

**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: Curtis S. Bramble

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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;
- ▶ defines terms;
- ▶ amends provisions related to the appointment 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;
- ▶ requires only certain countries to comply with a provision that requires an optional plan to be approved by the county legislative body or subjected to a petition before



26 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36       ▶ establishes a deadline after which an optional plan may not be repealed without  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       ▶ provides a grandfather provision for counties that have initiated the process to  
39 change the county's form of government as of the effective date of this bill;

40       ▶ requires a county that operates under a form of government that is not authorized by  
41 statute to change the county's form of government;

42       ▶ establishes repeal dates for provisions that will become obsolete;

43       ▶ removes obsolete and superfluous provisions; and

44       ▶ makes technical and conforming changes.

45 **Money Appropriated in this Bill:**

46       None

47 **Other Special Clauses:**

48       This bill provides a special effective date.

49       This bill provides revisor instructions.

50 **Utah Code Sections Affected:**

51 AMENDS:

52       17-15-27, as last amended by Laws of Utah 2006, Chapter 171

53       17-16-6, as last amended by Laws of Utah 2014, Chapter 16

54       17-19a-203, as enacted by Laws of Utah 2012, Chapter 17

55       17-31-8, as last amended by Laws of Utah 2017, Chapter 70

56       17-43-201, as last amended by Laws of Utah 2016, Chapter 113

- 57 **17-43-301**, as last amended by Laws of Utah 2016, Chapter 113
- 58 **17-53-101**, as renumbered and amended by Laws of Utah 2000, Chapter 133
- 59 **17B-2a-1106**, as last amended by Laws of Utah 2016, Chapter 176
- 60 **17C-1-203**, as last amended by Laws of Utah 2016, Chapter 350
- 61 **17D-2-203**, as enacted by Laws of Utah 2008, Chapter 360
- 62 **20A-1-203**, as last amended by Laws of Utah 2015, Chapters 111 and 352
- 63 **20A-1-508**, as last amended by Laws of Utah 2017, Chapter 54
- 64 **20A-9-409**, as last amended by Laws of Utah 2017, Chapters 54 and 91
- 65 **26A-1-102**, as last amended by Laws of Utah 2016, Chapter 113
- 66 **59-2-919**, as last amended by Laws of Utah 2016, Chapters 341 and 367
- 67 **63I-2-217**, as last amended by Laws of Utah 2017, Chapters 84 and further amended by
- 68 Revisor Instructions, Laws of Utah 2017, Chapter 448, and 448
- 69 **68-3-12.5**, as last amended by Laws of Utah 2015, Chapters 141 and 152
- 70 ENACTS:
- 71 **17-52a-103**, Utah Code Annotated 1953
- 72 RENUMBERS AND AMENDS:
- 73 **17-52a-101**, (Renumbered from 17-52-101, as last amended by Laws of Utah 2012,
- 74 Chapter 17)
- 75 **17-52a-102**, (Renumbered from 17-52-102, as last amended by Laws of Utah 2001,
- 76 Chapter 241)
- 77 **17-52a-201**, (Renumbered from 17-52-501, as last amended by Laws of Utah 2017,
- 78 Chapter 54)
- 79 **17-52a-202**, (Renumbered from 17-52-502, as last amended by Laws of Utah 2017,
- 80 Chapter 54)
- 81 **17-52a-203**, (Renumbered from 17-52-504, as renumbered and amended by Laws of
- 82 Utah 2000, Chapter 133)
- 83 **17-52a-204**, (Renumbered from 17-52-505, as last amended by Laws of Utah 2011,
- 84 Chapter 209)
- 85 **17-52a-301**, (Renumbered from 17-52-201, as last amended by Laws of Utah 2008,
- 86 Chapter 250)
- 87 **17-52a-302**, (Renumbered from 17-52-202, as last amended by Laws of Utah 2004,

- 88 Chapter 371)
- 89 **17-52a-303**, (Renumbered from 17-52-203, as last amended by Laws of Utah 2013,
- 90 Chapters 37 and 134)
- 91 **17-52a-304**, (Renumbered from 17-52-203.5, as last amended by Laws of Utah 2004,
- 92 Chapter 371)
- 93 **17-52a-401**, (Renumbered from 17-52-301, as last amended by Laws of Utah 2001,
- 94 Chapter 241)
- 95 **17-52a-402**, (Renumbered from 17-52-302, as last amended by Laws of Utah 2001,
- 96 Chapter 241)
- 97 **17-52a-403**, (Renumbered from 17-52-303, as last amended by Laws of Utah 2001,
- 98 Chapter 241)
- 99 **17-52a-404**, (Renumbered from 17-52-401, as last amended by Laws of Utah 2017,
- 100 Chapter 54)
- 101 **17-52a-405**, (Renumbered from 17-52-402, as last amended by Laws of Utah 2015,
- 102 Chapter 216)
- 103 **17-52a-406**, (Renumbered from 17-52-204, as last amended by Laws of Utah 2001,
- 104 Chapter 241)
- 105 **17-52a-501**, (Renumbered from 17-52-206, as last amended by Laws of Utah 2013,
- 106 Chapter 37)
- 107 **17-52a-502**, (Renumbered from 17-52-205, as last amended by Laws of Utah 2001,
- 108 Chapter 241)
- 109 **17-52a-503**, (Renumbered from 17-52-403, as last amended by Laws of Utah 2012,
- 110 Chapter 17)
- 111 **17-52a-504**, (Renumbered from 17-52-404, as renumbered and amended by Laws of
- 112 Utah 2000, Chapter 133)
- 113 **17-52a-505**, (Renumbered from 17-52-405, as enacted by Laws of Utah 2013, Chapter
- 114 134)
- 115 REPEALS:
- 116 **17-52-207**, as last amended by Laws of Utah 2001, Chapter 241
- 117 **Utah Code Sections Affected by Revisor Instructions:**
- 118 **17-52a-103, Utah Code Annotated 1953**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Except as otherwise provided in an optional plan adopted under Chapter 52a,

150 Changing Forms of County Government:

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

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

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

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

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

161 (i) the following county officers shall be elected to one six-year term and thereafter  
162 elected to a four-year term:

163 (A) county treasurer;

164 (B) county recorder;

165 (C) county surveyor; and

166 (D) county assessor; and

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

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

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

174 **17-19a-203. Budget officer.**

175 The budget officer of a county is designated by:

176 (1) in a county commission form of government described in Section [~~17-52-501~~]  
177 17-52a-201 or an expanded county commission form of government described in Section  
178 [~~17-52-502~~] 17-52a-202, the county commission;

179 (2) in the county executive-council form of government described in Section  
180 [~~17-52-504~~] 17-52a-203, the county executive; or

181 (3) in the council-manager form of government described in Section [~~17-52-505~~]  
182 [17-52a-204](#), the county council.

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

184 **17-31-8. Tourism tax advisory boards.**

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

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

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

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

192 (2) A tourism tax advisory board created under Subsection (1) shall consist of at least  
193 five members.

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

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

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

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

205 (b) Each tourism tax advisory board in a county operating under the county  
206 commission form of government under Section [~~17-52-501~~] [17-52a-201](#) or the expanded  
207 county commission form under Section [~~17-52-502~~] [17-52a-202](#) shall advise the county  
208 legislative body on the best use of revenues collected from the tax allowed under Section  
209 [59-12-603](#) by providing the legislative body with a priority listing for proposed expenditures  
210 based on projected available tax revenues supplied to the board by the county legislative body  
211 on an annual basis.

212 (5) A member of any county tourism tax advisory board:  
213 (a) may not receive compensation or benefits for the member's services; and  
214 (b) may receive per diem and travel expenses incurred in the performance of the  
215 member's official duties, in accordance with Section [11-55-103](#).

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

217 **17-43-201. Local substance abuse authorities -- Responsibilities.**

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

264 (d) An agreement for joint substance abuse services may provide for joint operation of  
265 services and facilities or for operation of services and facilities under contract by one  
266 participating local substance abuse authority for other participating local substance abuse  
267 authorities.

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

273 (4) (a) Each local substance abuse authority is accountable to the department, the

274 Department of Health, and the state with regard to the use of state and federal funds received  
275 from those departments for substance abuse services, regardless of whether the services are  
276 provided by a private contract provider.

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

284 (5) Each local substance abuse authority shall:

285 (a) review and evaluate substance abuse prevention and treatment needs and services,  
286 including substance abuse needs and services for individuals incarcerated in a county jail or  
287 other county correctional facility;

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

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

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

294 (c) establish and maintain, either directly or by contract, programs licensed under Title  
295 62A, Chapter 2, Licensure of Programs and Facilities;

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

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

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

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

303 (h) annually contract with the division to provide substance abuse programs and  
304 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and

305 Mental Health Act;

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

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

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

312 (l) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal  
313 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts, and Title  
314 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and  
315 Other Local Entities Act;

316 (m) for persons convicted of driving under the influence in violation of Section  
317 41-6a-502 or 41-6a-517, conduct the following as defined in Section 41-6a-501:

318 (i) a screening;

319 (ii) an assessment;

320 (iii) an educational series; and

321 (iv) substance abuse treatment; and

322 (n) utilize proceeds of the accounts described in Subsection 62A-15-503(1) to  
323 supplement the cost of providing the services described in Subsection (5)(m).

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

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

330 (i) the division;

331 (ii) the local substance abuse authority director;

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

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

335 (iv) the county legislative body; and

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

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

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

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

346 (8) (a) As used in this section, "public funds" means the same as that term is defined in  
347 Section [17-43-203](#).

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

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

354 (a) accept and provide priority for admission to a pregnant woman or a pregnant minor;  
355 and

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

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

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

361 (iii) may include:

362 (A) counseling;

363 (B) case management; or

364 (C) a support group; and

365 (iv) shall include a referral for:

366 (A) prenatal care; and

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

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

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

374 **17-43-301. Local mental health authorities -- Responsibilities.**

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

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

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

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

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

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

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

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

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

396 (ii) create a united local health department that combines substance abuse treatment  
397 services, mental health services, and local health department services in accordance with

398 Subsection (3).

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

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

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

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

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

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

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

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

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

421 (i) joint operation of services and facilities or for operation of services and facilities  
422 under contract by one participating local mental health authority for other participating local  
423 mental health authorities; and

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

426 (3) A county governing body may elect to combine the local mental health authority  
427 with the local substance abuse authority created in Part 2, Local Substance Abuse Authorities,  
428 and the local health department created in Title 26A, Chapter 1, Part 1, Local Health

429 Department Act, to create a united local health department under Section 26A-1-105.5. A local  
430 mental health authority that joins with a united local health department shall comply with this  
431 part.

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

436 (b) Each local mental health authority shall comply, and require compliance by its  
437 contract provider, with all directives issued by the department and the Department of Health  
438 regarding the use and expenditure of state and federal funds received from those departments  
439 for the purpose of providing mental health programs and services. The department and  
440 Department of Health shall ensure that those directives are not duplicative or conflicting, and  
441 shall consult and coordinate with local mental health authorities with regard to programs and  
442 services.

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

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

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

449 (iii) establish and maintain, either directly or by contract, programs licensed under Title  
450 62A, Chapter 2, Licensure of Programs and Facilities;

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

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

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

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

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

460 Mental Health Act;

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

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

465 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal  
466 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts, and Title  
467 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and  
468 Other Local Entities Act; and

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

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

474 (i) inpatient care and services;

475 (ii) residential care and services;

476 (iii) outpatient care and services;

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

478 (v) psychotropic medication management;

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

480 (vii) case management;

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

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

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

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

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



491 (i) the division;

492 (ii) the local mental health authority director;

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

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

495 under Subsection (2), the designated treasurer and the designated legal officer;

496 (iv) the county legislative body; and

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

498 body, the county executive;

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

500 relevant to the entity's performance of the services provided to the local mental health

501 authority; and

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

503 (7) A local mental health authority may receive property, grants, gifts, supplies,

504 materials, contributions, and any benefit derived therefrom, for mental health services. If those

505 gifts are conditioned upon their use for a specified service or program, they shall be so used.

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

507 Section [17-43-303](#).

508 (b) Public funds received for the provision of services pursuant to the local mental

509 health plan may not be used for any other purpose except those authorized in the contract

510 between the local mental health authority and the provider for the provision of plan services.

511 Section 7. Section **17-52a-101**, which is renumbered from Section 17-52-101 is

512 renumbered and amended to read:

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

514 **Part 1. General Provisions**

515 ~~[17-52-101]~~. **17-52a-101. Definitions.**

516 As used in this chapter:

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

518 commission-initiated appointment council or a petition-initiated appointment council.

519 (2) "Commission-initiated appointment council" means, for a process to change a

520 county's form of government that is initiated by the county legislative body under Section

521 [17-52a-302](#), a group of five individuals consisting of:

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

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

527 (c) (i) if registered voters qualify to select a member of an appointment council under  
528 Subsection 17-52a-303(6):

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

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

533 (ii) if registered voters do not qualify to select a member of an appointment council  
534 under Subsection 17-52a-303(6), three other residents of the county in which the optional plan  
535 is proposed, designated individually by:

536 (A) a unanimous vote of the commission-initiated appointment council members  
537 described in Subsections (2)(a) and (b); or

538 (B) if the commission-initiated appointment council members described in Subsections  
539 (2)(a) and (b) cannot reach a unanimous vote to fill an appointment council member position,  
540 the legislators described in Subsection (2)(a), who shall, by a majority vote, designate an  
541 individual to fill the appointment council member position.

542 ~~[(2)]~~ (3) "Optional plan" means a plan establishing an alternate form of government for  
543 a county as provided in Section ~~[17-52-401]~~ 17-52a-404.

