

**Representative Gage Froerer** proposes the following substitute bill:

**COUNTY GOVERNMENT CHANGE ELECTION AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gage Froerer**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions related to the process to change a county's form of government.

**Highlighted Provisions:**

This bill:

- ▶ reorganizes and recodifies Title 17, Chapter 52, Changing Forms of County Government;
- ▶ combines sections with similar subject matter;
- ▶ amends definitions;
- ▶ amends provisions related to the appointment of certain members of an appointment council;
- ▶ prohibits a person from initiating a process to change a county's form of government when a process to change the county's form of government is pending;
- ▶ requires that registered voters who wish to initiate the process to change a county's form of government to file a notice of intent to gather signatures;
- ▶ establishes a deadline by which the sponsors of a petition to create a study committee are required to file the petition;
- ▶ removes a provision that requires an optional plan to be approved by the county



- 26 legislative body or subjected to a petition before the optional plan is submitted to the voters;
- 27       ▶ requires a county clerk to post an optional plan on the county's website for a
- 28 specified period of time before an election on the optional plan;
- 29       ▶ provides that an optional plan is adopted if approved by a majority of voters that
- 30 vote on the optional plan;
- 31       ▶ provides for the appointment of a chair of a study committee;
- 32       ▶ requires a study committee to submit a report to the county clerk;
- 33       ▶ provides that if a study committee recommends that the form of a county's
- 34 government not change, the process to change the county's form of government is
- 35 concluded;
- 36       ▶ establishes a deadline after which an optional plan may not be repealed without
- 37 initiating a new process to change the county's form of government;
- 38       ▶ removes obsolete and superfluous provisions; and
- 39       ▶ makes technical and conforming changes.

40 **Money Appropriated in this Bill:**

41       None

42 **Other Special Clauses:**

43       This bill provides a special effective date.

44 **Utah Code Sections Affected:**

45 AMENDS:

46       17-15-27, as last amended by Laws of Utah 2006, Chapter 171

47       17-16-6, as last amended by Laws of Utah 2014, Chapter 16

48       17-19a-203, as enacted by Laws of Utah 2012, Chapter 17

49       17-31-8, as last amended by Laws of Utah 2017, Chapter 70

50       17-43-201, as last amended by Laws of Utah 2016, Chapter 113

51       17-43-301, as last amended by Laws of Utah 2016, Chapter 113

52       17-53-101, as renumbered and amended by Laws of Utah 2000, Chapter 133

53       17B-2a-1106, as last amended by Laws of Utah 2016, Chapter 176

54       17C-1-203, as last amended by Laws of Utah 2016, Chapter 350

55       17D-2-203, as enacted by Laws of Utah 2008, Chapter 360

56       20A-1-203, as last amended by Laws of Utah 2015, Chapters 111 and 352

- 57           **20A-1-508**, as last amended by Laws of Utah 2017, Chapter 54
- 58           **20A-9-409**, as last amended by Laws of Utah 2017, Chapters 54 and 91
- 59           **26A-1-102**, as last amended by Laws of Utah 2016, Chapter 113
- 60           **59-2-919**, as last amended by Laws of Utah 2016, Chapters 341 and 367
- 61           **68-3-12.5**, as last amended by Laws of Utah 2015, Chapters 141 and 152

62 RENUMBERS AND AMENDS:

- 63           **17-52a-101**, (Renumbered from 17-52-101, as last amended by Laws of Utah 2012,
- 64 Chapter 17)
- 65           **17-52a-102**, (Renumbered from 17-52-102, as last amended by Laws of Utah 2001,
- 66 Chapter 241)
- 67           **17-52a-201**, (Renumbered from 17-52-501, as last amended by Laws of Utah 2017,
- 68 Chapter 54)
- 69           **17-52a-202**, (Renumbered from 17-52-502, as last amended by Laws of Utah 2017,
- 70 Chapter 54)
- 71           **17-52a-203**, (Renumbered from 17-52-504, as renumbered and amended by Laws of
- 72 Utah 2000, Chapter 133)
- 73           **17-52a-204**, (Renumbered from 17-52-505, as last amended by Laws of Utah 2011,
- 74 Chapter 209)
- 75           **17-52a-301**, (Renumbered from 17-52-201, as last amended by Laws of Utah 2008,
- 76 Chapter 250)
- 77           **17-52a-302**, (Renumbered from 17-52-202, as last amended by Laws of Utah 2004,
- 78 Chapter 371)
- 79           **17-52a-303**, (Renumbered from 17-52-203, as last amended by Laws of Utah 2013,
- 80 Chapters 37 and 134)
- 81           **17-52a-304**, (Renumbered from 17-52-203.5, as last amended by Laws of Utah 2004,
- 82 Chapter 371)
- 83           **17-52a-401**, (Renumbered from 17-52-301, as last amended by Laws of Utah 2001,
- 84 Chapter 241)
- 85           **17-52a-402**, (Renumbered from 17-52-302, as last amended by Laws of Utah 2001,
- 86 Chapter 241)
- 87           **17-52a-403**, (Renumbered from 17-52-303, as last amended by Laws of Utah 2001,

88 Chapter 241)

89 **17-52a-404**, (Renumbered from 17-52-401, as last amended by Laws of Utah 2017,

90 Chapter 54)

91 **17-52a-405**, (Renumbered from 17-52-402, as last amended by Laws of Utah 2015,

92 Chapter 216)

93 **17-52a-406**, (Renumbered from 17-52-204, as last amended by Laws of Utah 2001,

94 Chapter 241)

95 **17-52a-501**, (Renumbered from 17-52-206, as last amended by Laws of Utah 2013,

96 Chapter 37)

97 **17-52a-502**, (Renumbered from 17-52-205, as last amended by Laws of Utah 2001,

98 Chapter 241)

99 **17-52a-503**, (Renumbered from 17-52-403, as last amended by Laws of Utah 2012,

100 Chapter 17)

101 **17-52a-504**, (Renumbered from 17-52-404, as renumbered and amended by Laws of

102 Utah 2000, Chapter 133)

103 **17-52a-505**, (Renumbered from 17-52-405, as enacted by Laws of Utah 2013, Chapter

104 134)

105 REPEALS:

106 **17-52-207**, as last amended by Laws of Utah 2001, Chapter 241



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

109 Section 1. Section **17-15-27** is amended to read:

110 **17-15-27. Appointment of legal counsel by county executive and county legislative**

111 **body.**

112 (1) (a) An elected county executive in a county that has adopted a county  
113 executive-council form of county government under Chapter 52a, Changing Forms of County  
114 Government, may appoint an attorney to advise and represent the county executive.

115 (b) An attorney appointed under Subsection (1)(a):

116 (i) serves at the pleasure of the county executive; and

117 (ii) may not perform any of the functions of a county attorney or district attorney under  
118 this title, except as provided in this section.

119 (c) An attorney appointed under this Subsection (1) may represent the county executive  
120 in cases and controversies before courts and administrative agencies and tribunals when a  
121 conflict exists that precludes the county or district attorney from representing the county  
122 executive.

123 (2) (a) The legislative body of a county that has adopted a county executive-council  
124 form of county government under Chapter 52a, Changing Forms of County Government, may  
125 appoint an attorney to advise and represent the county legislative body.

126 (b) An attorney appointed under Subsection (2)(a):

127 (i) serves at the pleasure of the county legislative body; and

128 (ii) may not perform any of the functions of a county attorney or district attorney under  
129 this title, except as provided in this section.

130 (c) An attorney appointed under this Subsection (2) may represent the county  
131 legislative body in cases and controversies before courts and administrative agencies and  
132 tribunals when a conflict exists that precludes the county or district attorney from representing  
133 the county legislative body.

134 Section 2. Section 17-16-6 is amended to read:

135 **17-16-6. County officers -- Time of holding elections -- County commissioners --**  
136 **Terms of office.**

137 (1) Except as otherwise provided in an optional plan adopted under Chapter 52a,  
138 Changing Forms of County Government:

139 (a) each elected county officer shall be elected at the regular general election every four  
140 years in accordance with Section 20A-1-201, except as otherwise provided in this title;

141 (b) county commissioners shall be elected at the times, in the manner, and for the terms  
142 provided in Section [~~17-52-501~~] 17-52a-201; and

143 (c) an elected officer shall hold office for the term for which the officer is elected,  
144 beginning at noon on the first Monday in January following the officer's election and until a  
145 successor is elected or appointed and qualified, except as provided in Section 17-16-1.

146 (2) (a) The terms of county officers shall be staggered in accordance with this  
147 Subsection (2).

148 (b) Except as provided in Subsection (2)(c), in the 2014 general election:

149 (i) the following county officers shall be elected to one six-year term and thereafter

150 elected to a four-year term:

151 (A) county treasurer;

152 (B) county recorder;

153 (C) county surveyor; and

154 (D) county assessor; and

155 (ii) all other county officers shall be elected to a four-year term.

156 (c) If a county legislative body consolidates two or more county offices in accordance  
157 with Section 17-16-3, and the consolidated offices are on conflicting election schedules, the  
158 county legislative body shall pass an ordinance that sets the election schedule for the  
159 consolidated offices in a reasonable manner that staggers the terms of county officers as  
160 provided in this Subsection (2).

161 Section 3. Section 17-19a-203 is amended to read:

162 **17-19a-203. Budget officer.**

163 The budget officer of a county is designated by:

164 (1) in a county commission form of government described in Section [~~17-52-501~~]  
165 [17-52a-201](#) or an expanded county commission form of government described in Section  
166 [~~17-52-502~~] [17-52a-202](#), the county commission;

167 (2) in the county executive-council form of government described in Section  
168 [~~17-52-504~~] [17-52a-203](#), the county executive; or

169 (3) in the council-manager form of government described in Section [~~17-52-505~~]  
170 [17-52a-204](#), the county council.

171 Section 4. Section 17-31-8 is amended to read:

172 **17-31-8. Tourism tax advisory boards.**

173 (1) (a) Except as provided in Subsection (1)(b), any county that collects the following  
174 taxes shall operate a tourism tax advisory board:

175 (i) the tax allowed under Section [59-12-301](#); or

176 (ii) the tax allowed under Section [59-12-603](#).

177 (b) Notwithstanding Subsection (1)(a), a county is exempt from Subsection (1)(a) if the  
178 county has an existing board, council, committee, convention visitor's bureau, or body that  
179 substantially conforms with Subsections (2), (3), and (4).

180 (2) A tourism tax advisory board created under Subsection (1) shall consist of at least

181 five members.

182 (3) A tourism tax advisory board shall be composed of the following members that are  
183 residents of the county:

184 (a) a majority of the members shall be current employees of entities in the county that  
185 are subject to the taxes referred to in Section 59-12-301 or 59-12-603; and

186 (b) the balance of the board's membership shall be employees of recreational facilities,  
187 convention facilities, museums, cultural attractions, or other tourism related industries located  
188 within the county.

189 (4) (a) Each tourism tax advisory board shall advise the county legislative body on the  
190 best use of revenues collected from the tax allowed under Section 59-12-301 by providing the  
191 legislative body with a priority listing for proposed expenditures based on projected available  
192 tax revenues supplied to the board by the county legislative body on an annual basis.

193 (b) Each tourism tax advisory board in a county operating under the county  
194 commission form of government under Section [~~17-52-501~~] 17-52a-201 or the expanded  
195 county commission form under Section [~~17-52-502~~] 17-52a-202 shall advise the county  
196 legislative body on the best use of revenues collected from the tax allowed under Section  
197 59-12-603 by providing the legislative body with a priority listing for proposed expenditures  
198 based on projected available tax revenues supplied to the board by the county legislative body  
199 on an annual basis.

200 (5) A member of any county tourism tax advisory board:

201 (a) may not receive compensation or benefits for the member's services; and

202 (b) may receive per diem and travel expenses incurred in the performance of the  
203 member's official duties, in accordance with Section 11-55-103.

204 Section 5. Section 17-43-201 is amended to read:

205 **17-43-201. Local substance abuse authorities -- Responsibilities.**

206 (1) (a) (i) In each county operating under a county executive-council form of  
207 government under Section [~~17-52-504~~] 17-52a-203, the county legislative body is the local  
208 substance abuse authority, provided however that any contract for plan services shall be  
209 administered by the county executive.

210 (ii) In each county operating under a council-manager form of government under  
211 Section [~~17-52-505~~] 17-52a-204, the county manager is the local substance abuse authority.

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

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

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

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

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

221 (c) Within legislative appropriations and county matching funds required by this  
222 section, each local substance abuse authority shall cooperate with the efforts of the Department  
223 of Human Services to promote a system of care, as defined in Section 62A-1-104, for minors  
224 with or at risk for complex emotional and behavioral needs, as described in Section 62A-1-111.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

272 (5) Each local substance abuse authority shall:

273 (a) review and evaluate substance abuse prevention and treatment needs and services,

274 including substance abuse needs and services for individuals incarcerated in a county jail or  
275 other county correctional facility;

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

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

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

282 (c) establish and maintain, either directly or by contract, programs licensed under Title  
283 62A, Chapter 2, Licensure of Programs and Facilities;

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

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

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

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

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

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

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

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

300 (l) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal  
301 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts, and Title  
302 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and  
303 Other Local Entities Act;

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

305 41-6a-502 or 41-6a-517, conduct the following as defined in Section 41-6a-501:

- 306 (i) a screening;
- 307 (ii) an assessment;
- 308 (iii) an educational series; and
- 309 (iv) substance abuse treatment; and
- 310 (n) utilize proceeds of the accounts described in Subsection 62A-15-503(1) to
- 311 supplement the cost of providing the services described in Subsection (5)(m).

312 (6) Before disbursing any public funds, each local substance abuse authority shall

313 require that each entity that receives any public funds from the local substance abuse authority

314 agrees in writing that:

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

316 of the services provided to the local substance abuse authority shall be subject to examination

317 by:

- 318 (i) the division;
- 319 (ii) the local substance abuse authority director;
- 320 (iii) (A) the county treasurer and county or district attorney; or
- 321 (B) if two or more counties jointly provide substance abuse services under an
- 322 agreement under Subsection (2), the designated treasurer and the designated legal officer;
- 323 (iv) the county legislative body; and
- 324 (v) in a county with a county executive that is separate from the county legislative
- 325 body, the county executive;

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

327 relevant to the entity's performance of the services provided to the local substance abuse

328 authority; and

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

330 (7) A local substance abuse authority may receive property, grants, gifts, supplies,

331 materials, contributions, and any benefit derived therefrom, for substance abuse services. If

332 those gifts are conditioned upon their use for a specified service or program, they shall be so

333 used.

334 (8) (a) As used in this section, "public funds" means the same as that term is defined in

335 Section 17-43-203.

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

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

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

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

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

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

349 (iii) may include:

350 (A) counseling;

351 (B) case management; or

352 (C) a support group; and

353 (iv) shall include a referral for:

354 (A) prenatal care; and

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

356 (10) If a substance abuse treatment program described in Subsection (9) is not able to  
357 accept and admit a pregnant woman or pregnant minor under Subsection (9) within 48 hours of  
358 the time that request for admission is made, the local substance abuse authority shall contact  
359 the Division of Substance Abuse and Mental Health for assistance in providing services to the  
360 pregnant woman or pregnant minor.

