) "Change directive" means a written order signed by the procurement officer that
9747 directs the contractor to suspend work or make changes, as authorized by contract, without the
9748 consent of the contractor.

9749 (8) "Change order" means a written alteration in specifications, delivery point, rate of
9750 delivery, period of performance, price, quantity, or other provisions of a contract, upon mutual
9751 agreement of the parties to the contract.

9752 (9) "Chief procurement officer" means the individual appointed under Section
9753 [63A-2-102](#).

9754 (10) "Conducting procurement unit" means a procurement unit that conducts all
9755 aspects of a procurement:

9756 (a) except:

9757 (i) reviewing a solicitation to verify that it is in proper form; and

9758 (ii) causing the publication of a notice of a solicitation; and

9759 (b) including:

9760 (i) preparing any solicitation document;

9761 (ii) appointing an evaluation committee;

9762 (iii) conducting the evaluation process, except the process relating to scores calculated
9763 for costs of proposals;

9764 (iv) selecting and recommending the person to be awarded a contract;

9765 (v) negotiating the terms and conditions of a contract, subject to the issuing
9766 procurement unit's approval; and

9767 (vi) contract administration.

9768 (11) "Conservation district" means the same as that term is defined in Section
9769 [17D-3-102](#).

9770 (12) "Construction project":

9771 (a) means a project for the construction, renovation, alteration, improvement, or repair
9772 of a public facility on real property, including all services, labor, supplies, and materials for the
9773 project; and

9774 (b) does not include services and supplies for the routine, day-to-day operation, repair,
9775 or maintenance of an existing public facility.

9776 (13) "Construction manager/general contractor":

9777 (a) means a contractor who enters into a contract:

9778 (i) for the management of a construction project; and

9779 (ii) that allows the contractor to subcontract for additional labor and materials that are
9780 not included in the contractor's cost proposal submitted at the time of the procurement of the
9781 contractor's services; and

9782 (b) does not include a contractor whose only subcontract work not included in the
9783 contractor's cost proposal submitted as part of the procurement of the contractor's services is to
9784 meet subcontracted portions of change orders approved within the scope of the project.

9785 (14) "Construction subcontractor":

9786 (a) means a person under contract with a contractor or another subcontractor to provide
9787 services or labor for the design or construction of a construction project;

9788 (b) includes a general contractor or specialty contractor licensed or exempt from
9789 licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and

9790 (c) does not include a supplier who provides only materials, equipment, or supplies to a
9791 contractor or subcontractor for a construction project.

9792 (15) "Contract" means an agreement for a procurement.

9793 (16) "Contract administration" means all functions, duties, and responsibilities
9794 associated with managing, overseeing, and carrying out a contract between a procurement unit
9795 and a contractor, including:

9796 (a) implementing the contract;

9797 (b) ensuring compliance with the contract terms and conditions by the conducting
9798 procurement unit and the contractor;

9799 (c) executing change orders;

9800 (d) processing contract amendments;

9801 (e) resolving, to the extent practicable, contract disputes;

9802 (f) curing contract errors and deficiencies;

9803 (g) terminating a contract;

9804 (h) measuring or evaluating completed work and contractor performance;

9805 (i) computing payments under the contract; and

9806 (j) closing out a contract.

9807 (17) "Contractor" means a person who is awarded a contract with a procurement unit.

9808 (18) "Cooperative procurement" means procurement conducted by, or on behalf of:

9809 (a) more than one procurement unit; or

9810 (b) a procurement unit and a cooperative purchasing organization.

9811 (19) "Cooperative purchasing organization" means an organization, association, or
9812 alliance of purchasers established to combine purchasing power in order to obtain the best
9813 value for the purchasers by engaging in procurements in accordance with Section [63G-6a-2105](#).

9814 (20) "Cost-plus-a-percentage-of-cost contract" means a contract under which the
9815 contractor is paid a percentage of the total actual expenses or costs in addition to the
9816 contractor's actual expenses or costs.

9817 (21) "Cost-reimbursement contract" means a contract under which a contractor is
9818 reimbursed for costs which are allowed and allocated in accordance with the contract terms and
9819 the provisions of this chapter, and a fee, if any.

9820 (22) "Days" means calendar days, unless expressly provided otherwise.

9821 (23) "Definite quantity contract" means a fixed price contract that provides for a
9822 specified amount of supplies over a specified period, with deliveries scheduled according to a
9823 specified schedule.

- 9824 (24) "Design professional" means:
- 9825 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects
- 9826 Licensing Act;
- 9827 (b) an individual licensed as a professional engineer or professional land surveyor
- 9828 under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing
- 9829 Act; or
- 9830 (c) an individual certified as a commercial interior designer under Title 58, Chapter 86,
- 9831 State Certification of Commercial Interior Designers Act.
- 9832 (25) "Design professional procurement process" means the procurement process
- 9833 described in Part 15, Design Professional Services.
- 9834 (26) "Design professional services" means:
- 9835 (a) professional services within the scope of the practice of architecture as defined in
- 9836 Section [58-3a-102](#);
- 9837 (b) professional engineering as defined in Section [58-22-102](#);
- 9838 (c) master planning and programming services; or
- 9839 (d) services within the scope of the practice of commercial interior design, as defined
- 9840 in Section [58-86-102](#).
- 9841 (27) "Design-build" means the procurement of design professional services and
- 9842 construction by the use of a single contract.
- 9843 (28) "Division" means the Division of Purchasing and General Services, created in
- 9844 Section [63A-2-101](#).
- 9845 (29) "Educational procurement unit" means:
- 9846 (a) a school district;
- 9847 (b) a public school, including a local school board or a charter school;
- 9848 (c) the Utah Schools for the Deaf and the Blind;
- 9849 (d) the Utah Education and Telehealth Network;
- 9850 (e) an institution of higher education of the state described in Section [53B-1-102](#); or
- 9851 (f) the State Board of Education.
- 9852 (30) "Established catalogue price" means the price included in a catalogue, price list,
- 9853 schedule, or other form that:
- 9854 (a) is regularly maintained by a manufacturer or contractor;

9855 (b) is published or otherwise available for inspection by customers; and

9856 (c) states prices at which sales are currently or were last made to a significant number
9857 of any category of buyers or buyers constituting the general buying public for the supplies or
9858 services involved.

9859 (31) (a) "Executive branch procurement unit" means a department, division, office,
9860 bureau, agency, or other organization within the state executive branch.

9861 (b) "Executive branch procurement unit" does not include the Colorado River
9862 Authority of Utah as provided in Section [63M-14-210](#).

9863 (32) "Facilities division" means the Division of Facilities Construction and
9864 Management, created in Section [63A-5b-301](#).

9865 (33) "Fixed price contract" means a contract that provides a price, for each
9866 procurement item obtained under the contract, that is not subject to adjustment except to the
9867 extent that:

9868 (a) the contract provides, under circumstances specified in the contract, for an
9869 adjustment in price that is not based on cost to the contractor; or

9870 (b) an adjustment is required by law.

9871 (34) "Fixed price contract with price adjustment" means a fixed price contract that
9872 provides for an upward or downward revision of price, precisely described in the contract, that:

9873 (a) is based on the consumer price index or another commercially acceptable index,
9874 source, or formula; and

9875 (b) is not based on a percentage of the cost to the contractor.

9876 (35) "Grant" means an expenditure of public funds or other assistance, or an agreement
9877 to expend public funds or other assistance, for a public purpose authorized by law, without
9878 acquiring a procurement item in exchange.

9879 (36) "Immaterial error":

9880 (a) means an irregularity or abnormality that is:

9881 (i) a matter of form that does not affect substance; or

9882 (ii) an inconsequential variation from a requirement of a solicitation that has no, little,
9883 or a trivial effect on the procurement process and that is not prejudicial to other vendors; and

9884 (b) includes:

9885 (i) a missing signature, missing acknowledgment of an addendum, or missing copy of a

- 9886 professional license, bond, or insurance certificate;
- 9887 (ii) a typographical error;
- 9888 (iii) an error resulting from an inaccuracy or omission in the solicitation; and
- 9889 (iv) any other error that the procurement official reasonably considers to be immaterial.
- 9890 (37) "Indefinite quantity contract" means a fixed price contract that:
- 9891 (a) is for an indefinite amount of procurement items to be supplied as ordered by a
- 9892 procurement unit; and
- 9893 (b) (i) does not require a minimum purchase amount; or
- 9894 (ii) provides a maximum purchase limit.
- 9895 (38) "Independent procurement unit" means:
- 9896 (a) (i) a legislative procurement unit;
- 9897 (ii) a judicial branch procurement unit;
- 9898 (iii) an educational procurement unit;
- 9899 (iv) a local government procurement unit;
- 9900 (v) a conservation district;
- 9901 (vi) a local building authority;
- 9902 (vii) a ~~local~~ special district;
- 9903 (viii) a public corporation;
- 9904 (ix) a special service district; or
- 9905 (x) the Utah Communications Authority, established in Section [63H-7a-201](#);
- 9906 (b) the facilities division, but only to the extent of the procurement authority provided
- 9907 under Title 63A, Chapter 5b, Administration of State Facilities;
- 9908 (c) the attorney general, but only to the extent of the procurement authority provided
- 9909 under Title 67, Chapter 5, Attorney General;
- 9910 (d) the Department of Transportation, but only to the extent of the procurement
- 9911 authority provided under Title 72, Transportation Code; or
- 9912 (e) any other executive branch department, division, office, or entity that has statutory
- 9913 procurement authority outside this chapter, but only to the extent of that statutory procurement
- 9914 authority.
- 9915 (39) "Invitation for bids":
- 9916 (a) means a document used to solicit:

- 9917 (i) bids to provide a procurement item to a procurement unit; or
9918 (ii) quotes for a price of a procurement item to be provided to a procurement unit; and
9919 (b) includes all documents attached to or incorporated by reference in a document
9920 described in Subsection (39)(a).
- 9921 (40) "Issuing procurement unit" means a procurement unit that:
9922 (a) reviews a solicitation to verify that it is in proper form;
9923 (b) causes the notice of a solicitation to be published; and
9924 (c) negotiates and approves the terms and conditions of a contract.
- 9925 (41) "Judicial procurement unit" means:
9926 (a) the Utah Supreme Court;
9927 (b) the Utah Court of Appeals;
9928 (c) the Judicial Council;
9929 (d) a state judicial district; or
9930 (e) an office, committee, subcommittee, or other organization within the state judicial
9931 branch.
- 9932 (42) "Labor hour contract" is a contract under which:
9933 (a) the supplies and materials are not provided by, or through, the contractor; and
9934 (b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and
9935 profit for a specified number of labor hours or days.
- 9936 (43) "Legislative procurement unit" means:
9937 (a) the Legislature;
9938 (b) the Senate;
9939 (c) the House of Representatives;
9940 (d) a staff office of the Legislature, the Senate, or the House of Representatives; or
9941 (e) a committee, subcommittee, commission, or other organization:
9942 (i) within the state legislative branch; or
9943 (ii) (A) that is created by statute to advise or make recommendations to the Legislature;
9944 (B) the membership of which includes legislators; and
9945 (C) for which the Office of Legislative Research and General Counsel provides staff
9946 support.
- 9947 (44) "Local building authority" means the same as that term is defined in Section

9948 17D-2-102.

9949 [~~(45)~~] "Local district" means the same as that term is defined in Section ~~17B-1-102~~.]

9950 [~~(46)~~] (45) "Local government procurement unit" means:

9951 (a) a county, municipality, or project entity, and each office of the county, municipality,
9952 or project entity, unless:

9953 (i) the county or municipality adopts a procurement code by ordinance; or

9954 (ii) the project entity adopts a procurement code through the process described in
9955 Section 11-13-316;

9956 (b) (i) a county or municipality that has adopted this entire chapter by ordinance, and
9957 each office or agency of that county or municipality; and

9958 (ii) a project entity that has adopted this entire chapter through the process described in
9959 Subsection 11-13-316; or

9960 (c) a county, municipality, or project entity, and each office of the county, municipality,
9961 or project entity that has adopted a portion of this chapter to the extent that:

9962 (i) a term in the ordinance is used in the adopted chapter; or

9963 (ii) a term in the ordinance is used in the language a project entity adopts in its
9964 procurement code through the process described in Section 11-13-316.

9965 [~~(47)~~] (46) "Multiple award contracts" means the award of a contract for an indefinite
9966 quantity of a procurement item to more than one person.

9967 [~~(48)~~] (47) "Multiyear contract" means a contract that extends beyond a one-year
9968 period, including a contract that permits renewal of the contract, without competition, beyond
9969 the first year of the contract.

9970 [~~(49)~~] (48) "Municipality" means a city, town, or metro township.

9971 [~~(50)~~] (49) "Nonadopting local government procurement unit" means:

9972 (a) a county or municipality that has not adopted Part 16, Protests, Part 17,
9973 Procurement Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19,
9974 General Provisions Related to Protest or Appeal; and

9975 (b) each office or agency of a county or municipality described in Subsection (50)(a).

9976 [~~(51)~~] (50) "Offeror" means a person who submits a proposal in response to a request
9977 for proposals.

9978 [~~(52)~~] (51) "Preferred bidder" means a bidder that is entitled to receive a reciprocal

9979 preference under the requirements of this chapter.

9980 [~~(53)~~] (52) "Procure" means to acquire a procurement item through a procurement.

9981 [~~(54)~~] (53) "Procurement" means the acquisition of a procurement item through an
9982 expenditure of public funds, or an agreement to expend public funds, including an acquisition
9983 through a public-private partnership.

9984 [~~(55)~~] (54) "Procurement item" means an item of personal property, a technology, a
9985 service, or a construction project.

9986 [~~(56)~~] (55) "Procurement official" means:

9987 (a) for a procurement unit other than an independent procurement unit, the chief
9988 procurement officer;

9989 (b) for a legislative procurement unit, the individual, individuals, or body designated in
9990 a policy adopted by the Legislative Management Committee;

9991 (c) for a judicial procurement unit, the Judicial Council or an individual or body
9992 designated by the Judicial Council by rule;

9993 (d) for a local government procurement unit:

9994 (i) the legislative body of the local government procurement unit; or

9995 (ii) an individual or body designated by the local government procurement unit;

9996 (e) for a [~~local~~] special district, the board of trustees of the [~~local~~] special district or the
9997 board of trustees' designee;

9998 (f) for a special service district, the governing body of the special service district or the
9999 governing body's designee;

10000 (g) for a local building authority, the board of directors of the local building authority
10001 or the board of directors' designee;

10002 (h) for a conservation district, the board of supervisors of the conservation district or
10003 the board of supervisors' designee;

10004 (i) for a public corporation, the board of directors of the public corporation or the board
10005 of directors' designee;

10006 (j) for a school district or any school or entity within a school district, the board of the
10007 school district or the board's designee;

10008 (k) for a charter school, the individual or body with executive authority over the charter
10009 school or the designee of the individual or body;

10010 (l) for an institution of higher education described in Section 53B-2-101, the president
10011 of the institution of higher education or the president's designee;

10012 (m) for the State Board of Education, the State Board of Education or the State Board
10013 of Education's designee;

10014 (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or
10015 the designee of the Commissioner of Higher Education;

10016 (o) for the Utah Communications Authority, established in Section 63H-7a-201, the
10017 executive director of the Utah Communications Authority or the executive director's designee;

10018 or

10019 (p) (i) for the facilities division, and only to the extent of procurement activities of the
10020 facilities division as an independent procurement unit under the procurement authority
10021 provided under Title 63A, Chapter 5b, Administration of State Facilities, the director of the
10022 facilities division or the director's designee;

10023 (ii) for the attorney general, and only to the extent of procurement activities of the
10024 attorney general as an independent procurement unit under the procurement authority provided
10025 under Title 67, Chapter 5, Attorney General, the attorney general or the attorney general's
10026 designee;

10027 (iii) for the Department of Transportation created in Section 72-1-201, and only to the
10028 extent of procurement activities of the Department of Transportation as an independent
10029 procurement unit under the procurement authority provided under Title 72, Transportation
10030 Code, the executive director of the Department of Transportation or the executive director's
10031 designee; or

10032 (iv) for any other executive branch department, division, office, or entity that has
10033 statutory procurement authority outside this chapter, and only to the extent of the procurement
10034 activities of the department, division, office, or entity as an independent procurement unit
10035 under the procurement authority provided outside this chapter for the department, division,
10036 office, or entity, the chief executive officer of the department, division, office, or entity or the
10037 chief executive officer's designee.

10038 [~~57~~] (56) "Procurement unit":

10039 (a) means:

10040 (i) a legislative procurement unit;

- 10041 (ii) an executive branch procurement unit;
- 10042 (iii) a judicial procurement unit;
- 10043 (iv) an educational procurement unit;
- 10044 (v) the Utah Communications Authority, established in Section [63H-7a-201](#);
- 10045 (vi) a local government procurement unit;
- 10046 (vii) a ~~[toeat]~~ special district;
- 10047 (viii) a special service district;
- 10048 (ix) a local building authority;
- 10049 (x) a conservation district; and
- 10050 (xi) a public corporation; and
- 10051 (b) except for a project entity, to the extent that a project entity is subject to this chapter
- 10052 as described in Section [11-13-316](#), does not include a political subdivision created under Title
- 10053 11, Chapter 13, Interlocal Cooperation Act.
- 10054 ~~[(58)]~~ [\(57\)](#) "Professional service" means labor, effort, or work that requires specialized
- 10055 knowledge, expertise, and discretion, including labor, effort, or work in the field of:
- 10056 (a) accounting;
- 10057 (b) administrative law judge service;
- 10058 (c) architecture;
- 10059 (d) construction design and management;
- 10060 (e) engineering;
- 10061 (f) financial services;
- 10062 (g) information technology;
- 10063 (h) the law;
- 10064 (i) medicine;
- 10065 (j) psychiatry; or
- 10066 (k) underwriting.
- 10067 ~~[(59)]~~ [\(58\)](#) "Protest officer" means:
- 10068 (a) for the division or an independent procurement unit:
- 10069 (i) the procurement official;
- 10070 (ii) the procurement official's designee who is an employee of the procurement unit; or
- 10071 (iii) a person designated by rule made by the rulemaking authority; or

10072 (b) for a procurement unit other than an independent procurement unit, the chief
10073 procurement officer or the chief procurement officer's designee who is an employee of the
10074 division .

10075 [~~(60)~~] (59) "Public corporation" means the same as that term is defined in Section
10076 63E-1-102.

10077 [~~(61)~~] (60) "Project entity" means the same as that term is defined in Section
10078 11-13-103.

10079 [~~(62)~~] (61) "Public entity" means the state or any other government entity within the
10080 state that expends public funds.

10081 [~~(63)~~] (62) "Public facility" means a building, structure, infrastructure, improvement,
10082 or other facility of a public entity.

10083 [~~(64)~~] (63) "Public funds" means money, regardless of its source, including from the
10084 federal government, that is owned or held by a procurement unit.

10085 [~~(65)~~] (64) "Public transit district" means a public transit district organized under Title
10086 17B, Chapter 2a, Part 8, Public Transit District Act.

10087 [~~(66)~~] (65) "Public-private partnership" means an arrangement or agreement, occurring
10088 on or after January 1, 2017, between a procurement unit and one or more contractors to provide
10089 for a public need through the development or operation of a project in which the contractor or
10090 contractors share with the procurement unit the responsibility or risk of developing, owning,
10091 maintaining, financing, or operating the project.

10092 [~~(67)~~] (66) "Qualified vendor" means a vendor who:

10093 (a) is responsible; and

10094 (b) submits a responsive statement of qualifications under Section 63G-6a-410 that
10095 meets the minimum mandatory requirements, evaluation criteria, and any applicable score
10096 thresholds set forth in the request for statement of qualifications.

10097 [~~(68)~~] (67) "Real property" means land and any building, fixture, improvement,
10098 appurtenance, structure, or other development that is permanently affixed to land.

10099 [~~(69)~~] (68) "Request for information" means a nonbinding process through which a
10100 procurement unit requests information relating to a procurement item.

10101 [~~(70)~~] (69) "Request for proposals" means a document used to solicit proposals to
10102 provide a procurement item to a procurement unit, including all other documents that are

10103 attached to that document or incorporated in that document by reference.

10104 ~~[(71)]~~ (70) "Request for proposals process" means the procurement process described
10105 in Part 7, Request for Proposals.

10106 ~~[(72)]~~ (71) "Request for statement of qualifications" means a document used to solicit
10107 information about the qualifications of a person interested in responding to a potential
10108 procurement, including all other documents attached to that document or incorporated in that
10109 document by reference.

10110 ~~[(73)]~~ (72) "Requirements contract" means a contract:

10111 (a) under which a contractor agrees to provide a procurement unit's entire requirements
10112 for certain procurement items at prices specified in the contract during the contract period; and

10113 (b) that:

10114 (i) does not require a minimum purchase amount; or

10115 (ii) provides a maximum purchase limit.

10116 ~~[(74)]~~ (73) "Responsible" means being capable, in all respects, of:

10117 (a) meeting all the requirements of a solicitation; and

10118 (b) fully performing all the requirements of the contract resulting from the solicitation,
10119 including being financially solvent with sufficient financial resources to perform the contract.

10120 ~~[(75)]~~ (74) "Responsive" means conforming in all material respects to the requirements
10121 of a solicitation.

10122 ~~[(76)]~~ (75) "Rule" includes a policy or regulation adopted by the rulemaking authority,
10123 if adopting a policy or regulation is the method the rulemaking authority uses to adopt
10124 provisions that govern the applicable procurement unit.

10125 ~~[(77)]~~ (76) "Rulemaking authority" means:

10126 (a) for a legislative procurement unit, the Legislative Management Committee;

10127 (b) for a judicial procurement unit, the Judicial Council;

10128 (c) (i) only to the extent of the procurement authority expressly granted to the
10129 procurement unit by statute:

10130 (A) for the facilities division, the facilities division;

10131 (B) for the Office of the Attorney General, the attorney general;

10132 (C) for the Department of Transportation created in Section [72-1-201](#), the executive
10133 director of the Department of Transportation; and

10134 (D) for any other executive branch department, division, office, or entity that has
10135 statutory procurement authority outside this chapter, the governing authority of the department,
10136 division, office, or entity; and

10137 (ii) for each other executive branch procurement unit, the board;

10138 (d) for a local government procurement unit:

10139 (i) the governing body of the local government unit; or

10140 (ii) an individual or body designated by the local government procurement unit;

10141 (e) for a school district or a public school, the board, except to the extent of a school
10142 district's own nonadministrative rules that do not conflict with the provisions of this chapter;

10143 (f) for a state institution of higher education, the Utah Board of Higher Education;

10144 (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the
10145 State Board of Education;

10146 (h) for a public transit district, the chief executive of the public transit district;

10147 (i) for a [~~local~~] special district other than a public transit district or for a special service
10148 district, the board, except to the extent that the board of trustees of the [~~local~~] special district or
10149 the governing body of the special service district makes its own rules:

10150 (i) with respect to a subject addressed by board rules; or

10151 (ii) that are in addition to board rules;

10152 (j) for the Utah Educational Savings Plan, created in Section 53B-8a-103, the Utah
10153 Board of Higher Education;

10154 (k) for the School and Institutional Trust Lands Administration, created in Section
10155 53C-1-201, the School and Institutional Trust Lands Board of Trustees;

10156 (l) for the School and Institutional Trust Fund Office, created in Section 53D-1-201,
10157 the School and Institutional Trust Fund Board of Trustees;

10158 (m) for the Utah Communications Authority, established in Section 63H-7a-201, the
10159 Utah Communications Authority board, created in Section 63H-7a-203; or

10160 (n) for any other procurement unit, the board.