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

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

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

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

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

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

557 (4) "Petition-initiated appointment council" means, for a process to change a county's  
 558 form of government that registered voters initiate under Section [17-52a-303](#), the five sponsors  
 559 described in Subsection [17-52a-303\(1\)\(b\)\(i\)](#).

560 ~~[(4)]~~ (5) "Study committee" means ~~[a group of persons]~~ the committee that has seven  
 561 members:

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

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

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

566 ~~[[17-52-102](#)]~~. **17-52a-102. Forms of county government -- County**  
 567 **commission form required unless another is adopted -- Restrictions on form of county**  
 568 **government.**

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

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

572 (b) the expanded county commission form under Section ~~[[17-52-502](#)]~~ [17-52a-202](#);

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

574 (d) the council-manager form under Section ~~[[17-52-505](#)]~~ [17-52a-204](#).

575 (2) Unless ~~[it]~~ a county adopts another form of government as provided in this chapter,  
 576 ~~[each]~~ the county shall operate under the county commission form of government under  
 577 Section ~~[[17-52-501](#)]~~ [17-52a-201](#).

578 (3) (a) In a county that operates under a form of government that is not described in  
 579 Subsection (2):

580 (i) the county's legislative body shall, before July 1, 2018, initiate the process under  
 581 Section [17-52a-302](#) of changing the county's form of government;

582 (ii) a special election described in Section [17-52a-304](#) shall be held on November 6,  
 583 2018;

584 (iii) if the voters approve the appointment of a study committee at the special election  
585 described in Subsection (3)(a)(ii):

586 (A) the study committee may not recommend under Section 17-52a-403 that the county  
587 retain the county's current form of government; and

588 (B) the county shall hold an election described in Section 17-52a-501 before December  
589 31, 2020 on an optional plan that the study committee creates; and

590 (iv) the registered voters of the county may not repeal an optional plan under Section  
591 17-52a-505 that is adopted at an election described in Subsection (3)(a)(iii)(B).

592 (b) If, before December 31, 2020, the voters of a county described in Subsection (3)(a)  
593 do not approve a change in the county's form of government at an election described in Section  
594 17-52a-501:

595 (i) the county shall operate under the county commission form of government under  
596 Section 17-52a-201 in the same manner that a county is required under  
597 Subsection 17-52a-102(2) to operate under that form of government if the county does not  
598 adopt another form of government; and

599 (ii) the county shall transition to the form of government described in Subsection  
600 (3)(b)(i) in the same manner as if the voters of the county had approved the change in form of  
601 government described in Subsection (3)(b)(i) in the 2020 general election.

602 Section 9. Section 17-52a-103 is enacted to read:

603 **17-52a-103. Applicability of former provisions to pending process.**

604 (1) If, on the effective date of this bill, a county is under a pending process described in  
605 Subsection (2) to change the county's form of government:

606 (a) except as provided in this section, the provision of this bill do not apply to that  
607 pending process; and

608 (b) that pending process is governed by:

609 (i) the provisions of law that were in effect on the day immediately before the day on  
610 which this bill takes effect;

611 (ii) Subsection 17-52a-301(3); and

612 (iii) Subsection (3).

613 (2) A process of changing a county's form of government is pending under Subsection

614 (1) if, as of the effective date of this bill:

615 (a) (i) the county legislative body had adopted a resolution in accordance with the  
 616 provisions of law that were in effect on the day immediately before the day on which this bill  
 617 takes effect to change the county's form of government; or

618 (ii) registered voters had begun collecting signatures in accordance with the provisions  
 619 of law that were in effect on the day immediately before the day on which this bill takes effect  
 620 for a petition to change the county's form of government; and

621 (b) the process of changing the county's form of government initiated under Subsection  
 622 (2)(a) has not concluded.

623 (3) (a) To continue a pending process described in Subsection (2)(a)(ii), registered  
 624 voters that initiated the process shall submit a sufficient number of valid signatures to the  
 625 county clerk within 180 days after the effective date of this bill.

626 (b) If the registered voters fail to comply with Subsection (3)(a), the pending process is  
 627 concluded under Subsection [17-52a-301\(3\)\(a\)\(vi\)\(A\)](#).

628 Section 10. Section **17-52a-201**, which is renumbered from Section 17-52-501 is  
 629 renumbered and amended to read:

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

631 ~~[17-52-501]~~. **17-52a-201. County commission form of government --**  
 632 **Commission member elections.**

633 (1) As used in this section:

634 (a) "Midterm vacancy" means a county commission position that is being filled at an  
 635 election for less than the position's full term as established in:

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

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

638 (b) "Open position" means a county commission position that is being filled at a  
 639 regular general election for the position's full term as established in:

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

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

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

644 (2) ~~[Each]~~ A county commission consisting of three members shall govern each county  
 645 operating under the county commission form of government ~~[shall be governed by a county~~

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

647 (3) A county commission under a county commission form of government is both the  
648 county legislative body and the county executive and has the powers, duties, and functions of a  
649 county legislative body under Chapter 53, Part 2, County Legislative Body, and the powers,  
650 duties, and functions of a county executive under Chapter 53, Part 3, County Executive.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

676 (c) An individual who files a declaration of candidacy for the office of county

677 commissioner in an opt-in county:

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

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

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

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

688 (e) In an opt-in county:

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

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

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

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

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

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

699 Section 11. Section ~~17-52a-202~~, which is renumbered from Section 17-52-502 is  
700 renumbered and amended to read:

701 ~~[17-52-502]~~. **17-52a-202. Expanded county commission form of**  
702 **government -- Commission member elections.**

703 (1) As used in this section:

704 (a) "Midterm vacancy" means the same as that term is defined in Section ~~[17-52-501]~~  
705 17-52a-201.

706 (b) "Open position" means the same as that term is defined in Section ~~[17-52-501]~~  
707 17-52a-201.

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

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

713 (3) A county commission under the expanded county commission form of government  
714 is both the county legislative body and the county executive and has the powers, duties, and  
715 functions of a county legislative body under Chapter 53, Part 2, County Legislative Body, and  
716 the powers, duties, and functions of a county executive under Chapter 53, Part 3, County  
717 Executive.

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

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

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

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

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

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

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

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

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

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

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

738 (b) When issuing the notice of election required by Subsection 20A-5-101(2), the clerk



739 of an opt-in county shall, if there is at least one open position and at least one midterm vacancy,  
740 designate:

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

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

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

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

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

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

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

755 (e) In an opt-in county:

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

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

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

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

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

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

766 Section 12. Section **17-52a-203**, which is renumbered from Section 17-52-504 is  
767 renumbered and amended to read:

768 ~~[17-52-504]~~. **17-52a-203. County executive-council form of county**  
769 **government.**

770 (1) (a) [~~A~~] The following shall govern a county operating under the form of  
 771 government known as the "county executive-council" form [~~shall be governed by~~];  
 772 (i) an elected county council[;];  
 773 (ii) an elected county executive[;]; and [~~such~~]  
 774 (iii) other officers and employees [~~as are~~] authorized by law.

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

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

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

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

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

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

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

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

789 Section 13. Section **17-52a-204**, which is renumbered from Section 17-52-505 is  
 790 renumbered and amended to read:

791 **~~[17-52-505].~~                    17-52a-204. Council-manager form of county government.**

792 (1) (a) [~~A~~] The following shall govern a county operating under the form of  
 793 government known as the "council-manager" form [~~shall be governed by~~];  
 794 (i) an elected county council[;];  
 795 (ii) a county manager appointed by the council[;]; and [~~such~~]  
 796 (iii) other officers and employees [~~as are~~] authorized by law.

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

800 (2) The county manager [~~shall be~~] is the administrative head of the county government

801 and ~~[shall have]~~ has the powers, functions, and duties of a county executive, except:

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

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

804 (3) (a) ~~[No]~~ A member of the council ~~[shall]~~ may not directly or indirectly, by

805 suggestion or otherwise~~[-]~~:

806 (i) attempt to influence or coerce the manager in ~~[the]~~:

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

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

809 (C) purchasing supplies~~[-]~~;

810 (ii) attempt to exact any promise relative to any appointment from any candidate for

811 manager~~[-]~~; or

812 (iii) discuss directly or indirectly with ~~[him]~~ the manager the matter of specific

813 appointments to any county office or employment.

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

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

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

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

823 (4) In the council-manager form of county government~~[-]~~:

824 (a) the legislative powers of the county ~~[shall be]~~ are vested in the county council~~[-]~~;

825 and

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

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

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

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

831 (6) (a) As used in this Subsection (6), "interim vacancy period" means the period of

832 time that:

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

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

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

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

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

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

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

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

850 Section 14. Section 17-52a-301, which is renumbered from Section 17-52-201 is  
851 renumbered and amended to read:

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

853 ~~[17-52-201].~~ **17-52a-301. Procedure for initiating adoption of optional**  
854 **plan -- Limitations -- Pending proceedings.**

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

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

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

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

861 (3) (a) If the process to adopt an optional plan [~~has been~~] is initiated under Laws of  
862 Utah 1973, Chapter 26, Section 3, 4, or 5, or Section [~~17-52-202 or 17-52-203~~] 17-52a-302 or

863 17-52a-303, or under a provision described in Subsection 17-52a-103(2), the county legislative  
864 body may not initiate the process again under Section [~~17-52-202 unless the earlier proceeding~~]  
865 17-52a-302, and registered voters may not initiate the process again under Section 17-52a-303,  
866 until:

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

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

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

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

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

876 (v) the first initiated process concludes because registered voters fail to submit a  
877 sufficient number of valid signatures for a petition before the deadline described in Subsection  
878 17-52a-303(2)(c); or

879 (vi) for a process governed by Subsection 17-52a-103, the first initiated process  
880 concludes:

881 (A) because registered voters fail to submit a sufficient number of valid signatures for a  
882 petition before the deadline described in Subsection 17-52a-103(3); or

883 (B) under a provision of described in Subsection 17-52a-103(1)(b).

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

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

892 Section 15. Section **17-52a-302**, which is renumbered from Section 17-52-202 is  
893 renumbered and amended to read:

894 ~~[17-52-202]~~. 17-52a-302. County legislative body initiation of adoption of  
 895 optional plan -- Procedure.

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

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

903 Section 16. Section 17-52a-303, which is renumbered from Section 17-52-203 is  
 904 renumbered and amended to read:

905 ~~[17-52-203]~~. 17-52a-303. Registered voter initiation of adoption of  
 906 optional plan -- Procedure.

907 (1) (a) Registered voters of a county may initiate the process of adopting an optional  
 908 plan by filing with the county clerk a notice of intent to gather signatures for a petition for the  
 909 establishment of a study committee ~~[as provided in]~~ described in Section ~~[17-52-301]~~  
 910 17-52a-401.

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

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

913 (i) designate five sponsors for the petition;

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

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

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

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

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

922 ~~[(a) be]~~ (b) To be considered valid, the petition is required to be signed by registered  
 923 voters residing in the county equal in number to at least ~~[10%]~~ 5% of the total number of votes  
 924 cast in the county for all candidates for president of the United States at the most recent

925 election ~~[for]~~ at which a president of the United States[;] was elected.

926 ~~[(b) designate up to five of the petition signers as sponsors, one of whom shall be~~  
 927 ~~designated as the contact sponsor, with the mailing address and telephone number of each; and]~~  
 928 ~~[(c) be filed in the office of the clerk of the county in which the petition signers reside.]~~

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

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

936 ~~[(+)]~~ (a) determine whether the petition or amended or supplemental petition has been  
 937 signed by the required number of registered voters; and

938 ~~[(ii) (A) if so;]~~

939 (b) (i) if the petition was signed by a sufficient number of registered voters:

940 (A) certify the petition [or amended or supplemental petition and];

941 (B) deliver [it] the petition to the county legislative body; and

942 (C) notify [in writing] the contact sponsor in writing of the certification; or

943 ~~[(B) if not;]~~ (ii) if the petition was not signed by a sufficient number of registered  
 944 voters:

945 (A) reject the petition [or the amended or supplemental petition]; and

946 (B) notify [in writing] the county legislative body and the contact sponsor in writing of  
 947 the rejection and the reasons for the rejection.

948 ~~[(b) If a county clerk rejects a petition or an amended or supplemental petition under~~  
 949 ~~Subsection (3)(a)(ii)(B), the petition may be amended or supplemented or an amended or~~  
 950 ~~supplemental petition may be further amended or supplemented with additional signatures and~~  
 951 ~~refiled within 20 days of the date of rejection.]~~

952 (4) The sponsors of a petition circulated under this section may amend the petition or  
 953 submit supplemental signatures for the petition:

954 (a) if the county clerk rejects the petition under Subsection (3)(b)(ii); and

955 (b) before the earlier of:

956 (i) the deadline described in Subsection (2)(c); or  
 957 (ii) 20 days after the day on which the county clerk rejects the petition under  
 958 Subsection (3)(b)(ii).

959 ~~[(4)]~~ (5) With the unanimous approval of petition sponsors, a petition filed under  
 960 ~~[Subsection (1)]~~ this section may be withdrawn at any time within 90 days after ~~[petition~~  
 961 ~~certification but]~~ the day on which the county clerk certifies the petition under Subsection  
 962 (3)(b)(i) and no later than 45 days before an election under Section ~~[17-52-206]~~ 17-52a-501 if:

963 (a) the petition ~~[notified signers]~~ included a notification to petition signers, in  
 964 conspicuous language and in a conspicuous location, that the petition sponsors are authorized  
 965 to withdraw the petition; and

966 (b) ~~[there are at least three sponsors of]~~ the petition has at least three sponsors.

967 (6) (a) Notwithstanding Subsection 17-52a-301(3), registered voters of a county may  
 968 circulate a petition under this section after a county legislative body initiates the process to  
 969 adopt an optional plan under Section 17-52a-302 in order to qualify to select a member of an  
 970 appointment committee that is formed as a result of the process initiated by the county  
 971 legislative body.