361 Section 6. Section **17-43-301** is amended to read:

362 **17-43-301. Local mental health authorities -- Responsibilities.**

363 (1) (a) (i) In each county operating under a county executive-council form of  
364 government under Section [~~17-52-504~~] 17-52a-203, the county legislative body is the local  
365 mental health authority, provided however that any contract for plan services shall be  
366 administered by the county executive.

367 (ii) In each county operating under a council-manager form of government under  
368 Section [~~17-52-505~~] [17-52a-204](#), the county manager is the local mental health authority.

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

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

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

374 (ii) cooperate with efforts of the Division of Substance Abuse and Mental Health to  
375 promote integrated programs that address an individual's substance abuse, mental health, and  
376 physical healthcare needs, as described in Section [62A-15-103](#).

377 (c) Within legislative appropriations and county matching funds required by this  
378 section, each local mental health authority shall cooperate with the efforts of the Department of  
379 Human Services to promote a system of care, as defined in Section [62A-1-104](#), for minors with  
380 or at risk for complex emotional and behavioral needs, as described in Section [62A-1-111](#).

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

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

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

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

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

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

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

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

398 authorities;

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

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

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

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

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

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

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

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

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

429 shall consult and coordinate with local mental health authorities with regard to programs and  
430 services.

431 (5) (a) Each local mental health authority shall:

432 (i) review and evaluate mental health needs and services, including mental health needs  
433 and services for persons incarcerated in a county jail or other county correctional facility;

434 (ii) as provided in Subsection (5)(b), annually prepare and submit to the division a plan  
435 approved by the county legislative body for mental health funding and service delivery, either  
436 directly by the local mental health authority or by contract;

437 (iii) establish and maintain, either directly or by contract, programs licensed under Title  
438 62A, Chapter 2, Licensure of Programs and Facilities;

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

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

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

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

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

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

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

453 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal  
454 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts, and Title  
455 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and  
456 Other Local Entities Act; and

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

460 (b) Each plan under Subsection (5)(a)(ii) shall include services for adults, youth, and  
461 children, which shall include:

- 462 (i) inpatient care and services;
- 463 (ii) residential care and services;
- 464 (iii) outpatient care and services;
- 465 (iv) 24-hour crisis care and services;
- 466 (v) psychotropic medication management;
- 467 (vi) psychosocial rehabilitation, including vocational training and skills development;
- 468 (vii) case management;
- 469 (viii) community supports, including in-home services, housing, family support

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

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

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

477 (a) the entity's financial records and other records relevant to the entity's performance  
478 of the services provided to the mental health authority shall be subject to examination by:

- 479 (i) the division;
- 480 (ii) the local mental health authority director;
- 481 (iii) (A) the county treasurer and county or district attorney; or
- 482 (B) if two or more counties jointly provide mental health services under an agreement  
483 under Subsection (2), the designated treasurer and the designated legal officer;
- 484 (iv) the county legislative body; and
- 485 (v) in a county with a county executive that is separate from the county legislative  
486 body, the county executive;

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

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



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

494 (8) (a) As used in this section, "public funds" means the same as that term is defined in  
495 Section [17-43-303](#).

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

499 Section 7. Section **17-52a-101**, which is renumbered from Section 17-52-101 is  
500 renumbered and amended to read:

501 **CHAPTER 52a. CHANGING FORMS OF COUNTY GOVERNMENT**

502 **Part 1. General Provisions**

503 ~~[17-52-101]~~. **17-52a-101. Definitions.**

504 As used in this chapter:

505 (1) "Appointment council" means a group of ~~[persons]~~ five individuals consisting of:

506 (a) a resident of the county in which the optional plan is proposed, designated by a  
507 majority of all state senators and representatives whose districts include any part of the county  
508 in which the optional plan is proposed;

509 (b) a resident of the county in which the optional plan is proposed, designated by the  
510 county legislative body; and

511 (c) (i) if registered voters initiate the process to adopt an optional plan or otherwise  
512 qualify to select a member of an appointment council under Section [17-52a-303](#):

513 ~~[(e)]~~ (A) a resident of the county in which the optional plan is proposed, designated by  
514 the petition sponsors; and

515 ~~[(d)]~~ (B) two other residents of the county in which the optional plan is proposed,  
516 designated by majority vote of the three other members of the appointment council~~[-]~~; or

517 (ii) if the county legislative body initiates the process to adopt an optional plan under  
518 Section [17-52a-302](#), three other residents of the county in which the optional plan is proposed,  
519 designated individually by:

520 (A) a unanimous vote of the appointment council members described in Subsections  
521 (1)(a) and (b); or

522 (B) if the appointment council members described in Subsections (1)(a) and (b) cannot  
523 reach a unanimous vote to fill an appointment council member position, the legislators  
524 described in Subsection (1)(a), who shall, by a majority vote, designate an individual to fill the  
525 appointment council member position.

526 (2) "Optional plan" means a plan establishing an alternate form of government for a  
527 county as provided in Section [~~17-52-401~~] [17-52a-404](#).

528 [~~(3) "Reasonable notice" means, at a minimum:~~]

529 [~~(a) publication:~~]

530 [~~(i) (A) in a newspaper of general circulation within the county at least once a week for~~  
531 ~~at least two consecutive weeks ending no more than 10 and no fewer than three days before the~~  
532 ~~event that is the subject of the notice; or]~~

533 [~~(B) if there is no newspaper of general circulation within the county, posting at least~~  
534 ~~one notice per 1,000 population within the county, for at least a week ending no more than~~  
535 ~~three days before the event that is the subject of the notice, at locations throughout the county~~  
536 ~~that are most likely to give actual notice to county residents; and]~~

537 [~~(ii) in accordance with Section [45-1-101](#) for two weeks before the event that is the~~  
538 ~~subject of the notice; and]~~

539 [~~(b) if the county has an Internet home page, posting an electronic notice on the~~  
540 ~~Internet for at least seven days immediately before the event that is the subject of the notice.]~~

541 [~~(4)~~] (3) "Study committee" means [a group of persons] the committee that has  
542 between seven and 11 members:

543 (a) appointed under Section [~~17-52-301~~] [17-52a-401](#); and

544 (b) charged with the duties provided in Section [~~17-52-303~~] [17-52a-403](#).

545 Section 8. Section **17-52a-102**, which is renumbered from Section 17-52-102 is  
546 renumbered and amended to read:

547 [~~17-52-102~~]. **17-52a-102. Forms of county government -- County**  
548 **commission form required unless another is adopted -- Restrictions on form of county**  
549 **government.**

550 (1) [~~Each~~] Subject to Subsections (2), each county shall operate under one of the  
551 following forms of county government:

552 (a) the county commission form under Section [~~17-52-501~~] [17-52a-201](#);

- 553 (b) the expanded county commission form under Section [~~17-52-502~~] [17-52a-202](#);
- 554 (c) the county executive and council form under Section [~~17-52-504~~] [17-52a-203](#); or
- 555 (d) the council-manager form under Section [~~17-52-505~~] [17-52a-204](#).

556 (2) Unless [it] a county adopts another form of government as provided in this chapter,

557 [~~each~~] the county shall operate under the county commission form of government under

558 Section [~~17-52-501~~] [17-52a-201](#).

559 Section 9. Section **17-52a-201**, which is renumbered from Section 17-52-501 is

560 renumbered and amended to read:

561 **Part 2. Forms of County Government**

562 [~~17-52-501~~]. **17-52a-201. County commission form of government --**

563 **Commission member elections.**

564 (1) As used in this section:

565 (a) "Midterm vacancy" means a county commission position that is being filled at an

566 election for less than the position's full term as established in:

567 (i) Subsection (4)(a); or

568 (ii) a county's optional plan under Subsection [~~17-52-401~~] [17-52a-404](#)(5)(b).

569 (b) "Open position" means a county commission position that is being filled at a

570 regular general election for the position's full term as established in:

571 (i) Subsection (4)(a); or

572 (ii) a county's optional plan under Subsection [~~17-52-401~~] [17-52a-404](#)(5)(b).

573 (c) "Opt-in county" means a county that has, in accordance with Subsection (6)(a),

574 chosen to conduct county commissioner elections in accordance with Subsection (6).

575 (2) [~~Each~~] A county commission consisting of three members shall govern each county

576 operating under the county commission form of government [~~shall be governed by a county~~

577 ~~commission consisting of three members~~].

578 (3) A county commission under a county commission form of government is both the

579 county legislative body and the county executive and has the powers, duties, and functions of a

580 county legislative body under Chapter 53, Part 2, County Legislative Body, and the powers,

581 duties, and functions of a county executive under Chapter 53, Part 3, County Executive.

582 (4) Except as otherwise provided in an optional plan adopted under this chapter:

583 (a) the term of office of each county commission member is four years;

584 (b) the terms of county commission members shall be staggered so that two members  
585 are elected at a regular general election date that alternates with the regular general election  
586 date of the other member; and

587 (c) each county commission member shall be elected:

588 (i) at large, unless otherwise required by court order; and

589 (ii) subject to the provisions of this section, in accordance with Title 20A, Election  
590 Code.

591 (5) Except as provided in Subsection (6):

592 (a) if two county commission positions are vacant for an election, the positions shall be  
593 designated "county commission seat A" and "county commission seat B";

594 (b) each candidate who files a declaration of candidacy when two positions are vacant  
595 shall designate on the declaration of candidacy form whether the candidate is a candidate for  
596 seat A or seat B; and

597 (c) no person may file a declaration of candidacy for, be a candidate for, or be elected  
598 to two county commission positions in the same election.

599 (6) (a) A county of the first or second class may, through an [~~alternate~~] optional plan as  
600 described in Subsection [~~17-52-401~~] 17-52a-404(5) or by ordinance, choose to conduct county  
601 commissioner elections in accordance with this Subsection (6).

602 (b) When issuing the notice of election required by Subsection 20A-5-101(2), the clerk  
603 of an opt-in county shall, if there is at least one open position and at least one midterm vacancy,  
604 designate:

605 (i) each open position as "open position"; and

606 (ii) each midterm vacancy as "midterm vacancy."

607 (c) An individual who files a declaration of candidacy for the office of county  
608 commissioner in an opt-in county:

609 (i) if there is more than one open position, is not required to indicate which open  
610 position the individual is running for;

611 (ii) if there is at least one open position and at least one midterm vacancy, shall  
612 designate on the declaration of candidacy whether the individual is filing for an open position  
613 or a midterm vacancy; and

614 (iii) may not file a declaration of candidacy for an open position and a midterm

615 vacancy in the same election.

616 (d) If there is an open position and a midterm vacancy being voted upon in the same  
617 election in an opt-in county, the county clerk shall indicate on the ballot for the election which  
618 positions are open positions and which positions are midterm vacancies.

619 (e) In an opt-in county:

620 (i) the candidates for open positions, in a number equal to the number of open  
621 positions, who receive the highest number of votes are:

622 (A) for the purposes of a regular primary election, nominated by the candidates' party  
623 for the open positions; and

624 (B) for the purposes of a regular general election, elected to fill the open positions; and

625 (ii) the candidates for midterm vacancies, in a number equal to the number of midterm  
626 vacancies, who receive the highest number of votes are:

627 (A) for the purposes of a regular primary election, nominated by the candidates' party  
628 for the midterm vacancies; and

629 (B) for the purposes of a regular general election, elected to fill the midterm vacancies.

630 Section 10. Section **17-52a-202**, which is renumbered from Section 17-52-502 is  
631 renumbered and amended to read:

632 ~~[17-52-502]~~. **17-52a-202. Expanded county commission form of**  
633 **government -- Commission member elections.**

634 (1) As used in this section:

635 (a) "Midterm vacancy" means the same as that term is defined in Section ~~[17-52-501]~~  
636 17-52a-201.

637 (b) "Open position" means the same as that term is defined in Section ~~[17-52-501]~~  
638 17-52a-201.

639 (c) "Opt-in county" means a county that has, in accordance with Subsection (6)(a),  
640 chosen to conduct county commissioner elections in accordance with Subsection (6).

641 (2) ~~[Each]~~ A county commission consisting of five or seven members shall govern  
642 each county operating under an expanded county commission form of government ~~[shall be~~  
643 ~~governed by a county commission consisting of five or seven members]~~.

644 (3) A county commission under the expanded county commission form of government  
645 is both the county legislative body and the county executive and has the powers, duties, and

646 functions of a county legislative body under Chapter 53, Part 2, County Legislative Body, and  
647 the powers, duties, and functions of a county executive under Chapter 53, Part 3, County  
648 Executive.

649 (4) Except as otherwise provided in an optional plan adopted under this chapter:

650 (a) the term of office of each county commission member is four years;

651 (b) the terms of county commission members shall be staggered so that approximately  
652 half the members are elected at alternating regular general election dates; and

653 (c) each county commission member shall be elected:

654 (i) at large, unless otherwise required by court order; and

655 (ii) subject to the provisions of this section, in accordance with Title 20A, Election  
656 Code.

657 (5) Except as provided in Subsection (6):

658 (a) if multiple at-large county commission positions are vacant for an election, the  
659 positions shall be designated "county commission seat A," "county commission seat B," and so  
660 on as necessary for the number of vacant positions;

661 (b) each candidate who files a declaration of candidacy when multiple positions are  
662 vacant shall designate the letter of the county commission seat for which the candidate is a  
663 candidate; and

664 (c) no person may file a declaration of candidacy for, be a candidate for, or be elected  
665 to two county commission positions in the same election.

666 (6) (a) A county of the first or second class may, through an ~~[alternate]~~ optional plan as  
667 described in Subsection ~~[17-52-401]~~ 17-52a-404(5) or by ordinance, choose to conduct county  
668 commissioner elections in accordance with this Subsection (6).

669 (b) When issuing the notice of election required by Subsection 20A-5-101(2), the clerk  
670 of an opt-in county shall, if there is at least one open position and at least one midterm vacancy,  
671 designate:

672 (i) each open position as "open position"; and

673 (ii) each midterm vacancy as "midterm vacancy."

674 (c) An individual who files a declaration of candidacy for the office of county  
675 commissioner in an opt-in county:

676 (i) if there is more than one open position, is not required to indicate which open

677 position the individual is running for;

678 (ii) if there is at least one open position and at least one midterm vacancy, shall  
679 designate on the declaration of candidacy whether the individual is filing for an open position  
680 or a midterm vacancy; and

681 (iii) may not file a declaration of candidacy for an open position and a midterm  
682 vacancy in the same election.

683 (d) If there is an open position and a midterm vacancy being voted upon in the same  
684 election in an opt-in county, the county clerk shall indicate on the ballot for the election which  
685 positions are open positions and which positions are midterm vacancies.