10161 [~~(78)~~] (77) "Service":

10162 (a) means labor, effort, or work to produce a result that is beneficial to a procurement
10163 unit;

10164 (b) includes a professional service; and

10165 (c) does not include labor, effort, or work provided under an employment agreement or
10166 a collective bargaining agreement.

10167 [~~(79)~~] (78) "Small purchase process" means the procurement process described in
10168 Section [63G-6a-506](#).

10169 [~~(80)~~] (79) "Sole source contract" means a contract resulting from a sole source
10170 procurement.

10171 [~~(81)~~] (80) "Sole source procurement" means a procurement without competition
10172 pursuant to a determination under Subsection [63G-6a-802\(1\)\(a\)](#) that there is only one source
10173 for the procurement item.

10174 [~~(82)~~] (81) "Solicitation" means an invitation for bids, request for proposals, or request
10175 for statement of qualifications.

10176 [~~(83)~~] (82) "Solicitation response" means:

10177 (a) a bid submitted in response to an invitation for bids;

10178 (b) a proposal submitted in response to a request for proposals; or

10179 (c) a statement of qualifications submitted in response to a request for statement of
10180 qualifications.

10181 (83) "Special district" means the same as that term is defined in Section 17B-1-102.

10182 (84) "Special service district" means the same as that term is defined in Section
10183 [17D-1-102](#).

10184 (85) "Specification" means any description of the physical or functional characteristics
10185 or of the nature of a procurement item included in an invitation for bids or a request for
10186 proposals, or otherwise specified or agreed to by a procurement unit, including a description of:

10187 (a) a requirement for inspecting or testing a procurement item; or

10188 (b) preparing a procurement item for delivery.

10189 (86) "Standard procurement process" means:

10190 (a) the bidding process;

10191 (b) the request for proposals process;

10192 (c) the approved vendor list process;

10193 (d) the small purchase process; or

10194 (e) the design professional procurement process.

10195 (87) "State cooperative contract" means a contract awarded by the division for and in

10196 behalf of all public entities.

10197 (88) "Statement of qualifications" means a written statement submitted to a
10198 procurement unit in response to a request for statement of qualifications.

10199 (89) "Subcontractor":

10200 (a) means a person under contract to perform part of a contractual obligation under the
10201 control of the contractor, whether the person's contract is with the contractor directly or with
10202 another person who is under contract to perform part of a contractual obligation under the
10203 control of the contractor; and

10204 (b) includes a supplier, distributor, or other vendor that furnishes supplies or services
10205 to a contractor.

10206 (90) "Technology" means the same as "information technology," as defined in Section
10207 [63A-16-102](#).

10208 (91) "Tie bid" means that the lowest responsive bids of responsible bidders are
10209 identical in price.

10210 (92) "Time and materials contract" means a contract under which the contractor is paid:

10211 (a) the actual cost of direct labor at specified hourly rates;

10212 (b) the actual cost of materials and equipment usage; and

10213 (c) an additional amount, expressly described in the contract, to cover overhead and
10214 profit, that is not based on a percentage of the cost to the contractor.

10215 (93) "Transitional costs":

10216 (a) means the costs of changing:

10217 (i) from an existing provider of a procurement item to another provider of that
10218 procurement item; or

10219 (ii) from an existing type of procurement item to another type;

10220 (b) includes:

10221 (i) training costs;

10222 (ii) conversion costs;

10223 (iii) compatibility costs;

10224 (iv) costs associated with system downtime;

10225 (v) disruption of service costs;

10226 (vi) staff time necessary to implement the change;

- 10227 (vii) installation costs; and
- 10228 (viii) ancillary software, hardware, equipment, or construction costs; and
- 10229 (c) does not include:
- 10230 (i) the costs of preparing for or engaging in a procurement process; or
- 10231 (ii) contract negotiation or drafting costs.
- 10232 (94) "Vendor":
- 10233 (a) means a person who is seeking to enter into a contract with a procurement unit to
- 10234 provide a procurement item; and
- 10235 (b) includes:
- 10236 (i) a bidder;
- 10237 (ii) an offeror;
- 10238 (iii) an approved vendor;
- 10239 (iv) a design professional; and
- 10240 (v) a person who submits an unsolicited proposal under Section [63G-6a-712](#).
- 10241 Section 119. Section **63G-6a-118** is amended to read:
- 10242 **63G-6a-118. Adoption of rule relating to the procurement of design professional**
- 10243 **services.**
- 10244 Each of the following shall adopt a rule relating to the procurement of design
- 10245 professional services, not inconsistent with the provisions of Part 15, Design Professional
- 10246 Services:
- 10247 (1) an educational procurement unit;
- 10248 (2) a conservation district;
- 10249 (3) a local building authority;
- 10250 (4) a ~~local~~ special district;
- 10251 (5) a special service district; and
- 10252 (6) a public corporation.
- 10253 Section 120. Section **63G-6a-202** is amended to read:
- 10254 **63G-6a-202. Creation of Utah State Procurement Policy Board.**
- 10255 (1) There is created the Utah State Procurement Policy Board.
- 10256 (2) The board consists of up to 15 members as follows:
- 10257 (a) two representatives of state institutions of higher education, appointed by the Utah

10258 Board of Higher Education;

10259 (b) a representative of the Department of Human Services, appointed by the executive
10260 director of that department;

10261 (c) a representative of the Department of Transportation, appointed by the executive
10262 director of that department;

10263 (d) two representatives of school districts, appointed by the State Board of Education;

10264 (e) a representative of the Division of Facilities Construction and Management,
10265 appointed by the director of that division;

10266 (f) one representative of a county, appointed by the Utah Association of Counties;

10267 (g) one representative of a city or town, appointed by the Utah League of Cities and
10268 Towns;

10269 (h) two representatives of [~~local~~] special districts or special service districts, appointed
10270 by the Utah Association of Special Districts;

10271 (i) the director of the Division of Technology Services or the executive director's
10272 designee;

10273 (j) the chief procurement officer or the chief procurement officer's designee; and

10274 (k) two representatives of state agencies, other than a state agency already represented
10275 on the board, appointed by the executive director of the Department of Government
10276 Operations, with the approval of the executive director of the state agency that employs the
10277 employee.

10278 (3) Members of the board shall be knowledgeable and experienced in, and have
10279 supervisory responsibility for, procurement in their official positions.

10280 (4) A board member may serve as long as the member meets the description in
10281 Subsection (2) unless removed by the person or entity with the authority to appoint the board
10282 member.

10283 (5) (a) The board shall:

10284 (i) adopt rules of procedure for conducting its business; and

10285 (ii) elect a chair to serve for one year.

10286 (b) The chair of the board shall be selected by a majority of the members of the board
10287 and may be elected to succeeding terms.

10288 (c) The chief procurement officer shall designate an employee of the division to serve

10289 as the nonvoting secretary to the policy board.

10290 (6) A member of the board may not receive compensation or benefits for the member's
10291 service, but may receive per diem and travel expenses in accordance with:

10292 (a) Section 63A-3-106;

10293 (b) Section 63A-3-107; and

10294 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10295 63A-3-107.

10296 Section 121. Section 63G-6a-2402 is amended to read:

10297 **63G-6a-2402. Definitions.**

10298 As used in this part:

10299 (1) "Contract administration professional":

10300 (a) means an individual who:

10301 (i) is:

10302 (A) directly under contract with a procurement unit; or

10303 (B) employed by a person under contract with a procurement unit; and

10304 (ii) has responsibility in:

10305 (A) developing a solicitation or grant, or conducting the procurement process; or

10306 (B) supervising or overseeing the administration or management of a contract or grant;

10307 and

10308 (b) does not include an employee of the procurement unit.

10309 (2) "Contribution":

10310 (a) means a voluntary gift or donation of money, service, or anything else of value, to a
10311 public entity for the public entity's use and not for the primary use of an individual employed
10312 by the public entity; and

10313 (b) includes:

10314 (i) a philanthropic donation;

10315 (ii) admission to a seminar, vendor fair, charitable event, fundraising event, or similar
10316 event that relates to the function of the public entity;

10317 (iii) the purchase of a booth or other display space at an event sponsored by the public
10318 entity or a group of which the public entity is a member; and

10319 (iv) the sponsorship of an event that is organized by the public entity.

10320 (3) "Family member" means a father, mother, husband, wife, son, daughter, sister,
10321 brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
10322 sister-in-law, son-in-law, or daughter-in-law.

10323 (4) "Governing body" means an administrative, advisory, executive, or legislative body
10324 of a public entity.

10325 (5) "Gratuity":

10326 (a) means anything of value given:

10327 (i) without anything provided in exchange; or

10328 (ii) in excess of the market value of that which is provided in exchange;

10329 (b) includes:

10330 (i) a gift or favor;

10331 (ii) money;

10332 (iii) a loan at an interest rate below the market rate or with terms that are more
10333 advantageous to the borrower than terms offered generally on the market;

10334 (iv) anything of value provided with an award, other than a certificate, plaque, or
10335 trophy;

10336 (v) employment;

10337 (vi) admission to an event;

10338 (vii) a meal, lodging, or travel;

10339 (viii) entertainment for which a charge is normally made; and

10340 (ix) a raffle, drawing for a prize, or lottery; and

10341 (c) does not include:

10342 (i) an item, including a meal in association with a training seminar, that is:

10343 (A) included in a contract or grant; or

10344 (B) provided in the proper performance of a requirement of a contract or grant;

10345 (ii) an item requested to evaluate properly the award of a contract or grant;

10346 (iii) a rebate, coupon, discount, airline travel award, dividend, or other offering
10347 included in the price of a procurement item;

10348 (iv) a meal provided by an organization or association, including a professional or
10349 educational association, an association of vendors, or an association composed of public
10350 agencies or public entities, that does not, as an organization or association, respond to

10351 solicitations;

10352 (v) a product sample submitted to a public entity to assist the public entity to evaluate a
10353 solicitation;

10354 (vi) a political campaign contribution;

10355 (vii) an item generally available to the public; or

10356 (viii) anything of value that one public agency provides to another public agency.

10357 (6) "Hospitality gift":

10358 (a) means a token gift of minimal value, including a pen, pencil, stationery, toy, pin,
10359 trinket, snack, beverage, or appetizer, given for promotional or hospitality purposes; and

10360 (b) does not include money, a meal, admission to an event for which a charge is
10361 normally made, entertainment for which a charge is normally made, travel, or lodging.

10362 (7) "Kickback":

10363 (a) means a negotiated bribe provided in connection with a procurement or the
10364 administration of a contract or grant; and

10365 (b) does not include anything listed in Subsection (5)(c).

10366 (8) "Procurement" has the same meaning as defined in Section [63G-6a-103](#), but also
10367 includes the awarding of a grant.

10368 (9) "Procurement professional":

10369 (a) means an individual who is an employee, and not an independent contractor, of a
10370 procurement unit, and who, by title or primary responsibility:

10371 (i) has procurement decision making authority; and

10372 (ii) is assigned to be engaged in, or is engaged in:

10373 (A) the procurement process; or

10374 (B) the process of administering a contract or grant, including enforcing contract or
10375 grant compliance, approving contract or grant payments, or approving contract or grant change
10376 orders or amendments; and

10377 (b) excludes:

10378 (i) any individual who, by title or primary responsibility, does not have procurement
10379 decision making authority;

10380 (ii) an individual holding an elective office;

10381 (iii) a member of a governing body;

10382 (iv) a chief executive of a public entity or a chief assistant or deputy of the chief
10383 executive, if the chief executive, chief assistant, or deputy, respectively, has a variety of duties
10384 and responsibilities beyond the management of the procurement process or the contract or grant
10385 administration process;

10386 (v) the superintendent, business administrator, principal, or vice principal of a school
10387 district or charter school, or the chief assistant or deputy of the superintendent, business
10388 administrator, principal, or vice principal;

10389 (vi) a university or college president, vice president, business administrator, or dean;

10390 (vii) a chief executive of a ~~local~~ special district, as defined in Section 17B-1-102, a
10391 special service district, as defined in Section 17D-1-102, or a political subdivision created
10392 under Title 11, Chapter 13, Interlocal Cooperation Act;

10393 (viii) an employee of a public entity with:

10394 (A) an annual budget of \$1,000,000 or less; or

10395 (B) no more than four full-time employees; and

10396 (ix) an executive director or director of an executive branch procurement unit who:

10397 (A) by title or primary responsibility, does not have procurement decision making
10398 authority; and

10399 (B) is not assigned to engage in, and is not engaged in, the procurement process.

10400 (10) "Public agency" has the same meaning as defined in Section 11-13-103, but also
10401 includes all officials, employees, and official representatives of a public agency, as defined in
10402 Section 11-13-103.

10403 Section 122. Section 63G-7-102 is amended to read:

10404 **63G-7-102. Definitions.**

10405 As used in this chapter:

10406 (1) "Arises out of or in connection with, or results from," when used to describe the
10407 relationship between conduct or a condition and an injury, means that:

10408 (a) there is some causal relationship between the conduct or condition and the injury;

10409 (b) the causal relationship is more than any causal connection but less than proximate
10410 cause; and

10411 (c) the causal relationship is sufficient to conclude that the injury originates with, flows
10412 from, or is incident to the conduct or condition.

10413 (2) "Claim" means any asserted demand for or cause of action for money or damages,
10414 whether arising under the common law, under state constitutional provisions, or under state
10415 statutes, against a governmental entity or against an employee in the employee's personal
10416 capacity.

10417 (3) (a) "Employee" includes:

10418 (i) a governmental entity's officers, employees, servants, trustees, or commissioners;

10419 (ii) a member of a governing body;

10420 (iii) a member of a government entity board;

10421 (iv) a member of a government entity commission;

10422 (v) members of an advisory body, officers, and employees of a Children's Justice

10423 Center created in accordance with Section [67-5b-102](#);

10424 (vi) a student holding a license issued by the State Board of Education;

10425 (vii) an educational aide;

10426 (viii) a student engaged in an internship under Section [53B-16-402](#) or [53G-7-902](#);

10427 (ix) a volunteer, as defined in Section [67-20-2](#); and

10428 (x) a tutor.

10429 (b) "Employee" includes all of the positions identified in Subsection (3)(a), whether or
10430 not the individual holding that position receives compensation.

10431 (c) "Employee" does not include an independent contractor.

10432 (4) "Governmental entity" means:

10433 (a) the state and its political subdivisions; and

10434 (b) a law enforcement agency, as defined in Section [53-1-102](#), that employs one or
10435 more law enforcement officers, as defined in Section [53-13-103](#).

10436 (5) (a) "Governmental function" means each activity, undertaking, or operation of a
10437 governmental entity.

10438 (b) "Governmental function" includes each activity, undertaking, or operation
10439 performed by a department, agency, employee, agent, or officer of a governmental entity.

10440 (c) "Governmental function" includes a governmental entity's failure to act.

10441 (6) "Injury" means death, injury to a person, damage to or loss of property, or any other
10442 injury that a person may suffer to the person or estate, that would be actionable if inflicted by a
10443 private person or the private person's agent.

10444 (7) "Personal injury" means an injury of any kind other than property damage.

10445 (8) "Political subdivision" means any county, city, town, school district, community
10446 reinvestment agency, special improvement or taxing district, ~~[local]~~ special district, special
10447 service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13,
10448 Interlocal Cooperation Act, or other governmental subdivision or public corporation.

10449 (9) "Property damage" means injury to, or loss of, any right, title, estate, or interest in
10450 real or personal property.

10451 (10) "State" means the state of Utah, and includes each office, department, division,
10452 agency, authority, commission, board, institution, hospital, college, university, Children's
10453 Justice Center, or other instrumentality of the state.

10454 (11) "Willful misconduct" means the intentional doing of a wrongful act, or the
10455 wrongful failure to act, without just cause or excuse, where the actor is aware that the actor's
10456 conduct will probably result in injury.

10457 Section 123. Section **63G-7-401** is amended to read:

10458 **63G-7-401. When a claim arises -- Notice of claim requirements -- Governmental**
10459 **entity statement -- Limits on challenging validity or timeliness of notice of claim.**

10460 (1) (a) Except as provided in Subsection (1)(b), a claim arises when the statute of
10461 limitations that would apply if the claim were against a private person begins to run.

10462 (b) The statute of limitations does not begin to run until a claimant knew, or with the
10463 exercise of reasonable diligence should have known:

10464 (i) that the claimant had a claim against the governmental entity or the governmental
10465 entity's employee; and

10466 (ii) the identity of the governmental entity or the name of the employee.

10467 (c) The burden to prove the exercise of reasonable diligence is upon the claimant.

10468 (2) Any person having a claim against a governmental entity, or against the
10469 governmental entity's employee for an act or omission occurring during the performance of the
10470 employee's duties, within the scope of employment, or under color of authority shall file a
10471 written notice of claim with the entity before maintaining an action, regardless of whether or
10472 not the function giving rise to the claim is characterized as governmental.

10473 (3) (a) The notice of claim shall set forth:

10474 (i) a brief statement of the facts;

- 10475 (ii) the nature of the claim asserted;
- 10476 (iii) the damages incurred by the claimant so far as the damages are known; and
- 10477 (iv) if the claim is being pursued against a governmental employee individually as
- 10478 provided in Subsection [63G-7-202\(3\)\(c\)](#), the name of the employee.
- 10479 (b) The notice of claim shall be:
- 10480 (i) signed by the person making the claim or that person's agent, attorney, parent, or
- 10481 legal guardian, using any form of signature recognized by law as binding; and
- 10482 (ii) delivered, transmitted, or sent, as provided in Subsection (3)(c), to the office of:
- 10483 (A) the city or town clerk, when the claim is against an incorporated city or town;
- 10484 (B) the county clerk, when the claim is against a county;
- 10485 (C) the superintendent or business administrator of the board, when the claim is against
- 10486 a school district or board of education;
- 10487 (D) the presiding officer or secretary or clerk of the board, when the claim is against a
- 10488 ~~[local]~~ special district or special service district;
- 10489 (E) the attorney general, when the claim is against the state;
- 10490 (F) a member of the governing board, the executive director, or executive secretary,
- 10491 when the claim is against any other public board, commission, or body; or
- 10492 (G) the agent authorized by a governmental entity to receive the notice of claim by the
- 10493 governmental entity under Subsection (5)(e).
- 10494 (c) A notice of claim shall be:
- 10495 (i) delivered by hand to the physical address provided under Subsection (5)(a)(iii)(A);
- 10496 (ii) transmitted by mail to the physical address provided under Subsection
- 10497 (5)(a)(iii)(A), according to the requirements of Section [68-3-8.5](#); or
- 10498 (iii) sent by electronic mail to the email address provided under Subsection
- 10499 (5)(a)(iii)(B).
- 10500 (d) A claimant who submits a notice of claim by electronic mail under Subsection
- 10501 (3)(c)(iii) shall contemporaneously send a copy of the notice of claim by electronic mail to the
- 10502 city attorney, district attorney, county attorney, attorney general, or other attorney, as the case
- 10503 may be, who represents the governmental entity.
- 10504 (4) (a) If an injury that may reasonably be expected to result in a claim against a
- 10505 governmental entity is sustained by a claimant who is under the age of majority or mentally

10506 incompetent, that governmental entity may file a request with the court for the appointment of a
10507 guardian ad litem for the potential claimant.

10508 (b) If a guardian ad litem is appointed, the time for filing a claim under Section
10509 63G-7-402 begins when the order appointing the guardian ad litem is issued.

10510 (5) (a) A governmental entity subject to suit under this chapter shall file a statement
10511 with the Division of Corporations and Commercial Code within the Department of Commerce
10512 containing:

10513 (i) the name and address of the governmental entity;

10514 (ii) the office or agent designated to receive a notice of claim; and

10515 (iii) (A) the physical address to which a notice of claim is to be delivered by hand or
10516 transmitted by mail, for a notice of claim that a claimant chooses to hand deliver or transmit by
10517 mail; and

10518 (B) the email address to which a notice of claim is to be sent, for a notice of claim that
10519 a claimant chooses to send by email, and the email address of the city attorney, district
10520 attorney, county attorney, attorney general, or other attorney, as the case may be, who
10521 represents the governmental entity.

10522 (b) A governmental entity shall update the governmental entity's statement as necessary
10523 to ensure that the information is accurate.

10524 (c) The Division of Corporations and Commercial Code shall develop a form for
10525 governmental entities to complete that provides the information required by Subsection (5)(a).

10526 (d) (i) A newly incorporated municipality shall file the statement required by
10527 Subsection (5)(a) promptly after the lieutenant governor issues a certificate of incorporation
10528 under Section 67-1a-6.5.

10529 (ii) A newly incorporated [~~local~~] special district shall file the statement required by
10530 Subsection (5)(a) at the time that the written notice is filed with the lieutenant governor under
10531 Section 17B-1-215.

10532 (e) A governmental entity may, in the governmental entity's statement, identify an
10533 agent authorized to accept notices of claim on behalf of the governmental entity.

10534 (6) The Division of Corporations and Commercial Code shall:

10535 (a) maintain an index of the statements required by this section arranged both
10536 alphabetically by entity and by county of operation; and

- 10537 (b) make the indices available to the public both electronically and via hard copy.
- 10538 (7) A governmental entity may not challenge the validity of a notice of claim on the
10539 grounds that it was not directed and delivered to the proper office or agent if the error is caused
10540 by the governmental entity's failure to file or update the statement required by Subsection (5).
- 10541 (8) A governmental entity may not challenge the timeliness, under Section 63G-7-402,
10542 of a notice of claim if:
- 10543 (a) (i) the claimant files a notice of claim with the governmental entity:
- 10544 (A) in accordance with the requirements of this section; and
10545 (B) within 30 days after the expiration of the time for filing a notice of claim under
10546 Section 63G-7-402;
- 10547 (ii) the claimant demonstrates that the claimant previously filed a notice of claim:
- 10548 (A) in accordance with the requirements of this section;
10549 (B) with an incorrect governmental entity;
- 10550 (C) in the good faith belief that the claimant was filing the notice of claim with the
10551 correct governmental entity;
- 10552 (D) within the time for filing a notice of claim under Section 63G-7-402; and
10553 (E) no earlier than 30 days before the expiration of the time for filing a notice of claim
10554 under Section 63G-7-402; and
- 10555 (iii) the claimant submits with the notice of claim:
- 10556 (A) a copy of the previous notice of claim that was filed with a governmental entity
10557 other than the correct governmental entity; and
- 10558 (B) proof of the date the previous notice of claim was filed; or
- 10559 (b) (i) the claimant delivers by hand, transmits by mail, or sends by email a notice of
10560 claim:
- 10561 (A) to an elected official or executive officer of the correct governmental entity but not
10562 to the correct office under Subsection (3)(b)(ii); and
- 10563 (B) that otherwise meets the requirements of Subsection (3); and
- 10564 (ii) (A) the claimant contemporaneously sends a hard copy or electronic copy of the
10565 notice of claim to the office of the city attorney, district attorney, county attorney, attorney
10566 general, or other attorney, as the case may be, representing the correct governmental entity; or
10567 (B) the governmental entity does not, within 60 days after the claimant delivers the

10568 notice of claim under Subsection (8)(b)(i), provide written notification to the claimant of the
10569 delivery defect and of the identity of the correct office to which the claimant is required to
10570 deliver the notice of claim.

10571 Section 124. Section **63G-9-201** is amended to read:

10572 **63G-9-201. Members -- Functions.**

10573 (1) As used in this chapter:

10574 (a) "Political subdivision" means any county, city, town, school district, community
10575 reinvestment agency, special improvement or taxing district, ~~local~~ special district, special
10576 service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13,
10577 Interlocal Cooperation Act, or other governmental subdivision or public corporation.

10578 (b) "State" means the state of Utah, and includes each office, department, division,
10579 agency, authority, commission, board, institution, college, university, Children's Justice Center,
10580 or other instrumentality of the state.