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

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

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

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

981 Section 17. Section **17-52a-304**, which is renumbered from Section 17-52-203.5 is  
 982 renumbered and amended to read:

983 ~~[17-52-203.5].~~ **17-52a-304. Election to determine whether study committee**  
 984 **should be established.**

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

986 (a) the county legislative body adopts a resolution under ~~[Subsection 17-52-202(1)]~~



987 Section 17-52a-302; or

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

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

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

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

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

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

1000 Section 18. Section **17-52a-401**, which is renumbered from Section 17-52-301 is  
1001 renumbered and amended to read:

#### 1002 **Part 4. Study Committee and Optional Plan**

1003 [~~17-52-301~~]. **17-52a-401. Procedure for appointing members to study**  
1004 **committee.**

1005 [~~(1) Each member of a study committee shall be appointed by an appointment council~~  
1006 ~~as provided in this section.~~]

1007 (1) If a majority of voters voting in an election described in Section 17-52a-304 vote in  
1008 favor of appointing a study committee, an appointment council shall appoint the members of a  
1009 study committee as provided in this section.

1010 [~~(2) (a) The county executive shall convene a meeting of the three members of the~~  
1011 ~~appointment council referred to in Subsections 17-52-101(1) (a), (b), and (c) within 10 days~~  
1012 ~~after the canvass of an election under Section 17-52-203.5 if a majority of those voting voted in~~  
1013 ~~favor of establishing a study committee.~~]

1014 (2) (a) The county executive shall, within 10 days after the canvass of an election  
1015 conducted under Section 17-52a-304, convene the first meeting of the appointment council  
1016 members described in:

1017 (i) for a council-initiated appointment council, Subsections 17-52a-101(2)(a), (b), and,

1018 if applicable, (c)(i)(A); or

1019 (ii) for a petition-initiated appointment council, Subsection 17-52a-101(4).

1020 (b) Within 10 days of the convening of the first meeting under Subsection (2)(a)(i), the  
1021 ~~[three]~~ members of the appointment council described in Subsection (2)(a) shall designate the  
1022 remaining ~~[two]~~ members ~~[referred to in Subsection 17-52-101(1)(d)]~~ of the appointment  
1023 council.

1024 (3) (a) Within 30 days ~~[of the designation of the remaining two members]~~ after the day  
1025 on which the appointment council meets under Subsection (2)(a)(ii), or the last appointment  
1026 council member is appointed under Subsection (2)(b), the appointment council shall:

1027 (i) appoint the members to the study committee; and

1028 (ii) notify in writing the appointees, the county executive, and the county legislative  
1029 body of the appointments.

1030 (b) In making appointments to the study committee, the appointment council shall  
1031 work to achieve a broadly representative membership.

1032 (c) The appointment council may not appoint ~~[a person]~~ an individual to the study  
1033 committee unless that ~~[person]~~ individual:

1034 (i) is a registered voter in the county whose form of government will be studied by the  
1035 study committee; and

1036 (ii) does not hold any public office or employment other than membership on the  
1037 appointment council.

1038 Section 19. Section **17-52a-402**, which is renumbered from Section 17-52-302 is  
1039 renumbered and amended to read:

1040 ~~[17-52-302].~~ **17-52a-402. Convening of first meeting of study committee.**

1041 (1) The county executive shall convene the first meeting of the study committee within  
1042 10 days after ~~[receipt of notification]~~ the county executive receives the notification described in  
1043 Subsection 17-52a-401(3)(a) of the study committee members' appointment ~~[under Subsection~~  
1044 17-52-301(3)(a)].

1045 (2) (a) At the study committee's first meeting, the study committee shall select a chair  
1046 from among the members of the study committee.

1047 (b) The chair of the study committee is responsible for convening each future meeting  
1048 of the study committee.

1049 Section 20. Section ~~17-52a-403~~, which is renumbered from Section 17-52-303 is  
1050 renumbered and amended to read:

1051 ~~[17-52-303]~~. 17-52a-403. Study committee -- Members -- Powers and  
1052 duties -- Report -- Services provided by county.

1053 (1) (a) ~~[Each]~~ A study committee ~~[shall consist of at least seven but no more than 11]~~  
1054 consists of seven members.

1055 (b) A member of a study committee may not receive compensation for service on the  
1056 committee.

1057 (c) The county legislative body shall reimburse each member of a study committee for  
1058 necessary expenses incurred in performing the member's duties on the study committee.

1059 (2) A study committee may:

1060 (a) adopt rules for ~~[its]~~ the study committee's own organization and procedure and to  
1061 fill a vacancy in its membership;

1062 (b) establish advisory boards or committees and include on ~~[them]~~ the advisory boards  
1063 or committees persons who are not members of the study committee; and

1064 (c) request the assistance and advice of any officers or employees of any agency of  
1065 state or local government.

1066 (3) ~~[Each]~~ A study committee shall:

1067 (a) study the form of government within the county and compare it with other forms  
1068 available under this chapter;

1069 (b) determine whether the administration of local government in the county could be  
1070 strengthened, made more clearly responsive or accountable to the people, or significantly  
1071 improved in the interest of economy and efficiency by a change in the form of county  
1072 government;

1073 (c) hold public hearings and community forums and other means the committee  
1074 considers appropriate to disseminate information and stimulate public discussion of the  
1075 committee's purposes, progress, and conclusions; and

1076 (d) file a written report of ~~[its]~~ the study committee's findings and recommendations  
1077 with the county executive ~~[and]~~, the county legislative body, and the county clerk no later than  
1078 one year after the convening of ~~[its]~~ the study committee's first meeting under Section  
1079 ~~[17-52-302]~~ 17-52a-402.

- 1080 (4) Each study committee report under Subsection (3)(d) shall include:
- 1081 (a) the study committee's recommendation as to whether the form of county
- 1082 government should be changed to another form authorized under this chapter;
- 1083 (b) if the study committee recommends changing the form of government, a complete
- 1084 detailed draft of a proposed plan to change the form of county government, including all
- 1085 necessary implementing provisions; and
- 1086 (c) any additional recommendations the study committee considers appropriate to
- 1087 improve the efficiency and economy of the administration of local government within the
- 1088 county.
- 1089 (5) (a) If the study committee's report recommends a change in the form of county
- 1090 government, the study committee may conduct additional public hearings after filing the report
- 1091 under Subsection (3)(d) and, following the hearings and subject to Subsection (5)(b), alter the
- 1092 report.
- 1093 (b) Notwithstanding Subsection (5)(a), the study committee may not make an alteration
- 1094 to the report:
- 1095 (i) that would recommend the adoption of an optional form different from that
- 1096 recommended in the original report; or
- 1097 (ii) within the 120-day period before the election under Section [~~17-52-206~~]
- 1098 [17-52a-501](#).
- 1099 (6) Each meeting [~~held by~~] that the study committee holds shall be open to the public.
- 1100 (7) If the study committee's report does not recommend a change in the form of county
- 1101 government, the report is final, the study committee is dissolved, and the process to change the
- 1102 county's form of government is concluded.
- 1103 [~~(7)~~] (8) The county legislative body shall provide for the study committee:
- 1104 (a) suitable meeting facilities;
- 1105 (b) necessary secretarial services;
- 1106 (c) necessary printing and photocopying services;
- 1107 (d) necessary clerical and staff assistance; and
- 1108 (e) adequate funds for the employment of independent legal counsel and professional
- 1109 consultants that the study committee reasonably determines to be necessary to help the study
- 1110 committee fulfill its duties.

1111 Section 21. Section ~~17-52a-404~~, which is renumbered from Section 17-52-401 is  
1112 renumbered and amended to read:

1113 ~~[17-52-401]~~. **17-52a-404. Contents of proposed optional plan.**

1114 (1) ~~[Each]~~ The study committee shall ensure that each optional plan ~~[proposed]~~ the  
1115 committee proposes under this chapter:

1116 (a) ~~[shall propose]~~ proposes the adoption of one of the forms of county government  
1117 listed in Subsection ~~[17-52-402]~~ 17-52a-405(1)(a);

1118 (b) ~~[shall contain]~~ contains detailed provisions relating to the transition from the  
1119 existing form of county government to the form proposed in the optional plan, including  
1120 provisions relating to the:

1121 (i) election or appointment of officers specified in the optional plan for the new form of  
1122 county government;

1123 (ii) retention, elimination, or combining of existing offices and, if an office is  
1124 eliminated, the division or department of county government responsible for performing the  
1125 duties of the eliminated office;

1126 (iii) continuity of existing ordinances and regulations;

1127 (iv) continuation of pending legislative, administrative, or judicial proceedings;

1128 (v) making of interim and temporary appointments; and

1129 (vi) preparation, approval, and adjustment of necessary budget appropriations;

1130 (c) ~~[shall specify]~~ specifies the date ~~[it is to become]~~ the optional plan becomes  
1131 effective if adopted, which may not be earlier than the first day of January next following the  
1132 election of officers under the new plan; and

1133 (d) notwithstanding any other provision of this title and except with respect to an  
1134 optional plan that proposes the adoption of the county commission or expanded county  
1135 commission form of government, with respect to the county budget ~~[shall provide]~~ provides  
1136 that:

1137 (i) the county executive's role is to prepare and present a proposed budget to the county  
1138 legislative body; and

1139 (ii) the county legislative body's role is to adopt a final budget.

1140 (2) Subject to Subsection (3), an optional plan may include provisions that are  
1141 considered necessary or advisable to the effective operation of the proposed optional plan.

1142 (3) An optional plan may not include any provision that is inconsistent with or  
1143 prohibited by the Utah Constitution or any statute.

1144 (4) ~~[Each]~~ The study committee shall ensure that each optional plan proposing to  
1145 change the form of government to a form under Section ~~[17-52-504 or 17-52-505 shall]~~  
1146 17-52a-203 or 17-52a-204:

1147 (a) ~~[provide]~~ provides for the same executive and legislative officers as are specified in  
1148 the applicable section for the form of government ~~[being proposed by]~~ that the optional plan  
1149 proposes;

1150 (b) ~~[provide]~~ provides for the election of the county council;

1151 (c) ~~[specify]~~ specifies the number of county council members, which shall be an odd  
1152 number from three to nine;

1153 (d) ~~[specify]~~ specifies whether the members of the county council are to be elected  
1154 from districts, at large, or by a combination of at large and by district;

1155 (e) ~~[specify]~~ specifies county council members' qualifications and terms and whether  
1156 the terms are to be staggered;

1157 (f) ~~[contain]~~ contains procedures for filling vacancies on the county council, consistent  
1158 with the provisions of Section 20A-1-508; and

1159 (g) ~~[state]~~ states the initial compensation, if any, of county council members and  
1160 procedures for prescribing and changing compensation.

1161 (5) ~~[Each]~~ The study committee shall ensure that each optional plan proposing to  
1162 change the form of government to the county commission form under Section ~~[17-52-501]~~  
1163 17-52a-201 or the expanded county commission form under Section ~~[17-52-502 shall specify]~~  
1164 17-52a-202 specifies:

1165 (a) (i) for the county commission form of government, that the county commission  
1166 shall have three members; or

1167 (ii) for the expanded county commission form of government, whether the county  
1168 commission shall have five or seven members;

1169 (b) the terms of office for county commission members and whether the terms are to be  
1170 staggered;

1171 (c) whether members of the county commission are to be elected from districts, at  
1172 large, or by a combination of at large and from districts;

1173 (d) if any members of the county commission are to be elected from districts, the  
1174 district residency requirements for those commission members; and

1175 (e) if any members of the county commission are to be elected at large, whether the  
1176 election of county commission members is subject to the provisions of Subsection [~~17-52-501~~]  
1177 [17-52a-201](#)(6) or Subsection [~~17-52-502~~] [17-52a-202](#)(6).

1178 Section 22. Section ~~17-52a-405~~, which is renumbered from Section 17-52-402 is  
1179 renumbered and amended to read:

1180 [~~17-52-402~~]. **17-52a-405. Plan may propose changing forms of county**  
1181 **government -- Plan may propose change of structural form -- Partisan elections.**

1182 (1) (a) [~~Each~~] The study committee shall ensure that each optional plan [~~shall propose~~]  
1183 proposes changing the form of county government to:

- 1184 (i) the county commission form under Section [~~17-52-501~~] [17-52a-201](#);
- 1185 (ii) the expanded county commission form under Section [~~17-52-502~~] [17-52a-202](#);
- 1186 (iii) the county executive and council form under Section [~~17-52-504~~] [17-52a-203](#); or
- 1187 (iv) the council-manager form under Section [~~17-52-505~~] [17-52a-204](#).

1188 (b) [~~An~~] The study committee may not recommend an optional plan [~~adopted after May~~  
1189 ~~1, 2000, may not~~] that:

- 1190 (i) [~~propose~~] proposes changing the form of government to a form not included in  
1191 Subsection (1)(a);
- 1192 (ii) [~~provide~~] provides for the nonpartisan election of elected officers;
- 1193 (iii) [~~impose~~] imposes a limit on the number of terms or years that an elected officer  
1194 may serve; [~~or~~]
- 1195 (iv) [~~provide~~] provides for elected officers to be subject to a recall election[~~;~~]; or  
1196 (v) provides, in a county of the first, second, or third class, for a full-time county  
1197 commission in an expanded county commission form of government under Section  
1198 [17-52a-202](#).

1199 (2) In addition to proposing the adoption of any one of the optional forms of county  
1200 government under Subsection (1)(a), an optional plan may also propose the adoption of any  
1201 one of the structural forms of county government provided under Chapter 35b, Part 3,  
1202 Structural Forms of County Government.