686 (e) In an opt-in county:

687 (i) the candidates for open positions, in a number equal to the number of open  
688 positions, who receive the highest number of votes are:

689 (A) for the purposes of a regular primary election, nominated by the candidates' party  
690 for the open positions; and

691 (B) for the purposes of a regular general election, elected to fill the open positions; and

692 (ii) the candidates for midterm vacancies, in a number equal to the number of midterm  
693 vacancies, who receive the highest number of votes are:

694 (A) for the purposes of a regular primary election, nominated by the candidates' party  
695 for the midterm vacancies; and

696 (B) for the purposes of a regular general election, elected to fill the midterm vacancies.

697 Section 11. Section **17-52a-203**, which is renumbered from Section 17-52-504 is  
698 renumbered and amended to read:

699 ~~[17-52-504]~~. **17-52a-203. County executive-council form of county**  
700 **government.**

701 (1) (a) ~~[A]~~ The following shall govern a county operating under the form of  
702 government known as the "county executive-council" form ~~[shall be governed by]:~~

703 (i) an elected county council~~];~~

704 (ii) an elected county executive~~];~~ and ~~[such]~~

705 (iii) other officers and employees ~~[as are]~~ authorized by law.

706 (b) The optional plan shall provide for the qualifications, time, and manner of election,  
707 term of office and compensation of the county executive.

708 (2) The county executive [~~shall be~~] is the chief executive officer or body of the county.

709 (3) In the county executive-council form of county government:

710 (a) the county council is the county legislative body and [~~shall have~~] has the powers,  
711 duties, and functions of a county legislative body under Chapter 53, Part 2, County Legislative  
712 Body; and

713 (b) the county executive [~~shall have~~] has the powers, duties, and functions of a county  
714 executive under Chapter 53, Part 3, County Executive.

715 (4) References in any statute or state rule to the "governing body" or the "board of  
716 county commissioners" of the county, in the county executive-council form of county  
717 government, means:

718 (a) the county council, with respect to legislative functions, duties, and powers; and

719 (b) the county executive, with respect to executive functions, duties, and powers.

720 Section 12. Section **17-52a-204**, which is renumbered from Section 17-52-505 is  
721 renumbered and amended to read:

722 [~~17-52-505~~]. **17-52a-204. Council-manager form of county government.**

723 (1) (a) [~~A~~] The following shall govern a county operating under the form of  
724 government known as the "council-manager" form [~~shall be governed by~~];

725 (i) an elected county council[;];

726 (ii) a county manager appointed by the council[;]; and [~~such~~]

727 (iii) other officers and employees [~~as are~~] authorized by law.

728 (b) The optional plan shall provide for the qualifications, time and manner of  
729 appointment subject to Subsections (6) and (7), term of office, compensation, and removal of  
730 the county manager.

731 (2) The county manager [~~shall be~~] is the administrative head of the county government  
732 and [~~shall have~~] has the powers, functions, and duties of a county executive, except:

733 (a) as the county legislative body otherwise provides by ordinance; and

734 (b) that the county manager may not veto any ordinances enacted by the council.

735 (3) (a) [~~No~~] A member of the council [~~shall~~] may not directly or indirectly, by  
736 suggestion or otherwise[;];

737 (i) attempt to influence or coerce the manager in [~~the~~];

738 (A) making [~~of~~] any appointment [~~or removal of~~];



739 (B) removing any officer or employee [or in the purchase of]; or

740 (C) purchasing supplies[;];

741 (ii) attempt to exact any promise relative to any appointment from any candidate for  
742 manager[;]; or

743 (iii) discuss directly or indirectly with [him] the manager the matter of specific  
744 appointments to any county office or employment.

745 (b) (i) A person who violates the provisions of this Subsection (3) shall forfeit the  
746 office of the offending member of the council.

747 (ii) Nothing in this section shall be construed, however, as prohibiting the council  
748 while in open session from fully and freely discussing with or suggesting to the manager  
749 anything pertaining to county affairs or the interests of the county.

750 (iii) Neither manager nor any person in the employ of the county shall take part in  
751 securing, or contributing any money toward, the nomination or election of any candidate for a  
752 county office.

753 (iv) The optional plan may provide procedures for implementing this Subsection (3).

754 (4) In the council-manager form of county government[;];

755 (a) the legislative powers of the county [shall be] are vested in the county council[;];  
756 and

757 (b) the executive powers of the county [shall be] are vested in the county manager.

758 (5) A reference in statute or state rule to the "governing body" or the "board of county  
759 commissioners" of the county, in the council-manager form of county government, means:

760 (a) the county council, with respect to legislative functions, duties, and powers; and

761 (b) the county manager, with respect to executive functions, duties, and powers.

762 (6) (a) As used in this Subsection (6), "interim vacancy period" means the period of  
763 time that:

764 (i) begins on the day on which a general election described in Section 17-16-6 is held  
765 to elect a council member; and

766 (ii) ends on the day on which the council member-elect begins the council member's  
767 term.

768 (b) (i) The county council may not appoint a county manager during an interim vacancy  
769 period.

770 (ii) Notwithstanding Subsection (6)(b)(i):

771 (A) the county council may appoint an interim county manager during an interim  
772 vacancy period; and

773 (B) the interim county manager's term shall expire once a new county manager is  
774 appointed by the new administration after the interim vacancy period has ended.

775 (c) Subsection (6)(b) does not apply if all the county council members who held office  
776 on the day of the county general election whose term of office was vacant for the election are  
777 re-elected to the council for the following term.

778 (7) A county council that appoints a county manager in accordance with this section  
779 may not, on or after May 10, 2011, enter into an employment contract that contains an  
780 automatic renewal provision with the county manager.

781 Section 13. Section **17-52a-301**, which is renumbered from Section 17-52-201 is  
782 renumbered and amended to read:

783 **Part 3. Procedure for Initiating Adoption of Optional Plan**

784 ~~[17-52-201]~~. **17-52a-301. Procedure for initiating adoption of optional**  
785 **plan -- Limitations -- Pending proceedings.**

786 (1) An optional plan proposing an alternate form of government for a county may be  
787 adopted as provided in this chapter.

788 (2) The process to adopt an optional plan establishing an alternate form of county  
789 government may be initiated by:

790 (a) the county legislative body as provided in Section ~~[17-52-202]~~ 17-52a-302; or

791 (b) registered voters of the county as provided in Section ~~[17-52-203]~~ 17-52a-303.

792 (3) (a) If the process to adopt an optional plan ~~[has been]~~ is initiated under Laws of  
793 Utah 1973, Chapter 26, Section 3, 4, or 5, or Section ~~[17-52-202 or 17-52-203]~~ 17-52a-302 or  
794 17-52a-303, the county legislative body may not initiate the process again under Section  
795 ~~[17-52-202 unless the earlier proceeding]~~ 17-52a-302, and registered voters may not initiate the  
796 process again under Section 17-52a-303, until:

797 ~~[(i) has been concluded by an affirmative or negative vote of registered voters; or]~~

798 (i) the first initiated process concludes with an election under Section 17-52a-502;

799 (ii) the first initiated process concludes under Subsection 17-52a-403(7) because the  
800 study committee recommended that the county's form of government not change;

801 ~~[(ii)]~~ (iii) the first initiated process has not ~~[been]~~ concluded but has been pending for  
 802 at least two years[-] after the day on which the voters approved the appointment of a study  
 803 committee in an election described in Section 17-52a-304;

804 (iv) notwithstanding Subsection (3)(a)(iii), if an election on an optional plan under the  
 805 first initiated process is scheduled under Section 17-52a-501, the conclusion of that election; or

806 (v) the first initiated process concludes because registered voters fail to submit a  
 807 sufficient number of valid signatures for a petition before the deadline described in Subsection  
 808 17-52a-303(2)(c).

809 (b) A county legislative body may not initiate the process to adopt an optional plan  
 810 under Section ~~[17-52-202]~~ 17-52a-302 within four years of an election at which voters  
 811 approved or rejected an optional plan proposed as a result of a process initiated by the county  
 812 legislative body.

813 (c) Registered voters of a county may not initiate the process to adopt an optional plan  
 814 under Section ~~[17-52-203]~~ 17-52a-303 within four years of an election at which voters  
 815 approved or rejected an optional plan proposed as a result of a process initiated by registered  
 816 voters.

817 Section 14. Section **17-52a-302**, which is renumbered from Section 17-52-202 is  
 818 renumbered and amended to read:

819 ~~[17-52-202].~~ **17-52a-302. County legislative body initiation of adoption of**  
 820 **optional plan -- Procedure.**

821 (1) A county legislative body may initiate the process of adopting an optional plan by  
 822 adopting a resolution to submit to the voters the question of whether a study committee should  
 823 be established as provided in Section ~~[17-52-301]~~ 17-52a-401.

824 (2) ~~[Each]~~ The county legislative body shall ensure that a resolution adopted under  
 825 Subsection (1) ~~[shall require]~~ requires the question to be submitted to the registered voters of  
 826 the county at the next special election scheduled ~~[pursuant to]~~ under Section 20A-1-204 after  
 827 adoption of the resolution under Subsection (1).

828 Section 15. Section **17-52a-303**, which is renumbered from Section 17-52-203 is  
 829 renumbered and amended to read:

830 ~~[17-52-203].~~ **17-52a-303. Registered voter initiation of adoption of**  
 831 **optional plan -- Procedure.**

832 (1) (a) Registered voters of a county may initiate the process of adopting an optional  
833 plan by filing with the county clerk a notice of intent to gather signatures for a petition for the  
834 establishment of a study committee ~~[as provided in]~~ described in Section ~~[17-52-301]~~  
835 17-52a-401.

836 ~~[(2) Each petition under Subsection (1) shall:]~~

837 (b) A notice of intent described in Subsection (1)(a) shall:

838 (i) designate up to five sponsors for the petition;

839 (ii) designate a contact sponsor to serve as the primary contact for the petition  
840 sponsors;

841 (iii) list the mailing address and telephone number of each of the sponsors; and

842 (iv) be signed by each of the petition sponsors.

843 (c) Registered voters of a county may not file a notice of intent to gather signatures in  
844 bad faith.

845 (2) (a) The sponsors of a petition for the establishment of a study committee may  
846 circulate the petition after filing a notice of intent to gather signatures under Subsection (1).

847 ~~[(a) be]~~ (b) To be considered valid, the petition is required to be signed by registered  
848 voters residing in the county equal in number to at least 10% of the total number of votes cast  
849 in the county for all candidates for president of the United States at the most recent election  
850 [for] at which a president of the United States[;] was elected.

851 ~~[(b) designate up to five of the petition signers as sponsors, one of whom shall be~~  
852 ~~designated as the contact sponsor, with the mailing address and telephone number of each; and]~~

853 ~~[(c) be filed in the office of the clerk of the county in which the petition signers reside.]~~

854 (c) Except as provided in Subsection (4)(b)(ii), the sponsors of the petition shall submit  
855 the completed petition and any amended or supplemental petition described in Subsection  
856 (3)(b) with the county clerk not more than 180 days after the day on which the sponsors file the  
857 notice described in Subsection (1).

858 (3) ~~[(a)]~~ Within 30 days [of the filing of a] after the day on which the sponsors submit a  
859 petition under Subsection [(1)] (2)(c) or an amended or supplemental petition under Subsection  
860 [(3)(b)] (4), the county clerk shall:

861 [(i)] (a) determine whether the petition or amended or supplemental petition has been  
862 signed by the required number of registered voters; and

863 ~~[(ii)(A) if so,]~~  
 864 (b) (i) if the petition was signed by a sufficient number of registered voters:  
 865 (A) certify the petition [or amended or supplemental petition and];  
 866 (B) deliver [it] the petition to the county legislative body; and  
 867 (C) notify [in writing] the contact sponsor in writing of the certification; or  
 868 ~~[(B) if not,]~~ (ii) if the petition was not signed by a sufficient number of registered  
 869 voters:  
 870 (A) reject the petition [or the amended or supplemental petition]; and  
 871 (B) notify [in writing] the county legislative body and the contact sponsor in writing of  
 872 the rejection and the reasons for the rejection.  
 873 ~~[(b) If a county clerk rejects a petition or an amended or supplemental petition under~~  
 874 ~~Subsection (3)(a)(ii)(B), the petition may be amended or supplemented or an amended or~~  
 875 ~~supplemental petition may be further amended or supplemented with additional signatures and~~  
 876 ~~refiled within 20 days of the date of rejection.]~~  
 877 (4) The sponsors of a petition circulated under this section may amend the petition or  
 878 submit supplemental signatures for the petition:  
 879 (a) if the county clerk rejects the petition under Subsection (3)(b)(ii); and  
 880 (b) before the earlier of:  
 881 (i) the deadline described in Subsection (2)(c); or  
 882 (ii) 20 days after the day on which the county clerk rejects the petition under  
 883 Subsection (3)(b)(ii).  
 884 ~~[(4)]~~ (5) With the unanimous approval of petition sponsors, a petition filed under  
 885 [Subsection (1)] this section may be withdrawn at any time within 90 days after [petition  
 886 certification but] the day on which the county clerk certifies the petition under Subsection  
 887 (3)(b)(i) and no later than 45 days before an election under Section [17-52-206] 17-52a-501 if:  
 888 (a) the petition [notified signers] included a notification to petition signers, in  
 889 conspicuous language and in a conspicuous location, that the petition sponsors are authorized  
 890 to withdraw the petition; and  
 891 (b) [there are at least three sponsors of] the petition has at least three sponsors.  
 892 (6) (a) Notwithstanding Subsection 17-52a-301(3), registered voters of a county may  
 893 circulate a petition under this section after a county legislative body initiates the process to

894 adopt an optional plan under Section 17-52a-302 in order to qualify to select a member of an  
 895 appointment committee that is formed as a result of the process initiated by the county  
 896 legislative body.

897 (b) Notwithstanding Subsection (2)(c), registered voters who circulate a petition  
 898 described in Subsection (6)(a) shall submit the completed petition not more than 30 days before  
 899 the day of the election described in Section 17-52a-304.

900 (c) Notwithstanding Subsection (4), registered voters who circulate a petition described  
 901 in Subsection (6)(a) may not amend or submit supplemental signatures for the petition unless:

902 (i) the county clerk makes the determination described in Subsection (3) before the  
 903 deadline described in Subsection (6)(b); and

904 (ii) the registered voters submit the amended or supplemented petition before the  
 905 deadline described in Subsection (6)(b).

906 Section 16. Section **17-52a-304**, which is renumbered from Section 17-52-203.5 is  
 907 renumbered and amended to read:

908 ~~[17-52-203.5].~~ **17-52a-304. Election to determine whether study committee**  
 909 **should be established.**

910 (1) The county legislative body shall hold an election under this section if:

911 (a) the county legislative body adopts a resolution under [~~Subsection 17-52-202(1)~~]  
 912 Section 17-52a-302; or

913 (b) [~~a petition filed under Subsection 17-52-203(1) is certified by~~] the county clerk  
 914 certifies a petition under Subsection [~~17-52-203~~] 17-52a-303(3).

915 (2) [~~Each~~] An election [~~under~~] described in Subsection (1) shall be a special election,  
 916 called and held [~~as required by~~] in accordance with Sections 20A-1-203 and 20A-1-204  
 917 [~~after~~].