10581 (2) The governor, the state auditor, and the attorney general shall constitute a Board of
10582 Examiners, with power to examine all claims against the state or a political subdivision, for the
10583 payment of which funds appropriated by the Legislature or derived from any other source are
10584 not available.

10585 (3) No claim against the state or a political subdivision, for the payment of which
10586 specifically designated funds are required to be appropriated by the Legislature shall be passed
10587 upon by the Legislature without having been considered and acted upon by the Board of
10588 Examiners.

10589 (4) The governor shall be the president, and the state auditor shall be the secretary of
10590 the board, and in the absence of either an officer pro tempore may be elected from among the
10591 members of the board.

10592 Section 125. Section **63G-12-102** is amended to read:

10593 **63G-12-102. Definitions.**

10594 As used in this chapter:

10595 (1) "Basic health insurance plan" means a health plan that is actuarially equivalent to a
10596 federally qualified high deductible health plan.

10597 (2) "Department" means the Department of Public Safety created in Section [53-1-103](#).

10598 (3) "Employee" means an individual employed by an employer under a contract for

10599 hire.

10600 (4) "Employer" means a person who has one or more employees employed in the same
10601 business, or in or about the same establishment, under any contract of hire, express or implied,
10602 oral or written.

10603 (5) "E-verify program" means the electronic verification of the work authorization
10604 program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, 8
10605 U.S.C. Sec. 1324a, known as the e-verify program.

10606 (6) "Family member" means for an undocumented individual:

10607 (a) a member of the undocumented individual's immediate family;

10608 (b) the undocumented individual's grandparent;

10609 (c) the undocumented individual's sibling;

10610 (d) the undocumented individual's grandchild;

10611 (e) the undocumented individual's nephew;

10612 (f) the undocumented individual's niece;

10613 (g) a spouse of an individual described in this Subsection (6); or

10614 (h) an individual who is similar to one listed in this Subsection (6).

10615 (7) "Federal SAVE program" means the Systematic Alien Verification for Entitlements
10616 Program operated by the United States Department of Homeland Security or an equivalent
10617 program designated by the Department of Homeland Security.

10618 (8) "Guest worker" means an undocumented individual who holds a guest worker
10619 permit.

10620 (9) "Guest worker permit" means a permit issued in accordance with Section
10621 [63G-12-207](#) to an undocumented individual who meets the eligibility criteria of Section
10622 [63G-12-205](#).

10623 (10) "Immediate family" means for an undocumented individual:

10624 (a) the undocumented individual's spouse; or

10625 (b) a child of the undocumented individual if the child is:

10626 (i) under 21 years old; and

10627 (ii) unmarried.

10628 (11) "Immediate family permit" means a permit issued in accordance with Section
10629 [63G-12-207](#) to an undocumented individual who meets the eligibility criteria of Section

10630 63G-12-206.

10631 (12) "Permit" means a permit issued under Part 2, Guest Worker Program, and
10632 includes:

10633 (a) a guest worker permit; and

10634 (b) an immediate family permit.

10635 (13) "Permit holder" means an undocumented individual who holds a permit.

10636 (14) "Private employer" means an employer who is not the federal government or a
10637 public employer.

10638 (15) "Program" means the Guest Worker Program described in Section 63G-12-201.

10639 (16) "Program start date" means the day on which the department is required to
10640 implement the program under Subsection 63G-12-202(3).

10641 (17) "Public employer" means an employer that is:

10642 (a) the state of Utah or any administrative subunit of the state;

10643 (b) a state institution of higher education, as defined in Section 53B-3-102;

10644 (c) a political subdivision of the state including a county, city, town, school district,
10645 [~~local~~] special district, or special service district; or

10646 (d) an administrative subunit of a political subdivision.

10647 (18) "Relevant contact information" means the following for an undocumented
10648 individual:

10649 (a) the undocumented individual's name;

10650 (b) the undocumented individual's residential address;

10651 (c) the undocumented individual's residential telephone number;

10652 (d) the undocumented individual's personal email address;

10653 (e) the name of the person with whom the undocumented individual has a contract for
10654 hire;

10655 (f) the name of the contact person for the person listed in Subsection (18)(e);

10656 (g) the address of the person listed in Subsection (18)(e);

10657 (h) the telephone number for the person listed in Subsection (18)(e);

10658 (i) the names of the undocumented individual's immediate family members;

10659 (j) the names of the family members who reside with the undocumented individual;

10660 and

10661 (k) any other information required by the department by rule made in accordance with
10662 Chapter 3, Utah Administrative Rulemaking Act.

10663 (19) "Restricted account" means the Immigration Act Restricted Account created in
10664 Section [63G-12-103](#).

10665 (20) "Serious felony" means a felony under:

10666 (a) Title 76, Chapter 5, Offenses Against the Individual;

10667 (b) Title 76, Chapter 5b, Sexual Exploitation Act;

10668 (c) Title 76, Chapter 6, Offenses Against Property;

10669 (d) Title 76, Chapter 7, Offenses Against the Family;

10670 (e) Title 76, Chapter 8, Offenses Against the Administration of Government;

10671 (f) Title 76, Chapter 9, Offenses Against Public Order and Decency; and

10672 (g) Title 76, Chapter 10, Offenses Against Public Health, Safety, Welfare, and Morals.

10673 (21) (a) "Status verification system" means an electronic system operated by the federal
10674 government, through which an authorized official of a state agency or a political subdivision of
10675 the state may inquire by exercise of authority delegated pursuant to 8 U.S.C. Sec. 1373, to
10676 verify the citizenship or immigration status of an individual within the jurisdiction of the
10677 agency or political subdivision for a purpose authorized under this section.

10678 (b) "Status verification system" includes:

10679 (i) the e-verify program;

10680 (ii) an equivalent federal program designated by the United States Department of
10681 Homeland Security or other federal agency authorized to verify the work eligibility status of a
10682 newly hired employee pursuant to the Immigration Reform and Control Act of 1986;

10683 (iii) the Social Security Number Verification Service or similar online verification
10684 process implemented by the United States Social Security Administration; or

10685 (iv) an independent third-party system with an equal or higher degree of reliability as
10686 the programs, systems, or processes described in Subsection (21)(b)(i), (ii), or (iii).

10687 (22) "Unauthorized alien" is as defined in 8 U.S.C. Sec. 1324a(h)(3).

10688 (23) "Undocumented individual" means an individual who:

10689 (a) lives or works in the state; and

10690 (b) is not in compliance with the Immigration and Nationality Act, 8 U.S.C. Sec. 1101
10691 et seq. with regard to presence in the United States.

10692 (24) "U-verify program" means the verification procedure developed by the department
10693 in accordance with Section 63G-12-210.

10694 Section 126. Section 63G-22-102 is amended to read:

10695 **63G-22-102. Definitions.**

10696 As used in this chapter:

10697 (1) "Political subdivision" means:

10698 (a) a county;

10699 (b) a municipality, as defined in Section 10-1-104;

10700 (c) a ~~local~~ special district;

10701 (d) a special service district;

10702 (e) an interlocal entity, as defined in Section 11-13-103;

10703 (f) a community reinvestment agency;

10704 (g) a local building authority; or

10705 (h) a conservation district.

10706 (2) (a) "Public employee" means any individual employed by or volunteering for a state
10707 agency or a political subdivision who is not a public official.

10708 (b) "Public employee" does not include an individual employed by or volunteering for
10709 a taxed interlocal entity.

10710 (3) (a) "Public official" means:

10711 (i) an appointed official or an elected official as those terms are defined in Section
10712 63A-17-502; or

10713 (ii) an individual elected or appointed to a county office, municipal office, school
10714 board or school district office, ~~local~~ special district office, or special service district office.

10715 (b) "Public official" does not include an appointed or elected official of a taxed
10716 interlocal entity.

10717 (4) "State agency" means a department, division, board, council, committee, institution,
10718 office, bureau, or other similar administrative unit of the executive branch of state government.

10719 (5) "Taxed interlocal entity" means the same as that term is defined in Section
10720 11-13-602.

10721 Section 127. Section 63G-26-102 is amended to read:

10722 **63G-26-102. Definitions.**

10723 As used in this chapter:

10724 (1) "Personal information" means a record or other compilation of data that identifies a
10725 person as a donor to an entity exempt from federal income tax under Section 501(c) of the
10726 Internal Revenue Code.

10727 (2) "Public agency" means a state or local government entity, including:

10728 (a) a department, division, agency, office, commission, board, or other government
10729 organization;

10730 (b) a political subdivision, including a county, city, town, metro township, [~~local~~]
10731 special district, or special service district;

10732 (c) a public school, school district, charter school, or public higher education
10733 institution; or

10734 (d) a judicial or quasi-judicial body.

10735 Section 128. Section **63H-1-102** is amended to read:

10736 **63H-1-102. Definitions.**

10737 As used in this chapter:

10738 (1) "Authority" means the Military Installation Development Authority, created under
10739 Section [63H-1-201](#).

10740 (2) "Base taxable value" means:

10741 (a) for military land or other land that was exempt from a property tax at the time that a
10742 project area was created that included the military land or other land, a taxable value of zero; or

10743 (b) for private property that is included in a project area, the taxable value of the
10744 property within any portion of the project area, as designated by board resolution, from which
10745 the property tax allocation will be collected, as shown upon the assessment roll last equalized:

10746 (i) before the year in which the authority creates the project area; or

10747 (ii) before the year in which the project area plan is amended, for property added to a
10748 project area by an amendment to a project area plan.

10749 (3) "Board" means the governing body of the authority created under Section
10750 [63H-1-301](#).

10751 (4) (a) "Dedicated tax collections" means the property tax that remains after the
10752 authority is paid the property tax allocation the authority is entitled to receive under Subsection
10753 [63H-1-501](#)(1), for a property tax levied by:

- 10754 (i) a county, including a district the county has established under Subsection [17-34-3\(2\)](#)
10755 to levy a property tax under Title 17, Chapter 34, Municipal-Type Services to Unincorporated
10756 Areas; or
- 10757 (ii) an included municipality.
- 10758 (b) "Dedicated tax collections" does not include a county additional property tax or
10759 multicounty assessing and collecting levy imposed in accordance with Section [59-2-1602](#).
- 10760 (5) "Develop" means to engage in development.
- 10761 (6) (a) "Development" means an activity occurring:
- 10762 (i) on land within a project area that is owned or operated by the military, the authority,
10763 another public entity, or a private entity; or
- 10764 (ii) on military land associated with a project area.
- 10765 (b) "Development" includes the demolition, construction, reconstruction, modification,
10766 expansion, maintenance, operation, or improvement of a building, facility, utility, landscape,
10767 parking lot, park, trail, or recreational amenity.
- 10768 (7) "Development project" means a project to develop land within a project area.
- 10769 (8) "Elected member" means a member of the authority board who:
- 10770 (a) is a mayor or member of a legislative body appointed under Subsection
10771 [63H-1-302\(2\)\(b\)](#); or
- 10772 (b) (i) is appointed to the authority board under Subsection [63H-1-302\(2\)\(a\)](#) or (3); and
10773 (ii) concurrently serves in an elected state, county, or municipal office.
- 10774 (9) "Included municipality" means a municipality, some or all of which is included
10775 within a project area.
- 10776 (10) (a) "Military" means a branch of the armed forces of the United States, including
10777 the Utah National Guard.
- 10778 (b) "Military" includes, in relation to property, property that is occupied by the military
10779 and is owned by the government of the United States or the state.
- 10780 (11) "Military Installation Development Authority accommodations tax" or "MIDA
10781 accommodations tax" means the tax imposed under Section [63H-1-205](#).
- 10782 (12) "Military Installation Development Authority energy tax" or "MIDA energy tax"
10783 means the tax levied under Section [63H-1-204](#).
- 10784 (13) "Military land" means land or a facility, including leased land or a leased facility,

10785 that is part of or affiliated with a base, camp, post, station, yard, center, or installation under the
10786 jurisdiction of the United States Department of Defense, the United States Department of
10787 Veterans Affairs, or the Utah National Guard.

10788 (14) "Municipal energy tax" means a municipal energy sales and use tax under Title
10789 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act.

10790 (15) "Municipal services revenue" means revenue that the authority:

10791 (a) collects from the authority's:

10792 (i) levy of a municipal energy tax;

10793 (ii) levy of a MIDA energy tax;

10794 (iii) levy of a telecommunications tax;

10795 (iv) imposition of a transient room tax; and

10796 (v) imposition of a resort communities tax;

10797 (b) receives under Subsection [59-12-205\(2\)\(a\)\(ii\)\(B\)](#); and

10798 (c) receives as dedicated tax collections.

10799 (16) "Municipal tax" means a municipal energy tax, MIDA energy tax, MIDA
10800 accommodations tax, telecommunications tax, transient room tax, or resort communities tax.

10801 (17) "Project area" means the land, including military land, whether consisting of a
10802 single contiguous area or multiple noncontiguous areas, described in a project area plan or draft
10803 project area plan, where the development project set forth in the project area plan or draft
10804 project area plan takes place or is proposed to take place.

10805 (18) "Project area budget" means a multiyear projection of annual or cumulative
10806 revenues and expenses and other fiscal matters pertaining to a project area that includes:

10807 (a) the base taxable value of property in the project area;

10808 (b) the projected property tax allocation expected to be generated within the project
10809 area;

10810 (c) the amount of the property tax allocation expected to be shared with other taxing
10811 entities;

10812 (d) the amount of the property tax allocation expected to be used to implement the
10813 project area plan, including the estimated amount of the property tax allocation to be used for
10814 land acquisition, public improvements, infrastructure improvements, and loans, grants, or other
10815 incentives to private and public entities;

10816 (e) the property tax allocation expected to be used to cover the cost of administering
10817 the project area plan;

10818 (f) if the property tax allocation is to be collected at different times or from different
10819 portions of the project area, or both:

10820 (i) (A) the tax identification numbers of the parcels from which the property tax
10821 allocation will be collected; or

10822 (B) a legal description of the portion of the project area from which the property tax
10823 allocation will be collected; and

10824 (ii) an estimate of when other portions of the project area will become subject to
10825 collection of the property tax allocation; and

10826 (g) for property that the authority owns or leases and expects to sell or sublease, the
10827 expected total cost of the property to the authority and the expected selling price or lease
10828 payments.

10829 (19) "Project area plan" means a written plan that, after the plan's effective date, guides
10830 and controls the development within a project area.

10831 (20) (a) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4,
10832 Privilege Tax, except as described in Subsection (20)(b), and each levy on an ad valorem basis
10833 on tangible or intangible personal or real property.

10834 (b) "Property tax" does not include a privilege tax on the taxable value:

10835 (i) attributable to a portion of a facility leased to the military for a calendar year when:

10836 (A) a lessee of military land has constructed a facility on the military land that is part of
10837 a project area;

10838 (B) the lessee leases space in the facility to the military for the entire calendar year; and

10839 (C) the lease rate paid by the military for the space is \$1 or less for the entire calendar
10840 year, not including any common charges that are reimbursements for actual expenses; or

10841 (ii) of the following property owned by the authority, regardless of whether the
10842 authority enters into a long-term operating agreement with a privately owned entity under
10843 which the privately owned entity agrees to operate the property:

10844 (A) a hotel;

10845 (B) a hotel condominium unit in a condominium project, as defined in Section [57-8-3](#);

10846 and

10847 (C) a commercial condominium unit in a condominium project, as defined in Section
10848 57-8-3.

10849 (21) "Property tax allocation" means the difference between:

10850 (a) the amount of property tax revenues generated each tax year by all taxing entities
10851 from the area within a project area designated in the project area plan as the area from which
10852 the property tax allocation is to be collected, using the current assessed value of the property;
10853 and

10854 (b) the amount of property tax revenues that would be generated from that same area
10855 using the base taxable value of the property.

10856 (22) "Public entity" means:

10857 (a) the state, including each department or agency of the state; or

10858 (b) a political subdivision of the state, including the authority or a county, city, town,
10859 school district, ~~local~~ special district, special service district, or interlocal cooperation entity.

10860 (23) (a) "Public infrastructure and improvements" means infrastructure,
10861 improvements, facilities, or buildings that:

10862 (i) benefit the public, the authority, the military, or military-related entities; and

10863 (ii) (A) are publicly owned by the military, the authority, a public infrastructure district
10864 under Title 17D, Chapter 4, Public Infrastructure District Act, or another public entity;

10865 (B) are owned by a utility; or

10866 (C) are publicly maintained or operated by the military, the authority, or another public
10867 entity.

10868 (b) "Public infrastructure and improvements" also means infrastructure, improvements,
10869 facilities, or buildings that:

10870 (i) are privately owned; and

10871 (ii) provide a substantial benefit, as determined by the board, to the development and
10872 operation of a project area.

10873 (c) "Public infrastructure and improvements" includes:

10874 (i) facilities, lines, or systems that harness geothermal energy or provide water, chilled
10875 water, steam, sewer, storm drainage, natural gas, electricity, or telecommunications;

10876 (ii) streets, roads, curb, gutter, sidewalk, walkways, tunnels, solid waste facilities,
10877 parking facilities, public transportation facilities, and parks, trails, and other recreational

10878 facilities;

10879 (iii) snowmaking equipment and related improvements that can also be used for water

10880 storage or fire suppression purposes; and

10881 (iv) a building and related improvements for occupancy by the public, the authority, the

10882 military, or military-related entities.

10883 (24) "Remaining municipal services revenue" means municipal services revenue that

10884 the authority has not:

10885 (a) spent during the authority's fiscal year for municipal services as provided in

10886 Subsection [63H-1-503\(1\)](#); or

10887 (b) redirected to use in accordance with Subsection [63H-1-502\(3\)](#).

10888 (25) "Resort communities tax" means a sales and use tax imposed under Section

10889 [59-12-401](#).

10890 (26) "Taxable value" means the value of property as shown on the last equalized

10891 assessment roll.

10892 (27) "Taxing entity":

10893 (a) means a public entity that levies a tax on property within a project area; and

10894 (b) does not include a public infrastructure district that the authority creates under Title

10895 17D, Chapter 4, Public Infrastructure District Act.

10896 (28) "Telecommunications tax" means a telecommunications license tax under Title

10897 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act.

10898 (29) "Transient room tax" means a tax under Section [59-12-352](#).

10899 Section 129. Section **63H-1-202** is amended to read:

10900 **63H-1-202. Applicability of other law.**

10901 (1) As used in this section:

10902 (a) "Subsidiary" means an authority subsidiary that is a public body as defined in

10903 Section [52-4-103](#).

10904 (b) "Subsidiary board" means the governing body of a subsidiary.

10905 (2) The authority or land within a project area is not subject to:

10906 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act;

10907 (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act;

10908 (c) ordinances or regulations of a county or municipality, including those relating to

10909 land use, health, business license, or franchise; or

10910 (d) the jurisdiction of a ~~[local]~~ special district under ~~[Title 17B, Limited Purpose Local~~
10911 ~~Government Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities -
10912 Special Districts, or a special service district under Title 17D, Chapter 1, Special Service
10913 District Act.

10914 (3) The authority is subject to and governed by Sections [63E-2-106](#), [63E-2-107](#),
10915 [63E-2-108](#), [63E-2-109](#), [63E-2-110](#), and [63E-2-111](#), but is not otherwise subject to or governed
10916 by Title 63E, Independent Entities Code.

10917 (4) (a) The definitions in Section [57-8-3](#) apply to this Subsection (4).

10918 (b) Notwithstanding the provisions of Title 57, Chapter 8, Condominium Ownership
10919 Act, or any other provision of law:

10920 (i) if the military is the owner of land in a project area on which a condominium project
10921 is constructed, the military is not required to sign, execute, or record a declaration of a
10922 condominium project; and

10923 (ii) if a condominium unit in a project area is owned by the military or owned by the
10924 authority and leased to the military for \$1 or less per calendar year, not including any common
10925 charges that are reimbursements for actual expenses:

10926 (A) the condominium unit is not subject to any liens under Title 57, Chapter 8,
10927 Condominium Ownership Act;

10928 (B) condominium unit owners within the same building or commercial condominium
10929 project may agree on any method of allocation and payment of common area expenses,
10930 regardless of the size or par value of each unit; and

10931 (C) the condominium project may not be dissolved without the consent of all the
10932 condominium unit owners.

10933 (5) Notwithstanding any other provision, when a law requires the consent of a local
10934 government, the authority is the consenting entity for a project area.

10935 (6) (a) A department, division, or other agency of the state and a political subdivision
10936 of the state shall cooperate with the authority to the fullest extent possible to provide whatever
10937 support, information, or other assistance the authority requests that is reasonably necessary to
10938 help the authority fulfill the authority's duties and responsibilities under this chapter.

10939 (b) Subsection (6)(a) does not apply to a political subdivision that does not have any of

10940 a project area located within the boundary of the political subdivision.

10941 (7) (a) The authority and a subsidiary are subject to Title 52, Chapter 4, Open and
10942 Public Meetings Act, except that:

10943 (i) notwithstanding Section 52-4-104, the timing and nature of training to authority
10944 board members or subsidiary board members on the requirements of Title 52, Chapter 4, Open
10945 and Public Meetings Act, may be determined by:

10946 (A) the board chair, for the authority board; or
10947 (B) the subsidiary board chair, for a subsidiary board;

10948 (ii) authority staff may adopt a rule governing the use of electronic meetings under
10949 Section 52-4-207, if, under Subsection 63H-1-301(3), the board delegates to authority staff the
10950 power to adopt the rule; and

10951 (iii) for an electronic meeting of the authority board or subsidiary board that otherwise
10952 complies with Section 52-4-207, the authority board or subsidiary board, respectively:

10953 (A) is not required to establish an anchor location; and
10954 (B) may convene and conduct the meeting without the written determination otherwise
10955 required under Subsection 52-4-207(4).

10956 (b) Except as provided in Subsection (7)(c), the authority is not required to physically
10957 post notice notwithstanding any other provision of law.

10958 (c) The authority shall physically post notice in accordance with Subsection
10959 52-4-202(3)(a)(i).

10960 (8) The authority and a subsidiary are subject to Title 63G, Chapter 2, Government
10961 Records Access and Management Act, except that:

10962 (a) notwithstanding Section 63G-2-701:

10963 (i) the authority may establish an appeals board consisting of at least three members;
10964 (ii) an appeals board established under Subsection (8)(a)(i) shall include:

10965 (A) one of the authority board members appointed by the governor;
10966 (B) the authority board member appointed by the president of the Senate; and
10967 (C) the authority board member appointed by the speaker of the House of
10968 Representatives; and

10969 (iii) an appeal of a decision of an appeals board is to district court, as provided in
10970 Section 63G-2-404, except that the State Records Committee is not a party; and

10971 (b) a record created or retained by the authority or a subsidiary acting in the role of a
10972 facilitator under Subsection 63H-1-201(3)(v) is a protected record under Title 63G, Chapter 2,
10973 Government Records Access and Management Act.

10974 (9) The authority or a subsidiary acting in the role of a facilitator under Subsection
10975 63H-1-201(3)(v) is not prohibited from receiving a benefit from a public-private partnership
10976 that results from the facilitator's work as a facilitator.

10977 (10) (a) (i) A subsidiary created as a public infrastructure district under Title 17D,
10978 Chapter 4, Public Infrastructure District Act, may, subject to limitations of Title 17D, Chapter
10979 4, Public Infrastructure District Act, levy a property tax for the operations and maintenance of
10980 the public infrastructure district's financed infrastructure and related improvements, subject to a
10981 maximum rate of .015.

10982 (ii) A levy under Subsection (10)(a)(i) may be separate from a public infrastructure
10983 district property tax levy for a bond.