1203 (3) A county that [~~provided~~] provides for the election of the county's elected officers

1204 through a partisan election [~~in or after the 2000 general election~~] may not change to a process  
1205 that provides for the election of the county's elected officers through a nonpartisan election.

1206 Section 23. Section **17-52a-406**, which is renumbered from Section 17-52-204 is  
1207 renumbered and amended to read:

1208 ~~[17-52-204].~~ **17-52a-406. County or district attorney review of proposed**  
1209 **optional plan -- Conflict with statutory or constitutional provisions -- Processing of**  
1210 **optional plan after attorney review.**

1211 (1) Within 10 days after the day on which the study committee submits [~~its~~] the study  
1212 committee's report under Subsection [~~17-52-303~~] 17-52a-403(3)(d) to the county legislative  
1213 body [~~recommending~~], if the report recommends a change in the form of county government,  
1214 the county clerk shall send to the county attorney [~~of the county in which the optional plan is~~  
1215 ~~proposed~~] or, if the county does not have a county attorney, to the district attorney, a copy of  
1216 each optional plan recommended [~~by the study committee in its~~] in the report [~~under~~  
1217 ~~Subsection 17-52-303~~](3)(d)].

1218 (2) Within 45 days after [~~receipt of~~] the day on which the county or district attorney  
1219 receives the recommended optional plan from the county clerk under Subsection (1), the county  
1220 or district attorney shall send a written report to the county clerk containing the information  
1221 [~~required under~~] described in Subsection (3).

1222 (3) [~~Each~~] A report from the county or district attorney under Subsection (2) shall:

1223 (a) state the attorney's opinion as to whether implementation of the optional plan [~~as~~  
1224 ~~prepared by~~] that the study committee prepared would result in a violation of any applicable  
1225 statutory or constitutional provision;

1226 (b) if the attorney concludes that a violation would result:

1227 (i) identify specifically each statutory or constitutional provision that [~~would be~~  
1228 ~~violated by~~] implementation of the optional plan [~~as prepared by the study committee~~] would  
1229 violate;

1230 (ii) identify specifically each provision or feature of the proposed optional plan that  
1231 would result in a statutory or constitutional violation if the plan is implemented [~~as prepared by~~  
1232 ~~the study committee~~]; and

1233 [~~(iii) state whether, in the attorney's opinion, any of the provisions or features identified~~  
1234 ~~in Subsection (3)(b)(ii) are so integral to the proposed optional plan that having previously~~



1235 ~~changed the specified provision or feature to avoid the violation would have affected the~~  
 1236 ~~decision of a study committee member who favored the proposed optional plan; and]~~

1237 ~~[(iv) if all the provisions or features identified in Subsection (3)(b)(ii) do not meet the~~  
 1238 ~~standard of Subsection (3)(b)(iii);]~~

1239 ~~(iii) recommend how the proposed optional plan may be modified to avoid the~~  
 1240 ~~statutory or constitutional violation.~~

1241 ~~(4) (a) [If the attorney's statement under Subsection (3) identifies provisions or features~~  
 1242 ~~under Subsection (3)(b)(ii) that meet the standard of Subsection (3)(b)(iii);] Except as provided~~  
 1243 ~~in Subsection (4)(b), if the attorney determines under Subsection (3) that a violation would~~  
 1244 ~~occur, the proposed optional plan may not be the subject of [a resolution or petition under~~  
 1245 ~~Subsection 17-52-206(1), except that the] an election under Section [17-52a-501](#).~~

1246 ~~(b) The study committee may modify [the] an optional plan to avoid [the] a violation~~  
 1247 ~~that a county or district attorney's report describes under Subsection (3) and [then] file a new~~  
 1248 ~~report under Subsection [~~17-52-303~~] [17-52a-403](#)(3)(d) [that will be treated as any other report~~  
 1249 ~~under that subsection].~~

1250 ~~[(b) If the attorney's statement under Subsection (3) identifies provisions or features~~  
 1251 ~~under Subsection (3)(b)(ii) that do not meet the standard of Subsection (3)(b)(iii), the optional~~  
 1252 ~~plan may be modified by the study committee to avoid the statutory or constitutional violations~~  
 1253 ~~and then be the subject of a resolution or petition under Subsection ~~17-52-206~~(1).]~~

1254 ~~(c) If a study committee files a new report under Subsection [17-52a-403](#)(3)(d), the~~  
 1255 ~~county executive, county legislative body, county or district attorney, and county clerk shall~~  
 1256 ~~treat the new report in the same manner as an original report.~~

1257 ~~(5) If the attorney's [statement] report under Subsection (3) does not identify any~~  
 1258 ~~provisions or features of the proposed optional plan that, if implemented, would violate a~~  
 1259 ~~statutory or constitutional provision, the proposed optional plan [may be the subject of a~~  
 1260 ~~resolution or petition under Subsection ~~17-52-206~~(1)] is subject to the provisions described in~~  
 1261 ~~Section [17-52a-501](#).~~

1262 Section 24. Section **17-52a-501**, which is renumbered from Section 17-52-206 is  
 1263 renumbered and amended to read:

1264 **Part 5. Adoption and Implementation of Optional Plan**

1265 ~~[~~17-52-206~~].~~ **17-52a-501. Election on recommended optional plan --**

1266 **Resolution or petition to submit plan to voters in certain counties.**

1267 ~~[(1) (a) The county legislative body shall hold an election on an optional plan~~  
1268 ~~recommended in a study committee report filed under Subsection 17-52-303(3)(d) if:]~~

1269 ~~[(i) the county or district attorney has completed the review of the recommended~~  
1270 ~~optional plan and has submitted the attorney's report to the county clerk as provided in Section~~  
1271 ~~17-52-204;]~~

1272 ~~[(ii) the recommended optional plan may, under Subsection 17-52-204(3), be the~~  
1273 ~~subject of a resolution or petition under this Subsection (1); and]~~

1274 ~~[(iii) after the county or district attorney has submitted the attorney's report under~~  
1275 ~~Section 17-52-204;]~~

1276 (1) If the county or district attorney finds that a proposed optional plan does not violate  
1277 a statutory or constitutional provision under Section 17-52a-406:

1278 (a) in a county of the first, second, or third class, the county legislative body shall hold  
1279 an election on the optional plan under Subsection (3); or

1280 (b) in a county of the fourth, fifth, or sixth class, an election may not be held for the  
1281 optional plan under Subsection (3) until:

1282 ~~[(A)]~~ (i) the county legislative body adopts a resolution to submit the [recommended]  
1283 optional plan to voters; or

1284 ~~[(B) a petition is filed with the county clerk that:]~~

1285 (ii) the county clerk certifies a petition under Subsection (2).

1286 (2) (a) In a county of fourth, fifth, or sixth class, to qualify the proposed optional plan  
1287 described in Subsection (1) for an election described in Subsection (3), registered voters may  
1288 file a petition with the county clerk that:

1289 (i) requests that the proposed optional plan be submitted to voters; and

1290 ~~[(H)]~~ (ii) is signed by registered voters residing in the county equal in number to at least  
1291 [+0%] 5% of the total number of votes cast in the county for all candidates for president of the  
1292 United States at the most recent election [for] at which a president of the United States[;] was  
1293 elected.

1294 (b) Registered voters who file a petition under Subsection (2)(a) shall, at the time the  
1295 registered voters file the petition:

1296 ~~[(H) designates]~~ (i) designate up to five of the petition signers as sponsors[; one of

1297 ~~whom shall be designated as the contact sponsor,];~~

1298 (ii) provide the county clerk with the mailing address and telephone number of each  
1299 petition sponsor; and

1300 ~~[(H)] requests that the recommended optional plan be submitted to voters.];~~

1301 ~~[(b) The process for certifying a petition filed under Subsection (1)(a)(iii)(B) shall be~~  
1302 ~~the same as that provided in Subsection 17-52-203(3).]~~

1303 ~~[(2) Each election under Subsection (1) shall be held at the next regular general or~~  
1304 ~~municipal general election date that is no less than two months after:]~~

1305 ~~[(a) the county legislative body's adoption of a resolution under Subsection~~  
1306 ~~(1)(a)(iii)(A); or]~~

1307 ~~[(b) certification of a petition filed under Subsection (1)(a)(iii)(B).]~~

1308 (iii) designate one of the petition sponsors as the contact sponsor.

1309 (b) The county clerk shall certify or reject a petition filed under this Subsection (2) in  
1310 the same manner as the county clerk certifies or rejects a petition under Subsection  
1311 17-52a-303(3).

1312 (3) When the conditions described in Subsection (1) are met, a county shall hold an  
1313 election on the optional plan at the next regular general or municipal general election that is not  
1314 less than 60 days after:

1315 (a) for a county of the first, second, or third class, the day on which the county or  
1316 district attorney submits the attorney's report described in Subsection 17-52a-406(5) to the  
1317 county clerk; or

1318 (b) for a county of the fourth, fifth, or sixth class, the day on which:

1319 (i) the county legislative body adopts a resolution under Subsection (1)(b)(i); or

1320 (ii) the county clerk certifies a petition under Subsection (2)(b).

1321 ~~[(3)] (4) The county clerk shall prepare the ballot for [each] an election under~~  
1322 ~~[Subsection (1)] this section so that the question on the ballot states substantially [as follows]~~  
1323 ~~the following:~~

1324 "Shall \_\_\_\_\_ County adopt the alternate form of government known  
1325 as the [—](insert the proposed form of government)[—] that [has been recommended by] the  
1326 study committee has recommended?"

1327 ~~[(4)] (5) The county clerk shall:~~

1328 (a) ~~[cause]~~ publish the complete text of the proposed optional plan ~~[to be published]~~ in  
1329 a newspaper of general circulation within the county at least once during two different calendar  
1330 weeks within the 30-day period immediately before the date of the election ~~[under]~~ described in  
1331 Subsection (1); ~~[and]~~

1332 (b) post the complete text of the proposed optional plan in a conspicuous place on the  
1333 county's website during the 45-day period that immediately precedes the election on the  
1334 optional plan; and

1335 ~~[(b)]~~ (c) make a complete copy of the optional plan and the study committee report  
1336 available free of charge to any member of the public who requests a copy.

1337 (6) A county clerk shall declare an optional plan as adopted by the voters if a majority  
1338 of voters voting on the optional plan vote in favor of the optional plan.

1339 Section 25. Section **17-52a-502**, which is renumbered from Section 17-52-205 is  
1340 renumbered and amended to read:

1341 ~~[17-52-205].~~ **17-52a-502. Voter information pamphlet.**

1342 (1) In anticipation of an election under Section ~~[17-52-206]~~ 17-52a-501, the county  
1343 clerk may prepare a voter information pamphlet to inform the public of the proposed optional  
1344 plan.

1345 (2) In preparing a voter information pamphlet under this section, the county clerk may:

1346 (a) allow proponents and opponents of the proposed optional plan to provide written  
1347 statements to be included in the pamphlet; and

1348 (b) use as a guideline the provisions of Title 20A, Chapter 7, Part 7, Voter Information  
1349 Pamphlet.

1350 (3) ~~[Each]~~ A county clerk ~~[preparing]~~ who prepares a voter information pamphlet  
1351 under this section shall cause the publication and distribution of the pamphlet in a manner  
1352 ~~[determined by]~~ that the county clerk ~~[to be]~~ determines is adequate.

1353 Section 26. Section **17-52a-503**, which is renumbered from Section 17-52-403 is  
1354 renumbered and amended to read:

1355 ~~[17-52-403].~~ **17-52a-503. Adoption of optional plan -- Election of new**  
1356 **county officers -- Effect of adoption.**

1357 (1) If a proposed optional plan is approved at an election held under Section  
1358 ~~[17-52-206]~~ 17-52a-501:

1359            (a) the elected county officers specified in the plan shall be elected at the next regular  
1360 general election following the election under Section 17-52a-501, according to the procedure  
1361 and schedule established under Title 20A, Election Code, for the election of county officers;

1362            ~~(a)~~ (b) the proposed optional plan:

1363            (i) becomes effective according to [its] the optional plan's terms [and];

1364            (ii) subject to Subsection ~~[17-52-401]~~ 17-52a-404(1)(c), at the time specified in [it] the  
1365 optional plan, is a public record open to inspection by the public[;]; and

1366            (iii) is judicially noticeable by all courts;

1367            ~~(b)~~ (c) the county clerk shall, within 10 days of the canvass of the election, file with  
1368 the lieutenant governor a copy of the optional plan, certified by the clerk to be a true and  
1369 correct copy;

1370            ~~(c)~~ (d) all public officers and employees shall cooperate fully in making the transition  
1371 between forms of county government; and

1372            ~~(d)~~ (e) the county legislative body may enact and enforce necessary ordinances to  
1373 bring about an orderly transition to the new form of government, including any transfer of  
1374 power, records, documents, properties, assets, funds, liabilities, or personnel that are consistent  
1375 with the approved optional plan and necessary or convenient to place it into full effect.

1376            (2) Adoption of an optional plan changing only the form of county government without  
1377 adopting one of the structural forms under Chapter 35b, Part 3, Structural Forms of County  
1378 Government, does not alter or affect the boundaries, organization, powers, duties, or functions  
1379 of any:

1380            (a) school district;

1381            (b) justice court;

1382            (c) local district under Title 17B, Limited Purpose Local Government Entities - Local  
1383 Districts;

1384            (d) special service district under Title 17D, Chapter 1, Special Service District Act;

1385            (e) city or town; or

1386            (f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal  
1387 Cooperation Act.

1388            (3) After the adoption of an optional plan, the county remains vested with all powers  
1389 and duties vested generally in counties by statute.