918 [~~(a) adoption of a resolution under Subsection 17-52-202(1); or~~]

919 [~~(b) certification of a petition under Subsection 17-52-203(3).~~]

920 (3) The county clerk shall prepare the ballot for [~~each~~] an election [~~under~~] described in  
 921 Subsection (1) with a question that asks substantially [~~as follows~~] the following:

922 "Shall a study committee be appointed to consider and possibly recommend a change in  
 923 [~~the~~] \_\_\_\_\_ County's form of government [~~of~~ \_\_\_\_\_  
 924 County]?"

925 Section 17. Section **17-52a-401**, which is renumbered from Section 17-52-301 is  
926 renumbered and amended to read:

927 **Part 4. Study Committee and Optional Plan**

928 ~~[17-52-301].~~ **17-52a-401. Procedure for appointing members to study**  
929 **committee.**

930 ~~[(1) Each member of a study committee shall be appointed by an appointment council~~  
931 ~~as provided in this section.]~~

932 (1) If a majority of voters voting in an election described in Section 17-52a-304 vote in  
933 favor of appointing a study committee, an appointment council shall appoint the members of a  
934 study committee as provided in this section.

935 (2) (a) The county executive shall convene ~~[a]~~ the first meeting of the ~~[three]~~ members  
936 of the appointment council ~~[referred to]~~ described in Subsections ~~[17-52-101]~~  
937 17-52a-101(1)(a), (b), and, if applicable, (c)(i)(A) within 10 days after the canvass of an  
938 election conducted under Section ~~[17-52-203.5 if a majority of those voting voted in favor of~~  
939 ~~establishing a study committee]~~ 17-52a-304.

940 (b) Within 10 days of the convening of the first meeting under Subsection (2)(a), the  
941 ~~[three]~~ members of the appointment council described in Subsection (2)(a) shall designate the  
942 remaining ~~[two]~~ members ~~[referred to in Subsection 17-52-101(1)(d)]~~ of the appointment  
943 council.

944 (3) (a) Within 30 days ~~[of the designation of the remaining two members]~~ after the day  
945 on which the last appointment council member is appointed under Subsection (2)(b), the  
946 appointment council shall:

- 947 (i) appoint the members to the study committee; and
- 948 (ii) notify in writing the appointees, the county executive, and the county legislative  
949 body of the appointments.

950 (b) In making appointments to the study committee, the appointment council shall  
951 work to achieve a broadly representative membership.

952 (c) The appointment council may not appoint ~~[a person]~~ an individual to the study  
953 committee unless that ~~[person]~~ individual:

- 954 (i) is a registered voter in the county whose form of government will be studied by the  
955 study committee; and

956 (ii) does not hold any public office or employment other than membership on the  
957 appointment council.

958 Section 18. Section **17-52a-402**, which is renumbered from Section 17-52-302 is  
959 renumbered and amended to read:

960 ~~[17-52-302]~~. **17-52a-402. Convening of first meeting of study committee.**

961 (1) The county executive shall convene the first meeting of the study committee within  
962 10 days after ~~[receipt of notification]~~ the county executive receives the notification described in  
963 Subsection 17-52a-401(3)(a) of the study committee members' appointment ~~[under Subsection~~  
964 ~~17-52-301(3)(a)]~~.

965 (2) (a) At the study committee's first meeting, the study committee shall select a chair  
966 from among the members of the study committee.

967 (b) The chair of the study committee is responsible for convening each future meeting  
968 of the study committee.

969 Section 19. Section **17-52a-403**, which is renumbered from Section 17-52-303 is  
970 renumbered and amended to read:

971 ~~[17-52-303]~~. **17-52a-403. Study committee -- Members -- Powers and**  
972 **duties -- Report -- Services provided by county.**

973 (1) (a) ~~[Each]~~ A study committee ~~[shall consist]~~ consists of at least seven but no more  
974 than 11 members.

975 (b) A member of a study committee may not receive compensation for service on the  
976 committee.

977 (c) The county legislative body shall reimburse each member of a study committee for  
978 necessary expenses incurred in performing the member's duties on the study committee.

979 (2) A study committee may:

980 (a) adopt rules for ~~[its]~~ the study committee's own organization and procedure and to  
981 fill a vacancy in its membership;

982 (b) establish advisory boards or committees and include on ~~[them]~~ the advisory boards  
983 or committees persons who are not members of the study committee; and

984 (c) request the assistance and advice of any officers or employees of any agency of  
985 state or local government.

986 (3) ~~[Each]~~ A study committee shall:



987 (a) study the form of government within the county and compare it with other forms  
988 available under this chapter;

989 (b) determine whether the administration of local government in the county could be  
990 strengthened, made more clearly responsive or accountable to the people, or significantly  
991 improved in the interest of economy and efficiency by a change in the form of county  
992 government;

993 (c) hold public hearings and community forums and other means the committee  
994 considers appropriate to disseminate information and stimulate public discussion of the  
995 committee's purposes, progress, and conclusions; and

996 (d) file a written report of ~~[its]~~ the study committee's findings and recommendations  
997 with the county executive ~~[and]~~, the county legislative body, and the county clerk no later than  
998 one year after the convening of ~~[its]~~ the study committee's first meeting under Section  
999 ~~[17-52-302]~~ 17-52a-402.

1000 (4) Each study committee report under Subsection (3)(d) shall include:

1001 (a) the study committee's recommendation as to whether the form of county  
1002 government should be changed to another form authorized under this chapter;

1003 (b) if the study committee recommends changing the form of government, a complete  
1004 detailed draft of a proposed plan to change the form of county government, including all  
1005 necessary implementing provisions; and

1006 (c) any additional recommendations the study committee considers appropriate to  
1007 improve the efficiency and economy of the administration of local government within the  
1008 county.

1009 (5) (a) If the study committee's report recommends a change in the form of county  
1010 government, the study committee may conduct additional public hearings after filing the report  
1011 under Subsection (3)(d) and, following the hearings and subject to Subsection (5)(b), alter the  
1012 report.

1013 (b) Notwithstanding Subsection (5)(a), the study committee may not make an alteration  
1014 to the report:

1015 (i) that would recommend the adoption of an optional form different from that  
1016 recommended in the original report; or

1017 (ii) within the 120-day period before the election under Section ~~[17-52-206]~~

1018 [17-52a-501](#).

1019 (6) Each meeting [~~held by~~] that the study committee holds shall be open to the public.

1020 (7) If the study committee's report does not recommend a change in the form of county  
1021 government, the report is final, the study committee is dissolved, and the process to change the  
1022 county's form of government is concluded.

1023 [~~(7)~~] (8) The county legislative body shall provide for the study committee:

1024 (a) suitable meeting facilities;

1025 (b) necessary secretarial services;

1026 (c) necessary printing and photocopying services;

1027 (d) necessary clerical and staff assistance; and

1028 (e) adequate funds for the employment of independent legal counsel and professional  
1029 consultants that the study committee reasonably determines to be necessary to help the study  
1030 committee fulfill its duties.

1031 Section 20. Section ~~17-52a-404~~, which is renumbered from Section 17-52-401 is  
1032 renumbered and amended to read:

1033 [~~17-52-401~~]. **17-52a-404. Contents of proposed optional plan.**

1034 (1) [~~Each~~] The study committee shall ensure that each optional plan [~~proposed~~] the  
1035 committee proposes under this chapter:

1036 (a) [~~shall propose~~] proposes the adoption of one of the forms of county government  
1037 listed in Subsection [~~17-52-402~~] [17-52a-405](#)(1)(a);

1038 (b) [~~shall contain~~] contains detailed provisions relating to the transition from the  
1039 existing form of county government to the form proposed in the optional plan, including  
1040 provisions relating to the:

1041 (i) election or appointment of officers specified in the optional plan for the new form of  
1042 county government;

1043 (ii) retention, elimination, or combining of existing offices and, if an office is  
1044 eliminated, the division or department of county government responsible for performing the  
1045 duties of the eliminated office;

1046 (iii) continuity of existing ordinances and regulations;

1047 (iv) continuation of pending legislative, administrative, or judicial proceedings;

1048 (v) making of interim and temporary appointments; and

- 1049 (vi) preparation, approval, and adjustment of necessary budget appropriations;
- 1050 (c) ~~[shall specify]~~ specifies the date ~~[it is to become]~~ the optional plan becomes
- 1051 effective if adopted, which may not be earlier than the first day of January next following the
- 1052 election of officers under the new plan; and
- 1053 (d) notwithstanding any other provision of this title and except with respect to an
- 1054 optional plan that proposes the adoption of the county commission or expanded county
- 1055 commission form of government, with respect to the county budget ~~[shall provide]~~ provides
- 1056 that:
- 1057 (i) the county executive's role is to prepare and present a proposed budget to the county
- 1058 legislative body~~[-];~~ and
- 1059 (ii) the county legislative body's role is to adopt a final budget.
- 1060 (2) Subject to Subsection (3), an optional plan may include provisions that are
- 1061 considered necessary or advisable to the effective operation of the proposed optional plan.
- 1062 (3) An optional plan may not include any provision that is inconsistent with or
- 1063 prohibited by the Utah Constitution or any statute.
- 1064 (4) ~~[Each]~~ The study committee shall ensure that each optional plan proposing to
- 1065 change the form of government to a form under Section ~~[17-52-504 or 17-52-505 shall]~~
- 1066 17-52a-203 or 17-52a-204:
- 1067 (a) ~~[provide]~~ provides for the same executive and legislative officers as are specified in
- 1068 the applicable section for the form of government ~~[being proposed by]~~ that the optional plan
- 1069 proposes;
- 1070 (b) ~~[provide]~~ provides for the election of the county council;
- 1071 (c) ~~[specify]~~ specifies the number of county council members, which shall be an odd
- 1072 number from three to nine;
- 1073 (d) ~~[specify]~~ specifies whether the members of the county council are to be elected
- 1074 from districts, at large, or by a combination of at large and by district;
- 1075 (e) ~~[specify]~~ specifies county council members' qualifications and terms and whether
- 1076 the terms are to be staggered;
- 1077 (f) ~~[contain]~~ contains procedures for filling vacancies on the county council, consistent
- 1078 with the provisions of Section 20A-1-508; and
- 1079 (g) ~~[state]~~ states the initial compensation, if any, of county council members and

1080 procedures for prescribing and changing compensation.

1081 (5) ~~[Each]~~ The study committee shall ensure that each optional plan proposing to  
 1082 change the form of government to the county commission form under Section ~~[17-52-501]~~  
 1083 17-52a-201 or the expanded county commission form under Section ~~[17-52-502 shall specify]~~  
 1084 17-52a-202 specifies:

1085 (a) (i) for the county commission form of government, that the county commission  
 1086 shall have three members; or

1087 (ii) for the expanded county commission form of government, whether the county  
 1088 commission shall have five or seven members;

1089 (b) the terms of office for county commission members and whether the terms are to be  
 1090 staggered;

1091 (c) whether members of the county commission are to be elected from districts, at  
 1092 large, or by a combination of at large and from districts;

1093 (d) if any members of the county commission are to be elected from districts, the  
 1094 district residency requirements for those commission members; and

1095 (e) if any members of the county commission are to be elected at large, whether the  
 1096 election of county commission members is subject to the provisions of Subsection ~~[17-52-501]~~  
 1097 17-52a-201(6) or Subsection ~~[17-52-502]~~ 17-52a-202(6).

1098 Section 21. Section ~~17-52a-405~~, which is renumbered from Section 17-52-402 is  
 1099 renumbered and amended to read:

1100 ~~[17-52-402]~~. **17-52a-405. Plan may propose changing forms of county**  
 1101 **government -- Plan may propose change of structural form -- Partisan elections.**

1102 (1) (a) ~~[Each]~~ The study committee shall ensure that each optional plan ~~[shall propose]~~  
 1103 proposes changing the form of county government to:

1104 (i) the county commission form under Section ~~[17-52-501]~~ 17-52a-201;

1105 (ii) the expanded county commission form under Section ~~[17-52-502]~~ 17-52a-202;

1106 (iii) the county executive and council form under Section ~~[17-52-504]~~ 17-52a-203; or

1107 (iv) the council-manager form under Section ~~[17-52-505]~~ 17-52a-204.

1108 (b) ~~[An]~~ The study committee may not recommend an optional plan ~~[adopted after May~~  
 1109 ~~1, 2000, may not]~~ that:

1110 (i) ~~[propose]~~ proposes changing the form of government to a form not included in

1111 Subsection (1)(a);

1112 (ii) [~~provide~~] provides for the nonpartisan election of elected officers;

1113 (iii) [~~impose~~] imposes a limit on the number of terms or years that an elected officer  
1114 may serve; or

1115 (iv) [~~provide~~] provides for elected officers to be subject to a recall election.

1116 (2) In addition to proposing the adoption of any one of the optional forms of county  
1117 government under Subsection (1)(a), an optional plan may also propose the adoption of any  
1118 one of the structural forms of county government provided under Chapter 35b, Part 3,  
1119 Structural Forms of County Government.

1120 (3) A county that [~~provided~~] provides for the election of the county's elected officers  
1121 through a partisan election [~~in or after the 2000 general election~~] may not change to a process  
1122 that provides for the election of the county's elected officers through a nonpartisan election.

1123 Section 22. Section ~~17-52a-406~~, which is renumbered from Section 17-52-204 is  
1124 renumbered and amended to read:

1125 ~~[17-52-204].~~ **17-52a-406. County or district attorney review of proposed**  
1126 **optional plan -- Conflict with statutory or constitutional provisions -- Processing of**  
1127 **optional plan after attorney review.**

1128 (1) Within 10 days after the day on which the study committee submits [~~its~~] the study  
1129 committee's report under Subsection [~~17-52-303~~] 17-52a-403(3)(d) to the county legislative  
1130 body [~~recommending~~], if the report recommends a change in the form of county government,  
1131 the county clerk shall send to the county attorney [~~of the county in which the optional plan is~~  
1132 ~~proposed~~] or, if the county does not have a county attorney, to the district attorney, a copy of  
1133 each optional plan recommended [~~by the study committee in its~~] in the report [~~under~~  
1134 ~~Subsection 17-52-303(3)(d)~~].

1135 (2) Within 45 days after [~~receipt of~~] the day on which the county or district attorney  
1136 receives the recommended optional plan from the county clerk under Subsection (1), the county  
1137 or district attorney shall send a written report to the county clerk containing the information  
1138 [~~required under~~] described in Subsection (3).

1139 (3) [~~Each~~] A report from the county or district attorney under Subsection (2) shall:

1140 (a) state the attorney's opinion as to whether implementation of the optional plan [~~as~~  
1141 ~~prepared by~~] that the study committee prepared would result in a violation of any applicable

1142 statutory or constitutional provision;

1143 (b) if the attorney concludes that a violation would result:

1144 (i) identify specifically each statutory or constitutional provision that [~~would be~~  
1145 ~~violated by~~] implementation of the optional plan [~~as prepared by the study committee~~] would  
1146 violate;

1147 (ii) identify specifically each provision or feature of the proposed optional plan that  
1148 would result in a statutory or constitutional violation if the plan is implemented [~~as prepared by~~  
1149 ~~the study committee~~]; and

1150 [~~(iii) state whether, in the attorney's opinion, any of the provisions or features identified~~  
1151 ~~in Subsection (3)(b)(ii) are so integral to the proposed optional plan that having previously~~  
1152 ~~changed the specified provision or feature to avoid the violation would have affected the~~  
1153 ~~decision of a study committee member who favored the proposed optional plan; and]~~

1154 [~~(iv) if all the provisions or features identified in Subsection (3)(b)(ii) do not meet the~~  
1155 ~~standard of Subsection (3)(b)(iii);]~~

1156 (iii) recommend how the proposed optional plan may be modified to avoid the  
1157 statutory or constitutional violation.