10984 (b) If a subsidiary created as a public infrastructure district issues a bond:

10985 (i) the subsidiary may:

10986 (A) delay the effective date of the property tax levy for the bond until after the period
10987 of capitalized interest payments; and

10988 (B) covenant with bondholders not to reduce or impair the property tax levy; and

10989 (ii) notwithstanding a provision to the contrary in Title 17D, Chapter 4, Public
10990 Infrastructure District Act, the tax rate for the property tax levy for the bond may not exceed a
10991 rate that generates more revenue than required to pay the annual debt service of the bond plus
10992 administrative costs, subject to a maximum of .02.

10993 (c) (i) A subsidiary created as a public infrastructure district under Title 17D, Chapter
10994 4, Public Infrastructure District Act, may create tax areas, as defined in Section 59-2-102,
10995 within the public infrastructure district and apply a different property tax rate to each tax area,
10996 subject to the maximum rate limitations described in Subsections (10)(a)(i) and (10)(b)(ii).

10997 (ii) If a subsidiary created by a public infrastructure district issues bonds, the subsidiary
10998 may issue bonds secured by property taxes from:

10999 (A) the entire public infrastructure district; or

11000 (B) one or more tax areas within the public infrastructure district.

11001 (11) (a) Terms defined in Section 57-11-2 apply to this Subsection (11).

11002 (b) Title 57, Chapter 11, Utah Uniform Land Sales Practices Act, does not apply to an
11003 offer or disposition of an interest in land if the interest in land lies within the boundaries of the
11004 project area and the authority:

11005 (i) (A) has a development review committee using at least one professional planner;
11006 (B) enacts standards and guidelines that require approval of planning, land use, and
11007 plats, including the approval of plans for streets, culinary water, sanitary sewer, and flood
11008 control; and

11009 (C) will have the improvements described in Subsection (11)(b)(i)(B) plus
11010 telecommunications and electricity; and

11011 (ii) if at the time of the offer or disposition, the subdivider furnishes satisfactory
11012 assurance of completion of the improvements described in Subsection (11)(b)(i)(C).

11013 (12) (a) As used in this Subsection (12), "officer" means the same as an officer within
11014 the meaning of the Utah Constitution, Article IV, Section 10.

11015 (b) An official act of an officer may not be invalidated for the reason that the officer
11016 failed to take the oath of office.

11017 Section 130. Section **63I-5-102** is amended to read:

11018 **63I-5-102. Definitions.**

11019 As used in this chapter:

11020 (1) "Agency governing board" is any board or commission that has policy making and
11021 oversight responsibility over the agency, including the authority to appoint and remove the
11022 agency director.

11023 (2) "Agency head" means a cabinet officer, an elected official, an executive director, or
11024 a board or commission vested with responsibility to administer or make policy for a state
11025 agency.

11026 (3) "Agency internal audit director" or "audit director" means the person who:

11027 (a) directs the internal audit program for the state agency; and

11028 (b) is appointed by the audit committee or, if no audit committee has been established,
11029 by the agency head.

11030 (4) "Appointing authority" means:

11031 (a) the governor, for state agencies other than the State Tax Commission;

11032 (b) the Judicial Council, for judicial branch agencies;

- 11033 (c) the Utah Board of Higher Education, for higher education entities;
- 11034 (d) the State Board of Education, for entities administered by the State Board of
- 11035 Education; or
- 11036 (e) the four tax commissioners, for the State Tax Commission.
- 11037 (5) "Audit committee" means a standing committee composed of members who:
- 11038 (a) are appointed by an appointing authority;
- 11039 (b) (i) do not have administrative responsibilities within the agency; and
- 11040 (ii) are not an agency contractor or other service provider; and
- 11041 (c) have the expertise to provide effective oversight of and advice about internal audit
- 11042 activities and services.
- 11043 (6) "Audit plan" means a prioritized list of audits to be performed by an internal audit
- 11044 program within a specified period of time.
- 11045 (7) "Higher education entity" means the Utah Board of Higher Education, an institution
- 11046 of higher education board of trustees, or each higher education institution.
- 11047 (8) "Internal audit" means an independent appraisal activity established within a state
- 11048 agency as a control system to examine and evaluate the adequacy and effectiveness of other
- 11049 internal control systems within the agency.
- 11050 (9) "Internal audit program" means an audit function that:
- 11051 (a) is conducted by an agency, division, bureau, or office, independent of the agency,
- 11052 division, bureau, or office operations;
- 11053 (b) objectively evaluates the effectiveness of agency, division, bureau, or office
- 11054 governance, risk management, internal controls, and the efficiency of operations; and
- 11055 (c) is conducted in accordance with the current:
- 11056 (i) International Standards for the Professional Practice of Internal Auditing; or
- 11057 (ii) The Government Auditing Standards, issued by the Comptroller General of the
- 11058 United States.
- 11059 (10) "Judicial branch agency" means each administrative entity of the judicial branch.
- 11060 (11) (a) "State agency" means:
- 11061 (i) each department, commission, board, council, agency, institution, officer,
- 11062 corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel,
- 11063 or other administrative unit of the state; or

- 11064 (ii) each state public education entity.
- 11065 (b) "State agency" does not mean:
- 11066 (i) a legislative branch agency;
- 11067 (ii) an independent state agency as defined in Section [63E-1-102](#);
- 11068 (iii) a county, municipality, school district, ~~[local]~~ special district, or special service
- 11069 district; or
- 11070 (iv) any administrative subdivision of a county, municipality, school district, ~~[local]~~
- 11071 special district, or special service district.
- 11072 Section 131. Section **63J-1-220** is amended to read:
- 11073 **63J-1-220. Reporting related to pass through money distributed by state**
- 11074 **agencies.**
- 11075 (1) As used in this section:
- 11076 (a) "Local government entity" means a county, municipality, school district, ~~[local]~~
- 11077 special district under ~~[Title 17B, Limited Purpose Local Government Entities - Local Districts]~~
- 11078 Title 17B, Limited Purpose Local Government Entities - Special Districts, special service
- 11079 district under Title 17D, Chapter 1, Special Service District Act, or any other political
- 11080 subdivision of the state.
- 11081 (b) (i) "Pass through funding" means money appropriated by the Legislature to a state
- 11082 agency that is intended to be passed through the state agency to one or more:
- 11083 (A) local government entities;
- 11084 (B) private organizations, including not-for-profit organizations; or
- 11085 (C) persons in the form of a loan or grant.
- 11086 (ii) "Pass through funding" may be:
- 11087 (A) general funds, dedicated credits, or any combination of state funding sources; and
- 11088 (B) ongoing or one-time.
- 11089 (c) "Recipient entity" means a local government entity or private entity, including a
- 11090 nonprofit entity, that receives money by way of pass through funding from a state agency.
- 11091 (d) "State agency" means a department, commission, board, council, agency,
- 11092 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
- 11093 unit, bureau, panel, or other administrative unit of the executive branch of the state.
- 11094 (e) (i) "State money" means money that is owned, held, or administered by a state

11095 agency and derived from state fees or tax revenues.

11096 (ii) "State money" does not include contributions or donations received by a state
11097 agency.

11098 (2) A state agency may not provide a recipient entity state money through pass through
11099 funding unless:

11100 (a) the state agency enters into a written agreement with the recipient entity; and

11101 (b) the written agreement described in Subsection (2)(a) requires the recipient entity to
11102 provide the state agency:

11103 (i) a written description and an itemized report at least annually detailing the
11104 expenditure of the state money, or the intended expenditure of any state money that has not
11105 been spent; and

11106 (ii) a final written itemized report when all the state money is spent.

11107 (3) A state agency shall provide to the Governor's Office of Planning and Budget a
11108 copy of a written description or itemized report received by the state agency under Subsection
11109 (2).

11110 (4) Notwithstanding Subsection (2), a state agency is not required to comply with this
11111 section to the extent that the pass through funding is issued:

11112 (a) under a competitive award process;

11113 (b) in accordance with a formula enacted in statute;

11114 (c) in accordance with a state program under parameters in statute or rule that guides
11115 the distribution of the pass through funding; or

11116 (d) under the authority of the Minimum School Program, as defined in Section
11117 [53F-2-102](#).

11118 Section 132. Section **63J-4-102** is amended to read:

11119 **63J-4-102. Definitions.**

11120 As used in this chapter:

11121 (1) "Executive director" means the chief administrative officer of the office, appointed
11122 under Section [63J-4-202](#).

11123 (2) "Office" means the Governor's Office of Planning and Budget created in Section
11124 [63J-4-201](#).

11125 (3) "Planning coordinator" means the individual appointed as the planning coordinator

11126 under Section 63J-4-401.

11127 (4) "Political subdivision" means:

11128 (a) a county, municipality, ~~local~~ special district, special service district, school
11129 district, or interlocal entity, as defined in Section 11-13-103; or

11130 (b) an administrative subunit of an entity listed in Subsection (4)(a).

11131 Section 133. Section 63J-4-801 is amended to read:

11132 **63J-4-801. Definitions.**

11133 As used in this part:

11134 (1) "American Rescue Plan Act" means the American Rescue Plan Act, Pub. L. 117-2.

11135 (2) "COVID-19" means:

11136 (a) severe acute respiratory syndrome coronavirus 2; or

11137 (b) the disease caused by severe acute respiratory syndrome coronavirus 2.

11138 (3) "COVID-19 emergency" means the spread of COVID-19 that the World Health
11139 Organization declared a pandemic on March 11, 2020.

11140 (4) "Grant program" means the COVID-19 Local Assistance Matching Grant Program
11141 established in Section 63J-4-802.

11142 (5) "Local government" means a county, city, town, metro township, ~~local~~ special
11143 district, or special service district.

11144 (6) "Review committee" means the COVID-19 Local Assistance Matching Grant
11145 Program Review Committee established in Section 63J-4-803.

11146 Section 134. Section 63L-4-102 is amended to read:

11147 **63L-4-102. Definitions.**

11148 As used in this chapter:

11149 (1) "Constitutional taking issues" means actions involving the physical taking or exa-
11150 ction of private real property by a political subdivision that might require compensation to a
11151 private real property owner because of:

11152 (a) the Fifth or Fourteenth Amendment of the Constitution of the United States;

11153 (b) ~~[Article I, Section 22 of the Utah Constitution]~~ Utah Constitution, Article I, Section
11154 22; or

11155 (c) any recent court rulings governing the physical taking or exaction of private real
11156 property by a government entity.

11157 (2) "Political subdivision" means a county, municipality, [~~local~~] special district, special
11158 service district, school district, or other local government entity.

11159 Section 135. Section **63L-5-102** is amended to read:

11160 **63L-5-102. Definitions.**

11161 As used in this chapter:

11162 (1) "Free exercise of religion" means an act or refusal to act that is substantially
11163 motivated by sincere religious belief, whether or not the act or refusal is compulsory or central
11164 to a larger system of religious belief, and includes the use, building, or conversion of real
11165 property for the purpose of religious exercise.

11166 (2) "Government entity" means the state, a county, a municipality, a higher education
11167 institution, a [~~local~~] special district, a special service district, any other political subdivision of
11168 the state, or any administrative subunit of any of them.

11169 (3) "Land use regulation" means any state or local law or ordinance, whether statutory
11170 or otherwise, that limits or restricts a person's use or development of land or a structure affixed
11171 to land.

11172 (4) "Person" means any individual, partnership, corporation, or other legal entity that
11173 owns an interest in real property.

11174 Section 136. Section **63L-11-102** is amended to read:

11175 **63L-11-102. Definitions.**

11176 As used in this chapter:

11177 (1) "Coordinating committee" means the committee created in Section [63L-11-401](#).

11178 (2) "Executive director" means the public lands policy executive director appointed
11179 under Section [63L-11-201](#).

11180 (3) "Office" means the Public Lands Policy Coordinating Office created in Section
11181 [63L-11-201](#).

11182 (4) "Political subdivision" means:

11183 (a) a county, municipality, [~~local~~] special district, special service district, school
11184 district, or interlocal entity, as defined in Section [11-13-103](#); or

11185 (b) an administrative subunit of an entity listed in Subsection (4)(a).

11186 Section 137. Section **63M-5-103** is amended to read:

11187 **63M-5-103. Definitions.**

11188 As used in this chapter:

11189 (1) "Commencement of construction" means any clearing of land, excavation, or
11190 construction but does not include preliminary site review, including soil tests, topographical
11191 surveys, exploratory drilling, boring or mining, or other preliminary tests.

11192 (2) "Developer" means any person engaged or to be engaged in industrial development
11193 or the development or utilization of natural resources in this state through a natural resource or
11194 industrial facility, including owners, contract purchases of owners, and persons who, as a lessee
11195 or under an agreement, are engaged or to be engaged in industrial development or the
11196 development or utilization of natural resources in this state through a natural resource or
11197 industrial facility.

11198 (3) "Major developer" means any developer whose proposed new or additional natural
11199 resource facility or industrial facility is projected:

11200 (a) To employ more than 500 people; or

11201 (b) To cause the population of an affected unit of local government to increase by more
11202 than 5%, the increase to include the primary work force of the facility and their dependents and
11203 the work force and dependents attributable to commercial and public service employment
11204 created by the presence of the facility.

11205 (4) "Natural resource facility" or "industrial facility" means any land, structure,
11206 building, plant, mine, road, installation, excavation, machinery, equipment, or device, or any
11207 addition to, reconstruction, replacement, or improvement of, land or an existing structure,
11208 building, plant, mine, road, installation, excavation, machinery, or device reasonably used,
11209 erected, constructed, acquired, or installed by any person, if a substantial purpose of or result of
11210 the use, erection, construction, acquisition, rental, lease, or installation is related to industrial
11211 development or the development or utilization of the natural resources in this state.

11212 (5) "Person" includes any individual, firm, co-partnership, joint venture, corporation,
11213 estate, trust, business trust, syndicate, or any group or combination acting as a unit.

11214 (6) "Unit of local government" means any county, municipality, school district, [~~local~~]
11215 special district, special service district, or any other political subdivision of the state.

11216 Section 138. Section **65A-8-203** is amended to read:

11217 **65A-8-203. Cooperative fire protection agreements with counties, cities, towns, or**
11218 **special service districts.**

- 11219 (1) As used in this section:
- 11220 (a) "Eligible entity" means:
- 11221 (i) a county, a municipality, or a special service district, ~~[local]~~ special district, or
- 11222 service area with:
- 11223 (A) wildland fire suppression responsibility as described in Section [11-7-1](#); and
- 11224 (B) wildland fire suppression cost responsibility and taxing authority for a specific
- 11225 geographic jurisdiction; or
- 11226 (ii) upon approval by the director, a political subdivision established by a county,
- 11227 municipality, special service district, ~~[local]~~ special district, or service area that is responsible
- 11228 for:
- 11229 (A) providing wildland fire suppression services; and
- 11230 (B) paying for the cost of wildland fire suppression services.
- 11231 (b) "Fire service provider" means a public or private entity that fulfills the duties of
- 11232 Subsection [11-7-1\(1\)](#).
- 11233 (2) (a) The governing body of any eligible entity may enter into a cooperative
- 11234 agreement with the division to receive financial and wildfire management cooperation and
- 11235 assistance from the division, as described in this part.
- 11236 (b) A cooperative agreement shall last for a term of no more than five years and be
- 11237 renewable if the eligible entity continues to meet the requirements of this chapter.
- 11238 (3) (a) An eligible entity may not receive financial cooperation or financial assistance
- 11239 under Subsection (2)(a) until a cooperative agreement is executed by the eligible entity and the
- 11240 division.
- 11241 (b) The state shall assume an eligible entity's cost of suppressing catastrophic wildfire
- 11242 as defined in the cooperative agreement if the eligible entity has entered into, and is in full
- 11243 compliance with, a cooperative agreement with the division, as described in this section.
- 11244 (c) A county or municipality that is not covered by a cooperative agreement with the
- 11245 division, as described in this section, shall be responsible for wildland fire costs within the
- 11246 county or municipality's jurisdiction, as described in Section [65A-8-203.2](#).
- 11247 (4) In order to enter into a cooperative agreement with the division, the eligible entity
- 11248 shall:
- 11249 (a) if the eligible entity is a county, adopt and enforce on unincorporated land a

11250 wildland fire ordinance based upon minimum standards established by the division or Uniform
11251 Building Code Commission;

11252 (b) require that the fire department or equivalent fire service provider under contract
11253 with, or delegated by, the eligible entity on unincorporated land meet minimum standards for
11254 wildland fire training, certification, and suppression equipment based upon nationally accepted
11255 standards as specified by the division;

11256 (c) invest in prevention, preparedness, and mitigation efforts, as agreed to with the
11257 division, that will reduce the eligible entity's risk of catastrophic wildfire;

11258 (d) file with the division an annual accounting of wildfire prevention, preparedness,
11259 mitigation actions, and associated costs;

11260 (e) return the financial statement described in Subsection (6), signed by the chief
11261 executive of the eligible entity, to the division on or before the date set by the division; and

11262 (f) if the eligible entity is a county, have a designated fire warden as described in
11263 Section [65A-8-209.1](#).

11264 (5) (a) The state forester may execute a cooperative agreement with the eligible entity.

11265 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
11266 Administrative Rulemaking Act, governing the:

11267 (i) cooperative agreements described in this section;

11268 (ii) manner in which an eligible entity shall provide proof of compliance with
11269 Subsection (4);

11270 (iii) manner by which the division may revoke a cooperative agreement if an eligible
11271 entity ceases to meet the requirements described in this section;

11272 (iv) accounting system for determining suppression costs;

11273 (v) manner in which the division shall determine the eligible entity's participation
11274 commitment; and

11275 (vi) manner in which an eligible entity may appeal a division determination.

11276 (6) (a) The division shall send a financial statement to each eligible entity participating
11277 in a cooperative agreement that details the eligible entity's participation commitment for the
11278 coming fiscal year, including the prevention, preparedness, and mitigation actions agreed to
11279 under Subsection (4)(c).

11280 (b) Each eligible entity participating in a cooperative agreement shall:

11281 (i) have the chief executive of the eligible entity sign the financial statement, or the
11282 legislative body of the eligible entity approve the financial statement by resolution, confirming
11283 the eligible entity's participation for the upcoming year; and

11284 (ii) return the financial statement to the division, on or before a date set by the division.

11285 (c) A financial statement shall be effective for one calendar year, beginning on the date
11286 set by the division, as described in Subsection (6)(b).

11287 (7) (a) An eligible entity may revoke a cooperative agreement before the end of the
11288 cooperative agreement's term by:

11289 (i) informing the division, in writing, of the eligible entity's intention to revoke the
11290 cooperative agreement; or

11291 (ii) failing to sign and return its annual financial statement, as described in Subsection
11292 (6)(b), unless the director grants an extension.

11293 (b) An eligible entity may not revoke a cooperative agreement before the end of the
11294 term of a signed annual financial statement, as described in Subsection (6)(c).

11295 (8) The division shall develop and maintain a wildfire risk assessment mapping tool
11296 that is online and publicly accessible.

11297 (9) By no later than the 2021 November interim meeting of the Natural Resources,
11298 Agriculture, and Environment Interim Committee, the division shall report on the eligible
11299 entities' adherence to and implementation of their participation commitment under this chapter.

11300 Section 139. Section **67-1a-6.5** is amended to read:

11301 **67-1a-6.5. Certification of local entity boundary actions -- Definitions -- Notice**
11302 **requirements -- Electronic copies -- Filing.**

11303 (1) As used in this section:

11304 (a) "Applicable certificate" means:

11305 (i) for the impending incorporation of a city, town, [~~local~~] special district, conservation
11306 district, or incorporation of a [~~local~~] special district from a reorganized special service district,
11307 a certificate of incorporation;

11308 (ii) for the impending creation of a county, school district, special service district,
11309 community reinvestment agency, or interlocal entity, a certificate of creation;

11310 (iii) for the impending annexation of territory to an existing local entity, a certificate of
11311 annexation;

11312 (iv) for the impending withdrawal or disconnection of territory from an existing local
11313 entity, a certificate of withdrawal or disconnection, respectively;

11314 (v) for the impending consolidation of multiple local entities, a certificate of
11315 consolidation;

11316 (vi) for the impending division of a local entity into multiple local entities, a certificate
11317 of division;

11318 (vii) for the impending adjustment of a common boundary between local entities, a
11319 certificate of boundary adjustment; and

11320 (viii) for the impending dissolution of a local entity, a certificate of dissolution.

11321 (b) "Approved final local entity plat" means a final local entity plat, as defined in
11322 Section 17-23-20, that has been approved under Section 17-23-20 as a final local entity plat by
11323 the county surveyor.

11324 (c) "Approving authority" has the same meaning as defined in Section 17-23-20.

11325 (d) "Boundary action" has the same meaning as defined in Section 17-23-20.

11326 (e) "Center" means the Utah Geospatial Resource Center created under Section
11327 63A-16-505.

11328 (f) "Community reinvestment agency" has the same meaning as defined in Section
11329 17C-1-102.

11330 (g) "Conservation district" has the same meaning as defined in Section 17D-3-102.

11331 (h) "Interlocal entity" has the same meaning as defined in Section 11-13-103.

11332 [~~(i)~~] "~~Local district~~" has the same meaning as defined in Section ~~17B-1-102.~~]

11333 [(~~+~~) (i)] (i) "Local entity" means a county, city, town, school district, [~~local~~] special
11334 district, community reinvestment agency, special service district, conservation district, or
11335 interlocal entity.

11336 [~~(k)~~] (j) "Notice of an impending boundary action" means a written notice, as described
11337 in Subsection (3), that provides notice of an impending boundary action.

11338 (k) "Special district" means the same as that term is defined in Section 17B-1-102.

11339 (l) "Special service district" [~~has the same meaning as~~] means the same as that term is
11340 defined in Section 17D-1-102.

11341 (2) Within 10 days after receiving a notice of an impending boundary action, the
11342 lieutenant governor shall:

- 11343 (a) (i) issue the applicable certificate, if:
- 11344 (A) the lieutenant governor determines that the notice of an impending boundary action
- 11345 meets the requirements of Subsection (3); and
- 11346 (B) except in the case of an impending local entity dissolution, the notice of an
- 11347 impending boundary action is accompanied by an approved final local entity plat;
- 11348 (ii) send the applicable certificate to the local entity's approving authority;
- 11349 (iii) return the original of the approved final local entity plat to the local entity's
- 11350 approving authority;
- 11351 (iv) send a copy of the applicable certificate and approved final local entity plat to:
- 11352 (A) the State Tax Commission;
- 11353 (B) the center; and
- 11354 (C) the county assessor, county surveyor, county auditor, and county attorney of each
- 11355 county in which the property depicted on the approved final local entity plat is located; and
- 11356 (v) send a copy of the applicable certificate to the state auditor, if the boundary action
- 11357 that is the subject of the applicable certificate is:
- 11358 (A) the incorporation or creation of a new local entity;
- 11359 (B) the consolidation of multiple local entities;
- 11360 (C) the division of a local entity into multiple local entities; or
- 11361 (D) the dissolution of a local entity; or
- 11362 (b) (i) send written notification to the approving authority that the lieutenant governor
- 11363 is unable to issue the applicable certificate, if:
- 11364 (A) the lieutenant governor determines that the notice of an impending boundary action
- 11365 does not meet the requirements of Subsection (3); or
- 11366 (B) the notice of an impending boundary action is:
- 11367 (I) not accompanied by an approved final local entity plat; or
- 11368 (II) accompanied by a plat or final local entity plat that has not been approved as a final
- 11369 local entity plat by the county surveyor under Section [17-23-20](#); and
- 11370 (ii) explain in the notification under Subsection (2)(b)(i) why the lieutenant governor is
- 11371 unable to issue the applicable certificate.
- 11372 (3) Each notice of an impending boundary action shall:
- 11373 (a) be directed to the lieutenant governor;

11374 (b) contain the name of the local entity or, in the case of an incorporation or creation,
11375 future local entity, whose boundary is affected or established by the boundary action;

11376 (c) describe the type of boundary action for which an applicable certificate is sought;

11377 (d) be accompanied by a letter from the Utah State Retirement Office, created under
11378 Section 49-11-201, to the approving authority that identifies the potential provisions under
11379 Title 49, Utah State Retirement and Insurance Benefit Act, that the local entity shall comply
11380 with, related to the boundary action, if the boundary action is an impending incorporation or
11381 creation of a local entity that may result in the employment of personnel; and

11382 (e) (i) contain a statement, signed and verified by the approving authority, certifying
11383 that all requirements applicable to the boundary action have been met; or

11384 (ii) in the case of the dissolution of a municipality, be accompanied by a certified copy
11385 of the court order approving the dissolution of the municipality.