1390 Section 27. Section **17-52a-504**, which is renumbered from Section 17-52-404 is  
1391 renumbered and amended to read:

1392 ~~[17-52-404].~~ **17-52a-504. Amendment of optional plan.**

1393 (1) Subject to ~~[Subsection]~~ Subsections (2) and (3), an optional plan, after going into  
1394 effect following an election held under Section ~~[17-52-206]~~ 17-52a-501, may be amended by  
1395 an affirmative vote of two-thirds of the county legislative body.

1396 (2) Notwithstanding Subsection (1), an amendment to an optional plan that is in effect  
1397 may not take effect until ~~[approved by]~~ a majority of registered voters voting in a general or  
1398 special election at which the amendment is proposed approve the amendment, if the  
1399 amendment changes:

1400 (a) the size or makeup of the legislative body, except for adjustments necessary due to  
1401 decennial reapportionment;

1402 (b) the distribution of powers between the executive and legislative branches of county  
1403 government; or

1404 (c) the status of the county executive or legislative body from full-time to part-time or  
1405 vice versa.

1406 Section 28. Section **17-52a-505**, which is renumbered from Section 17-52-405 is  
1407 renumbered and amended to read:

1408 ~~[17-52-405].~~ **17-52a-505. Repeal of optional plan.**

1409 (1) An optional plan ~~[adopted]~~ that the voters in an election adopt under this chapter  
1410 may be repealed as provided in this section.

1411 (2) Registered voters of a county that has adopted an optional plan may initiate the  
1412 process of repealing an optional plan by filing a petition for the repeal of the optional plan.

1413 (3) (a) ~~[A]~~ Registered voters of a county may not file a petition to repeal an optional  
1414 plan [may not be filed] sooner than four years or more than five years after the election of  
1415 county officers under Section ~~[17-52-207]~~ 17-52a-503.

1416 (b) (i) If the registered voters file a petition to repeal an optional plan under this  
1417 section, the petition is certified, and the optional plan is not repealed at an election described in  
1418 Subsection (8), the voters may not circulate or file a subsequent petition to repeal until at least  
1419 four, and not more than five, years after the certification of the original petition.

1420 (ii) If, after four years, the voters file a subsequent petition ~~[as described in]~~ under

1421 Subsection (3)(b)(i), the voters:

1422 (A) may not circulate or file another petition to repeal until at least four, and not more  
1423 than five, years after certification of the subsequent petition; and

1424 (B) shall wait an additional four, and not more than five, years after the date of  
1425 certification of the previous petition for each petition filed thereafter.

1426 (4) ~~[Each]~~ A petition ~~[under]~~ described in Subsection (2) shall:

1427 (a) be signed by registered voters residing in the county:

1428 (i) equal in number to at least 15% of the total number of votes cast in each precinct  
1429 described in Subsection (4)(a)(ii) for all candidates for president of the United States at the  
1430 most recent election ~~[for]~~ in which a president of the United States was elected; and

1431 (ii) who represent at least 85% of the voting precincts located within the county;

1432 (b) designate up to five of the petition signers as sponsors, ~~[one of whom shall be~~  
1433 ~~designated]~~ designating one petition signer as the contact sponsor, with the mailing address and  
1434 telephone number of each; and

1435 (c) be filed in the office of the clerk of the county in which the petition signers reside.

1436 (5) Within 30 days after the filing of a petition under Subsection (2) or an amended  
1437 petition under Subsection (6), the county clerk shall:

1438 (a) determine whether the required number of voters have signed the petition or  
1439 amended petition has been signed by the required number of registered voters; and

1440 (b) (i) if ~~[so]~~ a sufficient number of voters have signed the petition, certify the petition  
1441 or amended petition and deliver it to the county legislative body, and notify in writing the  
1442 contact sponsor of the certification; or

1443 (ii) if ~~[not]~~ a sufficient number of voters have not signed the petition, reject the petition  
1444 or the amended petition and notify ~~[in writing]~~ the county legislative body and the contact  
1445 sponsor in writing of the rejection and the reasons for the rejection.

1446 (6) If a county clerk rejects a petition or an amended petition under Subsection  
1447 (5)(b)(ii), the petition may be amended or an amended petition may be further amended with  
1448 additional signatures and refiled within 20 days of the date of rejection.

1449 (7) ~~[(a)]~~ If a county clerk certifies a petition under Subsection (2) ~~[is certified]~~, the  
1450 county legislative body shall ~~[within 60 days after petition certification adopt a resolution~~  
1451 ~~granting the petition and deciding to]~~ hold an election on the proposal to repeal the optional

1452 plan[. (b) The county legislative body shall hold the election] at the next regular general  
1453 election [date] that is at least [two months after the legislative body's decision] 60 days after the  
1454 day on which the county clerk certifies the petition.

1455 (8) If, at an election held under Subsection (7)[(b)], a majority of voters voting on the  
1456 proposal to repeal the optional plan vote in favor of repealing:

1457 (a) the optional plan is repealed, effective January 1 of the year following the election  
1458 of county officers under Subsection (8)(c);

1459 (b) upon the effective date of the repeal under Subsection (8)(a), the form of  
1460 government under which the county operates reverts to the form it had before the optional plan  
1461 was adopted; and

1462 (c) the county officers under the form of government to which the county reverts, who  
1463 are different than the county officers under the repealed optional plan, shall be elected at the  
1464 next regular general election following the election under Subsection (7)[(b)].

1465 Section 29. Section **17-53-101** is amended to read:

1466 **17-53-101. County officers enumerated.**

1467 (1) The elected officers of a county are:

1468 (a) (i) in a county operating under a county commission or expanded county  
1469 commission form of government, county commission members; or

1470 (ii) in a county operating under one of the other forms of county government under  
1471 Subsection [~~17-52-402~~] 17-52a-405(1)(a), county legislative body members and the county  
1472 executive;

1473 (b) a county treasurer, a sheriff, a county clerk, a county auditor, a county recorder, a  
1474 county attorney, a district attorney in a county which is part of a prosecution district, a county  
1475 surveyor, and a county assessor; and

1476 (c) any others provided by law.

1477 (2) Notwithstanding Subsection (1), in counties having a taxable value of less than  
1478 \$100,000,000 the county clerk shall be ex officio auditor of the county and shall perform the  
1479 duties of the office without extra compensation.

1480 Section 30. Section **17B-2a-1106** is amended to read:

1481 **17B-2a-1106. Municipal services district board of trustees -- Governance.**

1482 (1) Except as provided in Subsection (2), and notwithstanding any other provision of



1483 law regarding the membership of a local district board of trustees, the initial board of trustees  
1484 of a municipal services district shall consist of the county legislative body.

1485 (2) (a) Notwithstanding any provision of law regarding the membership of a local  
1486 district board of trustees or the governance of a local district, and, except as provided in  
1487 Subsection (3), if a municipal services district is created in a county of the first class with the  
1488 county executive-council form of government, the initial governance of the municipal services  
1489 district is as follows:

1490 (i) subject to Subsection (2)(b), the county council is the municipal services district  
1491 board of trustees; and

1492 (ii) subject to Subsection (2)(c), the county executive is the executive of the municipal  
1493 services district.

1494 (b) Notwithstanding any other provision of law, the board of trustees of a municipal  
1495 services district described in Subsection (2)(a) shall:

1496 (i) act as the legislative body of the district; and

1497 (ii) exercise legislative branch powers and responsibilities established for county  
1498 legislative bodies in:

1499 (A) Title 17, Counties; and

1500 (B) an optional plan, as defined in Section [~~17-52-101~~] [17-52a-101](#), adopted for a  
1501 county executive-council form of county government as described in Section [~~17-52-504~~]  
1502 [17-52a-203](#).

1503 (c) Notwithstanding any other provision of law, in a municipal services district  
1504 described in Subsection (2)(a), the executive of the district shall:

1505 (i) act as the executive of the district;

1506 (ii) nominate a general manager of the municipal services district, subject to the advice  
1507 and consent of the board of trustees; and

1508 (iii) exercise executive branch powers and responsibilities established for a county  
1509 executive in:

1510 (A) Title 17, Counties; and

1511 (B) an optional plan, as defined in Section [~~17-52-101~~] [17-52a-101](#), adopted for a  
1512 county executive-council form of county government as described in Section [~~17-52-504~~]  
1513 [17-52a-203](#).

1514 (3) (a) If, after the initial creation of a municipal services district, an area within the  
1515 district is incorporated as a municipality as defined in Section 10-1-104 and the area is not  
1516 withdrawn from the district in accordance with Section 17B-1-502 or 17B-1-505, or an area  
1517 within the municipality is annexed into the municipal services district in accordance with  
1518 Section 17B-2a-1103, the district's board of trustees shall be as follows:

- 1519 (i) subject to Subsection (3)(b), a member of that municipality's governing body;
- 1520 (ii) subject to Subsection (4), two members of the county council of the county in  
1521 which the municipal services district is located; and
- 1522 (iii) the total number of board members shall be an odd number.

1523 (b) A member described in Subsection (3)(a)(i) shall be:

- 1524 (i) for a municipality other than a metro township, designated by the municipal  
1525 legislative body; and
- 1526 (ii) for a metro township, the chair of the metro township.

1527 (c) A member of the board of trustees has the powers and duties described in  
1528 Subsection (2)(b).

1529 (d) The county executive is the executive and has the powers and duties as described in  
1530 Subsection (2)(c).

1531 (4) (a) The number of county council members may be increased or decreased to meet  
1532 the membership requirements of Subsection (3)(a)(iii) but may not be less than one.

1533 (b) The number of county council members described in Subsection (3)(a)(ii) does not  
1534 include the county mayor.

1535 (5) For a board of trustees described in Subsection (3), each board member's vote is  
1536 weighted using the proportion of the municipal services district population that resides:

- 1537 (a) for each member described in Subsection (3)(a)(i), within that member's  
1538 municipality; and
- 1539 (b) for each member described in Subsection (3)(a)(ii), within the unincorporated  
1540 county, with the members' weighted vote divided evenly if there is more than one member on  
1541 the board described in Subsection (3)(a)(ii).

1542 (6) The board may adopt a resolution providing for future board members to be  
1543 appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.

1544 (7) (a) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of

1545 trustees may adopt a resolution to determine the internal governance of the board.

1546 (b) A resolution adopted under Subsection (7)(a) may not alter or impair the board of  
1547 trustees' duties, powers, or responsibilities described in Subsection (2)(b) or the executive's  
1548 duties, powers, or responsibilities described in Subsection (2)(c).

1549 (8) The municipal services district and the county may enter into an agreement for the  
1550 provision of legal services to the municipal services district.

1551 Section 31. Section **17C-1-203** is amended to read:

1552 **17C-1-203. Agency board -- Quorum.**

1553 (1) The governing body of an agency is a board consisting of the current members of  
1554 the community legislative body.

1555 (2) A majority of board members constitutes a quorum for the transaction of agency  
1556 business.

1557 (3) A board may not adopt a resolution, pass a motion, or take any other official board  
1558 action without the concurrence of at least a majority of the board members present at a meeting  
1559 at which a quorum is present.

1560 (4) (a) The mayor or the mayor's designee of a municipality operating under a  
1561 council-mayor form of government, as defined in Section [10-3b-102](#):

1562 (i) serves as the executive director of an agency created by the municipality; and

1563 (ii) exercises the agency's executive powers.

1564 (b) The county executive or the county executive's designee of a county operating  
1565 under a county executive-council form of government, as described in Section [\[17-52-504\]](#)

1566 [17-52a-203](#):

1567 (i) serves as the executive director of an agency created by the county; and

1568 (ii) exercises the agency's executive powers.

1569 Section 32. Section **17D-2-203** is amended to read:

1570 **17D-2-203. Local building authority board of directors.**

1571 (1) Except as provided in Subsection (3), the members of the governing body of the  
1572 creating local entity constitute the authority board of the local building authority created by the  
1573 creating local entity.

1574 (2) An authority board may be referred to as a board of trustees.

1575 (3) (a) For a local building authority whose creating local entity is a county that

1576 operates under the county commission form of government under Section [~~17-52-501~~  
1577 17-52a-201], two members of the authority board may appoint an elected officer of the county  
1578 to serve temporarily as a member of the authority board if the other authority board member:

1579 (i) is, as a member of the county commission, placed on paid administrative leave  
1580 under Section 17-16-10.5;

1581 (ii) is unable to serve due to a disability;

1582 (iii) has a conflict of interest with respect to a matter before the authority board that  
1583 disqualifies the authority board member or causes the member to abstain from participating in  
1584 action on that matter; or

1585 (iv) is unable for any other reason to serve temporarily on the authority board or to  
1586 participate in a matter before the board.

1587 (b) An elected county officer appointed to an authority board under Subsection (3)(a)  
1588 may serve only until the condition under Subsection (3)(a)(i), (ii), (iii), or (iv) causing the need  
1589 for the appointment is no longer present.

1590 Section 33. Section **20A-1-203** is amended to read:

1591 **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**  
1592 **limitations.**

1593 (1) Statewide and local special elections may be held for any purpose authorized by  
1594 law.

1595 (2) (a) Statewide special elections shall be conducted using the procedure for regular  
1596 general elections.

1597 (b) Except as otherwise provided in this title, local special elections shall be conducted  
1598 using the procedures for regular municipal elections.

1599 (3) The governor may call a statewide special election by issuing an executive order  
1600 that designates:

1601 (a) the date for the statewide special election; and

1602 (b) the purpose for the statewide special election.

1603 (4) The Legislature may call a statewide special election by passing a joint or  
1604 concurrent resolution that designates:

1605 (a) the date for the statewide special election; and

1606 (b) the purpose for the statewide special election.