1158 (4) (a) [~~If the attorney's statement under Subsection (3) identifies provisions or features~~  
1159 ~~under Subsection (3)(b)(ii) that meet the standard of Subsection (3)(b)(iii);]~~ Except as provided  
1160 in Subsection (4)(b), if the attorney determines under Subsection (3) that a violation would  
1161 occur, the proposed optional plan may not be the subject of [a resolution or petition under  
1162 Subsection ~~17-52-206~~(1), except that the] an election under Section [17-52a-501](#).

1163 (b) The study committee may modify [the] an optional plan to avoid [the] a violation  
1164 that a county or district attorney's report describes under Subsection (3) and [then] file a new  
1165 report under Subsection [~~17-52-303~~] [17-52a-403](#)(3)(d) [that will be treated as any other report  
1166 under that subsection].

1167 [~~(b) If the attorney's statement under Subsection (3) identifies provisions or features~~  
1168 ~~under Subsection (3)(b)(ii) that do not meet the standard of Subsection (3)(b)(iii), the optional~~  
1169 ~~plan may be modified by the study committee to avoid the statutory or constitutional violations~~  
1170 ~~and then be the subject of a resolution or petition under Subsection ~~17-52-206~~(1).]~~

1171 (c) If a study committee files a new report under Subsection [17-52a-403](#)(3)(d), the  
1172 county executive, county legislative body, county or district attorney, and county clerk shall

1173 treat the new report in the same manner as an original report.

1174 (5) If the attorney's [~~statement~~] report under Subsection (3) does not identify any  
1175 provisions or features of the proposed optional plan that, if implemented, would violate a  
1176 statutory or constitutional provision, the proposed optional plan [~~may~~] shall be the subject of [~~a~~  
1177 ~~resolution or petition under Subsection 17-52-206(1)~~] an election under Section 17-52a-501.

1178 Section 23. Section **17-52a-501**, which is renumbered from Section 17-52-206 is  
1179 renumbered and amended to read:

1180 **Part 5. Adoption and Implementation of Optional Plan**

1181 [~~17-52-206~~]. **17-52a-501. Election on recommended optional plan.**

1182 (1) [~~(a) The~~] If the county or district attorney finds that a proposed optional plan does  
1183 not violate a statutory or constitutional provision under Section 17-52a-406, a county legislative  
1184 body shall hold an election on [an] the optional plan [recommended in a study committee  
1185 report filed under Subsection 17-52-303(3)(d) if:].

1186 [(i) ~~the county or district attorney has completed the review of the recommended~~  
1187 ~~optional plan and has submitted the attorney's report to the county clerk as provided in Section~~  
1188 ~~17-52-204;~~]

1189 [(ii) ~~the recommended optional plan may, under Subsection 17-52-204(3), be the~~  
1190 ~~subject of a resolution or petition under this Subsection (1); and]~~

1191 [(iii) ~~after the county or district attorney has submitted the attorney's report under~~  
1192 ~~Section 17-52-204;~~]

1193 [(A) ~~the county legislative body adopts a resolution to submit the recommended~~  
1194 ~~optional plan to voters; or]~~

1195 [(B) ~~a petition is filed with the county clerk that:~~]

1196 [(I) ~~is signed by registered voters residing in the county equal in number to at least 10%~~  
1197 ~~of the total number of votes cast in the county at the most recent election for president of the~~  
1198 ~~United States;]~~

1199 [(H) ~~designates up to five of the petition signers as sponsors, one of whom shall be~~  
1200 ~~designated as the contact sponsor, with the mailing address and telephone number of each; and]~~

1201 [(HH) ~~requests that the recommended optional plan be submitted to voters;]~~

1202 [(b) ~~The process for certifying a petition filed under Subsection (1)(a)(iii)(B) shall be~~  
1203 ~~the same as that provided in Subsection 17-52-203(3);]~~

1204 (2) ~~[Each election under Subsection (1)]~~ An election on an optional plan shall be held  
 1205 at the next regular general or municipal general election ~~[date]~~ that is no less than ~~[two months~~  
 1206 ~~after:]~~ 60 days after the day on which the county or district attorney submits the attorney's  
 1207 report described in Subsection 17-52a-406(5) to the county clerk.

1208 ~~[(a) the county legislative body's adoption of a resolution under Subsection~~  
 1209 ~~(1)(a)(iii)(A); or]~~

1210 ~~[(b) certification of a petition filed under Subsection (1)(a)(iii)(B).]~~

1211 (3) The county clerk shall prepare the ballot for ~~[each]~~ an election under ~~[Subsection~~  
 1212 ~~(1)]~~ this section so that the question on the ballot states substantially ~~[as follows]~~ the following:

1213 "Shall \_\_\_\_\_ County adopt the alternate form of government known  
 1214 as the \_\_ (insert the proposed form of government) \_\_ that ~~[has been recommended by]~~ the  
 1215 study committee has recommended?"

1216 (4) The county clerk shall:

1217 (a) ~~[cause]~~ publish the complete text of the proposed optional plan ~~[to be published]~~ in  
 1218 a newspaper of general circulation within the county at least once during two different calendar  
 1219 weeks within the 30-day period immediately before the date of the election ~~[under]~~ described in  
 1220 Subsection (1); [and]

1221 (b) post the complete text of the proposed optional plan in a conspicuous place on the  
 1222 county's website during the 45-day period that immediately precedes the election on the  
 1223 optional plan; and

1224 ~~[(b)]~~ (c) make a complete copy of the optional plan and the study committee report  
 1225 available free of charge to any member of the public who requests a copy.

1226 (5) A county clerk shall declare an optional plan as adopted by the voters if a majority  
 1227 of voters voting on the optional plan vote in favor of the optional plan.

1228 Section 24. Section **17-52a-502**, which is renumbered from Section 17-52-205 is  
 1229 renumbered and amended to read:

1230 ~~[17-52-205].~~ **17-52a-502. Voter information pamphlet.**

1231 (1) In anticipation of an election under Section ~~[17-52-206]~~ 17-52a-501, the county  
 1232 clerk may prepare a voter information pamphlet to inform the public of the proposed optional  
 1233 plan.

1234 (2) In preparing a voter information pamphlet under this section, the county clerk may:



1235 (a) allow proponents and opponents of the proposed optional plan to provide written  
1236 statements to be included in the pamphlet; and

1237 (b) use as a guideline the provisions of Title 20A, Chapter 7, Part 7, Voter Information  
1238 Pamphlet.

1239 (3) ~~[Each]~~ A county clerk ~~[preparing]~~ who prepares a voter information pamphlet  
1240 under this section shall cause the publication and distribution of the pamphlet in a manner  
1241 ~~[determined by]~~ that the county clerk ~~[to be]~~ determines is adequate.

1242 Section 25. Section **17-52a-503**, which is renumbered from Section 17-52-403 is  
1243 renumbered and amended to read:

1244 ~~[17-52-403]~~. **17-52a-503. Adoption of optional plan -- Election of new**  
1245 **county officers -- Effect of adoption.**

1246 (1) If a proposed optional plan is approved at an election held under Section  
1247 ~~[17-52-206]~~ 17-52a-501:

1248 (a) the elected county officers specified in the plan shall be elected at the next regular  
1249 general election following the election under Section 17-52a-501, according to the procedure  
1250 and schedule established under Title 20A, Election Code, for the election of county officers;

1251 ~~[(a)]~~ (b) the proposed optional plan:

1252 (i) becomes effective according to ~~[its]~~ the optional plan's terms ~~[and];~~;

1253 (ii) subject to Subsection ~~[17-52-401]~~ 17-52a-404(1)(c), at the time specified in ~~[it]~~ the  
1254 optional plan, is a public record open to inspection by the public~~[-];~~; and

1255 (iii) is judicially noticeable by all courts;

1256 ~~[(b)]~~ (c) the county clerk shall, within 10 days of the canvass of the election, file with  
1257 the lieutenant governor a copy of the optional plan, certified by the clerk to be a true and  
1258 correct copy;

1259 ~~[(c)]~~ (d) all public officers and employees shall cooperate fully in making the transition  
1260 between forms of county government; and

1261 ~~[(d)]~~ (e) the county legislative body may enact and enforce necessary ordinances to  
1262 bring about an orderly transition to the new form of government, including any transfer of  
1263 power, records, documents, properties, assets, funds, liabilities, or personnel that are consistent  
1264 with the approved optional plan and necessary or convenient to place it into full effect.

1265 (2) Adoption of an optional plan changing only the form of county government without

1266 adopting one of the structural forms under Chapter 35b, Part 3, Structural Forms of County  
1267 Government, does not alter or affect the boundaries, organization, powers, duties, or functions  
1268 of any:

- 1269 (a) school district;
- 1270 (b) justice court;
- 1271 (c) local district under Title 17B, Limited Purpose Local Government Entities - Local  
1272 Districts;
- 1273 (d) special service district under Title 17D, Chapter 1, Special Service District Act;
- 1274 (e) city or town; or
- 1275 (f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal  
1276 Cooperation Act.

1277 (3) After the adoption of an optional plan, the county remains vested with all powers  
1278 and duties vested generally in counties by statute.

1279 Section 26. Section **17-52a-504**, which is renumbered from Section 17-52-404 is  
1280 renumbered and amended to read:

1281 ~~[17-52-404]~~. **17-52a-504. Amendment of optional plan.**

1282 (1) Subject to ~~[Subsection]~~ Subsections (2) and (3), an optional plan, after going into  
1283 effect following an election held under Section ~~[17-52-206]~~ 17-52a-501, may be amended by  
1284 an affirmative vote of two-thirds of the county legislative body.

1285 (2) Notwithstanding Subsection (1), an amendment to an optional plan that is in effect  
1286 may not take effect until ~~[approved by]~~ a majority of registered voters voting in a general or  
1287 special election at which the amendment is proposed approve the amendment, if the  
1288 amendment changes:

- 1289 (a) the size or makeup of the legislative body, except for adjustments necessary due to  
1290 decennial reapportionment;
- 1291 (b) the distribution of powers between the executive and legislative branches of county  
1292 government; or
- 1293 (c) the status of the county executive or legislative body from full-time to part-time or  
1294 vice versa.

1295 Section 27. Section **17-52a-505**, which is renumbered from Section 17-52-405 is  
1296 renumbered and amended to read:

1297 ~~[17-52-405]~~. 17-52a-505. Repeal of optional plan.

1298 (1) An optional plan ~~[adopted]~~ that the voters in an election adopt under this chapter  
1299 may be repealed as provided in this section.

1300 (2) Registered voters of a county that has adopted an optional plan may initiate the  
1301 process of repealing an optional plan by filing a petition for the repeal of the optional plan.

1302 (3) (a) ~~[A]~~ Registered voters of a county may not file a petition to repeal an optional  
1303 plan ~~[may not be filed]~~ sooner than four years or more than five years after the election of  
1304 county officers under Section ~~[17-52-207]~~ 17-52a-503.

1305 (b) (i) If the registered voters file a petition to repeal an optional plan under this  
1306 section, the petition is certified, and the optional plan is not repealed at an election described in  
1307 Subsection (8), the voters may not circulate or file a subsequent petition to repeal until at least  
1308 four, and not more than five, years after the certification of the original petition.

1309 (ii) If, after four years, the voters file a subsequent petition ~~[as described in]~~ under  
1310 Subsection (3)(b)(i), the voters:

1311 (A) may not circulate or file another petition to repeal until at least four, and not more  
1312 than five, years after certification of the subsequent petition; and

1313 (B) shall wait an additional four, and not more than five, years after the date of  
1314 certification of the previous petition for each petition filed thereafter.

1315 (4) ~~[Each]~~ A petition ~~[under]~~ described in Subsection (2) shall:

1316 (a) be signed by registered voters residing in the county:

1317 (i) equal in number to at least 15% of the total number of votes cast in each precinct  
1318 described in Subsection (4)(a)(ii) for all candidates for president of the United States at the  
1319 most recent election ~~[for]~~ in which a president of the United States was elected; and

1320 (ii) who represent at least 85% of the voting precincts located within the county;

1321 (b) designate up to five of the petition signers as sponsors, ~~[one of whom shall be~~  
1322 ~~designated]~~ designating one petition signer as the contact sponsor, with the mailing address and  
1323 telephone number of each; and

1324 (c) be filed in the office of the clerk of the county in which the petition signers reside.

1325 (5) Within 30 days after the filing of a petition under Subsection (2) or an amended  
1326 petition under Subsection (6), the county clerk shall:

1327 (a) determine whether the required number of voters have signed the petition or

1328 amended petition has been signed by the required number of registered voters; and

1329 (b) (i) if [~~so~~] a sufficient number of voters have signed the petition, certify the petition  
1330 or amended petition and deliver it to the county legislative body, and notify in writing the  
1331 contact sponsor of the certification; or

1332 (ii) if [~~not~~] a sufficient number of voters have not signed the petition, reject the petition  
1333 or the amended petition and notify [~~in writing~~] the county legislative body and the contact  
1334 sponsor in writing of the rejection and the reasons for the rejection.

1335 (6) If a county clerk rejects a petition or an amended petition under Subsection  
1336 (5)(b)(ii), the petition may be amended or an amended petition may be further amended with  
1337 additional signatures and refiled within 20 days of the date of rejection.

1338 (7) [~~(a)~~] If a county clerk certifies a petition under Subsection (2) [~~is certified~~], the  
1339 county legislative body shall [~~within 60 days after petition certification adopt a resolution~~  
1340 ~~granting the petition and deciding to~~] hold an election on the proposal to repeal the optional  
1341 plan[~~.(b) The county legislative body shall hold the election~~] at the next regular general  
1342 election [~~date~~] that is at least [~~two months after the legislative body's decision~~] 60 days after the  
1343 day on which the county clerk certifies the petition.

1344 (8) If, at an election held under Subsection (7)[~~(b)~~], a majority of voters voting on the  
1345 proposal to repeal the optional plan vote in favor of repealing:

1346 (a) the optional plan is repealed, effective January 1 of the year following the election  
1347 of county officers under Subsection (8)(c);

1348 (b) upon the effective date of the repeal under Subsection (8)(a), the form of  
1349 government under which the county operates reverts to the form it had before the optional plan  
1350 was adopted; and

1351 (c) the county officers under the form of government to which the county reverts, who  
1352 are different than the county officers under the repealed optional plan, shall be elected at the  
1353 next regular general election following the election under Subsection (7)[~~(b)~~].