11386 (4) The lieutenant governor may require the approving authority to submit a paper or
11387 electronic copy of a notice of an impending boundary action and approved final local entity plat
11388 in conjunction with the filing of the original of those documents.

11389 (5) (a) The lieutenant governor shall:

11390 (i) keep, index, maintain, and make available to the public each notice of an impending
11391 boundary action, approved final local entity plat, applicable certificate, and other document that
11392 the lieutenant governor receives or generates under this section;

11393 (ii) make a copy of each document listed in Subsection (5)(a)(i) available on the
11394 Internet for 12 months after the lieutenant governor receives or generates the document;

11395 (iii) furnish a paper copy of any of the documents listed in Subsection (5)(a)(i) to any
11396 person who requests a paper copy; and

11397 (iv) furnish a certified copy of any of the documents listed in Subsection (5)(a)(i) to
11398 any person who requests a certified copy.

11399 (b) The lieutenant governor may charge a reasonable fee for a paper copy or certified
11400 copy of a document that the lieutenant governor provides under this Subsection (5).

11401 Section 140. Section 67-1a-15 is amended to read:

11402 **67-1a-15. Local government and limited purpose entity registry.**

11403 (1) As used in this section:

11404 (a) "Entity" means a limited purpose entity or a local government entity.

- 11405 (b) (i) "Limited purpose entity" means a legal entity that:
- 11406 (A) performs a single governmental function or limited governmental functions; and
- 11407 (B) is not a state executive branch agency, a state legislative office, or within the
- 11408 judicial branch.
- 11409 (ii) "Limited purpose entity" includes:
- 11410 (A) area agencies, area agencies on aging, and area agencies on high risk adults, as
- 11411 those terms are defined in Section [62A-3-101](#);
- 11412 (B) charter schools created under Title 53G, Chapter 5, Charter Schools;
- 11413 (C) community reinvestment agencies, as that term is defined in Section [17C-1-102](#);
- 11414 (D) conservation districts, as that term is defined in Section [17D-3-102](#);
- 11415 (E) governmental nonprofit corporations, as that term is defined in Section [11-13a-102](#);
- 11416 (F) housing authorities, as that term is defined in Section [35A-8-401](#);
- 11417 (G) independent entities and independent state agencies, as those terms are defined in
- 11418 Section [63E-1-102](#);
- 11419 (H) interlocal entities, as that term is defined in Section [11-13-103](#);
- 11420 (I) local building authorities, as that term is defined in Section [17D-2-102](#);
- 11421 (J) ~~local~~ special districts, as that term is defined in Section [17B-1-102](#);
- 11422 (K) local health departments, as that term is defined in Section [26A-1-102](#);
- 11423 (L) local mental health authorities, as that term is defined in Section [62A-15-102](#);
- 11424 (M) nonprofit corporations that receive an amount of money requiring an accounting
- 11425 report under Section [51-2a-201.5](#);
- 11426 (N) school districts under Title 53G, Chapter 3, School District Creation and Change;
- 11427 (O) special service districts, as that term is defined in Section [17D-1-102](#); and
- 11428 (P) substance abuse authorities, as that term is defined in Section [62A-15-102](#).
- 11429 (c) "Local government and limited purpose entity registry" or "registry" means the
- 11430 registry of local government entities and limited purpose entities created under this section.
- 11431 (d) "Local government entity" means:
- 11432 (i) a county, as that term is defined in Section [17-50-101](#); and
- 11433 (ii) a municipality, as that term is defined in Section [10-1-104](#).
- 11434 (e) "Notice of failure to register" means the notice the lieutenant governor sends, in
- 11435 accordance with Subsection (7)(a), to an entity that does not register.

11436 (f) "Notice of failure to renew" means the notice the lieutenant governor sends to a
11437 registered entity, in accordance with Subsection (7)(b).

11438 (g) "Notice of noncompliance" means the notice the lieutenant governor sends to a
11439 registered entity, in accordance with Subsection (6)(c).

11440 (h) "Notice of non-registration" means the notice the lieutenant governor sends to an
11441 entity and the state auditor, in accordance with Subsection (9).

11442 (i) "Notice of registration or renewal" means the notice the lieutenant governor sends,
11443 in accordance with Subsection (6)(b)(i).

11444 (j) "Registered entity" means an entity with a valid registration as described in
11445 Subsection (8).

11446 (2) The lieutenant governor shall:

11447 (a) create a registry of each local government entity and limited purpose entity within
11448 the state that:

11449 (i) contains the information described in Subsection (4); and

11450 (ii) is accessible on the lieutenant governor's website or otherwise publicly available;

11451 and

11452 (b) establish fees for registration and renewal, in accordance with Section [63J-1-504](#),
11453 based on and to directly offset the cost of creating, administering, and maintaining the registry.

11454 (3) Each local government entity and limited purpose entity shall:

11455 (a) on or before July 1, 2019, register with the lieutenant governor as described in
11456 Subsection (4);

11457 (b) on or before one year after the day on which the lieutenant governor issues the
11458 notice of registration or renewal, annually renew the entity's registration in accordance with
11459 Subsection (5); and

11460 (c) on or before 30 days after the day on which any of the information described in
11461 Subsection (4) changes, send notice of the changes to the lieutenant governor.

11462 (4) Each entity shall include the following information in the entity's registration
11463 submission:

11464 (a) the resolution or other legal or formal document creating the entity or, if the
11465 resolution or other legal or formal document creating the entity cannot be located, conclusive
11466 proof of the entity's lawful creation;

11467 (b) if the entity has geographic boundaries, a map or plat identifying the current
11468 geographic boundaries of the entity, or if it is impossible or unreasonably expensive to create a
11469 map or plat, a metes and bounds description, or another legal description that identifies the
11470 current boundaries of the entity;

11471 (c) the entity's name;

11472 (d) the entity's type of local government entity or limited purpose entity;

11473 (e) the entity's governmental function;

11474 (f) the entity's website, physical address, and phone number, including the name and
11475 contact information of an individual whom the entity designates as the primary contact for the
11476 entity;

11477 (g) (i) names, email addresses, and phone numbers of the members of the entity's
11478 governing board or commission, managing officers, or other similar managers and the method
11479 by which the members or officers are appointed, elected, or otherwise designated;

11480 (ii) the date of the most recent appointment or election of each entity governing board
11481 or commission member; and

11482 (iii) the date of the anticipated end of each entity governing board or commission
11483 member's term;

11484 (h) the entity's sources of revenue; and

11485 (i) if the entity has created an assessment area, as that term is defined in Section
11486 [11-42-102](#), information regarding the creation, purpose, and boundaries of the assessment area.

11487 (5) Each entity shall include the following information in the entity's renewal
11488 submission:

11489 (a) identify and update any incorrect or outdated information the entity previously
11490 submitted during registration under Subsection (4); or

11491 (b) certify that the information the entity previously submitted during registration under
11492 Subsection (4) is correct without change.

11493 (6) Within 30 days of receiving an entity's registration or renewal submission, the
11494 lieutenant governor shall:

11495 (a) review the submission to determine compliance with Subsection (4) or (5);

11496 (b) if the lieutenant governor determines that the entity's submission complies with
11497 Subsection (4) or (5):

11498 (i) send a notice of registration or renewal that includes the information that the entity
11499 submitted under Subsection (4) or (5) to:

11500 (A) the registering or renewing entity;

11501 (B) each county in which the entity operates, either in whole or in part, or where the
11502 entity's geographic boundaries overlap or are contained within the boundaries of the county;

11503 (C) the Division of Archives and Records Service; and

11504 (D) the Office of the Utah State Auditor; and

11505 (ii) publish the information from the submission on the registry, except any email
11506 address or phone number that is personal information as defined in Section 63G-2-303; and

11507 (c) if the lieutenant governor determines that the entity's submission does not comply
11508 with Subsection (4) or (5) or is otherwise inaccurate or deficient, send a notice of
11509 noncompliance to the registering or renewing entity that:

11510 (i) identifies each deficiency in the entity's submission with the corresponding statutory
11511 requirement;

11512 (ii) establishes a deadline to cure the entity's noncompliance that is the first business
11513 day that is at least 30 calendar days after the day on which the lieutenant governor sends the
11514 notice of noncompliance; and

11515 (iii) states that failure to comply by the deadline the lieutenant governor establishes
11516 under Subsection (6)(c)(ii) will result in the lieutenant governor sending a notice of
11517 non-registration to the Office of the Utah State Auditor, in accordance with Subsection (9).

11518 (7) (a) If the lieutenant governor identifies an entity that does not make a registration
11519 submission in accordance with Subsection (4) by the deadline described in Subsection (3), the
11520 lieutenant governor shall send a notice of failure to register to the registered entity that:

11521 (i) identifies the statutorily required registration deadline described in Subsection (3)
11522 that the entity did not meet;

11523 (ii) establishes a deadline to cure the entity's failure to register that is the first business
11524 day that is at least 10 calendar days after the day on which the lieutenant governor sends the
11525 notice of failure to register; and

11526 (iii) states that failure to comply by the deadline the lieutenant governor establishes
11527 under Subsection (7)(a)(ii) will result in the lieutenant governor sending a notice of
11528 non-registration to the Office of the Utah State Auditor, in accordance with Subsection (9).

11529 (b) If a registered entity does not make a renewal submission in accordance with
11530 Subsection (5) by the deadline described in Subsection (3), the lieutenant governor shall send a
11531 notice of failure to renew to the registered entity that:

11532 (i) identifies the renewal deadline described in Subsection (3) that the entity did not
11533 meet;

11534 (ii) establishes a deadline to cure the entity's failure to renew that is the first business
11535 day that is at least 30 calendar days after the day on which the lieutenant governor sends the
11536 notice of failure to renew; and

11537 (iii) states that failure to comply by the deadline the lieutenant governor establishes
11538 under Subsection (7)(b)(ii) will result in the lieutenant governor sending a notice of
11539 non-registration to the Office of the Utah State Auditor, in accordance with Subsection (9).

11540 (8) An entity's registration is valid:

11541 (a) if the entity makes a registration or renewal submission in accordance with the
11542 deadlines described in Subsection (3);

11543 (b) during the period the lieutenant governor establishes in the notice of
11544 noncompliance or notice of failure to renew during which the entity may cure the identified
11545 registration deficiencies; and

11546 (c) for one year beginning on the day the lieutenant governor issues the notice of
11547 registration or renewal.

11548 (9) (a) The lieutenant governor shall send a notice of non-registration to the Office of
11549 the Utah State Auditor if an entity fails to:

11550 (i) cure the entity's noncompliance by the deadline the lieutenant governor establishes
11551 in the notice of noncompliance;

11552 (ii) register by the deadline the lieutenant governor establishes in the notice of failure
11553 to register; or

11554 (iii) cure the entity's failure to renew by the deadline the lieutenant governor establishes
11555 in the notice of failure to renew.

11556 (b) The lieutenant governor shall ensure that the notice of non-registration:

11557 (i) includes a copy of the notice of noncompliance, the notice of failure to register, or
11558 the notice of failure to renew; and

11559 (ii) requests that the state auditor withhold state allocated funds or the disbursement of

11560 property taxes and prohibit the entity from accessing money held by the state or money held in
11561 an account of a financial institution, in accordance with Subsections 67-3-1(7)(i) and
11562 67-3-1(10).

11563 (10) The lieutenant governor may extend a deadline under this section if an entity
11564 notifies the lieutenant governor, before the deadline to be extended, of the existence of an
11565 extenuating circumstance that is outside the control of the entity.

11566 (11) (a) An entity is not required to renew submission of a registration under this
11567 section if an entity provides a record of dissolution.

11568 (b) The lieutenant governor shall include in the registry an entity's record of dissolution
11569 and indicate on the registry that the entity is dissolved.

11570 Section 141. Section **67-1b-102** is amended to read:

11571 **67-1b-102. Definitions.**

11572 As used in this chapter:

11573 (1) "Board of canvassers" means the state board of canvassers created in Section
11574 20A-4-306.

11575 (2) (a) "Executive branch" means:

11576 (i) the governor, the governor's staff, and the governor's appointed advisors;

11577 (ii) the lieutenant governor and lieutenant governor's staff;

11578 (iii) cabinet level officials;

11579 (iv) except as provided in Subsection (2)(b), an agency, board, department, division,
11580 committee, commission, council, office, or other administrative subunit of the executive branch
11581 of state government;

11582 (v) except as provided in Subsection (2)(b), a cabinet officer, elected official, executive
11583 director, or board or commission vested with:

11584 (A) policy making and oversight responsibility for a state executive branch agency; or

11585 (B) authority to appoint and remove the director of a state executive branch agency;

11586 (vi) executive ministerial officers;

11587 (vii) each gubernatorial appointee to a state board, committee, commission, council, or
11588 authority;

11589 (viii) each executive branch management position, as defined in Section 67-1-1.5;

11590 (ix) each executive branch policy position, as defined in Section 67-1-1.5; and

- 11591 (x) the military forces of the state.
- 11592 (b) "Executive branch" does not include:
- 11593 (i) the legislative branch;
- 11594 (ii) the judicial branch;
- 11595 (iii) the State Board of Education;
- 11596 (iv) the Utah Board of Higher Education;
- 11597 (v) institutions of higher education;
- 11598 (vi) independent entities as defined in Section [63E-1-102](#);
- 11599 (vii) elective constitutional offices of the executive department, including the state
- 11600 auditor, the state treasurer, and the attorney general;
- 11601 (viii) a county, municipality, school district, ~~[local]~~ special district, or special service
- 11602 district; or
- 11603 (ix) an administrative subdivision of a county, municipality, school district, ~~[local]~~
- 11604 special district, or special service district.
- 11605 (3) "Governor-elect" means, during a transition period, an individual whom the board
- 11606 of canvassers determines to be the successful candidate for governor after a general election for
- 11607 the office of governor, if that successful candidate is an individual other than the incumbent
- 11608 governor.
- 11609 (4) "Governor-elect's staff" means:
- 11610 (a) an individual that a governor-elect intends to nominate as a department head;
- 11611 (b) an individual that a governor-elect intends to appoint to a key position in the
- 11612 executive branch;
- 11613 (c) an individual hired by a governor-elect under Subsection [67-1b-105\(1\)\(c\)](#); and
- 11614 (d) any other individual expressly engaged by the governor-elect to assist with the
- 11615 governor-elect's transition into the office of governor.
- 11616 (5) "Governor's Office of Planning and Budget" means the office created in Section
- 11617 [63J-4-201](#).
- 11618 (6) "Incoming gubernatorial administration" means a governor-elect, a governor-elect's
- 11619 staff, a lieutenant governor-elect, and a lieutenant governor-elect's staff.
- 11620 (7) "Lieutenant governor-elect" means, during a transition period, an individual whom
- 11621 the board of canvassers determines to be the successful candidate for lieutenant governor after

11622 a general election for the office of lieutenant governor, if that successful candidate is an
11623 individual other than the incumbent lieutenant governor.

11624 (8) "Lieutenant governor-elect's staff" means:

11625 (a) an individual hired by a lieutenant governor-elect under Subsection

11626 67-1b-105(1)(c); and

11627 (b) any other individual expressly engaged by the lieutenant governor-elect to assist
11628 with the lieutenant governor-elect's transition into the office of lieutenant governor.

11629 (9) "Office of the Legislative Fiscal Analyst" means the office created in Section

11630 36-12-13.

11631 (10) "Record" means the same as that term is defined in Section 63G-2-103.

11632 (11) "Transition period" means the period of time beginning the day after the meeting
11633 of the board of canvassers under Section 20A-4-306 in a year in which the board of canvassers
11634 determines that the successful candidate for governor is an individual other than the incumbent
11635 governor, and ending on the first Monday of the next January.

11636 Section 142. Section 67-3-1 is amended to read:

11637 **67-3-1. Functions and duties.**

11638 (1) (a) The state auditor is the auditor of public accounts and is independent of any
11639 executive or administrative officers of the state.

11640 (b) The state auditor is not limited in the selection of personnel or in the determination
11641 of the reasonable and necessary expenses of the state auditor's office.

11642 (2) The state auditor shall examine and certify annually in respect to each fiscal year,
11643 financial statements showing:

11644 (a) the condition of the state's finances;

11645 (b) the revenues received or accrued;

11646 (c) expenditures paid or accrued;

11647 (d) the amount of unexpended or unencumbered balances of the appropriations to the
11648 agencies, departments, divisions, commissions, and institutions; and

11649 (e) the cash balances of the funds in the custody of the state treasurer.

11650 (3) (a) The state auditor shall:

11651 (i) audit each permanent fund, each special fund, the General Fund, and the accounts of
11652 any department of state government or any independent agency or public corporation as the law

11653 requires, as the auditor determines is necessary, or upon request of the governor or the
11654 Legislature;

11655 (ii) perform the audits in accordance with generally accepted auditing standards and
11656 other auditing procedures as promulgated by recognized authoritative bodies; and

11657 (iii) as the auditor determines is necessary, conduct the audits to determine:

11658 (A) honesty and integrity in fiscal affairs;

11659 (B) accuracy and reliability of financial statements;

11660 (C) effectiveness and adequacy of financial controls; and

11661 (D) compliance with the law.

11662 (b) If any state entity receives federal funding, the state auditor shall ensure that the
11663 audit is performed in accordance with federal audit requirements.

11664 (c) (i) The costs of the federal compliance portion of the audit may be paid from an
11665 appropriation to the state auditor from the General Fund.

11666 (ii) If an appropriation is not provided, or if the federal government does not
11667 specifically provide for payment of audit costs, the costs of the federal compliance portions of
11668 the audit shall be allocated on the basis of the percentage that each state entity's federal funding
11669 bears to the total federal funds received by the state.

11670 (iii) The allocation shall be adjusted to reflect any reduced audit time required to audit
11671 funds passed through the state to local governments and to reflect any reduction in audit time
11672 obtained through the use of internal auditors working under the direction of the state auditor.

11673 (4) (a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to
11674 financial audits, and as the auditor determines is necessary, conduct performance and special
11675 purpose audits, examinations, and reviews of any entity that receives public funds, including a
11676 determination of any or all of the following:

11677 (i) the honesty and integrity of all the entity's fiscal affairs;

11678 (ii) whether the entity's administrators have faithfully complied with legislative intent;

11679 (iii) whether the entity's operations have been conducted in an efficient, effective, and
11680 cost-efficient manner;

11681 (iv) whether the entity's programs have been effective in accomplishing the intended
11682 objectives; and

11683 (v) whether the entity's management, control, and information systems are adequate,

11684 effective, and secure.

11685 (b) The auditor may not conduct performance and special purpose audits,
11686 examinations, and reviews of any entity that receives public funds if the entity:

11687 (i) has an elected auditor; and

11688 (ii) has, within the entity's last budget year, had the entity's financial statements or
11689 performance formally reviewed by another outside auditor.

11690 (5) The state auditor:

11691 (a) shall administer any oath or affirmation necessary to the performance of the duties
11692 of the auditor's office; and

11693 (b) may:

11694 (i) subpoena witnesses and documents, whether electronic or otherwise; and

11695 (ii) examine into any matter that the auditor considers necessary.

11696 (6) The state auditor may require all persons who have had the disposition or
11697 management of any property of this state or its political subdivisions to submit statements
11698 regarding the property at the time and in the form that the auditor requires.

11699 (7) The state auditor shall:

11700 (a) except where otherwise provided by law, institute suits in Salt Lake County in
11701 relation to the assessment, collection, and payment of revenues against:

11702 (i) persons who by any means have become entrusted with public money or property
11703 and have failed to pay over or deliver the money or property; and

11704 (ii) all debtors of the state;

11705 (b) collect and pay into the state treasury all fees received by the state auditor;

11706 (c) perform the duties of a member of all boards of which the state auditor is a member
11707 by the constitution or laws of the state, and any other duties that are prescribed by the
11708 constitution and by law;

11709 (d) stop the payment of the salary of any state official or state employee who:

11710 (i) refuses to settle accounts or provide required statements about the custody and
11711 disposition of public funds or other state property;

11712 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling
11713 board or department head with respect to the manner of keeping prescribed accounts or funds;

11714 or

11715 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the
11716 official's or employee's attention;

11717 (e) establish accounting systems, methods, and forms for public accounts in all taxing
11718 or fee-assessing units of the state in the interest of uniformity, efficiency, and economy;

11719 (f) superintend the contractual auditing of all state accounts;

11720 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of
11721 property taxes from a state or local taxing or fee-assessing unit, if necessary, to ensure that
11722 officials and employees in those taxing units comply with state laws and procedures in the
11723 budgeting, expenditures, and financial reporting of public funds;

11724 (h) subject to Subsection (9), withhold the disbursement of tax money from any county,
11725 if necessary, to ensure that officials and employees in the county comply with Section
11726 [59-2-303.1](#); and

11727 (i) withhold state allocated funds or the disbursement of property taxes from a local
11728 government entity or a limited purpose entity, as those terms are defined in Section [67-1a-15](#) if
11729 the state auditor finds the withholding necessary to ensure that the entity registers and
11730 maintains the entity's registration with the lieutenant governor, in accordance with Section
11731 [67-1a-15](#).

11732 (8) (a) Except as otherwise provided by law, the state auditor may not withhold funds
11733 under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received formal
11734 written notice of noncompliance from the auditor and has been given 60 days to make the
11735 specified corrections.

11736 (b) If, after receiving notice under Subsection (8)(a), a state or independent local
11737 fee-assessing unit that exclusively assesses fees has not made corrections to comply with state
11738 laws and procedures in the budgeting, expenditures, and financial reporting of public funds, the
11739 state auditor:

11740 (i) shall provide a recommended timeline for corrective actions;

11741 (ii) may prohibit the state or local fee-assessing unit from accessing money held by the
11742 state; and

11743 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an
11744 account of a financial institution by filing an action in district court requesting an order of the
11745 court to prohibit a financial institution from providing the fee-assessing unit access to an

11746 account.

11747 (c) The state auditor shall remove a limitation on accessing funds under Subsection
11748 (8)(b) upon compliance with state laws and procedures in the budgeting, expenditures, and
11749 financial reporting of public funds.

11750 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with
11751 state law, the state auditor:

11752 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to
11753 comply;

11754 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the
11755 state; and

11756 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an
11757 account of a financial institution by:

11758 (A) contacting the taxing or fee-assessing unit's financial institution and requesting that
11759 the institution prohibit access to the account; or

11760 (B) filing an action in district court requesting an order of the court to prohibit a
11761 financial institution from providing the taxing or fee-assessing unit access to an account.

11762 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state
11763 law, the state auditor shall eliminate a limitation on accessing funds described in Subsection
11764 (8)(d).

11765 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has
11766 received formal written notice of noncompliance from the auditor and has been given 60 days
11767 to make the specified corrections.

11768 (10) (a) The state auditor may not withhold funds under Subsection (7)(i) until the state
11769 auditor receives a notice of non-registration, as that term is defined in Section [67-1a-15](#).