- 1607 (5) (a) The legislative body of a local political subdivision may call a local special  
1608 election only for:
- 1609 (i) a vote on a bond or debt issue;
  - 1610 (ii) a vote on a voted local levy authorized by Section 53A-16-110 or 53A-17a-133;
  - 1611 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;
  - 1612 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;
  - 1613 (v) if required or authorized by federal law, a vote to determine whether or not Utah's  
1614 legal boundaries should be changed;
  - 1615 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;
  - 1616 (vii) a vote to elect members to school district boards for a new school district and a  
1617 remaining school district, as defined in Section 53A-2-117, following the creation of a new  
1618 school district under Section 53A-2-118.1;
  - 1619 (viii) a vote on a municipality providing cable television services or public  
1620 telecommunications services under Section 10-18-204;
  - 1621 (ix) a vote to create a new county under Section 17-3-1;
  - 1622 (x) a vote on the creation of a study committee under Sections [~~17-52-202 and~~  
1623 ~~17-52-203.5~~] 17-52a-302 and 17-52a-304;
  - 1624 (xi) a vote on a special property tax under Section 53A-16-110;
  - 1625 (xii) a vote on the incorporation of a city in accordance with Section 10-2a-210;
  - 1626 (xiii) a vote on the incorporation of a town in accordance with Section 10-2a-304; or
  - 1627 (xiv) a vote on incorporation or annexation as described in Section 10-2a-404.
- 1628 (b) The legislative body of a local political subdivision may call a local special election  
1629 by adopting an ordinance or resolution that designates:
- 1630 (i) the date for the local special election as authorized by Section 20A-1-204; and
  - 1631 (ii) the purpose for the local special election.
- 1632 (c) A local political subdivision may not call a local special election unless the  
1633 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a  
1634 two-thirds majority of all members of the legislative body, if the local special election is for:
- 1635 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);
  - 1636 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or
  - 1637 (iii) a vote authorized or required for a sales tax issue as described in Subsection

1638 (5)(a)(vi).

1639 Section 34. Section **20A-1-508** is amended to read:

1640 **20A-1-508. Midterm vacancies in county elected offices.**

1641 (1) As used in this section:

1642 (a) (i) "County offices" includes the county executive, members of the county  
1643 legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor,  
1644 the county recorder, the county surveyor, and the county assessor.

1645 (ii) "County offices" does not mean the offices of president and vice president of the  
1646 United States, United States senators and representatives, members of the Utah Legislature,  
1647 state constitutional officers, county attorneys, district attorneys, and judges.

1648 (b) "Party liaison" means the political party officer designated to serve as a liaison with  
1649 each county legislative body on all matters relating to the political party's relationship with a  
1650 county as required by Section [20A-8-401](#).

1651 (2) (a) Until a replacement is selected as provided in this section and has qualified, the  
1652 county legislative body shall appoint an interim replacement to fill the vacant office by  
1653 following the procedures and requirements of this Subsection (2).

1654 (b) (i) To appoint an interim replacement, the county legislative body shall give notice  
1655 of the vacancy to the party liaison of the same political party of the prior office holder and  
1656 invite that party liaison to submit the name of a person to fill the vacancy.

1657 (ii) That party liaison shall, within 30 days, submit the name of the person selected in  
1658 accordance with the party constitution or bylaws as described in Section [20A-8-401](#) for the  
1659 interim replacement to the county legislative body.

1660 (iii) The county legislative body shall no later than five days after the day on which a  
1661 party liaison submits the name of the person for the interim replacement appoint the person to  
1662 serve out the unexpired term.

1663 (c) (i) If the county legislative body fails to appoint an interim replacement to fill the  
1664 vacancy in accordance with Subsection (2)(b)(iii), the county clerk shall send to the governor a  
1665 letter that:

1666 (A) informs the governor that the county legislative body has failed to appoint a  
1667 replacement within the statutory time period; and

1668 (B) contains the name of the person to fill the vacancy submitted by the party liaison.

1669 (ii) The governor shall appoint the person named by the party liaison as an interim  
1670 replacement to fill the vacancy within 30 days after receipt of the letter.

1671 (d) A person appointed as interim replacement under this Subsection (2) shall hold  
1672 office until their successor is elected and has qualified.

1673 (3) (a) The requirements of this Subsection (3) apply to all county offices that become  
1674 vacant if:

1675 (i) the vacant office has an unexpired term of two years or more; and

1676 (ii) the vacancy occurs after the election at which the person was elected but before  
1677 April 10 of the next even-numbered year.

1678 (b) (i) When the conditions established in Subsection (3)(a) are met, the county clerk  
1679 shall notify the public and each registered political party that the vacancy exists.

1680 (ii) An individual intending to become a candidate for the vacant office shall file a  
1681 declaration of candidacy in accordance with:

1682 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

1683 (B) for a county commission office, Subsection [~~17-52-501(6)~~ or ~~17-52-502~~]

1684 [17-52a-201\(6\)](#) or [17-52a-202\(6\)](#), if applicable.

1685 (iii) An individual who is nominated as a party candidate for the vacant office or  
1686 qualified as an independent or write-in candidate under Chapter 8, Political Party Formation  
1687 and Procedures, for the vacant office shall run in the regular general election.

1688 (4) (a) The requirements of this Subsection (4) apply to all county offices that become  
1689 vacant if:

1690 (i) the vacant office has an unexpired term of two years or more; and

1691 (ii) the vacancy occurs after April 9 of the next even-numbered year but more than 75  
1692 days before the regular primary election.

1693 (b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk  
1694 shall notify the public and each registered political party that:

1695 (A) the vacancy exists; and

1696 (B) identifies the date and time by which a person interested in becoming a candidate  
1697 shall file a declaration of candidacy.

1698 (ii) An individual intending to become a candidate for a vacant office shall, within five  
1699 days after the date that the notice is made, ending at the close of normal office hours on the

1700 fifth day, file a declaration of candidacy for the vacant office in accordance with:

1701 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

1702 (B) for a county commission office, Subsection [~~17-52-501(6)~~ or ~~17-52-502~~]

1703 17-52a-201(6) or 17-52a-202(6), if applicable.

1704 (iii) The county central committee of each party shall:

1705 (A) select a candidate or candidates from among those qualified candidates who have

1706 filed declarations of candidacy; and

1707 (B) certify the name of the candidate or candidates to the county clerk at least 60 days

1708 before the regular primary election.

1709 (5) (a) The requirements of this Subsection (5) apply to all county offices that become

1710 vacant:

1711 (i) if the vacant office has an unexpired term of two years or more; and

1712 (ii) when 75 days or less remain before the regular primary election but more than 65

1713 days remain before the regular general election.

1714 (b) When the conditions established in Subsection (5)(a) are met, the county central

1715 committees of each political party registered under this title that wishes to submit a candidate

1716 for the office shall summarily certify the name of one candidate to the county clerk for

1717 placement on the regular general election ballot.

1718 (6) (a) The requirements of this Subsection (6) apply to all county offices that become

1719 vacant:

1720 (i) if the vacant office has an unexpired term of less than two years; or

1721 (ii) if the vacant office has an unexpired term of two years or more but 65 days or less

1722 remain before the next regular general election.

1723 (b) (i) When the conditions established in Subsection (6)(a) are met, the county

1724 legislative body shall give notice of the vacancy to the party liaison of the same political party

1725 as the prior office holder and invite that party liaison to submit the name of a person to fill the

1726 vacancy.

1727 (ii) That party liaison shall, within 30 days, submit the name of the person to fill the

1728 vacancy to the county legislative body.

1729 (iii) The county legislative body shall no later than five days after the day on which a

1730 party liaison submits the name of the person to fill the vacancy appoint the person to serve out



1731 the unexpired term.

1732 (c) (i) If the county legislative body fails to appoint a person to fill the vacancy in  
1733 accordance with Subsection (6)(b)(iii), the county clerk shall send to the governor a letter that:

1734 (A) informs the governor that the county legislative body has failed to appoint a person  
1735 to fill the vacancy within the statutory time period; and

1736 (B) contains the name of the person to fill the vacancy submitted by the party liaison.

1737 (ii) The governor shall appoint the person named by the party liaison to fill the vacancy  
1738 within 30 days after receipt of the letter.

1739 (d) A person appointed to fill the vacancy under this Subsection (6) shall hold office  
1740 until their successor is elected and has qualified.

1741 (7) Except as otherwise provided by law, the county legislative body may appoint  
1742 replacements to fill all vacancies that occur in those offices filled by appointment of the county  
1743 legislative body.

1744 (8) Nothing in this section prevents or prohibits independent candidates from filing a  
1745 declaration of candidacy for the office within the same time limits.

1746 (9) (a) Each person elected under Subsection (3), (4), or (5) to fill a vacancy in a  
1747 county office shall serve for the remainder of the unexpired term of the person who created the  
1748 vacancy and until a successor is elected and qualified.

1749 (b) Nothing in this section may be construed to contradict or alter the provisions of  
1750 Section 17-16-6.

1751 Section 35. Section **20A-9-409** is amended to read:

1752 **20A-9-409. Primary election provisions relating to qualified political party.**

1753 (1) The fourth Tuesday of June of each even-numbered year is designated as a regular  
1754 primary election day.

1755 (2) (a) A qualified political party that nominates one or more candidates for an elective  
1756 office under Section 20A-9-407 and does not have a candidate qualify as a candidate for that  
1757 office under Section 20A-9-408, may, but is not required to, participate in the primary election  
1758 for that office.

1759 (b) A qualified political party that has only one candidate qualify as a candidate for an  
1760 elective office under Section 20A-9-408 and does not nominate a candidate for that office  
1761 under Section 20A-9-407, may, but is not required to, participate in the primary election for

1762 that office.

1763 (c) A qualified political party that nominates one or more candidates for an elective  
1764 office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that  
1765 office under Section 20A-9-408 shall participate in the primary election for that office.

1766 (d) A qualified political party that has two or more candidates qualify as candidates for  
1767 an elective office under Section 20A-9-408 and does not nominate a candidate for that office  
1768 under Section 20A-9-407 shall participate in the primary election for that office.

1769 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section  
1770 ~~[17-52-501 or Section 17-52-502]~~ 17-52a-201 or 17-52a-202, a qualified political party shall  
1771 participate in the primary election for a county commission office if:

1772 (a) there is more than one:

1773 (i) open position as defined in Section ~~[17-52-501]~~ 17-52a-201; or

1774 (ii) midterm vacancy as defined in Section ~~[17-52-501]~~ 17-52a-201; and

1775 (b) the number of candidates nominated under Section 20A-9-407 or qualified under  
1776 Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number  
1777 of respective open positions or midterm vacancies.

1778 (4) (a) As used in this Subsection (4), a candidate is "unopposed" if:

1779 (i) no individual other than the candidate receives a certification, from the appropriate  
1780 filing officer, for the regular primary election ballot of the candidate's registered political party  
1781 for a particular elective office; or

1782 (ii) for an office where more than one individual is to be elected or nominated, the  
1783 number of candidates who receive certification, from the appropriate filing officer, for the  
1784 regular primary election of the candidate's registered political party does not exceed the total  
1785 number of candidates to be elected or nominated for that office.

1786 (b) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant  
1787 governor shall:

1788 (i) provide to the county clerks:

1789 (A) a list of the names of all candidates for federal, constitutional, multi-county, single  
1790 county, and county offices who have received certifications from the appropriate filing officer,  
1791 along with instructions on how those names shall appear on the primary election ballot in  
1792 accordance with Section 20A-6-305; and

1793 (B) a list of unopposed candidates for elective office who have been nominated by a  
1794 registered political party; and

1795 (ii) instruct the county clerks to exclude unopposed candidates from the primary  
1796 election ballot.

1797 Section 36. Section **26A-1-102** is amended to read:

1798 **26A-1-102. Definitions.**

1799 As used in this part:

1800 (1) "Board" means a local board of health established under Section [26A-1-109](#).

1801 (2) "County governing body" means one of the types of county government provided  
1802 for in Title 17, Chapter 52a, Part ~~[5]~~ 2, Forms of County Government.

1803 (3) "County health department" means a local health department that serves a county  
1804 and municipalities located within that county.

1805 (4) "Department" means the Department of Health created in Title 26, Chapter 1,  
1806 Department of Health Organization.

1807 (5) "Local health department" means:

1808 (a) a single county local health department;

1809 (b) a multicounty local health department;

1810 (c) a united local health department; or

1811 (d) a multicounty united local health department.

1812 (6) "Mental health authority" means a local mental health authority created in Section  
1813 [17-43-301](#).

1814 (7) "Multicounty local health department" means a local health department that is  
1815 formed under Section [26A-1-105](#) and that serves two or more contiguous counties and  
1816 municipalities within those counties.

1817 (8) "Multicounty united local health department" means a united local health  
1818 department that is formed under Section [26A-1-105.5](#) and that serves two or more contiguous  
1819 counties and municipalities within those counties.

1820 (9) "Single county local health department" means a local health department that is  
1821 created by the governing body of one county to provide services to the county and the  
1822 municipalities within that county.

1823 (10) "Substance abuse authority" means a local substance abuse authority created in

1824 Section [17-43-201](#).

1825 (11) "United local health department":

1826 (a) means a substance abuse authority, a mental health authority, and a local health  
1827 department that join together under Section [26A-1-105.5](#); and

1828 (b) includes a multicounty united local health department.

1829 Section 37. Section **59-2-919** is amended to read:

1830 **59-2-919. Notice and public hearing requirements for certain tax increases --**

1831 **Exceptions.**

1832 (1) As used in this section:

1833 (a) "Additional ad valorem tax revenue" means ad valorem property tax revenue  
1834 generated by the portion of the tax rate that exceeds the taxing entity's certified tax rate.