1354 Section 28. Section **17-53-101** is amended to read:

1355 **17-53-101. County officers enumerated.**

1356 (1) The elected officers of a county are:

1357 (a) (i) in a county operating under a county commission or expanded county  
1358 commission form of government, county commission members; or

1359 (ii) in a county operating under one of the other forms of county government under  
1360 Subsection [~~17-52-402~~] 17-52a-405(1)(a), county legislative body members and the county  
1361 executive;

1362 (b) a county treasurer, a sheriff, a county clerk, a county auditor, a county recorder, a  
1363 county attorney, a district attorney in a county which is part of a prosecution district, a county  
1364 surveyor, and a county assessor; and

1365 (c) any others provided by law.

1366 (2) Notwithstanding Subsection (1), in counties having a taxable value of less than  
1367 \$100,000,000 the county clerk shall be ex officio auditor of the county and shall perform the  
1368 duties of the office without extra compensation.

1369 Section 29. Section ~~17B-2a-1106~~ is amended to read:

1370 **17B-2a-1106. Municipal services district board of trustees -- Governance.**

1371 (1) Except as provided in Subsection (2), and notwithstanding any other provision of  
1372 law regarding the membership of a local district board of trustees, the initial board of trustees  
1373 of a municipal services district shall consist of the county legislative body.

1374 (2) (a) Notwithstanding any provision of law regarding the membership of a local  
1375 district board of trustees or the governance of a local district, and, except as provided in  
1376 Subsection (3), if a municipal services district is created in a county of the first class with the  
1377 county executive-council form of government, the initial governance of the municipal services  
1378 district is as follows:

1379 (i) subject to Subsection (2)(b), the county council is the municipal services district  
1380 board of trustees; and

1381 (ii) subject to Subsection (2)(c), the county executive is the executive of the municipal  
1382 services district.

1383 (b) Notwithstanding any other provision of law, the board of trustees of a municipal  
1384 services district described in Subsection (2)(a) shall:

1385 (i) act as the legislative body of the district; and

1386 (ii) exercise legislative branch powers and responsibilities established for county  
1387 legislative bodies in:

1388 (A) Title 17, Counties; and

1389 (B) an optional plan, as defined in Section [~~17-52-101~~] 17-52a-101, adopted for a

1390 county executive-council form of county government as described in Section [~~17-52-504~~]  
1391 [17-52a-203](#).

1392 (c) Notwithstanding any other provision of law, in a municipal services district  
1393 described in Subsection (2)(a), the executive of the district shall:

1394 (i) act as the executive of the district;

1395 (ii) nominate a general manager of the municipal services district, subject to the advice  
1396 and consent of the board of trustees; and

1397 (iii) exercise executive branch powers and responsibilities established for a county  
1398 executive in:

1399 (A) Title 17, Counties; and

1400 (B) an optional plan, as defined in Section [~~17-52-101~~] [17-52a-101](#), adopted for a  
1401 county executive-council form of county government as described in Section [~~17-52-504~~]  
1402 [17-52a-203](#).

1403 (3) (a) If, after the initial creation of a municipal services district, an area within the  
1404 district is incorporated as a municipality as defined in Section [10-1-104](#) and the area is not  
1405 withdrawn from the district in accordance with Section [17B-1-502](#) or [17B-1-505](#), or an area  
1406 within the municipality is annexed into the municipal services district in accordance with  
1407 Section [17B-2a-1103](#), the district's board of trustees shall be as follows:

1408 (i) subject to Subsection (3)(b), a member of that municipality's governing body;

1409 (ii) subject to Subsection (4), two members of the county council of the county in  
1410 which the municipal services district is located; and

1411 (iii) the total number of board members shall be an odd number.

1412 (b) A member described in Subsection (3)(a)(i) shall be:

1413 (i) for a municipality other than a metro township, designated by the municipal  
1414 legislative body; and

1415 (ii) for a metro township, the chair of the metro township.

1416 (c) A member of the board of trustees has the powers and duties described in  
1417 Subsection (2)(b).

1418 (d) The county executive is the executive and has the powers and duties as described in  
1419 Subsection (2)(c).

1420 (4) (a) The number of county council members may be increased or decreased to meet

1421 the membership requirements of Subsection (3)(a)(iii) but may not be less than one.

1422 (b) The number of county council members described in Subsection (3)(a)(ii) does not  
1423 include the county mayor.

1424 (5) For a board of trustees described in Subsection (3), each board member's vote is  
1425 weighted using the proportion of the municipal services district population that resides:

1426 (a) for each member described in Subsection (3)(a)(i), within that member's  
1427 municipality; and

1428 (b) for each member described in Subsection (3)(a)(ii), within the unincorporated  
1429 county, with the members' weighted vote divided evenly if there is more than one member on  
1430 the board described in Subsection (3)(a)(ii).

1431 (6) The board may adopt a resolution providing for future board members to be  
1432 appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.

1433 (7) (a) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of  
1434 trustees may adopt a resolution to determine the internal governance of the board.

1435 (b) A resolution adopted under Subsection (7)(a) may not alter or impair the board of  
1436 trustees' duties, powers, or responsibilities described in Subsection (2)(b) or the executive's  
1437 duties, powers, or responsibilities described in Subsection (2)(c).

1438 (8) The municipal services district and the county may enter into an agreement for the  
1439 provision of legal services to the municipal services district.

1440 Section 30. Section 17C-1-203 is amended to read:

1441 **17C-1-203. Agency board -- Quorum.**

1442 (1) The governing body of an agency is a board consisting of the current members of  
1443 the community legislative body.

1444 (2) A majority of board members constitutes a quorum for the transaction of agency  
1445 business.

1446 (3) A board may not adopt a resolution, pass a motion, or take any other official board  
1447 action without the concurrence of at least a majority of the board members present at a meeting  
1448 at which a quorum is present.

1449 (4) (a) The mayor or the mayor's designee of a municipality operating under a  
1450 council-mayor form of government, as defined in Section 10-3b-102:

1451 (i) serves as the executive director of an agency created by the municipality; and

1452 (ii) exercises the agency's executive powers.

1453 (b) The county executive or the county executive's designee of a county operating  
1454 under a county executive-council form of government, as described in Section [~~17-52-504~~]

1455 [17-52a-203](#):

1456 (i) serves as the executive director of an agency created by the county; and

1457 (ii) exercises the agency's executive powers.

1458 Section 31. Section **17D-2-203** is amended to read:

1459 **17D-2-203. Local building authority board of directors.**

1460 (1) Except as provided in Subsection (3), the members of the governing body of the  
1461 creating local entity constitute the authority board of the local building authority created by the  
1462 creating local entity.

1463 (2) An authority board may be referred to as a board of trustees.

1464 (3) (a) For a local building authority whose creating local entity is a county that  
1465 operates under the county commission form of government under Section [~~17-52-501~~]

1466 [17-52a-201](#), two members of the authority board may appoint an elected officer of the county  
1467 to serve temporarily as a member of the authority board if the other authority board member:

1468 (i) is, as a member of the county commission, placed on paid administrative leave  
1469 under Section [17-16-10.5](#);

1470 (ii) is unable to serve due to a disability;

1471 (iii) has a conflict of interest with respect to a matter before the authority board that  
1472 disqualifies the authority board member or causes the member to abstain from participating in  
1473 action on that matter; or

1474 (iv) is unable for any other reason to serve temporarily on the authority board or to  
1475 participate in a matter before the board.

1476 (b) An elected county officer appointed to an authority board under Subsection (3)(a)  
1477 may serve only until the condition under Subsection (3)(a)(i), (ii), (iii), or (iv) causing the need  
1478 for the appointment is no longer present.

1479 Section 32. Section **20A-1-203** is amended to read:

1480 **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**  
1481 **limitations.**

1482 (1) Statewide and local special elections may be held for any purpose authorized by



1483 law.

1484 (2) (a) Statewide special elections shall be conducted using the procedure for regular  
1485 general elections.

1486 (b) Except as otherwise provided in this title, local special elections shall be conducted  
1487 using the procedures for regular municipal elections.

1488 (3) The governor may call a statewide special election by issuing an executive order  
1489 that designates:

1490 (a) the date for the statewide special election; and

1491 (b) the purpose for the statewide special election.

1492 (4) The Legislature may call a statewide special election by passing a joint or  
1493 concurrent resolution that designates:

1494 (a) the date for the statewide special election; and

1495 (b) the purpose for the statewide special election.

1496 (5) (a) The legislative body of a local political subdivision may call a local special  
1497 election only for:

1498 (i) a vote on a bond or debt issue;

1499 (ii) a vote on a voted local levy authorized by Section [53A-16-110](#) or [53A-17a-133](#);

1500 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;

1501 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;

1502 (v) if required or authorized by federal law, a vote to determine whether or not Utah's  
1503 legal boundaries should be changed;

1504 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;

1505 (vii) a vote to elect members to school district boards for a new school district and a  
1506 remaining school district, as defined in Section [53A-2-117](#), following the creation of a new  
1507 school district under Section [53A-2-118.1](#);

1508 (viii) a vote on a municipality providing cable television services or public  
1509 telecommunications services under Section [10-18-204](#);

1510 (ix) a vote to create a new county under Section [17-3-1](#);

1511 (x) a vote on the creation of a study committee under Sections [~~[17-52-202](#)~~ and  
1512 ~~[17-52-203.5](#)~~ [17-52a-302](#) and [17-52a-304](#)];

1513 (xi) a vote on a special property tax under Section [53A-16-110](#);

- 1514 (xii) a vote on the incorporation of a city in accordance with Section 10-2a-210;
- 1515 (xiii) a vote on the incorporation of a town in accordance with Section 10-2a-304; or
- 1516 (xiv) a vote on incorporation or annexation as described in Section 10-2a-404.
- 1517 (b) The legislative body of a local political subdivision may call a local special election
- 1518 by adopting an ordinance or resolution that designates:
- 1519 (i) the date for the local special election as authorized by Section 20A-1-204; and
- 1520 (ii) the purpose for the local special election.
- 1521 (c) A local political subdivision may not call a local special election unless the
- 1522 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a
- 1523 two-thirds majority of all members of the legislative body, if the local special election is for:
- 1524 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);
- 1525 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or
- 1526 (iii) a vote authorized or required for a sales tax issue as described in Subsection
- 1527 (5)(a)(vi).
- 1528 Section 33. Section 20A-1-508 is amended to read:
- 1529 **20A-1-508. Midterm vacancies in county elected offices.**
- 1530 (1) As used in this section:
- 1531 (a) (i) "County offices" includes the county executive, members of the county
- 1532 legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor,
- 1533 the county recorder, the county surveyor, and the county assessor.
- 1534 (ii) "County offices" does not mean the offices of president and vice president of the
- 1535 United States, United States senators and representatives, members of the Utah Legislature,
- 1536 state constitutional officers, county attorneys, district attorneys, and judges.
- 1537 (b) "Party liaison" means the political party officer designated to serve as a liaison with
- 1538 each county legislative body on all matters relating to the political party's relationship with a
- 1539 county as required by Section 20A-8-401.
- 1540 (2) (a) Until a replacement is selected as provided in this section and has qualified, the
- 1541 county legislative body shall appoint an interim replacement to fill the vacant office by
- 1542 following the procedures and requirements of this Subsection (2).
- 1543 (b) (i) To appoint an interim replacement, the county legislative body shall give notice
- 1544 of the vacancy to the party liaison of the same political party of the prior office holder and

1545 invite that party liaison to submit the name of a person to fill the vacancy.

1546 (ii) That party liaison shall, within 30 days, submit the name of the person selected in  
1547 accordance with the party constitution or bylaws as described in Section [20A-8-401](#) for the  
1548 interim replacement to the county legislative body.

1549 (iii) The county legislative body shall no later than five days after the day on which a  
1550 party liaison submits the name of the person for the interim replacement appoint the person to  
1551 serve out the unexpired term.

1552 (c) (i) If the county legislative body fails to appoint an interim replacement to fill the  
1553 vacancy in accordance with Subsection (2)(b)(iii), the county clerk shall send to the governor a  
1554 letter that:

1555 (A) informs the governor that the county legislative body has failed to appoint a  
1556 replacement within the statutory time period; and

1557 (B) contains the name of the person to fill the vacancy submitted by the party liaison.

1558 (ii) The governor shall appoint the person named by the party liaison as an interim  
1559 replacement to fill the vacancy within 30 days after receipt of the letter.

1560 (d) A person appointed as interim replacement under this Subsection (2) shall hold  
1561 office until their successor is elected and has qualified.

1562 (3) (a) The requirements of this Subsection (3) apply to all county offices that become  
1563 vacant if:

1564 (i) the vacant office has an unexpired term of two years or more; and

1565 (ii) the vacancy occurs after the election at which the person was elected but before  
1566 April 10 of the next even-numbered year.

1567 (b) (i) When the conditions established in Subsection (3)(a) are met, the county clerk  
1568 shall notify the public and each registered political party that the vacancy exists.

1569 (ii) An individual intending to become a candidate for the vacant office shall file a  
1570 declaration of candidacy in accordance with:

1571 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

1572 (B) for a county commission office, Subsection [~~[17-52-501\(6\)](#)~~ or ~~[17-52-502](#)~~]

1573 [17-52a-201\(6\)](#) or [17-52a-202\(6\)](#), if applicable.

1574 (iii) An individual who is nominated as a party candidate for the vacant office or  
1575 qualified as an independent or write-in candidate under Chapter 8, Political Party Formation

1576 and Procedures, for the vacant office shall run in the regular general election.

1577 (4) (a) The requirements of this Subsection (4) apply to all county offices that become  
1578 vacant if:

1579 (i) the vacant office has an unexpired term of two years or more; and

1580 (ii) the vacancy occurs after April 9 of the next even-numbered year but more than 75  
1581 days before the regular primary election.

1582 (b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk  
1583 shall notify the public and each registered political party that:

1584 (A) the vacancy exists; and

1585 (B) identifies the date and time by which a person interested in becoming a candidate  
1586 shall file a declaration of candidacy.

1587 (ii) An individual intending to become a candidate for a vacant office shall, within five  
1588 days after the date that the notice is made, ending at the close of normal office hours on the  
1589 fifth day, file a declaration of candidacy for the vacant office in accordance with:

1590 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

1591 (B) for a county commission office, Subsection [~~17-52-501(6)~~ or ~~17-52-502~~]

1592 17-52a-201(6) or 17-52a-202(6), if applicable.

1593 (iii) The county central committee of each party shall:

1594 (A) select a candidate or candidates from among those qualified candidates who have  
1595 filed declarations of candidacy; and

1596 (B) certify the name of the candidate or candidates to the county clerk at least 60 days  
1597 before the regular primary election.

1598 (5) (a) The requirements of this Subsection (5) apply to all county offices that become  
1599 vacant:

1600 (i) if the vacant office has an unexpired term of two years or more; and

1601 (ii) when 75 days or less remain before the regular primary election but more than 65  
1602 days remain before the regular general election.

1603 (b) When the conditions established in Subsection (5)(a) are met, the county central  
1604 committees of each political party registered under this title that wishes to submit a candidate  
1605 for the office shall summarily certify the name of one candidate to the county clerk for  
1606 placement on the regular general election ballot.