11770 (b) If the state auditor receives a notice of non-registration, the state auditor may
11771 prohibit the local government entity or limited purpose entity, as those terms are defined in
11772 Section [67-1a-15](#), from accessing:

11773 (i) money held by the state; and

11774 (ii) money held in an account of a financial institution by:

11775 (A) contacting the entity's financial institution and requesting that the institution
11776 prohibit access to the account; or

11777 (B) filing an action in district court requesting an order of the court to prohibit a
11778 financial institution from providing the entity access to an account.

11779 (c) The state auditor shall remove the prohibition on accessing funds described in
11780 Subsection (10)(b) if the state auditor received a notice of registration, as that term is defined in
11781 Section 67-1a-15, from the lieutenant governor.

11782 (11) Notwithstanding Subsection (7)(g), (7)(h), (7)(i), (8)(b), (8)(d), or (10)(b), the
11783 state auditor:

11784 (a) shall authorize a disbursement by a local government entity or limited purpose
11785 entity, as those terms are defined in Section 67-1a-15, or a state or local taxing or fee-assessing
11786 unit if the disbursement is necessary to:

11787 (i) avoid a major disruption in the operations of the local government entity, limited
11788 purpose entity, or state or local taxing or fee-assessing unit; or

11789 (ii) meet debt service obligations; and

11790 (b) may authorize a disbursement by a local government entity, limited purpose entity,
11791 or state or local taxing or fee-assessing unit as the state auditor determines is appropriate.

11792 (12) (a) The state auditor may seek relief under the Utah Rules of Civil Procedure to
11793 take temporary custody of public funds if an action is necessary to protect public funds from
11794 being improperly diverted from their intended public purpose.

11795 (b) If the state auditor seeks relief under Subsection (12)(a):

11796 (i) the state auditor is not required to exhaust the procedures in Subsection (7) or (8);
11797 and

11798 (ii) the state treasurer may hold the public funds in accordance with Section 67-4-1 if a
11799 court orders the public funds to be protected from improper diversion from their public
11800 purpose.

11801 (13) The state auditor shall:

11802 (a) establish audit guidelines and procedures for audits of local mental health and
11803 substance abuse authorities and their contract providers, conducted pursuant to Title 17,
11804 Chapter 43, Part 2, Local Substance Abuse Authorities, Title 17, Chapter 43, Part 3, Local
11805 Mental Health Authorities, Title 51, Chapter 2a, Accounting Reports from Political
11806 Subdivisions, Interlocal Organizations, and Other Local Entities Act, and Title 62A, Chapter
11807 15, Substance Abuse and Mental Health Act; and

11808 (b) ensure that those guidelines and procedures provide assurances to the state that:
11809 (i) state and federal funds appropriated to local mental health authorities are used for
11810 mental health purposes;
11811 (ii) a private provider under an annual or otherwise ongoing contract to provide
11812 comprehensive mental health programs or services for a local mental health authority is in
11813 compliance with state and local contract requirements, and state and federal law;
11814 (iii) state and federal funds appropriated to local substance abuse authorities are used
11815 for substance abuse programs and services; and
11816 (iv) a private provider under an annual or otherwise ongoing contract to provide
11817 comprehensive substance abuse programs or services for a local substance abuse authority is in
11818 compliance with state and local contract requirements, and state and federal law.
11819 (14) (a) The state auditor may, in accordance with the auditor's responsibilities for
11820 political subdivisions of the state as provided in Title 51, Chapter 2a, Accounting Reports from
11821 Political Subdivisions, Interlocal Organizations, and Other Local Entities Act, initiate audits or
11822 investigations of any political subdivision that are necessary to determine honesty and integrity
11823 in fiscal affairs, accuracy and reliability of financial statements, effectiveness, and adequacy of
11824 financial controls and compliance with the law.
11825 (b) If the state auditor receives notice under Subsection 11-41-104(7) from the
11826 Governor's Office of Economic Opportunity on or after July 1, 2024, the state auditor may
11827 initiate an audit or investigation of the public entity subject to the notice to determine
11828 compliance with Section 11-41-103.
11829 (15) (a) The state auditor may not audit work that the state auditor performed before
11830 becoming state auditor.
11831 (b) If the state auditor has previously been a responsible official in state government
11832 whose work has not yet been audited, the Legislature shall:
11833 (i) designate how that work shall be audited; and
11834 (ii) provide additional funding for those audits, if necessary.
11835 (16) The state auditor shall:
11836 (a) with the assistance, advice, and recommendations of an advisory committee
11837 appointed by the state auditor from among [~~local~~] special district boards of trustees, officers,
11838 and employees and special service district boards, officers, and employees:

- 11839 (i) prepare a Uniform Accounting Manual for [~~Local~~] Special Districts that:
- 11840 (A) prescribes a uniform system of accounting and uniform budgeting and reporting
- 11841 procedures for [~~local~~] special districts under [~~Title 17B, Limited Purpose Local Government~~
- 11842 ~~Entities - Local Districts~~] Title 17B, Limited Purpose Local Government Entities - Special
- 11843 Districts, and special service districts under Title 17D, Chapter 1, Special Service District Act;
- 11844 (B) conforms with generally accepted accounting principles; and
- 11845 (C) prescribes reasonable exceptions and modifications for smaller districts to the
- 11846 uniform system of accounting, budgeting, and reporting;
- 11847 (ii) maintain the manual under this Subsection (16)(a) so that the manual continues to
- 11848 reflect generally accepted accounting principles;
- 11849 (iii) conduct a continuing review and modification of procedures in order to improve
- 11850 them;
- 11851 (iv) prepare and supply each district with suitable budget and reporting forms; and
- 11852 (v) (A) prepare instructional materials, conduct training programs, and render other
- 11853 services considered necessary to assist [~~local~~] special districts and special service districts in
- 11854 implementing the uniform accounting, budgeting, and reporting procedures; and
- 11855 (B) ensure that any training described in Subsection (16)(a)(v)(A) complies with Title
- 11856 63G, Chapter 22, State Training and Certification Requirements; and
- 11857 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices
- 11858 and experiences of specific [~~local~~] special districts and special service districts selected by the
- 11859 state auditor and make the information available to all districts.
- 11860 (17) (a) The following records in the custody or control of the state auditor are
- 11861 protected records under Title 63G, Chapter 2, Government Records Access and Management
- 11862 Act:
- 11863 (i) records that would disclose information relating to allegations of personal
- 11864 misconduct, gross mismanagement, or illegal activity of a past or present governmental
- 11865 employee if the information or allegation cannot be corroborated by the state auditor through
- 11866 other documents or evidence, and the records relating to the allegation are not relied upon by
- 11867 the state auditor in preparing a final audit report;
- 11868 (ii) records and audit workpapers to the extent the workpapers would disclose the
- 11869 identity of an individual who during the course of an audit, communicated the existence of any

11870 waste of public funds, property, or manpower, or a violation or suspected violation of a law,
11871 rule, or regulation adopted under the laws of this state, a political subdivision of the state, or
11872 any recognized entity of the United States, if the information was disclosed on the condition
11873 that the identity of the individual be protected;

11874 (iii) before an audit is completed and the final audit report is released, records or drafts
11875 circulated to an individual who is not an employee or head of a governmental entity for the
11876 individual's response or information;

11877 (iv) records that would disclose an outline or part of any audit survey plans or audit
11878 program; and

11879 (v) requests for audits, if disclosure would risk circumvention of an audit.

11880 (b) The provisions of Subsections (17)(a)(i), (ii), and (iii) do not prohibit the disclosure
11881 of records or information that relate to a violation of the law by a governmental entity or
11882 employee to a government prosecutor or peace officer.

11883 (c) The provisions of this Subsection (17) do not limit the authority otherwise given to
11884 the state auditor to classify a document as public, private, controlled, or protected under Title
11885 63G, Chapter 2, Government Records Access and Management Act.

11886 (d) (i) As used in this Subsection (17)(d), "record dispute" means a dispute between the
11887 state auditor and the subject of an audit performed by the state auditor as to whether the state
11888 auditor may release a record, as defined in Section 63G-2-103, to the public that the state
11889 auditor gained access to in the course of the state auditor's audit but which the subject of the
11890 audit claims is not subject to disclosure under Title 63G, Chapter 2, Government Records
11891 Access and Management Act.

11892 (ii) The state auditor may submit a record dispute to the State Records Committee,
11893 created in Section 63G-2-501, for a determination of whether the state auditor may, in
11894 conjunction with the state auditor's release of an audit report, release to the public the record
11895 that is the subject of the record dispute.

11896 (iii) The state auditor or the subject of the audit may seek judicial review of a State
11897 Records Committee determination under Subsection (17)(d)(ii), as provided in Section
11898 63G-2-404.

11899 (18) If the state auditor conducts an audit of an entity that the state auditor has
11900 previously audited and finds that the entity has not implemented a recommendation made by

11901 the state auditor in a previous audit, the state auditor shall notify the Legislative Management
 11902 Committee through the Legislative Management Committee's audit subcommittee that the
 11903 entity has not implemented that recommendation.

11904 (19) The state auditor shall, with the advice and consent of the Senate, appoint the state
 11905 privacy officer described in Section [67-3-13](#).

11906 (20) The state auditor shall report, or ensure that another government entity reports, on
 11907 the financial, operational, and performance metrics for the state system of higher education and
 11908 the state system of public education, including metrics in relation to students, programs, and
 11909 schools within those systems.

11910 Section 143. Section **67-3-12** is amended to read:

11911 **67-3-12. Utah Public Finance Website -- Establishment and administration --**
 11912 **Records disclosure -- Exceptions.**

11913 (1) As used in this section:

11914 (a) (i) Subject to Subsections (1)(a)(ii) and (iii), "independent entity" means the same
 11915 as that term is defined in Section [63E-1-102](#).

11916 (ii) "Independent entity" includes an entity that is part of an independent entity
 11917 described in Subsection (1)(a)(i), if the entity is considered a component unit of the
 11918 independent entity under the governmental accounting standards issued by the Governmental
 11919 Accounting Standards Board.

11920 (iii) "Independent entity" does not include the Utah State Retirement Office created in
 11921 Section [49-11-201](#).

11922 (b) "Local education agency" means a school district or charter school.

11923 (c) "Participating local entity" means:

11924 (i) a county;

11925 (ii) a municipality;

11926 (iii) a ~~[local]~~ special district under ~~[Title 17B, Limited Purpose Local Government~~
 11927 ~~Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities - Special
 11928 Districts;

11929 (iv) a special service district under Title 17D, Chapter 1, Special Service District Act;

11930 (v) a housing authority under Title 35A, Chapter 8, Part 4, Housing Authorities;

11931 (vi) a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District

11932 Act;

11933 (vii) except for a taxed interlocal entity as defined in Section 11-13-602:

11934 (A) an interlocal entity as defined in Section 11-13-103;

11935 (B) a joint or cooperative undertaking as defined in Section 11-13-103; or

11936 (C) any project, program, or undertaking entered into by interlocal agreement in

11937 accordance with Title 11, Chapter 13, Interlocal Cooperation Act;

11938 (viii) except for a taxed interlocal entity as defined in Section 11-13-602, an entity that

11939 is part of an entity described in Subsections (1)(c)(i) through (vii), if the entity is considered a

11940 component unit of the entity described in Subsections (1)(c)(i) through (vii) under the

11941 governmental accounting standards issued by the Governmental Accounting Standards Board;

11942 or

11943 (ix) a conservation district under Title 17D, Chapter 3, Conservation District Act.

11944 (d) (i) "Participating state entity" means the state of Utah, including its executive,

11945 legislative, and judicial branches, its departments, divisions, agencies, boards, commissions,

11946 councils, committees, and institutions.

11947 (ii) "Participating state entity" includes an entity that is part of an entity described in

11948 Subsection (1)(d)(i), if the entity is considered a component unit of the entity described in

11949 Subsection (1)(d)(i) under the governmental accounting standards issued by the Governmental

11950 Accounting Standards Board.

11951 (e) "Public finance website" or "website" means the website established by the state

11952 auditor in accordance with this section.

11953 (f) "Public financial information" means each record that is required under this section

11954 or by rule made by the Office of the State Auditor under Subsection (9) to be made available on

11955 the public finance website, a participating local entity's website, or an independent entity's

11956 website.

11957 (g) "Qualifying entity" means:

11958 (i) an independent entity;

11959 (ii) a participating local entity;

11960 (iii) a participating state entity;

11961 (iv) a local education agency;

11962 (v) a state institution of higher education as defined in Section 53B-3-102;

- 11963 (vi) the Utah Educational Savings Plan created in Section [53B-8a-103](#);
- 11964 (vii) the Utah Housing Corporation created in Section [63H-8-201](#);
- 11965 (viii) the School and Institutional Trust Lands Administration created in Section
- 11966 [53C-1-201](#);
- 11967 (ix) the Utah Capital Investment Corporation created in Section [63N-6-301](#); or
- 11968 (x) a URS-participating employer.
- 11969 (h) (i) "URS-participating employer" means an entity that:
- 11970 (A) is a participating employer, as that term is defined in Section [49-11-102](#); and
- 11971 (B) is not required to report public financial information under this section as a
- 11972 qualifying entity described in Subsections (1)(g)(i) through (ix).
- 11973 (ii) "URS-participating employer" does not include:
- 11974 (A) the Utah State Retirement Office created in Section [49-11-201](#);
- 11975 (B) an insurer that is subject to the disclosure requirements of Section [31A-4-113](#); or
- 11976 (C) a withdrawing entity.
- 11977 (i) (i) "Withdrawing entity" means:
- 11978 (A) an entity that elects to withdraw from participation in a system or plan under Title
- 11979 49, Chapter 11, Part 6, Procedures and Records;
- 11980 (B) until the date determined under Subsection [49-11-626\(2\)\(a\)](#), a public employees'
- 11981 association that provides the notice of intent described in Subsection [49-11-626\(2\)\(b\)](#); and
- 11982 (C) beginning on the date determined under Subsection [49-11-626\(2\)\(a\)](#), a public
- 11983 employees' association that makes an election described in Subsection [49-11-626\(3\)](#).
- 11984 (ii) "Withdrawing entity" includes a withdrawing entity, as that term is defined in
- 11985 Sections [49-11-623](#) and [49-11-624](#).
- 11986 (2) The state auditor shall establish and maintain a public finance website in
- 11987 accordance with this section.
- 11988 (3) The website shall:
- 11989 (a) permit Utah taxpayers to:
- 11990 (i) view, understand, and track the use of taxpayer dollars by making public financial
- 11991 information available on the Internet for participating state entities, independent entities,
- 11992 participating local entities, and URS-participating employers, using the website; and
- 11993 (ii) link to websites administered by participating local entities, independent entities, or

11994 URS-participating employers that do not use the website for the purpose of providing public
11995 financial information as required by this section and by rule made under Subsection (9);
11996 (b) allow a person that has Internet access to use the website without paying a fee;
11997 (c) allow the public to search public financial information on the website;
11998 (d) provide access to financial reports, financial audits, budgets, or other financial
11999 documents that are used to allocate, appropriate, spend, and account for government funds, as
12000 may be established by rule made in accordance with Subsection (9);
12001 (e) have a unique and simplified website address;
12002 (f) be guided by the principles described in Subsection [63A-16-202\(2\)](#);
12003 (g) include other links, features, or functionality that will assist the public in obtaining
12004 and reviewing public financial information, as may be established by rule made under
12005 Subsection (9); and
12006 (h) include a link to school report cards published on the State Board of Education's
12007 website under Section [53E-5-211](#).
12008 (4) The state auditor shall:
12009 (a) establish and maintain the website, including the provision of equipment, resources,
12010 and personnel as necessary;
12011 (b) maintain an archive of all information posted to the website;
12012 (c) coordinate and process the receipt and posting of public financial information from
12013 participating state entities; and
12014 (d) coordinate and regulate the posting of public financial information by participating
12015 local entities and independent entities.
12016 (5) A qualifying entity shall permit the public to view the qualifying entity's public
12017 financial information by posting the public financial information to the public finance website
12018 in accordance with rules made under Subsection (9).
12019 (6) The content of the public financial information posted to the public finance website
12020 is the responsibility of the qualifying entity posting the public financial information.
12021 (7) A URS-participating employer shall provide employee compensation information
12022 for each fiscal year ending on or after June 30, 2022:
12023 (a) to the state auditor for posting on the Utah Public Finance Website; or
12024 (b) (i) through the URS-participating employer's own website; and

12025 (ii) via a link to the website described in Subsection (7)(b)(i), submitted to the state
12026 auditor for posting on the Utah Public Finance Website.

12027 (8) (a) A qualifying entity may not post financial information that is classified as
12028 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and
12029 Management Act, to the public finance website.

12030 (b) An individual who negligently discloses financial information that is classified as
12031 private, protected, or controlled by Title 63G, Chapter 2, Government Records Access and
12032 Management Act, is not criminally or civilly liable for an improper disclosure of the financial
12033 information if the financial information is disclosed solely as a result of the preparation or
12034 publication of the website.

12035 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
12036 Office of the State Auditor:

12037 (a) shall make rules to:

12038 (i) establish which records a qualifying entity is required to post to the public finance
12039 website; and

12040 (ii) establish procedures for obtaining, submitting, reporting, storing, and posting
12041 public financial information on the public finance website; and

12042 (b) may make rules governing when a qualifying entity is required to disclose an
12043 expenditure made by a person under contract with the qualifying entity, including the form and
12044 content of the disclosure.

12045 (10) The rules made under Subsection (9) shall only require a URS-participating
12046 employer to provide employee compensation information for each fiscal year ending on or after
12047 June 30, 2022:

12048 (a) to the state auditor for posting on the public finance website; or

12049 (b) (i) through the URS-participating employer's own website; and

12050 (ii) via a link to the website described in Subsection (10)(b)(i), submitted to the state
12051 auditor for posting on the public finance website.

12052 Section 144. Section **67-3-13** is amended to read:

12053 **67-3-13. State privacy officer.**

12054 (1) As used in this section:

12055 (a) "Designated government entity" means a government entity that is not a state

12056 agency.

12057 (b) "Independent entity" means the same as that term is defined in Section 63E-1-102.

12058 (c) (i) "Government entity" means the state, a county, a municipality, a higher
12059 education institution, a ~~local~~ special district, a special service district, a school district, an
12060 independent entity, or any other political subdivision of the state or an administrative subunit of
12061 any political subdivision, including a law enforcement entity.

12062 (ii) "Government entity" includes an agent of an entity described in Subsection
12063 (1)(c)(i).

12064 (d) (i) "Personal data" means any information relating to an identified or identifiable
12065 individual.

12066 (ii) "Personal data" includes personally identifying information.

12067 (e) (i) "Privacy practice" means the acquisition, use, storage, or disposal of personal
12068 data.

12069 (ii) "Privacy practice" includes:

12070 (A) a technology use related to personal data; and

12071 (B) policies related to the protection, storage, sharing, and retention of personal data.

12072 (f) (i) "State agency" means the following entities that are under the direct supervision
12073 and control of the governor or the lieutenant governor:

12074 (A) a department;

12075 (B) a commission;

12076 (C) a board;

12077 (D) a council;

12078 (E) an institution;

12079 (F) an officer;

12080 (G) a corporation;

12081 (H) a fund;

12082 (I) a division;

12083 (J) an office;

12084 (K) a committee;

12085 (L) an authority;

12086 (M) a laboratory;

- 12087 (N) a library;
- 12088 (O) a bureau;
- 12089 (P) a panel;
- 12090 (Q) another administrative unit of the state; or
- 12091 (R) an agent of an entity described in Subsections (A) through (Q).
- 12092 (ii) "State agency" does not include:
- 12093 (A) the legislative branch;
- 12094 (B) the judicial branch;
- 12095 (C) an executive branch agency within the Office of the Attorney General, the state
- 12096 auditor, the state treasurer, or the State Board of Education; or
- 12097 (D) an independent entity.
- 12098 (2) The state privacy officer shall:
- 12099 (a) when completing the duties of this Subsection (2), focus on the privacy practices of
- 12100 designated government entities;
- 12101 (b) compile information about government privacy practices of designated government
- 12102 entities;
- 12103 (c) make public and maintain information about government privacy practices on the
- 12104 state auditor's website;
- 12105 (d) provide designated government entities with educational and training materials
- 12106 developed by the Personal Privacy Oversight Commission established in Section [63C-24-201](#)
- 12107 that include the information described in Subsection [63C-24-202\(1\)\(b\)](#);
- 12108 (e) implement a process to analyze and respond to requests from individuals for the
- 12109 state privacy officer to review a designated government entity's privacy practice;
- 12110 (f) identify annually which designated government entities' privacy practices pose the
- 12111 greatest risk to individual privacy and prioritize those privacy practices for review;
- 12112 (g) review each year, in as timely a manner as possible, the privacy practices that the
- 12113 privacy officer identifies under Subsection (2)(e) or (2)(f) as posing the greatest risk to
- 12114 individuals' privacy;
- 12115 (h) when reviewing a designated government entity's privacy practice under Subsection
- 12116 (2)(g), analyze:
- 12117 (i) details about the technology or the policy and the technology's or the policy's

12118 application;

12119 (ii) information about the type of data being used;

12120 (iii) information about how the data is obtained, stored, shared, secured, and disposed;

12121 (iv) information about with which persons the designated government entity shares the

12122 information;

12123 (v) information about whether an individual can or should be able to opt out of the

12124 retention and sharing of the individual's data;

12125 (vi) information about how the designated government entity de-identifies or

12126 anonymizes data;

12127 (vii) a determination about the existence of alternative technology or improved

12128 practices to protect privacy; and

12129 (viii) a finding of whether the designated government entity's current privacy practice

12130 adequately protects individual privacy; and

12131 (i) after completing a review described in Subsections (2)(g) and (h), determine:

12132 (i) each designated government entity's use of personal data, including the designated

12133 government entity's practices regarding data:

12134 (A) acquisition;

12135 (B) storage;

12136 (C) disposal;

12137 (D) protection; and

12138 (E) sharing;

12139 (ii) the adequacy of the designated government entity's practices in each of the areas

12140 described in Subsection (2)(i)(i); and

12141 (iii) for each of the areas described in Subsection (2)(i)(i) that the state privacy officer

12142 determines to require reform, provide recommendations for reform to the designated

12143 government entity and the legislative body charged with regulating the designated government

12144 entity.

12145 (3) (a) The legislative body charged with regulating a designated government entity

12146 that receives a recommendation described in Subsection (2)(i)(iii) shall hold a public hearing

12147 on the proposed reforms:

12148 (i) with a quorum of the legislative body present; and

12149 (ii) within 90 days after the day on which the legislative body receives the
12150 recommendation.

12151 (b) (i) The legislative body shall provide notice of the hearing described in Subsection
12152 (3)(a).

12153 (ii) Notice of the public hearing and the recommendations to be discussed shall be
12154 posted on:

12155 (A) the Utah Public Notice Website created in Section 63A-16-601 for 30 days before
12156 the day on which the legislative body will hold the public hearing; and

12157 (B) the website of the designated government entity that received a recommendation, if
12158 the designated government entity has a website, for 30 days before the day on which the
12159 legislative body will hold the public hearing.

12160 (iii) Each notice required under Subsection (3)(b)(i) shall:

12161 (A) identify the recommendations to be discussed; and

12162 (B) state the date, time, and location of the public hearing.

12163 (c) During the hearing described in Subsection (3)(a), the legislative body shall:

12164 (i) provide the public the opportunity to ask questions and obtain further information
12165 about the recommendations; and

12166 (ii) provide any interested person an opportunity to address the legislative body with
12167 concerns about the recommendations.

12168 (d) At the conclusion of the hearing, the legislative body shall determine whether the
12169 legislative body shall adopt reforms to address the recommendations and any concerns raised
12170 during the public hearing.