1835 (b) "Ad valorem tax revenue" means ad valorem property tax revenue not including  
1836 revenue from:

1837 (i) eligible new growth as defined in Section [59-2-924](#); or

1838 (ii) personal property that is:

1839 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and

1840 (B) semiconductor manufacturing equipment.

1841 (c) "Calendar year taxing entity" means a taxing entity that operates under a fiscal year  
1842 that begins on January 1 and ends on December 31.

1843 (d) "County executive calendar year taxing entity" means a calendar year taxing entity  
1844 that operates under the county executive-council form of government described in Section  
1845 [~~17-52-504~~] [17-52a-203](#).

1846 (e) "Current calendar year" means the calendar year immediately preceding the  
1847 calendar year for which a calendar year taxing entity seeks to levy a tax rate that exceeds the  
1848 calendar year taxing entity's certified tax rate.

1849 (f) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year that  
1850 begins on July 1 and ends on June 30.

1851 (g) "Last year's property tax budgeted revenue" does not include revenue received by a  
1852 taxing entity from a debt service levy voted on by the public.

1853 (2) A taxing entity may not levy a tax rate that exceeds the taxing entity's certified tax  
1854 rate unless the taxing entity meets:

- 1855 (a) the requirements of this section that apply to the taxing entity; and
- 1856 (b) all other requirements as may be required by law.
- 1857 (3) (a) Subject to Subsection (3)(b) and except as provided in Subsection (5), a calendar
- 1858 year taxing entity may levy a tax rate that exceeds the calendar year taxing entity's certified tax
- 1859 rate if the calendar year taxing entity:
  - 1860 (i) 14 or more days before the date of the regular general election or municipal general
  - 1861 election held in the current calendar year, states at a public meeting:
    - 1862 (A) that the calendar year taxing entity intends to levy a tax rate that exceeds the
    - 1863 calendar year taxing entity's certified tax rate;
    - 1864 (B) the dollar amount of and purpose for additional ad valorem tax revenue that would
    - 1865 be generated by the proposed increase in the certified tax rate; and
    - 1866 (C) the approximate percentage increase in ad valorem tax revenue for the taxing entity
    - 1867 based on the proposed increase described in Subsection (3)(a)(i)(B);
  - 1868 (ii) provides notice for the public meeting described in Subsection (3)(a)(i) in
  - 1869 accordance with Title 52, Chapter 4, Open and Public Meetings Act, including providing a
  - 1870 separate item on the meeting agenda that notifies the public that the calendar year taxing entity
  - 1871 intends to make the statement described in Subsection (3)(a)(i);
  - 1872 (iii) meets the advertisement requirements of Subsections (6) and (7) before the
  - 1873 calendar year taxing entity conducts the public hearing required by Subsection (3)(a)(v);
  - 1874 (iv) provides notice by mail:
    - 1875 (A) seven or more days before the regular general election or municipal general
    - 1876 election held in the current calendar year; and
    - 1877 (B) as provided in Subsection (3)(c); and
  - 1878 (v) conducts a public hearing that is held:
    - 1879 (A) in accordance with Subsections (8) and (9); and
    - 1880 (B) in conjunction with the public hearing required by Section [17-36-13](#) or [17B-1-610](#).
- 1881 (b) (i) For a county executive calendar year taxing entity, the statement described in
- 1882 Subsection (3)(a)(i) shall be made by the:
  - 1883 (A) county council;
  - 1884 (B) county executive; or
  - 1885 (C) both the county council and county executive.

1886 (ii) If the county council makes the statement described in Subsection (3)(a)(i) or the  
1887 county council states a dollar amount of additional ad valorem tax revenue that is greater than  
1888 the amount of additional ad valorem tax revenue previously stated by the county executive in  
1889 accordance with Subsection (3)(a)(i), the county executive calendar year taxing entity shall:

1890 (A) make the statement described in Subsection (3)(a)(i) 14 or more days before the  
1891 county executive calendar year taxing entity conducts the public hearing under Subsection  
1892 (3)(a)(v); and

1893 (B) provide the notice required by Subsection (3)(a)(iv) 14 or more days before the  
1894 county executive calendar year taxing entity conducts the public hearing required by  
1895 Subsection (3)(a)(v).

1896 (c) The notice described in Subsection (3)(a)(iv):

1897 (i) shall be mailed to each owner of property:

1898 (A) within the calendar year taxing entity; and

1899 (B) listed on the assessment roll;

1900 (ii) shall be printed on a separate form that:

1901 (A) is developed by the commission;

1902 (B) states at the top of the form, in bold upper-case type no smaller than 18 point

1903 "NOTICE OF PROPOSED TAX INCREASE"; and

1904 (C) may be mailed with the notice required by Section [59-2-1317](#);

1905 (iii) shall contain for each property described in Subsection (3)(c)(i):

1906 (A) the value of the property for the current calendar year;

1907 (B) the tax on the property for the current calendar year; and

1908 (C) subject to Subsection (3)(d), for the calendar year for which the calendar year  
1909 taxing entity seeks to levy a tax rate that exceeds the calendar year taxing entity's certified tax  
1910 rate, the estimated tax on the property;

1911 (iv) shall contain the following statement:

1912 "[Insert name of taxing entity] is proposing a tax increase for [insert applicable calendar  
1913 year]. This notice contains estimates of the tax on your property and the proposed tax increase  
1914 on your property as a result of this tax increase. These estimates are calculated on the basis of  
1915 [insert previous applicable calendar year] data. The actual tax on your property and proposed  
1916 tax increase on your property may vary from this estimate.";

1917 (v) shall state the date, time, and place of the public hearing described in Subsection  
1918 (3)(a)(v); and

1919 (vi) may contain other property tax information approved by the commission.

1920 (d) For purposes of Subsection (3)(c)(iii)(C), a calendar year taxing entity shall  
1921 calculate the estimated tax on property on the basis of:

1922 (i) data for the current calendar year; and

1923 (ii) the amount of additional ad valorem tax revenue stated in accordance with this  
1924 section.

1925 (4) Except as provided in Subsection (5), a fiscal year taxing entity may levy a tax rate  
1926 that exceeds the fiscal year taxing entity's certified tax rate if the fiscal year taxing entity:

1927 (a) provides notice by meeting the advertisement requirements of Subsections (6) and  
1928 (7) before the fiscal year taxing entity conducts the public meeting at which the fiscal year  
1929 taxing entity's annual budget is adopted; and

1930 (b) conducts a public hearing in accordance with Subsections (8) and (9) before the  
1931 fiscal year taxing entity's annual budget is adopted.

1932 (5) (a) A taxing entity is not required to meet the notice or public hearing requirements  
1933 of Subsection (3) or (4) if the taxing entity is expressly exempted by law from complying with  
1934 the requirements of this section.

1935 (b) A taxing entity is not required to meet the notice requirements of Subsection (3) or  
1936 (4) if:

1937 (i) Section [53A-17a-133](#) allows the taxing entity to levy a tax rate that exceeds that  
1938 certified tax rate without having to comply with the notice provisions of this section; or

1939 (ii) the taxing entity:

1940 (A) budgeted less than \$20,000 in ad valorem tax revenues for the previous fiscal year;  
1941 and

1942 (B) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax  
1943 revenues.

1944 (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this  
1945 section shall be published:

1946 (i) subject to Section [45-1-101](#), in a newspaper or combination of newspapers of  
1947 general circulation in the taxing entity;

1948 (ii) electronically in accordance with Section 45-1-101; and  
1949 (iii) on the Utah Public Notice Website created in Section 63F-1-701.  
1950 (b) The advertisement described in Subsection (6)(a)(i) shall:  
1951 (i) be no less than 1/4 page in size;  
1952 (ii) use type no smaller than 18 point; and  
1953 (iii) be surrounded by a 1/4-inch border.  
1954 (c) The advertisement described in Subsection (6)(a)(i) may not be placed in that  
1955 portion of the newspaper where legal notices and classified advertisements appear.  
1956 (d) It is the intent of the Legislature that:  
1957 (i) whenever possible, the advertisement described in Subsection (6)(a)(i) appear in a  
1958 newspaper that is published at least one day per week; and  
1959 (ii) the newspaper or combination of newspapers selected:  
1960 (A) be of general interest and readership in the taxing entity; and  
1961 (B) not be of limited subject matter.  
1962 (e) (i) The advertisement described in Subsection (6)(a)(i) shall:  
1963 (A) except as provided in Subsection (6)(f), be run once each week for the two weeks  
1964 before a taxing entity conducts a public hearing described under Subsection (3)(a)(v) or (4)(b);  
1965 and  
1966 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the  
1967 advertisement, which shall be seven or more days after the day the first advertisement is  
1968 published, for the purpose of hearing comments regarding any proposed increase and to explain  
1969 the reasons for the proposed increase.  
1970 (ii) The advertisement described in Subsection (6)(a)(ii) shall:  
1971 (A) be published two weeks before a taxing entity conducts a public hearing described  
1972 in Subsection (3)(a)(v) or (4)(b); and  
1973 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the  
1974 advertisement, which shall be seven or more days after the day the first advertisement is  
1975 published, for the purpose of hearing comments regarding any proposed increase and to explain  
1976 the reasons for the proposed increase.  
1977 (f) If a fiscal year taxing entity's public hearing information is published by the county  
1978 auditor in accordance with Section 59-2-919.2, the fiscal year taxing entity is not subject to the



1979 requirement to run the advertisement twice, as required by Subsection (6)(e)(i), but shall run  
1980 the advertisement once during the week before the fiscal year taxing entity conducts a public  
1981 hearing at which the taxing entity's annual budget is discussed.

1982 (g) For purposes of Subsection (3)(a)(iii) or (4)(a), the form and content of an  
1983 advertisement shall be substantially as follows:

1984 "NOTICE OF PROPOSED TAX INCREASE

1985 (NAME OF TAXING ENTITY)

1986 The (name of the taxing entity) is proposing to increase its property tax revenue.

1987 ● The (name of the taxing entity) tax on a (insert the average value of a residence  
1988 in the taxing entity rounded to the nearest thousand dollars) residence would  
1989 increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

1990 ● The (name of the taxing entity) tax on a (insert the value of a business having  
1991 the same value as the average value of a residence in the taxing entity) business  
1992 would increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

1993 ● If the proposed budget is approved, (name of the taxing entity) would increase  
1994 its property tax budgeted revenue by \_\_\_% above last year's property tax  
1995 budgeted revenue excluding eligible new growth.

1996 All concerned citizens are invited to a public hearing on the tax increase.

1997 PUBLIC HEARING

1998 Date/Time: (date) (time)

1999 Location: (name of meeting place and address of meeting place)

2000 To obtain more information regarding the tax increase, citizens may contact the (name  
2001 of the taxing entity) at (phone number of taxing entity)."

2002 (7) The commission:

2003 (a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative  
2004 Rulemaking Act, governing the joint use of one advertisement described in Subsection (6) by  
2005 two or more taxing entities; and

2006 (b) subject to Section 45-1-101, may authorize:

2007 (i) the use of a weekly newspaper:

2008 (A) in a county having both daily and weekly newspapers if the weekly newspaper  
2009 would provide equal or greater notice to the taxpayer; and

2010 (B) if the county petitions the commission for the use of the weekly newspaper; or  
2011 (ii) the use by a taxing entity of a commission approved direct notice to each taxpayer  
2012 if:

2013 (A) the cost of the advertisement would cause undue hardship;

2014 (B) the direct notice is different and separate from that provided for in Section

2015 [59-2-919.1](#); and

2016 (C) the taxing entity petitions the commission for the use of a commission approved  
2017 direct notice.

2018 (8) (a) (i) (A) A fiscal year taxing entity shall, on or before March 1, notify the county  
2019 legislative body in which the fiscal year taxing entity is located of the date, time, and place of  
2020 the first public hearing at which the fiscal year taxing entity's annual budget will be discussed.

2021 (B) A county that receives notice from a fiscal year taxing entity under Subsection  
2022 (8)(a)(i)(A) shall include on the notice required by Section [59-2-919.1](#) the date, time, and place  
2023 of the public hearing described in Subsection (8)(a)(i)(A).

2024 (ii) A calendar year taxing entity shall, on or before October 1 of the current calendar  
2025 year, notify the county legislative body in which the calendar year taxing entity is located of the  
2026 date, time, and place of the first public hearing at which the calendar year taxing entity's annual  
2027 budget will be discussed.

2028 (b) (i) A public hearing described in Subsection (3)(a)(v) or (4)(b) shall be open to the  
2029 public.

2030 (ii) The governing body of a taxing entity conducting a public hearing described in  
2031 Subsection (3)(a)(v) or (4)(b) shall provide an interested party desiring to be heard an  
2032 opportunity to present oral testimony within reasonable time limits.

2033 (c) (i) Except as provided in Subsection (8)(c)(ii), a taxing entity may not schedule a  
2034 public hearing described in Subsection (3)(a)(v) or (4)(b) at the same time as the public hearing  
2035 of another overlapping taxing entity in the same county.

2036 (ii) The taxing entities in which the power to set tax levies is vested in the same  
2037 governing board or authority may consolidate the public hearings described in Subsection  
2038 (3)(a)(v) or (4)(b) into one public hearing.

2039 (d) A county legislative body shall resolve any conflict in public hearing dates and  
2040 times after consultation with each affected taxing entity.

2041 (e) A taxing entity shall hold a public hearing described in Subsection (3)(a)(v) or  
2042 (4)(b) beginning at or after 6 p.m.

2043 (9) (a) If a taxing entity does not make a final decision on budgeting additional ad  
2044 valorem tax revenue at a public hearing described in Subsection (3)(a)(v) or (4)(b), the taxing  
2045 entity shall announce at that public hearing the scheduled time and place of the next public  
2046 meeting at which the taxing entity will consider budgeting the additional ad valorem tax  
2047 revenue.