1607 (6) (a) The requirements of this Subsection (6) apply to all county offices that become  
1608 vacant:

1609 (i) if the vacant office has an unexpired term of less than two years; or

1610 (ii) if the vacant office has an unexpired term of two years or more but 65 days or less  
1611 remain before the next regular general election.

1612 (b) (i) When the conditions established in Subsection (6)(a) are met, the county  
1613 legislative body shall give notice of the vacancy to the party liaison of the same political party  
1614 as the prior office holder and invite that party liaison to submit the name of a person to fill the  
1615 vacancy.

1616 (ii) That party liaison shall, within 30 days, submit the name of the person to fill the  
1617 vacancy to the county legislative body.

1618 (iii) The county legislative body shall no later than five days after the day on which a  
1619 party liaison submits the name of the person to fill the vacancy appoint the person to serve out  
1620 the unexpired term.

1621 (c) (i) If the county legislative body fails to appoint a person to fill the vacancy in  
1622 accordance with Subsection (6)(b)(iii), the county clerk shall send to the governor a letter that:

1623 (A) informs the governor that the county legislative body has failed to appoint a person  
1624 to fill the vacancy within the statutory time period; and

1625 (B) contains the name of the person to fill the vacancy submitted by the party liaison.

1626 (ii) The governor shall appoint the person named by the party liaison to fill the vacancy  
1627 within 30 days after receipt of the letter.

1628 (d) A person appointed to fill the vacancy under this Subsection (6) shall hold office  
1629 until their successor is elected and has qualified.

1630 (7) Except as otherwise provided by law, the county legislative body may appoint  
1631 replacements to fill all vacancies that occur in those offices filled by appointment of the county  
1632 legislative body.

1633 (8) Nothing in this section prevents or prohibits independent candidates from filing a  
1634 declaration of candidacy for the office within the same time limits.

1635 (9) (a) Each person elected under Subsection (3), (4), or (5) to fill a vacancy in a  
1636 county office shall serve for the remainder of the unexpired term of the person who created the  
1637 vacancy and until a successor is elected and qualified.

1638 (b) Nothing in this section may be construed to contradict or alter the provisions of  
1639 Section 17-16-6.

1640 Section 34. Section 20A-9-409 is amended to read:

1641 **20A-9-409. Primary election provisions relating to qualified political party.**

1642 (1) The fourth Tuesday of June of each even-numbered year is designated as a regular  
1643 primary election day.

1644 (2) (a) A qualified political party that nominates one or more candidates for an elective  
1645 office under Section 20A-9-407 and does not have a candidate qualify as a candidate for that  
1646 office under Section 20A-9-408, may, but is not required to, participate in the primary election  
1647 for that office.

1648 (b) A qualified political party that has only one candidate qualify as a candidate for an  
1649 elective office under Section 20A-9-408 and does not nominate a candidate for that office  
1650 under Section 20A-9-407, may, but is not required to, participate in the primary election for  
1651 that office.

1652 (c) A qualified political party that nominates one or more candidates for an elective  
1653 office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that  
1654 office under Section 20A-9-408 shall participate in the primary election for that office.

1655 (d) A qualified political party that has two or more candidates qualify as candidates for  
1656 an elective office under Section 20A-9-408 and does not nominate a candidate for that office  
1657 under Section 20A-9-407 shall participate in the primary election for that office.

1658 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section  
1659 ~~[17-52-501 or Section 17-52-502]~~ 17-52a-201 or 17-52a-202, a qualified political party shall  
1660 participate in the primary election for a county commission office if:

1661 (a) there is more than one:

1662 (i) open position as defined in Section ~~[17-52-501]~~ 17-52a-201; or

1663 (ii) midterm vacancy as defined in Section ~~[17-52-501]~~ 17-52a-201; and

1664 (b) the number of candidates nominated under Section 20A-9-407 or qualified under  
1665 Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number  
1666 of respective open positions or midterm vacancies.

1667 (4) (a) As used in this Subsection (4), a candidate is "unopposed" if:

1668 (i) no individual other than the candidate receives a certification, from the appropriate

1669 filing officer, for the regular primary election ballot of the candidate's registered political party  
1670 for a particular elective office; or

1671 (ii) for an office where more than one individual is to be elected or nominated, the  
1672 number of candidates who receive certification, from the appropriate filing officer, for the  
1673 regular primary election of the candidate's registered political party does not exceed the total  
1674 number of candidates to be elected or nominated for that office.

1675 (b) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant  
1676 governor shall:

1677 (i) provide to the county clerks:

1678 (A) a list of the names of all candidates for federal, constitutional, multi-county, single  
1679 county, and county offices who have received certifications from the appropriate filing officer,  
1680 along with instructions on how those names shall appear on the primary election ballot in  
1681 accordance with Section 20A-6-305; and

1682 (B) a list of unopposed candidates for elective office who have been nominated by a  
1683 registered political party; and

1684 (ii) instruct the county clerks to exclude unopposed candidates from the primary  
1685 election ballot.

1686 Section 35. Section 26A-1-102 is amended to read:

1687 **26A-1-102. Definitions.**

1688 As used in this part:

1689 (1) "Board" means a local board of health established under Section 26A-1-109.

1690 (2) "County governing body" means one of the types of county government provided  
1691 for in Title 17, Chapter 52a, Part [5] 2, Forms of County Government.

1692 (3) "County health department" means a local health department that serves a county  
1693 and municipalities located within that county.

1694 (4) "Department" means the Department of Health created in Title 26, Chapter 1,  
1695 Department of Health Organization.

1696 (5) "Local health department" means:

1697 (a) a single county local health department;

1698 (b) a multicounty local health department;

1699 (c) a united local health department; or

1700 (d) a multicounty united local health department.

1701 (6) "Mental health authority" means a local mental health authority created in Section  
1702 17-43-301.

1703 (7) "Multicounty local health department" means a local health department that is  
1704 formed under Section 26A-1-105 and that serves two or more contiguous counties and  
1705 municipalities within those counties.

1706 (8) "Multicounty united local health department" means a united local health  
1707 department that is formed under Section 26A-1-105.5 and that serves two or more contiguous  
1708 counties and municipalities within those counties.

1709 (9) "Single county local health department" means a local health department that is  
1710 created by the governing body of one county to provide services to the county and the  
1711 municipalities within that county.

1712 (10) "Substance abuse authority" means a local substance abuse authority created in  
1713 Section 17-43-201.

1714 (11) "United local health department":

1715 (a) means a substance abuse authority, a mental health authority, and a local health  
1716 department that join together under Section 26A-1-105.5; and

1717 (b) includes a multicounty united local health department.

1718 Section 36. Section 59-2-919 is amended to read:

1719 **59-2-919. Notice and public hearing requirements for certain tax increases --**

1720 **Exceptions.**

1721 (1) As used in this section:

1722 (a) "Additional ad valorem tax revenue" means ad valorem property tax revenue  
1723 generated by the portion of the tax rate that exceeds the taxing entity's certified tax rate.

1724 (b) "Ad valorem tax revenue" means ad valorem property tax revenue not including  
1725 revenue from:

1726 (i) eligible new growth as defined in Section 59-2-924; or

1727 (ii) personal property that is:

1728 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and

1729 (B) semiconductor manufacturing equipment.

1730 (c) "Calendar year taxing entity" means a taxing entity that operates under a fiscal year



1731 that begins on January 1 and ends on December 31.

1732 (d) "County executive calendar year taxing entity" means a calendar year taxing entity  
1733 that operates under the county executive-council form of government described in Section  
1734 [~~17-52-504~~] [17-52a-203](#).

1735 (e) "Current calendar year" means the calendar year immediately preceding the  
1736 calendar year for which a calendar year taxing entity seeks to levy a tax rate that exceeds the  
1737 calendar year taxing entity's certified tax rate.

1738 (f) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year that  
1739 begins on July 1 and ends on June 30.

1740 (g) "Last year's property tax budgeted revenue" does not include revenue received by a  
1741 taxing entity from a debt service levy voted on by the public.

1742 (2) A taxing entity may not levy a tax rate that exceeds the taxing entity's certified tax  
1743 rate unless the taxing entity meets:

1744 (a) the requirements of this section that apply to the taxing entity; and

1745 (b) all other requirements as may be required by law.

1746 (3) (a) Subject to Subsection (3)(b) and except as provided in Subsection (5), a calendar  
1747 year taxing entity may levy a tax rate that exceeds the calendar year taxing entity's certified tax  
1748 rate if the calendar year taxing entity:

1749 (i) 14 or more days before the date of the regular general election or municipal general  
1750 election held in the current calendar year, states at a public meeting:

1751 (A) that the calendar year taxing entity intends to levy a tax rate that exceeds the  
1752 calendar year taxing entity's certified tax rate;

1753 (B) the dollar amount of and purpose for additional ad valorem tax revenue that would  
1754 be generated by the proposed increase in the certified tax rate; and

1755 (C) the approximate percentage increase in ad valorem tax revenue for the taxing entity  
1756 based on the proposed increase described in Subsection (3)(a)(i)(B);

1757 (ii) provides notice for the public meeting described in Subsection (3)(a)(i) in  
1758 accordance with Title 52, Chapter 4, Open and Public Meetings Act, including providing a  
1759 separate item on the meeting agenda that notifies the public that the calendar year taxing entity  
1760 intends to make the statement described in Subsection (3)(a)(i);

1761 (iii) meets the advertisement requirements of Subsections (6) and (7) before the

1762 calendar year taxing entity conducts the public hearing required by Subsection (3)(a)(v);  
1763 (iv) provides notice by mail:  
1764 (A) seven or more days before the regular general election or municipal general  
1765 election held in the current calendar year; and  
1766 (B) as provided in Subsection (3)(c); and  
1767 (v) conducts a public hearing that is held:  
1768 (A) in accordance with Subsections (8) and (9); and  
1769 (B) in conjunction with the public hearing required by Section 17-36-13 or 17B-1-610.  
1770 (b) (i) For a county executive calendar year taxing entity, the statement described in  
1771 Subsection (3)(a)(i) shall be made by the:  
1772 (A) county council;  
1773 (B) county executive; or  
1774 (C) both the county council and county executive.  
1775 (ii) If the county council makes the statement described in Subsection (3)(a)(i) or the  
1776 county council states a dollar amount of additional ad valorem tax revenue that is greater than  
1777 the amount of additional ad valorem tax revenue previously stated by the county executive in  
1778 accordance with Subsection (3)(a)(i), the county executive calendar year taxing entity shall:  
1779 (A) make the statement described in Subsection (3)(a)(i) 14 or more days before the  
1780 county executive calendar year taxing entity conducts the public hearing under Subsection  
1781 (3)(a)(v); and  
1782 (B) provide the notice required by Subsection (3)(a)(iv) 14 or more days before the  
1783 county executive calendar year taxing entity conducts the public hearing required by  
1784 Subsection (3)(a)(v).  
1785 (c) The notice described in Subsection (3)(a)(iv):  
1786 (i) shall be mailed to each owner of property:  
1787 (A) within the calendar year taxing entity; and  
1788 (B) listed on the assessment roll;  
1789 (ii) shall be printed on a separate form that:  
1790 (A) is developed by the commission;  
1791 (B) states at the top of the form, in bold upper-case type no smaller than 18 point  
1792 "NOTICE OF PROPOSED TAX INCREASE"; and

1793 (C) may be mailed with the notice required by Section 59-2-1317;  
1794 (iii) shall contain for each property described in Subsection (3)(c)(i):  
1795 (A) the value of the property for the current calendar year;  
1796 (B) the tax on the property for the current calendar year; and  
1797 (C) subject to Subsection (3)(d), for the calendar year for which the calendar year  
1798 taxing entity seeks to levy a tax rate that exceeds the calendar year taxing entity's certified tax  
1799 rate, the estimated tax on the property;  
1800 (iv) shall contain the following statement:  
1801 "[Insert name of taxing entity] is proposing a tax increase for [insert applicable calendar  
1802 year]. This notice contains estimates of the tax on your property and the proposed tax increase  
1803 on your property as a result of this tax increase. These estimates are calculated on the basis of  
1804 [insert previous applicable calendar year] data. The actual tax on your property and proposed  
1805 tax increase on your property may vary from this estimate.";  
1806 (v) shall state the date, time, and place of the public hearing described in Subsection  
1807 (3)(a)(v); and  
1808 (vi) may contain other property tax information approved by the commission.  
1809 (d) For purposes of Subsection (3)(c)(iii)(C), a calendar year taxing entity shall  
1810 calculate the estimated tax on property on the basis of:  
1811 (i) data for the current calendar year; and  
1812 (ii) the amount of additional ad valorem tax revenue stated in accordance with this  
1813 section.  
1814 (4) Except as provided in Subsection (5), a fiscal year taxing entity may levy a tax rate  
1815 that exceeds the fiscal year taxing entity's certified tax rate if the fiscal year taxing entity:  
1816 (a) provides notice by meeting the advertisement requirements of Subsections (6) and  
1817 (7) before the fiscal year taxing entity conducts the public meeting at which the fiscal year  
1818 taxing entity's annual budget is adopted; and  
1819 (b) conducts a public hearing in accordance with Subsections (8) and (9) before the  
1820 fiscal year taxing entity's annual budget is adopted.  
1821 (5) (a) A taxing entity is not required to meet the notice or public hearing requirements  
1822 of Subsection (3) or (4) if the taxing entity is expressly exempted by law from complying with  
1823 the requirements of this section.

1824 (b) A taxing entity is not required to meet the notice requirements of Subsection (3) or  
1825 (4) if:

1826 (i) Section 53A-17a-133 allows the taxing entity to levy a tax rate that exceeds that  
1827 certified tax rate without having to comply with the notice provisions of this section; or

1828 (ii) the taxing entity:

1829 (A) budgeted less than \$20,000 in ad valorem tax revenues for the previous fiscal year;

1830 and

1831 (B) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax  
1832 revenues.

1833 (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this  
1834 section shall be published:

1835 (i) subject to Section 45-1-101, in a newspaper or combination of newspapers of  
1836 general circulation in the taxing entity;

1837 (ii) electronically in accordance with Section 45-1-101; and

1838 (iii) on the Utah Public Notice Website created in Section 63F-1-701.

1839 (b) The advertisement described in Subsection (6)(a)(i) shall:

1840 (i) be no less than 1/4 page in size;

1841 (ii) use type no smaller than 18 point; and

1842 (iii) be surrounded by a 1/4-inch border.

1843 (c) The advertisement described in Subsection (6)(a)(i) may not be placed in that  
1844 portion of the newspaper where legal notices and classified advertisements appear.

1845 (d) It is the intent of the Legislature that:

1846 (i) whenever possible, the advertisement described in Subsection (6)(a)(i) appear in a  
1847 newspaper that is published at least one day per week; and

1848 (ii) the newspaper or combination of newspapers selected:

1849 (A) be of general interest and readership in the taxing entity; and

1850 (B) not be of limited subject matter.