12171 (4) (a) Except as provided in Subsection (4)(b), if the government operations privacy
12172 officer described in Section 67-1-17 is not conducting reviews of the privacy practices of state
12173 agencies, the state privacy officer may review the privacy practices of a state agency in
12174 accordance with the processes described in this section.

12175 (b) Subsection (3) does not apply to a state agency.

12176 (5) The state privacy officer shall:

12177 (a) quarterly report, to the Personal Privacy Oversight Commission:

12178 (i) recommendations for privacy practices for the commission to review; and

12179 (ii) the information provided in Subsection (2)(i); and

- 12180 (b) annually, on or before October 1, report to the Judiciary Interim Committee:
- 12181 (i) the results of any reviews described in Subsection (2)(g), if any reviews have been
- 12182 completed;
- 12183 (ii) reforms, to the extent that the state privacy officer is aware of any reforms, that the
- 12184 designated government entity made in response to any reviews described in Subsection (2)(g);
- 12185 (iii) the information described in Subsection (2)(i); and
- 12186 (iv) recommendations for legislation based on any results of a review described in
- 12187 Subsection (2)(g).

12188 Section 145. Section **67-11-2** is amended to read:

12189 **67-11-2. Definitions.**

12190 For the purposes of this chapter:

- 12191 (1) "Employee" includes an elective or appointive officer or employee of a state or
- 12192 political subdivision thereof.
- 12193 (2) "Employment" means any service performed by an employee in the employ of the
- 12194 state, or any political subdivision thereof, for such employer, except:
- 12195 (a) service which in the absence of an agreement entered into under this chapter would
- 12196 constitute "employment" as defined in the Social Security Act;
- 12197 (b) service which under the Social Security Act may not be included in an agreement
- 12198 between the state and federal security administrator entered into under this chapter;
- 12199 (c) services of an emergency nature, service in any class or classes of positions the
- 12200 compensation for which is on a fee basis:
- 12201 (i) performed by employees of the state; or
- 12202 (ii) if so provided in the plan submitted under Section **67-11-5**, by a political
- 12203 subdivision of the state, by an employee of such subdivision;
- 12204 (d) services performed by students employed by a public school, college, or university
- 12205 at which they are enrolled and which they are attending on a full-time basis;
- 12206 (e) part-time services performed by election workers, i.e., judges of election and
- 12207 registrars; or
- 12208 (f) services performed by voluntary firemen, except when such services are
- 12209 prescheduled for a specific period of duty.
- 12210 (3) "Federal Insurance Contributions Act" means Chapter 21 of the Internal Revenue

12211 Code as such Code may be amended.

12212 (4) "Federal security administrator" includes any individual to whom the federal
12213 security administrator has delegated any of his functions under the Social Security Act with
12214 respect to coverage under such act of employees of states and their political subdivisions.

12215 (5) "Political subdivision" includes:

12216 (a) an instrumentality of the state, of one or more of its political subdivisions, or of the
12217 state and one or more of its political subdivisions, including leagues or associations [~~thereof,~~
12218 ~~but only if such~~] of the instrumentality, if:

12219 (i) the instrumentality is a juristic entity [~~which~~] that is legally separate and distinct
12220 from the state or subdivision; and [~~only if its~~]

12221 (ii) the instrumentality's employees are not [~~by virtue of their relation to such juristic~~
12222 ~~entity], due to their relation to the instrumentality,~~ employees of the state or subdivision[~~-The~~
12223 ~~term shall include local]; and~~

12224 (b) special districts, special service districts, or authorities created by the Legislature or
12225 local governments [~~such as, but not limited to,~~], including mosquito abatement districts, sewer
12226 or water districts, and libraries.

12227 (6) "Sick pay" means payments made to employees on account of sickness or accident
12228 disability under a sick leave plan of the type outlined in 42 U.S.C. Secs. 409(a)(2) and (3) of
12229 the Social Security Act.

12230 (7) "Social Security Act" means the Act of Congress approved August 14, 1935,
12231 Chapter 531, 49 Stat. 620, officially cited as the "Social Security Act," (including regulations
12232 and requirements issued pursuant thereto), as such act has been and may from time to time be
12233 amended.

12234 (8) "State agency" means the Division of Finance, referred to herein as the state
12235 agency.

12236 (9) "Wages" means all remuneration for employment as defined herein, including the
12237 cash value of all remuneration paid in any medium other than cash, except that such term shall
12238 not include "sick pay" as that term is defined in this section and shall not include that part of
12239 such remuneration which, even if it were for "employment" within the meaning of the Federal
12240 Insurance Contributions Act, would not constitute "wages" within the meaning of that act.

12241 Section 146. Section **67-21-2** is amended to read:

12242 **67-21-2. Definitions.**

12243 As used in this chapter:

12244 (1) "Abuse of authority" means an arbitrary or capricious exercise of power that:

12245 (a) adversely affects the employment rights of another; or

12246 (b) results in personal gain to the person exercising the authority or to another person.

12247 (2) "Communicate" means a verbal, written, broadcast, or other communicated report.

12248 (3) "Damages" means general and special damages for injury or loss caused by each
12249 violation of this chapter.

12250 (4) "Employee" means a person who performs a service for wages or other
12251 remuneration under a contract of hire, written or oral, express or implied.

12252 (5) (a) "Employer" means the public body or public entity that employs the employee.

12253 (b) "Employer" includes an agent of an employer.

12254 (6) "Good faith" means that an employee acts with:

12255 (a) subjective good faith; and

12256 (b) the objective good faith of a reasonable employee.

12257 (7) "Gross mismanagement" means action or failure to act by a person, with respect to
12258 a person's responsibility, that causes significant harm or risk of harm to the mission of the
12259 public entity or public body that employs, or is managed or controlled by, the person.

12260 (8) "Judicial employee" means an employee of the judicial branch of state government.

12261 (9) "Legislative employee" means an employee of the legislative branch of state
12262 government.

12263 (10) "Political subdivision employee" means an employee of a political subdivision of
12264 the state.

12265 (11) "Public body" means any of the following:

12266 (a) a state officer, employee, agency, department, division, bureau, board, commission,
12267 council, authority, educational institution, or any other body in the executive branch of state
12268 government;

12269 (b) an agency, board, commission, council, institution member, or employee of the
12270 legislative branch of state government;

12271 (c) a county, city, town, regional governing body, council, school district, [~~local~~
12272 special district, special service district, or municipal corporation, board, department,

- 12273 commission, council, agency, or any member or employee of them;
- 12274 (d) any other body that is created by state or local authority, or that is primarily funded
- 12275 by or through state or local authority, or any member or employee of that body;
- 12276 (e) a law enforcement agency or any member or employee of a law enforcement
- 12277 agency; and
- 12278 (f) the judiciary and any member or employee of the judiciary.
- 12279 (12) "Public entity" means a department, division, board, council, committee,
- 12280 institution, office, bureau, or other similar administrative unit of the executive branch of state
- 12281 government.
- 12282 (13) "Public entity employee" means an employee of a public entity.
- 12283 (14) "Retaliatory action" means the same as that term is defined in Section [67-19a-101](#).
- 12284 (15) "State institution of higher education" means the same as that term is defined in
- 12285 Section [53B-3-102](#).
- 12286 (16) "Unethical conduct" means conduct that violates a provision of Title 67, Chapter
- 12287 16, Utah Public Officers' and Employees' Ethics Act.
- 12288 Section 147. Section **71-8-1** is amended to read:
- 12289 **71-8-1. Definitions -- Veterans Affairs.**
- 12290 As used in this title:
- 12291 (1) "Contractor" means a person who is or may be awarded a government entity
- 12292 contract.
- 12293 (2) "Council" means the Veterans Advisory Council.
- 12294 (3) "Department" means the Department of Veterans and Military Affairs.
- 12295 (4) "Executive director" means the executive director of the Department of Veterans
- 12296 and Military Affairs.
- 12297 (5) "Government entity" means the state and any county, municipality, ~~local~~ special
- 12298 district, special service district, and any other political subdivision or administrative unit of the
- 12299 state, including state institutions of education.
- 12300 (6) "Specialist" means a full-time employee of a government entity who is tasked with
- 12301 responding to, and assisting, veterans who are employed by the entity or come to the entity for
- 12302 assistance.
- 12303 (7) "Veteran" has the same meaning as defined in Section [68-3-12.5](#).

12304 Section 148. Section **71-10-1** is amended to read:

12305 **71-10-1. Definitions.**

12306 As used in this chapter:

12307 (1) "Active duty" means active military duty and does not include active duty for
12308 training, initial active duty for training, or inactive duty for training.

12309 (2) "Government entity" means the state, any county, municipality, ~~local~~ special
12310 district, special service district, or any other political subdivision or administrative unit of the
12311 state, including state institutions of education.

12312 (3) "Preference eligible" means:

12313 (a) any individual who has served on active duty in the armed forces for more than 180
12314 consecutive days, or was a member of a reserve component who served in a campaign or
12315 expedition for which a campaign medal has been authorized and who has been separated under
12316 honorable conditions;

12317 (b) a veteran with a disability, regardless of the percentage of disability;

12318 (c) the spouse or unmarried widow or widower of a veteran;

12319 (d) a purple heart recipient; or

12320 (e) a retired member of the armed forces.

12321 (4) "Veteran" means the same as that term is defined in Section [68-3-12.5](#).

12322 (5) "Veteran with a disability" means an individual who has:

12323 (a) been separated or retired from the armed forces under honorable conditions; and

12324 (b) established the existence of a service-connected disability or is receiving
12325 compensation, disability retirement benefits, or pension because of a public statute
12326 administered by the federal Department of Veterans Affairs or a military department.

12327 Section 149. Section **72-2-201** is amended to read:

12328 **72-2-201. Definitions.**

12329 As used in this part:

12330 (1) "Fund" means the State Infrastructure Bank Fund created under Section [72-2-202](#).

12331 (2) "Infrastructure assistance" means any use of fund money, except an infrastructure
12332 loan, to provide financial assistance for transportation projects or publicly owned infrastructure
12333 projects, including:

12334 (a) capital reserves and other security for bond or debt instrument financing; or

12335 (b) any letters of credit, lines of credit, bond insurance, or loan guarantees obtained by
12336 a public entity to finance transportation projects.

12337 (3) "Infrastructure loan" means a loan of fund money to finance a transportation project
12338 or publicly owned infrastructure project.

12339 (4) "Public entity" means a state agency, county, municipality, ~~local~~ special district,
12340 special service district, an intergovernmental entity organized under state law, or the military
12341 installation development authority created in Section [63H-1-201](#).

12342 (5) "Publicly owned infrastructure project" means a project to improve sewer or water
12343 infrastructure that is owned by a public entity.

12344 (6) "Transportation project":

12345 (a) means a project:

12346 (i) to improve a state or local highway;

12347 (ii) to improve a public transportation facility or nonmotorized transportation facility;

12348 (iii) to construct or improve parking facilities;

12349 (iv) that is subject to a transportation reinvestment zone agreement pursuant to Section
12350 [11-13-227](#) if the state is party to the agreement; or

12351 (v) that is part of a housing and transit reinvestment zone created pursuant to Title
12352 [63N](#), Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;

12353 (b) includes the costs of acquisition, construction, reconstruction, rehabilitation,
12354 equipping, and fixturing; and

12355 (c) may only include a project if the project is part of:

12356 (i) the statewide long range plan;

12357 (ii) a regional transportation plan of the area metropolitan planning organization if a
12358 metropolitan planning organization exists for the area; or

12359 (iii) a local government general plan or economic development initiative.

12360 Section 150. Section **72-14-304** is amended to read:

12361 **72-14-304. Unlawful operation of unmanned aircraft near prison facilities --**
12362 **Penalties.**

12363 (1) An individual may not operate an unmanned aircraft system:

12364 (a) to carry or drop any item to or inside the property of a correctional facility; or

12365 (b) in a manner that interferes with the operations or security of a correctional facility.

12366 (2) (a) A violation of Subsection (1)(a) is a third degree felony.
 12367 (b) A violation of Subsection (1)(b) is a class B misdemeanor.
 12368 (3) An operator of an unmanned aircraft system does not violate Subsection (1) if the
 12369 operator is:

12370 (a) an employee or contractor working on behalf of a mosquito abatement district
 12371 created pursuant to [~~Title 17B, Limited Purpose Local Government Entities - Local Districts~~]
 12372 Title 17B, Limited Purpose Local Government Entities - Special Districts, or Title 17D,
 12373 Limited Purpose Local Government Entities - Other Entities; and

12374 (b) acting in the course and scope of the operator's employment.
 12375 Section 151. Section **73-2-1 (Superseded 05/03/23)** is amended to read:

12376 **73-2-1 (Superseded 05/03/23). State engineer -- Term -- Powers and duties --**
 12377 **Qualification for duties.**

12378 (1) There shall be a state engineer.

12379 (2) The state engineer shall:

- 12380 (a) be appointed by the governor with the advice and consent of the Senate;
- 12381 (b) hold office for the term of four years and until a successor is appointed; and
- 12382 (c) have five years experience as a practical engineer or the theoretical knowledge,
 12383 practical experience, and skill necessary for the position.

12384 (3) (a) The state engineer shall be responsible for the general administrative
 12385 supervision of the waters of the state and the measurement, appropriation, apportionment, and
 12386 distribution of those waters.

12387 (b) The state engineer may secure the equitable apportionment and distribution of the
 12388 water according to the respective rights of appropriators.

12389 (4) The state engineer shall make rules, in accordance with Title 63G, Chapter 3, Utah
 12390 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
 12391 regarding:

- 12392 (a) reports of water right conveyances;
- 12393 (b) the construction of water wells and the licensing of water well drillers;
- 12394 (c) dam construction and safety;
- 12395 (d) the alteration of natural streams;
- 12396 (e) geothermal resource conservation;

- 12397 (f) enforcement orders and the imposition of fines and penalties;
- 12398 (g) the duty of water; and
- 12399 (h) standards for written plans of a public water supplier that may be presented as
- 12400 evidence of reasonable future water requirements under Subsection 73-1-4(2)(f).
- 12401 (5) The state engineer may make rules, in accordance with Title 63G, Chapter 3, Utah
- 12402 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
- 12403 governing:
- 12404 (a) water distribution systems and water commissioners;
- 12405 (b) water measurement and reporting;
- 12406 (c) groundwater recharge and recovery;
- 12407 (d) wastewater reuse;
- 12408 (e) the form, content, and processing procedure for a claim under Section 73-5-13 to
- 12409 surface or underground water that is not represented by a certificate of appropriation;
- 12410 (f) the form and content of a proof submitted to the state engineer under Section
- 12411 73-3-16;
- 12412 (g) the determination of water rights; or
- 12413 (h) the form and content of applications and related documents, maps, and reports.
- 12414 (6) The state engineer may bring suit in courts of competent jurisdiction to:
- 12415 (a) enjoin the unlawful appropriation, diversion, and use of surface and underground
- 12416 water without first seeking redress through the administrative process;
- 12417 (b) prevent theft, waste, loss, or pollution of surface and underground waters;
- 12418 (c) enable the state engineer to carry out the duties of the state engineer's office; and
- 12419 (d) enforce administrative orders and collect fines and penalties.
- 12420 (7) The state engineer may:
- 12421 (a) upon request from the board of trustees of an irrigation district under Title 17B,
- 12422 Chapter 2a, Part 5, Irrigation District Act, or another ~~[local]~~ special district under ~~[Title 17B,~~
- 12423 ~~Limited Purpose Local Government Entities - Local Districts]~~ Title 17B, Limited Purpose
- 12424 Local Government Entities - Special Districts, or a special service district under Title 17D,
- 12425 Chapter 1, Special Service District Act, that operates an irrigation water system, cause a water
- 12426 survey to be made of the lands proposed to be annexed to the district in order to determine and
- 12427 allot the maximum amount of water that could be beneficially used on the land, with a separate

12428 survey and allotment being made for each 40-acre or smaller tract in separate ownership; and
12429 (b) upon completion of the survey and allotment under Subsection (7)(a), file with the
12430 district board a return of the survey and report of the allotment.

12431 (8) (a) The state engineer may establish water distribution systems and define the water
12432 distribution systems' boundaries.

12433 (b) The water distribution systems shall be formed in a manner that:

12434 (i) secures the best protection to the water claimants; and

12435 (ii) is the most economical for the state to supervise.

12436 (9) The state engineer may conduct studies of current and novel uses of water in the
12437 state.

12438 (10) Notwithstanding Subsection (4)(b), the state engineer may not on the basis of the
12439 depth of a water production well exempt the water production well from regulation under this
12440 title or rules made under this title related to the:

12441 (a) drilling, constructing, deepening, repairing, renovating, cleaning, developing,
12442 testing, disinfecting, or abandonment of a water production well; or

12443 (b) installation or repair of a pump for a water production well.

12444 Section 152. Section **73-2-1 (Effective 05/03/23)** is amended to read:

12445 **73-2-1 (Effective 05/03/23). State engineer -- Term -- Powers and duties --**

12446 **Qualification for duties.**

12447 (1) There shall be a state engineer.

12448 (2) The state engineer shall:

12449 (a) be appointed by the governor with the advice and consent of the Senate;

12450 (b) hold office for the term of four years and until a successor is appointed; and

12451 (c) have five years experience as a practical engineer or the theoretical knowledge,
12452 practical experience, and skill necessary for the position.

12453 (3) (a) The state engineer shall be responsible for the general administrative
12454 supervision of the waters of the state and the measurement, appropriation, apportionment, and
12455 distribution of those waters.

12456 (b) The state engineer may secure the equitable apportionment and distribution of the
12457 water according to the respective rights of appropriators.

12458 (4) The state engineer shall make rules, in accordance with Title 63G, Chapter 3, Utah

- 12459 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
12460 regarding:
- 12461 (a) reports of water right conveyances;
 - 12462 (b) the construction of water wells and the licensing of water well drillers;
 - 12463 (c) dam construction and safety;
 - 12464 (d) the alteration of natural streams;
 - 12465 (e) geothermal resource conservation;
 - 12466 (f) enforcement orders and the imposition of fines and penalties;
 - 12467 (g) the duty of water; and
 - 12468 (h) standards for written plans of a public water supplier that may be presented as
12469 evidence of reasonable future water requirements under Subsection 73-1-4(2)(f).
- 12470 (5) The state engineer may make rules, in accordance with Title 63G, Chapter 3, Utah
12471 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
12472 governing:
- 12473 (a) water distribution systems and water commissioners;
 - 12474 (b) water measurement and reporting;
 - 12475 (c) groundwater recharge and recovery;
 - 12476 (d) wastewater reuse;
 - 12477 (e) the form, content, and processing procedure for a claim under Section 73-5-13 to
12478 surface or underground water that is not represented by a certificate of appropriation;
 - 12479 (f) the form and content of a proof submitted to the state engineer under Section
12480 73-3-16;
 - 12481 (g) the determination of water rights;
 - 12482 (h) preferences of water rights under Section 73-3-21.5; or
 - 12483 (i) the form and content of applications and related documents, maps, and reports.
- 12484 (6) The state engineer may bring suit in courts of competent jurisdiction to:
- 12485 (a) enjoin the unlawful appropriation, diversion, and use of surface and underground
12486 water without first seeking redress through the administrative process;
 - 12487 (b) prevent theft, waste, loss, or pollution of surface and underground waters;
 - 12488 (c) enable the state engineer to carry out the duties of the state engineer's office; and
 - 12489 (d) enforce administrative orders and collect fines and penalties.

12490 (7) The state engineer may:
12491 (a) upon request from the board of trustees of an irrigation district under Title 17B,
12492 Chapter 2a, Part 5, Irrigation District Act, or another [~~local~~] special district under [~~Title 17B,~~
12493 ~~Limited Purpose Local Government Entities - Local Districts~~] Title 17B, Limited Purpose
12494 Local Government Entities - Special Districts, or a special service district under Title 17D,
12495 Chapter 1, Special Service District Act, that operates an irrigation water system, cause a water
12496 survey to be made of the lands proposed to be annexed to the district in order to determine and
12497 allot the maximum amount of water that could be beneficially used on the land, with a separate
12498 survey and allotment being made for each 40-acre or smaller tract in separate ownership; and
12499 (b) upon completion of the survey and allotment under Subsection (7)(a), file with the
12500 district board a return of the survey and report of the allotment.
12501 (8) (a) The state engineer may establish water distribution systems and define the water
12502 distribution systems' boundaries.
12503 (b) The water distribution systems shall be formed in a manner that:
12504 (i) secures the best protection to the water claimants; and
12505 (ii) is the most economical for the state to supervise.
12506 (9) The state engineer may conduct studies of current and novel uses of water in the
12507 state.
12508 (10) Notwithstanding Subsection (4)(b), the state engineer may not on the basis of the
12509 depth of a water production well exempt the water production well from regulation under this
12510 title or rules made under this title related to the:
12511 (a) drilling, constructing, deepening, repairing, renovating, cleaning, developing,
12512 testing, disinfecting, or abandonment of a water production well; or
12513 (b) installation or repair of a pump for a water production well.
12514 Section 153. Section **73-5-15** is amended to read:
12515 **73-5-15. Groundwater management plan.**
12516 (1) As used in this section:
12517 (a) "Critical management area" means a groundwater basin in which the groundwater
12518 withdrawals consistently exceed the safe yield.
12519 (b) "Safe yield" means the amount of groundwater that can be withdrawn from a
12520 groundwater basin over a period of time without exceeding the long-term recharge of the basin

12521 or unreasonably affecting the basin's physical and chemical integrity.

12522 (2) (a) The state engineer may regulate groundwater withdrawals within a specific
12523 groundwater basin by adopting a groundwater management plan in accordance with this section
12524 for any groundwater basin or aquifer or combination of hydrologically connected groundwater
12525 basins or aquifers.

12526 (b) The objectives of a groundwater management plan are to:

12527 (i) limit groundwater withdrawals to safe yield;

12528 (ii) protect the physical integrity of the aquifer; and

12529 (iii) protect water quality.

12530 (c) The state engineer shall adopt a groundwater management plan for a groundwater
12531 basin if more than one-third of the water right owners in the groundwater basin request that the
12532 state engineer adopt a groundwater management plan.

12533 (3) (a) In developing a groundwater management plan, the state engineer may consider:

12534 (i) the hydrology of the groundwater basin;

12535 (ii) the physical characteristics of the groundwater basin;

12536 (iii) the relationship between surface water and groundwater, including whether the
12537 groundwater should be managed in conjunction with hydrologically connected surface waters;

12538 (iv) the conjunctive management of water rights to facilitate and coordinate the lease,
12539 purchase, or voluntary use of water rights subject to the groundwater management plan;

12540 (v) the geographic spacing and location of groundwater withdrawals;

12541 (vi) water quality;

12542 (vii) local well interference; and

12543 (viii) other relevant factors.

12544 (b) The state engineer shall base the provisions of a groundwater management plan on
12545 the principles of prior appropriation.

12546 (c) (i) The state engineer shall use the best available scientific method to determine
12547 safe yield.

12548 (ii) As hydrologic conditions change or additional information becomes available, safe
12549 yield determinations made by the state engineer may be revised by following the procedures
12550 listed in Subsection (5).

12551 (4) (a) (i) Except as provided in Subsection (4)(b), the withdrawal of water from a

12552 groundwater basin shall be limited to the basin's safe yield.

12553 (ii) Before limiting withdrawals in a groundwater basin to safe yield, the state engineer
12554 shall:

12555 (A) determine the groundwater basin's safe yield; and

12556 (B) adopt a groundwater management plan for the groundwater basin.

12557 (iii) If the state engineer determines that groundwater withdrawals in a groundwater
12558 basin exceed the safe yield, the state engineer shall regulate groundwater rights in that
12559 groundwater basin based on the priority date of the water rights under the groundwater
12560 management plan, unless a voluntary arrangement exists under Subsection (4)(c) that requires a
12561 different distribution.