2048 (b) A calendar year taxing entity may not adopt a final budget that budgets an amount  
2049 of additional ad valorem tax revenue that exceeds the largest amount of additional ad valorem  
2050 tax revenue stated at a public meeting under Subsection (3)(a)(i).

2051 (c) A public hearing on levying a tax rate that exceeds a fiscal year taxing entity's  
2052 certified tax rate may coincide with a public hearing on the fiscal year taxing entity's proposed  
2053 annual budget.

2054 Section 38. Section **63I-2-217** is amended to read:

2055 **63I-2-217. Repeal dates -- Title 17.**

2056 (1) Subsection **17-27a-102**(1)(b), the language that states "or a designated mountainous  
2057 planning district" is repealed June 1, 2020.

2058 (2) (a) Subsection **17-27a-103**(15)(b) is repealed June 1, 2020.

2059 (b) Subsection **17-27a-103**(37) is repealed June 1, 2020.

2060 (3) Subsection **17-27a-210**(2)(a), the language that states "or the mountainous planning  
2061 district area" is repealed June 1, 2020.

2062 (4) (a) Subsection **17-27a-301**(1)(b)(iii) is repealed June 1, 2020.

2063 (b) Subsection **17-27a-301**(1)(c) is repealed June 1, 2020.

2064 (c) Subsection **17-27a-301**(2)(a), the language that states "described in Subsection  
2065 (1)(a) or (c)" is repealed June 1, 2020.

2066 (5) Subsection **17-27a-302**(1), the language that states ", or mountainous planning  
2067 district" and "or the mountainous planning district," is repealed June 1, 2020.

2068 (6) Subsection **17-27a-305**(1)(a), the language that states "a mountainous planning  
2069 district or" and ", as applicable" is repealed June 1, 2020.

2070 (7) (a) Subsection **17-27a-401**(1)(b)(ii) is repealed June 1, 2020.

2071 (b) Subsection **17-27a-401**(6) is repealed June 1, 2020.

- 2072 (8) (a) Subsection [17-27a-403](#)(1)(b)(ii) is repealed June 1, 2020.
- 2073 (b) Subsection [17-27a-403](#)(1)(c)(iii) is repealed June 1, 2020.
- 2074 (c) Subsection (2)(a)(iii), the language that states "or the mountainous planning  
2075 district" is repealed June 1, 2020.
- 2076 (d) Subsection [17-27a-403](#)(2)(c)(i), the language that states "or mountainous planning  
2077 district" is repealed June 1, 2020.
- 2078 (9) Subsection [17-27a-502](#)(1)(d)(i)(B) is repealed June 1, 2020.
- 2079 (10) Subsection [17-27a-505.5](#)(2)(a)(iii) is repealed June 1, 2020.
- 2080 (11) Subsection [17-27a-602](#)(1)(b), the language that states "or, in the case of a  
2081 mountainous planning district, the mountainous planning district" is repealed June 1, 2020.
- 2082 (12) Subsection [17-27a-604](#)(1)(b)(i)(B) is repealed June 1, 2020.
- 2083 (13) Subsection [17-27a-605](#)(1), the language that states "or mountainous planning  
2084 district land" is repealed June 1, 2020.
- 2085 (14) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,  
2086 2020.
- 2087 (15) On June 1, 2020, when making the changes in this section, the Office of  
2088 Legislative Research and General Counsel shall:
- 2089 (a) in addition to its authority under Subsection [36-12-12](#)(3), make corrections  
2090 necessary to ensure that sections and subsections identified in this section are complete  
2091 sentences and accurately reflect the office's understanding of the Legislature's intent; and
- 2092 (b) identify the text of the affected sections and subsections based upon the section and  
2093 subsection numbers used in Laws of Utah 2017, Chapter 448.
- 2094 (16) On June 1, 2020:
- 2095 (a) Section [17-52a-103](#) is repealed;
- 2096 (b) in Subsection [17-52a-301](#)(3)(a), the language that states "or under a provision  
2097 described in Subsection [17-52a-103](#)(2)," is repealed; and
- 2098 (c) Subsection [17-52a-301](#)(3)(a)(vi) is repealed.
- 2099 (17) On January 1, 2028, Subsection [17-52a-102](#)(3) is repealed.
- 2100 Section 39. Section **68-3-12.5** is amended to read:
- 2101 **68-3-12.5. Definitions for Utah Code.**
- 2102 (1) The definitions listed in this section apply to the Utah Code, unless:

2103 (a) the definition is inconsistent with the manifest intent of the Legislature or repugnant  
2104 to the context of the statute; or

2105 (b) a different definition is expressly provided for the respective title, chapter, part,  
2106 section, or subsection.

2107 (2) "Adjudicative proceeding" means:

2108 (a) an action by a board, commission, department, officer, or other administrative unit  
2109 of the state that determines the legal rights, duties, privileges, immunities, or other legal  
2110 interests of one or more identifiable persons, including an action to grant, deny, revoke,  
2111 suspend, modify, annul, withdraw, or amend an authority, right, or license; and

2112 (b) judicial review of an action described in Subsection (2)(a).

2113 (3) "Administrator" includes "executor" when the subject matter justifies the use.

2114 (4) "Advisory board," "advisory commission," and "advisory council" mean a board,  
2115 commission, committee, or council that:

2116 (a) is created by, and whose duties are provided by, statute or executive order;

2117 (b) performs its duties only under the supervision of another person as provided by  
2118 statute; and

2119 (c) provides advice and makes recommendations to another person that makes policy  
2120 for the benefit of the general public.

2121 (5) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps,  
2122 and Coast Guard.

2123 (6) "County executive" means:

2124 (a) the county commission, in the county commission or expanded county commission  
2125 form of government established under Title 17, Chapter 52a, Changing Forms of County  
2126 Government;

2127 (b) the county executive, in the county executive-council optional form of government  
2128 authorized by Section [~~17-52-504~~] 17-52a-203; or

2129 (c) the county manager, in the council-manager optional form of government  
2130 authorized by Section [~~17-52-505~~] 17-52a-204.

2131 (7) "County legislative body" means:

2132 (a) the county commission, in the county commission or expanded county commission  
2133 form of government established under Title 17, Chapter 52a, Changing Forms of County

2134 Government;

2135 (b) the county council, in the county executive-council optional form of government  
2136 authorized by Section [~~17-52-504~~] [17-52a-203](#); and

2137 (c) the county council, in the council-manager optional form of government authorized  
2138 by Section [~~17-52-505~~] [17-52a-204](#).

2139 (8) "Depose" means to make a written statement made under oath or affirmation.

2140 (9) "Executor" includes "administrator" when the subject matter justifies the use.

2141 (10) "Guardian" includes a person who:

2142 (a) qualifies as a guardian of a minor or incapacitated person pursuant to testamentary  
2143 or court appointment; or

2144 (b) is appointed by a court to manage the estate of a minor or incapacitated person.

2145 (11) "Highway" includes:

2146 (a) a public bridge;

2147 (b) a county way;

2148 (c) a county road;

2149 (d) a common road; and

2150 (e) a state road.

2151 (12) "Intellectual disability" means a significant, subaverage general intellectual  
2152 functioning that:

2153 (a) exists concurrently with deficits in adaptive behavior; and

2154 (b) is manifested during the developmental period as defined in the current edition of  
2155 the Diagnostic and Statistical Manual of Mental Disorders, published by the American  
2156 Psychiatric Association.

2157 (13) "Intermediate care facility for people with an intellectual disability" means an  
2158 intermediate care facility for the mentally retarded, as defined in Title XIX of the Social  
2159 Security Act.

2160 (14) "Land" includes:

2161 (a) land;

2162 (b) a tenement;

2163 (c) a hereditament;

2164 (d) a water right;

- 2165 (e) a possessory right; and
- 2166 (f) a claim.
- 2167 (15) "Month" means a calendar month, unless otherwise expressed.
- 2168 (16) "Oath" includes "affirmation."
- 2169 (17) "Person" means:
- 2170 (a) an individual;
- 2171 (b) an association;
- 2172 (c) an institution;
- 2173 (d) a corporation;
- 2174 (e) a company;
- 2175 (f) a trust;
- 2176 (g) a limited liability company;
- 2177 (h) a partnership;
- 2178 (i) a political subdivision;
- 2179 (j) a government office, department, division, bureau, or other body of government;
- 2180 and
- 2181 (k) any other organization or entity.
- 2182 (18) "Personal property" includes:
- 2183 (a) money;
- 2184 (b) goods;
- 2185 (c) chattels;
- 2186 (d) effects;
- 2187 (e) evidences of a right in action;
- 2188 (f) a written instrument by which a pecuniary obligation, right, or title to property is
- 2189 created, acknowledged, transferred, increased, defeated, discharged, or diminished; and
- 2190 (g) a right or interest in an item described in Subsections (18)(a) through (f).
- 2191 (19) "Personal representative," "executor," and "administrator" include:
- 2192 (a) an executor;
- 2193 (b) an administrator;
- 2194 (c) a successor personal representative;
- 2195 (d) a special administrator; and

2196 (e) a person who performs substantially the same function as a person described in  
2197 Subsections (19)(a) through (d) under the law governing the person's status.

2198 (20) "Policy board," "policy commission," or "policy council" means a board,  
2199 commission, or council that:

2200 (a) is authorized to make policy for the benefit of the general public;

2201 (b) is created by, and whose duties are provided by, the constitution or statute; and

2202 (c) performs its duties according to its own rules without supervision other than under  
2203 the general control of another person as provided by statute.

2204 (21) "Population" is shown by the most recent state or national census, unless expressly  
2205 provided otherwise.

2206 (22) "Process" means a writ or summons issued in the course of a judicial proceeding.

2207 (23) "Property" includes both real and personal property.

2208 (24) "Real estate" or "real property" includes:

2209 (a) land;

2210 (b) a tenement;

2211 (c) a hereditament;

2212 (d) a water right;

2213 (e) a possessory right; and

2214 (f) a claim.

2215 (25) "Review board," "review commission," and "review council" mean a board,  
2216 commission, committee, or council that:

2217 (a) is authorized to approve policy made for the benefit of the general public by another  
2218 body or person;

2219 (b) is created by, and whose duties are provided by, statute; and

2220 (c) performs its duties according to its own rules without supervision other than under  
2221 the general control of another person as provided by statute.

2222 (26) "Road" includes:

2223 (a) a public bridge;

2224 (b) a county way;

2225 (c) a county road;

2226 (d) a common road; and



- 2227 (e) a state road.
- 2228 (27) "Signature" includes a name, mark, or sign written with the intent to authenticate  
2229 an instrument or writing.
- 2230 (28) "State," when applied to the different parts of the United States, includes a state,  
2231 district, or territory of the United States.
- 2232 (29) "Swear" includes "affirm."
- 2233 (30) "Testify" means to make an oral statement under oath or affirmation.
- 2234 (31) "Uniformed services" means:
- 2235 (a) the armed forces;
- 2236 (b) the commissioned corps of the National Oceanic and Atmospheric Administration;  
2237 and
- 2238 (c) the commissioned corps of the United States Public Health Service.
- 2239 (32) "United States" includes each state, district, and territory of the United States of  
2240 America.
- 2241 (33) "Utah Code" means the 1953 recodification of the Utah Code, as amended, unless  
2242 the text expressly references a portion of the 1953 recodification of the Utah Code as it existed:
- 2243 (a) on the day on which the 1953 recodification of the Utah Code was enacted; or  
2244 (b) (i) after the day described in Subsection (33)(a); and  
2245 (ii) before the most recent amendment to the referenced portion of the 1953  
2246 recodification of the Utah Code.
- 2247 (34) "Vessel," when used with reference to shipping, includes a steamboat, canal boat,  
2248 and every structure adapted to be navigated from place to place.
- 2249 (35) (a) "Veteran" means an individual who:
- 2250 (i) has served in the United States Armed Forces for at least 180 days:
- 2251 (A) on active duty; or  
2252 (B) in a reserve component, to include the National Guard; or  
2253 (ii) has incurred an actual service-related injury or disability while in the United States  
2254 Armed Forces regardless of whether the individual completed 180 days; and  
2255 (iii) was separated or retired under conditions characterized as honorable or general.
- 2256 (b) This definition is not intended to confer eligibility for benefits.
- 2257 (36) "Will" includes a codicil.

- 2258 (37) "Writ" means an order or precept in writing, issued in the name of:  
2259 (a) the state;  
2260 (b) a court; or  
2261 (c) a judicial officer.  
2262 (38) "Writing" includes:  
2263 (a) printing;  
2264 (b) handwriting; and  
2265 (c) information stored in an electronic or other medium if the information is retrievable  
2266 in a perceivable format.

2267 Section 40. **Repealer.**

2268 This bill repeals:

2269 Section **17-52-207, Election of officers under optional plan.**

2270 Section 41. **Effective date.**

2271 If approved by two-thirds of all the members elected to each house, this bill takes effect  
2272 upon approval by the governor, or the day following the constitutional time limit of Utah  
2273 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
2274 the date of veto override.

2275 Section 42. **Revisor instructions.**

2276 The Legislature intends that the Office of Legislative Research and General Counsel, in  
2277 preparing the Utah Code database for publication, replace the following references:

2278 (1) in Section 17-52a-103, from "the effective date of this bill" with the bill's actual  
2279 effective date;

2280 (2) in Subsection 17-52a-103(1)(a), from "this bill" to the bill's designated chapter  
2281 number in the Laws of Utah; and

2282 (3) in Subsection 17-52a-103(1)(b)(i), (2)(a)(i), and (2)(a)(ii), from "the day  
2283 immediately before the day on which this bill takes effect" to the actual date before the day that  
2284 the bill takes effect.