1851 (e) (i) The advertisement described in Subsection (6)(a)(i) shall:

1852 (A) except as provided in Subsection (6)(f), be run once each week for the two weeks  
1853 before a taxing entity conducts a public hearing described under Subsection (3)(a)(v) or (4)(b);

1854 and

1855 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the  
1856 advertisement, which shall be seven or more days after the day the first advertisement is  
1857 published, for the purpose of hearing comments regarding any proposed increase and to explain  
1858 the reasons for the proposed increase.

1859 (ii) The advertisement described in Subsection (6)(a)(ii) shall:

1860 (A) be published two weeks before a taxing entity conducts a public hearing described  
1861 in Subsection (3)(a)(v) or (4)(b); and

1862 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the  
1863 advertisement, which shall be seven or more days after the day the first advertisement is  
1864 published, for the purpose of hearing comments regarding any proposed increase and to explain  
1865 the reasons for the proposed increase.

1866 (f) If a fiscal year taxing entity's public hearing information is published by the county  
1867 auditor in accordance with Section 59-2-919.2, the fiscal year taxing entity is not subject to the  
1868 requirement to run the advertisement twice, as required by Subsection (6)(e)(i), but shall run  
1869 the advertisement once during the week before the fiscal year taxing entity conducts a public  
1870 hearing at which the taxing entity's annual budget is discussed.

1871 (g) For purposes of Subsection (3)(a)(iii) or (4)(a), the form and content of an  
1872 advertisement shall be substantially as follows:

1873 "NOTICE OF PROPOSED TAX INCREASE  
1874 (NAME OF TAXING ENTITY)

1875 The (name of the taxing entity) is proposing to increase its property tax revenue.

1876 ● The (name of the taxing entity) tax on a (insert the average value of a residence  
1877 in the taxing entity rounded to the nearest thousand dollars) residence would  
1878 increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

1879 ● The (name of the taxing entity) tax on a (insert the value of a business having  
1880 the same value as the average value of a residence in the taxing entity) business  
1881 would increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

1882 ● If the proposed budget is approved, (name of the taxing entity) would increase  
1883 its property tax budgeted revenue by \_\_\_% above last year's property tax  
1884 budgeted revenue excluding eligible new growth.

1885 All concerned citizens are invited to a public hearing on the tax increase.

1886 PUBLIC HEARING

1887 Date/Time: (date) (time)

1888 Location: (name of meeting place and address of meeting place)

1889 To obtain more information regarding the tax increase, citizens may contact the (name  
1890 of the taxing entity) at (phone number of taxing entity)."

1891 (7) The commission:

1892 (a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative  
1893 Rulemaking Act, governing the joint use of one advertisement described in Subsection (6) by  
1894 two or more taxing entities; and

1895 (b) subject to Section 45-1-101, may authorize:

1896 (i) the use of a weekly newspaper:

1897 (A) in a county having both daily and weekly newspapers if the weekly newspaper  
1898 would provide equal or greater notice to the taxpayer; and

1899 (B) if the county petitions the commission for the use of the weekly newspaper; or

1900 (ii) the use by a taxing entity of a commission approved direct notice to each taxpayer  
1901 if:

1902 (A) the cost of the advertisement would cause undue hardship;

1903 (B) the direct notice is different and separate from that provided for in Section  
1904 59-2-919.1; and

1905 (C) the taxing entity petitions the commission for the use of a commission approved  
1906 direct notice.

1907 (8) (a) (i) (A) A fiscal year taxing entity shall, on or before March 1, notify the county  
1908 legislative body in which the fiscal year taxing entity is located of the date, time, and place of  
1909 the first public hearing at which the fiscal year taxing entity's annual budget will be discussed.

1910 (B) A county that receives notice from a fiscal year taxing entity under Subsection  
1911 (8)(a)(i)(A) shall include on the notice required by Section 59-2-919.1 the date, time, and place  
1912 of the public hearing described in Subsection (8)(a)(i)(A).

1913 (ii) A calendar year taxing entity shall, on or before October 1 of the current calendar  
1914 year, notify the county legislative body in which the calendar year taxing entity is located of the  
1915 date, time, and place of the first public hearing at which the calendar year taxing entity's annual  
1916 budget will be discussed.

1917 (b) (i) A public hearing described in Subsection (3)(a)(v) or (4)(b) shall be open to the  
1918 public.

1919 (ii) The governing body of a taxing entity conducting a public hearing described in  
1920 Subsection (3)(a)(v) or (4)(b) shall provide an interested party desiring to be heard an  
1921 opportunity to present oral testimony within reasonable time limits.

1922 (c) (i) Except as provided in Subsection (8)(c)(ii), a taxing entity may not schedule a  
1923 public hearing described in Subsection (3)(a)(v) or (4)(b) at the same time as the public hearing  
1924 of another overlapping taxing entity in the same county.

1925 (ii) The taxing entities in which the power to set tax levies is vested in the same  
1926 governing board or authority may consolidate the public hearings described in Subsection  
1927 (3)(a)(v) or (4)(b) into one public hearing.

1928 (d) A county legislative body shall resolve any conflict in public hearing dates and  
1929 times after consultation with each affected taxing entity.

1930 (e) A taxing entity shall hold a public hearing described in Subsection (3)(a)(v) or  
1931 (4)(b) beginning at or after 6 p.m.

1932 (9) (a) If a taxing entity does not make a final decision on budgeting additional ad  
1933 valorem tax revenue at a public hearing described in Subsection (3)(a)(v) or (4)(b), the taxing  
1934 entity shall announce at that public hearing the scheduled time and place of the next public  
1935 meeting at which the taxing entity will consider budgeting the additional ad valorem tax  
1936 revenue.

1937 (b) A calendar year taxing entity may not adopt a final budget that budgets an amount  
1938 of additional ad valorem tax revenue that exceeds the largest amount of additional ad valorem  
1939 tax revenue stated at a public meeting under Subsection (3)(a)(i).

1940 (c) A public hearing on levying a tax rate that exceeds a fiscal year taxing entity's  
1941 certified tax rate may coincide with a public hearing on the fiscal year taxing entity's proposed  
1942 annual budget.

1943 Section 37. Section **68-3-12.5** is amended to read:

1944 **68-3-12.5. Definitions for Utah Code.**

1945 (1) The definitions listed in this section apply to the Utah Code, unless:

1946 (a) the definition is inconsistent with the manifest intent of the Legislature or repugnant  
1947 to the context of the statute; or

- 1948 (b) a different definition is expressly provided for the respective title, chapter, part,  
1949 section, or subsection.
- 1950 (2) "Adjudicative proceeding" means:
- 1951 (a) an action by a board, commission, department, officer, or other administrative unit  
1952 of the state that determines the legal rights, duties, privileges, immunities, or other legal  
1953 interests of one or more identifiable persons, including an action to grant, deny, revoke,  
1954 suspend, modify, annul, withdraw, or amend an authority, right, or license; and
- 1955 (b) judicial review of an action described in Subsection (2)(a).
- 1956 (3) "Administrator" includes "executor" when the subject matter justifies the use.
- 1957 (4) "Advisory board," "advisory commission," and "advisory council" mean a board,  
1958 commission, committee, or council that:
- 1959 (a) is created by, and whose duties are provided by, statute or executive order;
- 1960 (b) performs its duties only under the supervision of another person as provided by  
1961 statute; and
- 1962 (c) provides advice and makes recommendations to another person that makes policy  
1963 for the benefit of the general public.
- 1964 (5) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps,  
1965 and Coast Guard.
- 1966 (6) "County executive" means:
- 1967 (a) the county commission, in the county commission or expanded county commission  
1968 form of government established under Title 17, Chapter 52a, Changing Forms of County  
1969 Government;
- 1970 (b) the county executive, in the county executive-council optional form of government  
1971 authorized by Section [~~17-52-504~~] [17-52a-203](#); or
- 1972 (c) the county manager, in the council-manager optional form of government  
1973 authorized by Section [~~17-52-505~~] [17-52a-204](#).
- 1974 (7) "County legislative body" means:
- 1975 (a) the county commission, in the county commission or expanded county commission  
1976 form of government established under Title 17, Chapter 52a, Changing Forms of County  
1977 Government;
- 1978 (b) the county council, in the county executive-council optional form of government



- 1979 authorized by Section [~~17-52-504~~] [17-52a-203](#); and
- 1980 (c) the county council, in the council-manager optional form of government authorized
- 1981 by Section [~~17-52-505~~] [17-52a-204](#).
- 1982 (8) "Depose" means to make a written statement made under oath or affirmation.
- 1983 (9) "Executor" includes "administrator" when the subject matter justifies the use.
- 1984 (10) "Guardian" includes a person who:
- 1985 (a) qualifies as a guardian of a minor or incapacitated person pursuant to testamentary
- 1986 or court appointment; or
- 1987 (b) is appointed by a court to manage the estate of a minor or incapacitated person.
- 1988 (11) "Highway" includes:
- 1989 (a) a public bridge;
- 1990 (b) a county way;
- 1991 (c) a county road;
- 1992 (d) a common road; and
- 1993 (e) a state road.
- 1994 (12) "Intellectual disability" means a significant, subaverage general intellectual
- 1995 functioning that:
- 1996 (a) exists concurrently with deficits in adaptive behavior; and
- 1997 (b) is manifested during the developmental period as defined in the current edition of
- 1998 the Diagnostic and Statistical Manual of Mental Disorders, published by the American
- 1999 Psychiatric Association.
- 2000 (13) "Intermediate care facility for people with an intellectual disability" means an
- 2001 intermediate care facility for the mentally retarded, as defined in Title XIX of the Social
- 2002 Security Act.
- 2003 (14) "Land" includes:
- 2004 (a) land;
- 2005 (b) a tenement;
- 2006 (c) a hereditament;
- 2007 (d) a water right;
- 2008 (e) a possessory right; and
- 2009 (f) a claim.

- 2010 (15) "Month" means a calendar month, unless otherwise expressed.
- 2011 (16) "Oath" includes "affirmation."
- 2012 (17) "Person" means:
- 2013 (a) an individual;
- 2014 (b) an association;
- 2015 (c) an institution;
- 2016 (d) a corporation;
- 2017 (e) a company;
- 2018 (f) a trust;
- 2019 (g) a limited liability company;
- 2020 (h) a partnership;
- 2021 (i) a political subdivision;
- 2022 (j) a government office, department, division, bureau, or other body of government;
- 2023 and
- 2024 (k) any other organization or entity.
- 2025 (18) "Personal property" includes:
- 2026 (a) money;
- 2027 (b) goods;
- 2028 (c) chattels;
- 2029 (d) effects;
- 2030 (e) evidences of a right in action;
- 2031 (f) a written instrument by which a pecuniary obligation, right, or title to property is
- 2032 created, acknowledged, transferred, increased, defeated, discharged, or diminished; and
- 2033 (g) a right or interest in an item described in Subsections (18)(a) through (f).
- 2034 (19) "Personal representative," "executor," and "administrator" include:
- 2035 (a) an executor;
- 2036 (b) an administrator;
- 2037 (c) a successor personal representative;
- 2038 (d) a special administrator; and
- 2039 (e) a person who performs substantially the same function as a person described in
- 2040 Subsections (19)(a) through (d) under the law governing the person's status.

- 2041 (20) "Policy board," "policy commission," or "policy council" means a board,  
2042 commission, or council that:
- 2043 (a) is authorized to make policy for the benefit of the general public;
  - 2044 (b) is created by, and whose duties are provided by, the constitution or statute; and
  - 2045 (c) performs its duties according to its own rules without supervision other than under  
2046 the general control of another person as provided by statute.
- 2047 (21) "Population" is shown by the most recent state or national census, unless expressly  
2048 provided otherwise.
- 2049 (22) "Process" means a writ or summons issued in the course of a judicial proceeding.
- 2050 (23) "Property" includes both real and personal property.
- 2051 (24) "Real estate" or "real property" includes:
- 2052 (a) land;
  - 2053 (b) a tenement;
  - 2054 (c) a hereditament;
  - 2055 (d) a water right;
  - 2056 (e) a possessory right; and
  - 2057 (f) a claim.
- 2058 (25) "Review board," "review commission," and "review council" mean a board,  
2059 commission, committee, or council that:
- 2060 (a) is authorized to approve policy made for the benefit of the general public by another  
2061 body or person;
  - 2062 (b) is created by, and whose duties are provided by, statute; and
  - 2063 (c) performs its duties according to its own rules without supervision other than under  
2064 the general control of another person as provided by statute.
- 2065 (26) "Road" includes:
- 2066 (a) a public bridge;
  - 2067 (b) a county way;
  - 2068 (c) a county road;
  - 2069 (d) a common road; and
  - 2070 (e) a state road.
- 2071 (27) "Signature" includes a name, mark, or sign written with the intent to authenticate

2072 an instrument or writing.

2073 (28) "State," when applied to the different parts of the United States, includes a state,  
2074 district, or territory of the United States.

2075 (29) "Swear" includes "affirm."

2076 (30) "Testify" means to make an oral statement under oath or affirmation.

2077 (31) "Uniformed services" means:

2078 (a) the armed forces;

2079 (b) the commissioned corps of the National Oceanic and Atmospheric Administration;

2080 and

2081 (c) the commissioned corps of the United States Public Health Service.

2082 (32) "United States" includes each state, district, and territory of the United States of  
2083 America.

2084 (33) "Utah Code" means the 1953 recodification of the Utah Code, as amended, unless  
2085 the text expressly references a portion of the 1953 recodification of the Utah Code as it existed:

2086 (a) on the day on which the 1953 recodification of the Utah Code was enacted; or

2087 (b) (i) after the day described in Subsection (33)(a); and

2088 (ii) before the most recent amendment to the referenced portion of the 1953  
2089 recodification of the Utah Code.

2090 (34) "Vessel," when used with reference to shipping, includes a steamboat, canal boat,  
2091 and every structure adapted to be navigated from place to place.

2092 (35) (a) "Veteran" means an individual who:

2093 (i) has served in the United States Armed Forces for at least 180 days:

2094 (A) on active duty; or

2095 (B) in a reserve component, to include the National Guard; or

2096 (ii) has incurred an actual service-related injury or disability while in the United States  
2097 Armed Forces regardless of whether the individual completed 180 days; and

2098 (iii) was separated or retired under conditions characterized as honorable or general.

2099 (b) This definition is not intended to confer eligibility for benefits.

2100 (36) "Will" includes a codicil.

2101 (37) "Writ" means an order or precept in writing, issued in the name of:

2102 (a) the state;

- 2103 (b) a court; or
- 2104 (c) a judicial officer.
- 2105 (38) "Writing" includes:
- 2106 (a) printing;
- 2107 (b) handwriting; and
- 2108 (c) information stored in an electronic or other medium if the information is retrievable
- 2109 in a perceivable format.

2110 Section 38. **Repealer.**

2111 This bill repeals:

2112 Section **17-52-207, Election of officers under optional plan.**

2113 Section 39. **Effective date.**

2114 If approved by two-thirds of all the members elected to each house, this bill takes effect

2115 upon approval by the governor, or the day following the constitutional time limit of Utah

2116 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

2117 the date of veto override.