12562 (iv) A groundwater management plan shall include a list of each groundwater right in
12563 the proposed groundwater management area known to the state engineer identifying the water
12564 right holder, the land to which the groundwater right is appurtenant, and any identification
12565 number the state engineer uses in the administration of water rights.

12566 (b) When adopting a groundwater management plan for a critical management area, the
12567 state engineer shall, based on economic and other impacts to an individual water user or a local
12568 community caused by the implementation of safe yield limits on withdrawals, allow gradual
12569 implementation of the groundwater management plan.

12570 (c) (i) In consultation with the state engineer, water users in a groundwater basin may
12571 agree to participate in a voluntary arrangement for managing withdrawals at any time, either
12572 before or after a determination that groundwater withdrawals exceed the groundwater basin's
12573 safe yield.

12574 (ii) A voluntary arrangement under Subsection (4)(c)(i) shall be consistent with other
12575 law.

12576 (iii) The adoption of a voluntary arrangement under this Subsection (4)(c) by less than
12577 all of the water users in a groundwater basin does not affect the rights of water users who do
12578 not agree to the voluntary arrangement.

12579 (5) To adopt a groundwater management plan, the state engineer shall:

12580 (a) give notice as specified in Subsection (7) at least 30 days before the first public
12581 meeting held in accordance with Subsection (5)(b):

12582 (i) that the state engineer proposes to adopt a groundwater management plan;

12583 (ii) describing generally the land area proposed to be included in the groundwater
12584 management plan; and

12585 (iii) stating the location, date, and time of each public meeting to be held in accordance
12586 with Subsection (5)(b);

12587 (b) hold one or more public meetings in the geographic area proposed to be included
12588 within the groundwater management plan to:

12589 (i) address the need for a groundwater management plan;

12590 (ii) present any data, studies, or reports that the state engineer intends to consider in
12591 preparing the groundwater management plan;

12592 (iii) address safe yield and any other subject that may be included in the groundwater
12593 management plan;

12594 (iv) outline the estimated administrative costs, if any, that groundwater users are likely
12595 to incur if the plan is adopted; and

12596 (v) receive any public comments and other information presented at the public
12597 meeting, including comments from any of the entities listed in Subsection (7)(a)(iii);

12598 (c) receive and consider written comments concerning the proposed groundwater
12599 management plan from any person for a period determined by the state engineer of not less
12600 than 60 days after the day on which the notice required by Subsection (5)(a) is given;

12601 (d) (i) at least 60 days prior to final adoption of the groundwater management plan,
12602 publish notice:

12603 (A) that a draft of the groundwater management plan has been proposed; and
12604 (B) specifying where a copy of the draft plan may be reviewed; and

12605 (ii) promptly provide a copy of the draft plan in printed or electronic form to each of
12606 the entities listed in Subsection (7)(a)(iii) that makes written request for a copy; and

12607 (e) provide notice of the adoption of the groundwater management plan.

12608 (6) A groundwater management plan shall become effective on the date notice of
12609 adoption is completed under Subsection (7), or on a later date if specified in the plan.

12610 (7) (a) A notice required by this section shall be:

12611 (i) published:

12612 (A) once a week for two successive weeks in a newspaper of general circulation in
12613 each county that encompasses a portion of the land area proposed to be included within the

12614 groundwater management plan; and
12615 (B) in accordance with Section 45-1-101 for two weeks;
12616 (ii) published conspicuously on the state engineer's website; and
12617 (iii) mailed to each of the following that has within its boundaries a portion of the land
12618 area to be included within the proposed groundwater management plan:
12619 (A) county;
12620 (B) incorporated city or town;
12621 (C) a ~~local~~ special district created to acquire or assess a groundwater right under
12622 ~~[Title 17B, Chapter 1, Provisions Applicable to All Local Districts]~~ Title 17B, Chapter 1,
12623 Provisions Applicable to All Special Districts;
12624 (D) improvement district under Title 17B, Chapter 2a, Part 4, Improvement District
12625 Act;
12626 (E) service area, under Title 17B, Chapter 2a, Part 9, Service Area Act;
12627 (F) drainage district, under Title 17B, Chapter 2a, Part 2, Drainage District Act;
12628 (G) irrigation district, under Title 17B, Chapter 2a, Part 5, Irrigation District Act;
12629 (H) metropolitan water district, under Title 17B, Chapter 2a, Part 6, Metropolitan
12630 Water District Act;
12631 (I) special service district providing water, sewer, drainage, or flood control services,
12632 under Title 17D, Chapter 1, Special Service District Act;
12633 (J) water conservancy district, under Title 17B, Chapter 2a, Part 10, Water
12634 Conservancy District Act; and
12635 (K) conservation district, under Title 17D, Chapter 3, Conservation District Act.
12636 (b) A notice required by this section is effective upon substantial compliance with
12637 Subsections (7)(a)(i) through (iii).
12638 (8) A groundwater management plan may be amended in the same manner as a
12639 groundwater management plan may be adopted under this section.
12640 (9) The existence of a groundwater management plan does not preclude any otherwise
12641 eligible person from filing any application or challenging any decision made by the state
12642 engineer within the affected groundwater basin.
12643 (10) (a) A person aggrieved by a groundwater management plan may challenge any
12644 aspect of the groundwater management plan by filing a complaint within 60 days after the

12645 adoption of the groundwater management plan in the district court for any county in which the
12646 groundwater basin is found.

12647 (b) Notwithstanding Subsection (9), a person may challenge the components of a
12648 groundwater management plan only in the manner provided by Subsection (10)(a).

12649 (c) An action brought under this Subsection (10) is reviewed de novo by the district
12650 court.

12651 (d) A person challenging a groundwater management plan under this Subsection (10)
12652 shall join the state engineer as a defendant in the action challenging the groundwater
12653 management plan.

12654 (e) (i) Within 30 days after the day on which a person files an action challenging any
12655 aspect of a groundwater management plan under Subsection (10)(a), the person filing the action
12656 shall publish notice of the action:

12657 (A) in a newspaper of general circulation in the county in which the district court is
12658 located; and

12659 (B) in accordance with Section [45-1-101](#) for two weeks.

12660 (ii) The notice required by Subsection (10)(e)(i)(A) shall be published once a week for
12661 two consecutive weeks.

12662 (iii) The notice required by Subsection (10)(e)(i) shall:

12663 (A) identify the groundwater management plan the person is challenging;

12664 (B) identify the case number assigned by the district court;

12665 (C) state that a person affected by the groundwater management plan may petition the
12666 district court to intervene in the action challenging the groundwater management plan; and

12667 (D) list the address for the clerk of the district court in which the action is filed.

12668 (iv) (A) Any person affected by the groundwater management plan may petition to
12669 intervene in the action within 60 days after the day on which notice is last published under
12670 Subsections (10)(e)(i) and (ii).

12671 (B) The district court's treatment of a petition to intervene under this Subsection
12672 (10)(e)(iv) is governed by the Utah Rules of Civil Procedure.

12673 (v) A district court in which an action is brought under Subsection (10)(a) shall
12674 consolidate all actions brought under that subsection and include in the consolidated action any
12675 person whose petition to intervene is granted.

12676 (11) A groundwater management plan adopted or amended in accordance with this
12677 section is exempt from the requirements in Title 63G, Chapter 3, Utah Administrative
12678 Rulemaking Act.

12679 (12) (a) Recharge and recovery projects permitted under Chapter 3b, Groundwater
12680 Recharge and Recovery Act, are exempted from this section.

12681 (b) In a critical management area, the artificial recharge of a groundwater basin that
12682 uses surface water naturally tributary to the groundwater basin by a ~~[local]~~ special district
12683 created under Subsection 17B-1-202(1)(a)(xiii), in accordance with Chapter 3b, Groundwater
12684 Recharge and Recovery Act, constitutes a beneficial use of the water under Section 73-1-3 if:

12685 (i) the recharge is done during the time the area is designated as a critical management
12686 area;

12687 (ii) the recharge is done with a valid recharge permit;

12688 (iii) the recharged water is not recovered under a recovery permit; and

12689 (iv) the recharged water is used to replenish the groundwater basin.

12690 (13) Nothing in this section may be interpreted to require the development,
12691 implementation, or consideration of a groundwater management plan as a prerequisite or
12692 condition to the exercise of the state engineer's enforcement powers under other law, including
12693 powers granted under Section 73-2-25.

12694 (14) A groundwater management plan adopted in accordance with this section may not
12695 apply to the dewatering of a mine.

12696 (15) (a) A groundwater management plan adopted by the state engineer before May 1,
12697 2006, remains in force and has the same legal effect as it had on the day on which it was
12698 adopted by the state engineer.

12699 (b) If a groundwater management plan that existed before May 1, 2006, is amended on
12700 or after May 1, 2006, the amendment is subject to this section's provisions.

12701 Section 154. Section **73-10-21** is amended to read:

12702 **73-10-21. Loans for water systems -- Eligible projects.**

12703 This chapter shall apply to all eligible projects of incorporated cities and towns, ~~[local]~~
12704 special districts under ~~[Title 17B, Limited Purpose Local Government Entities - Local~~
12705 ~~Districts]~~ Title 17B, Limited Purpose Local Government Entities - Special Districts,
12706 assessment areas under Title 11, Chapter 42, Assessment Area Act, and special service districts

12707 under Title 17D, Chapter 1, Special Service District Act. Eligible projects are those for the
12708 acquisition, improvement, or construction of water systems used for the production, supply,
12709 transmission, storage, distribution, or treatment of water for cities, towns, metropolitan water
12710 districts, water conservancy districts, improvement districts, special improvement districts, or
12711 special service districts, or the improvement or extension of such systems.

12712 Section 155. Section **76-1-101.5** is amended to read:

12713 **76-1-101.5. Definitions.**

12714 Unless otherwise provided, as used in this title:

12715 (1) "Act" means a voluntary bodily movement and includes speech.

12716 (2) "Actor" means a person whose criminal responsibility is in issue in a criminal
12717 action.

12718 (3) "Affinity" means a relationship by marriage.

12719 (4) "Bodily injury" means physical pain, illness, or any impairment of physical
12720 condition.

12721 (5) "Conduct" means an act or omission.

12722 (6) "Consanguinity" means a relationship by blood to the first or second degree,
12723 including an individual's parent, grandparent, sibling, child, aunt, uncle, niece, or nephew.

12724 (7) "Dangerous weapon" means:

12725 (a) any item capable of causing death or serious bodily injury; or

12726 (b) a facsimile or representation of the item, if:

12727 (i) the actor's use or apparent intended use of the item leads the victim to reasonably
12728 believe the item is likely to cause death or serious bodily injury; or

12729 (ii) the actor represents to the victim verbally or in any other manner that the actor is in
12730 control of such an item.

12731 (8) "Grievous sexual offense" means:

12732 (a) rape, Section [76-5-402](#);

12733 (b) rape of a child, Section [76-5-402.1](#);

12734 (c) object rape, Section [76-5-402.2](#);

12735 (d) object rape of a child, Section [76-5-402.3](#);

12736 (e) forcible sodomy, Subsection [76-5-403\(2\)](#);

12737 (f) sodomy on a child, Section [76-5-403.1](#);

- 12738 (g) aggravated sexual abuse of a child, Section 76-5-404.3;
- 12739 (h) aggravated sexual assault, Section 76-5-405;
- 12740 (i) any felony attempt to commit an offense described in Subsections (8)(a) through
- 12741 (h); or
- 12742 (j) an offense in another state, territory, or district of the United States that, if
- 12743 committed in Utah, would constitute an offense described in Subsections (8)(a) through (i).
- 12744 (9) "Offense" means a violation of any penal statute of this state.
- 12745 (10) "Omission" means a failure to act when there is a legal duty to act and the actor is
- 12746 capable of acting.
- 12747 (11) "Person" means an individual, public or private corporation, government,
- 12748 partnership, or unincorporated association.
- 12749 (12) "Possess" means to have physical possession of or to exercise dominion or control
- 12750 over tangible property.
- 12751 (13) "Public entity" means:
- 12752 (a) the state, or an agency, bureau, office, department, division, board, commission,
- 12753 institution, laboratory, or other instrumentality of the state;
- 12754 (b) a political subdivision of the state, including a county, municipality, interlocal
- 12755 entity, ~~local~~ special district, special service district, school district, or school board;
- 12756 (c) an agency, bureau, office, department, division, board, commission, institution,
- 12757 laboratory, or other instrumentality of a political subdivision of the state; or
- 12758 (d) another entity that:
- 12759 (i) performs a public function; and
- 12760 (ii) is authorized to hold, spend, transfer, disburse, use, or receive public money.
- 12761 (14) (a) "Public money" or "public funds" means money, funds, or accounts, regardless
- 12762 of the source from which they are derived, that:
- 12763 (i) are owned, held, or administered by an entity described in Subsections (13)(a)
- 12764 through (c); or
- 12765 (ii) are in the possession of an entity described in Subsection (13)(d)(i) for the purpose
- 12766 of performing a public function.
- 12767 (b) "Public money" or "public funds" includes money, funds, or accounts described in
- 12768 Subsection (14)(a) after the money, funds, or accounts are transferred by a public entity to an

12769 independent contractor of the public entity.

12770 (c) "Public money" or "public funds" remains public money or public funds while in
12771 the possession of an independent contractor of a public entity for the purpose of providing a
12772 program or service for, or on behalf of, the public entity.

12773 (15) "Public officer" means:

12774 (a) an elected official of a public entity;

12775 (b) an individual appointed to, or serving an unexpired term of, an elected official of a
12776 public entity;

12777 (c) a judge of a court of record or not of record, including justice court judges; or

12778 (d) a member of the Board of Pardons and Parole.

12779 (16) (a) "Public servant" means:

12780 (i) a public officer;

12781 (ii) an appointed official, employee, consultant, or independent contractor of a public
12782 entity; or

12783 (iii) a person hired or paid by a public entity to perform a government function.

12784 (b) Public servant includes a person described in Subsection (16)(a) upon the person's
12785 election, appointment, contracting, or other selection, regardless of whether the person has
12786 begun to officially occupy the position of a public servant.

12787 (17) "Serious bodily injury" means bodily injury that creates or causes serious
12788 permanent disfigurement, protracted loss or impairment of the function of any bodily member
12789 or organ, or creates a substantial risk of death.

12790 (18) "Substantial bodily injury" means bodily injury, not amounting to serious bodily
12791 injury, that creates or causes protracted physical pain, temporary disfigurement, or temporary
12792 loss or impairment of the function of any bodily member or organ.

12793 (19) "Writing" or "written" includes any handwriting, typewriting, printing, electronic
12794 storage or transmission, or any other method of recording information or fixing information in
12795 a form capable of being preserved.

12796 Section 156. Section **77-23d-102** is amended to read:

12797 **77-23d-102. Definitions.**

12798 As used in this chapter:

12799 (1) "Government entity" means the state, a county, a municipality, a higher education

12800 institution, a ~~local~~ special district, a special service district, or any other political subdivision
12801 of the state or an administrative subunit of any political subdivision, including a law
12802 enforcement entity or any other investigative entity, agency, department, division, bureau,
12803 board, or commission, or an individual acting or purporting to act for or on behalf of a state or
12804 local agency.

12805 (2) "Imaging surveillance device" means a device that uses radar, sonar, infrared, or
12806 other remote sensing or detection technology used by the individual operating the device to
12807 obtain information, not otherwise directly observable, about individuals, items, or activities
12808 within a closed structure.

12809 (3) "Target" means a person or a structure upon which a government entity
12810 intentionally collects or attempts to collect information using an imaging surveillance device.

12811 Section 157. Section **77-38-601** is amended to read:

12812 **77-38-601. Definitions.**

12813 As used in this part:

12814 (1) "Abuse" means any of the following:

12815 (a) "abuse" as that term is defined in Section [76-5-111](#) or [80-1-102](#); or

12816 (b) "child abuse" as that term is defined in Section [76-5-109](#).

12817 (2) "Actual address" means the residential street address of the program participant that
12818 is stated in a program participant's application for enrollment or on a notice of a change of
12819 address under Section [77-38-610](#).

12820 (3) "Assailant" means an individual who commits or threatens to commit abuse, human
12821 trafficking, domestic violence, stalking, or a sexual offense against an applicant for the
12822 program or a minor or incapacitated individual residing with an applicant for the program.

12823 (4) "Assigned address" means an address designated by the commission and assigned
12824 to a program participant.

12825 (5) "Authorization card" means a card issued by the commission that identifies a
12826 program participant as enrolled in the program with the program participant's assigned address
12827 and the date on which the program participant will no longer be enrolled in the program.

12828 (6) "Commission" means the State Commission on Criminal and Juvenile Justice
12829 created in Section [63M-7-201](#).

12830 (7) "Domestic violence" means the same as that term is defined in Section [77-36-1](#).

12831 (8) "Human trafficking" means a human trafficking offense under Section 76-5-308.

12832 (9) "Incapacitated individual" means an individual who is incapacitated, as defined in
12833 Section 75-1-201.

12834 (10) (a) "Mail" means first class letters or flats delivered by the United States Postal
12835 Service, including priority, express, and certified mail.

12836 (b) "Mail" does not include a package, parcel, periodical, or catalogue, unless the
12837 package, parcel, periodical, or catalogue is clearly identifiable as:

12838 (i) being sent by a federal, state, or local agency or another government entity; or

12839 (ii) a pharmaceutical or medical item.

12840 (11) "Minor" means an individual who is younger than 18 years old.

12841 (12) "Notification form" means a form issued by the commission that a program
12842 participant may send to a person demonstrating that the program participant is enrolled in the
12843 program.

12844 (13) "Program" means the Address Confidentiality Program created in Section
12845 77-38-602.

12846 (14) "Program assistant" means an individual designated by the commission under
12847 Section 77-38-604 to assist an applicant or program participant.

12848 (15) "Program participant" means an individual who is enrolled under Section
12849 77-38-606 by the commission to participate in the program.

12850 (16) "Record" means the same as that term is defined in Section 63G-2-103.

12851 (17) "Sexual offense" means:

12852 (a) a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses; or

12853 (b) a sexual exploitation offense under Title 76, Chapter 5b, Part 2, Sexual
12854 Exploitation.

12855 (18) "Stalking" means the same as that term is defined in Section 76-5-106.5.

12856 (19) "State or local government entity" means a county, municipality, higher education
12857 institution, ~~local~~ special district, special service district, or any other political subdivision of
12858 the state or an administrative subunit of the executive, legislative, or judicial branch of this
12859 state, including:

12860 (a) a law enforcement entity or any other investigative entity, agency, department,
12861 division, bureau, board, or commission; or

12862 (b) an individual acting or purporting to act for or on behalf of a state or local entity,
12863 including an elected or appointed public official.

12864 (20) "Victim" means a victim of abuse, domestic violence, human trafficking, stalking,
12865 or sexual assault.

12866 Section 158. Section **78B-2-216** is amended to read:

12867 **78B-2-216. Adverse possession of certain real property.**

12868 (1) As used in this section:

12869 (a) "Government entity" means a town, city, county, metropolitan water district, or
12870 [~~local~~] special district.

12871 (b) "Water facility" means any improvement or structure used, or intended to be used,
12872 to divert, convey, store, measure, or treat water.

12873 (2) Except as provided in Subsection (3), a person may not acquire by adverse
12874 possession, prescriptive use, or acquiescence any right in or title to any real property:

12875 (a) held by a government entity; and

12876 (b) designated for any present or future public use, including:

12877 (i) a street;

12878 (ii) a lane;

12879 (iii) an avenue;

12880 (iv) an alley;

12881 (v) a park;

12882 (vi) a public square;

12883 (vii) a water facility; or

12884 (viii) a water conveyance right-of-way or water conveyance corridor.

12885 (3) Notwithstanding Subsection (2) and subject to Subsection (4), a person may acquire
12886 title if:

12887 (a) a government entity sold, disposed of, or conveyed the right in, or title to, the real
12888 property to a purchaser for valuable consideration; and

12889 (b) the purchaser or the purchaser's grantees or successors in interest have been in
12890 exclusive, continuous, and adverse possession of the real property for at least seven
12891 consecutive years after the day on which the real property was sold, disposed of, or conveyed
12892 as described in Subsection (3)(a).

12893 (4) A person who acquires title under Subsection (3) is subject to all other applicable
12894 provisions of law.

12895 Section 159. Section **78B-4-509** is amended to read:

12896 **78B-4-509. Inherent risks of certain recreational activities -- Claim barred**
12897 **against county or municipality -- No effect on duty or liability of person participating in**
12898 **recreational activity or other person.**

12899 (1) As used in this section:

12900 (a) "Inherent risks" means any danger, condition, and potential for personal injury or
12901 property damage that is an integral and natural part of participating in a recreational activity.

12902 (b) "Municipality" means the same as that term is defined in Section [10-1-104](#).

12903 (c) "Person" means:

12904 (i) an individual, regardless of age, maturity, ability, capability, or experience; and

12905 (ii) a corporation, partnership, limited liability company, or any other form of business
12906 enterprise.

12907 (d) "Recreational activity" includes a rodeo, an equestrian activity, skateboarding,
12908 skydiving, para gliding, hang gliding, roller skating, ice skating, fishing, hiking, walking,
12909 running, jogging, bike riding, scooter riding, or in-line skating on property:

12910 (i) owned, leased, or rented by, or otherwise made available to:

12911 (A) with respect to a claim against a county, the county; and

12912 (B) with respect to a claim against a municipality, the municipality; and

12913 (ii) intended for the specific use in question.

12914 (2) Notwithstanding Sections [78B-5-817](#) through [78B-5-823](#), no person may make a
12915 claim against or recover from any of the following entities for personal injury or property
12916 damage resulting from any of the inherent risks of participating in a recreational activity:

12917 (a) a county, municipality, ~~[local] special~~ district under ~~[Title 17B, Limited Purpose~~
12918 ~~Local Government Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government
12919 Entities - Special Districts, or special service district under Title 17D, Chapter 1, Special
12920 Service District Act; or

12921 (b) the owner of property that is leased, rented, or otherwise made available to a
12922 county, municipality, ~~[local] special~~ district, or special service district for the purpose of
12923 providing or operating a recreational activity.

12924 (3) (a) Nothing in this section may be construed to relieve a person participating in a
12925 recreational activity from an obligation that the person would have in the absence of this
12926 section to exercise due care or from the legal consequences of a failure to exercise due care.

12927 (b) Nothing in this section may be construed to relieve any other person from an
12928 obligation that the person would have in the absence of this section to exercise due care or
12929 from the legal consequences of a failure to exercise due care.

12930 Section 160. Section **78B-6-2301** is amended to read:

12931 **78B-6-2301. Definitions.**

12932 As used in this part:

12933 (1) "Directive" means an ordinance, regulation, measure, rule, enactment, order, or
12934 policy issued, enacted, or required by a local or state governmental entity.

12935 (2) "Firearm" means the same as that term is defined in Section [53-5a-102](#).

12936 (3) "Legislative firearm preemption" means the preemption provided for in Sections
12937 [53-5a-102](#) and [76-10-500](#).

12938 (4) "Local or state governmental entity" means:

12939 (a) a department, commission, board, council, agency, institution, officer, corporation,
12940 fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other
12941 administrative unit of the state, including the Utah Board of Higher Education, each institution
12942 of higher education, and the boards of trustees of each higher education institution; or

12943 (b) a county, city, town, metro township, ~~local~~ special district, local education
12944 agency, public school, school district, charter school, special service district under Title 17D,
12945 Chapter 1, Special Service District Act, an entity created by interlocal cooperation agreement
12946 under Title 11, Chapter 13, Interlocal Cooperation Act, or any other governmental entity
12947 designated in statute as a political subdivision of the state.