

**LOCAL DISTRICT REVISIONS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stewart E. Barlow**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ replaces the term "local district" with the term "special district" throughout the Utah Code; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

This bill provides revisor instructions.

**Utah Code Sections Affected:**

AMENDS:

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

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

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

**10-2-406**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15

**10-2-412**, as last amended by Laws of Utah 2007, Chapter 329

**10-2-413**, as last amended by Laws of Utah 2019, Chapter 255

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

- 56 **11-39-107**, as last amended by Laws of Utah 2014, Chapter 196
- 57 **11-40-101**, as last amended by Laws of Utah 2008, Chapter 360
- 58 **11-41-102**, as last amended by Laws of Utah 2022, Chapter 307
- 59 **11-42-102**, as last amended by Laws of Utah 2021, Chapters 314, 415
- 60 **11-42a-102**, as last amended by Laws of Utah 2021, Chapter 280
- 61 **11-43-102**, as last amended by Laws of Utah 2008, Chapter 360
- 62 **11-47-102**, as enacted by Laws of Utah 2011, Chapter 45
- 63 **11-48-101.5**, as enacted by Laws of Utah 2021, Chapter 265
- 64 **11-48-103**, as enacted by Laws of Utah 2021, Chapter 265
- 65 **11-50-102**, as last amended by Laws of Utah 2016, Chapter 350
- 66 **11-52-102**, as last amended by Laws of Utah 2016, Chapter 350
- 67 **11-54-102**, as last amended by Laws of Utah 2019, Chapter 136
- 68 **11-55-102**, as enacted by Laws of Utah 2017, Chapter 70
- 69 **11-57-102**, as enacted by Laws of Utah 2017, Chapter 354
- 70 **11-58-102**, as last amended by Laws of Utah 2022, Chapter 82
- 71 **11-58-205**, as last amended by Laws of Utah 2022, Chapter 82
- 72 **11-59-102**, as last amended by Laws of Utah 2022, Chapter 237
- 73 **11-59-204**, as last amended by Laws of Utah 2021, Chapter 415
- 74 **11-60-102**, as enacted by Laws of Utah 2018, Chapter 197
- 75 **11-61-102**, as enacted by Laws of Utah 2018, Chapter 188
- 76 **11-65-101**, as enacted by Laws of Utah 2022, Chapter 59
- 77 **13-8-5**, as last amended by Laws of Utah 2017, Chapter 373
- 78 **14-1-18**, as last amended by Laws of Utah 2016, Chapter 350
- 79 **15-7-2**, as last amended by Laws of Utah 2016, Chapter 350
- 80 **19-3-301**, as last amended by Laws of Utah 2021, Chapter 184
- 81 **19-4-111**, as last amended by Laws of Utah 2013, Chapter 321
- 82 **19-6-508**, as enacted by Laws of Utah 2016, Chapters 273, 346

- 83            **26-8a-102**, as last amended by Laws of Utah 2022, Chapters 255, 351 and 404
- 84            **26-8a-405.2**, as last amended by Laws of Utah 2011, Chapter 297
- 85            **26-8a-603**, as enacted by Laws of Utah 2022, Chapter 347
- 86            **26-18-21**, as last amended by Laws of Utah 2019, Chapter 393
- 87            **31A-23a-501**, as last amended by Laws of Utah 2021, Chapter 252
- 88            **34-30-14**, as last amended by Laws of Utah 2007, Chapter 329
- 89            **34-32-1.1**, as last amended by Laws of Utah 2012, Chapter 369
- 90            **34-41-101**, as last amended by Laws of Utah 2021, Chapter 345
- 91            **34-52-102**, as last amended by Laws of Utah 2019, Chapter 371
- 92            **35A-1-102**, as last amended by Laws of Utah 2018, Chapters 415, 427
- 93            **36-11-102**, as last amended by Laws of Utah 2022, Chapter 125
- 94            **36-11-201**, as last amended by Laws of Utah 2022, Chapter 125
- 95            **36-11-304**, as last amended by Laws of Utah 2022, Chapter 125
- 96            **36-12-13**, as last amended by Laws of Utah 2021, Chapters 254, 421
- 97            **38-1b-102**, as last amended by Laws of Utah 2022, Chapter 415
- 98            **38-9-102**, as renumbered and amended by Laws of Utah 2014, Chapter 114
- 99            **45-1-101**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 100           **49-11-102**, as last amended by Laws of Utah 2020, Chapter 365
- 101           **49-11-205**, as enacted by Laws of Utah 2019, Chapter 31
- 102           **51-4-2**, as last amended by Laws of Utah 2017, Chapter 64
- 103           **51-7-3**, as last amended by Laws of Utah 2017, Chapter 338
- 104           **52-4-203**, as last amended by Laws of Utah 2022, Chapter 402
- 105           **52-8-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 106           **53-2a-203**, as last amended by Laws of Utah 2021, Chapter 437
- 107           **53-2a-302**, as last amended by Laws of Utah 2019, Chapter 349
- 108           **53-2a-305**, as renumbered and amended by Laws of Utah 2013, Chapter 295
- 109           **53-2a-602**, as last amended by Laws of Utah 2016, Chapters 83, 134

- 110 **53-2a-605**, as last amended by Laws of Utah 2015, Chapter 265
- 111 **53-2a-1301**, as enacted by Laws of Utah 2019, Chapter 306
- 112 **53-3-207**, as last amended by Laws of Utah 2022, Chapter 158
- 113 **53-5-708**, as last amended by Laws of Utah 2013, Chapters 298, 445
- 114 **53-7-104**, as last amended by Laws of Utah 2010, Chapter 310
- 115 **53-21-101**, as enacted by Laws of Utah 2022, Chapter 114
- 116 **53B-16-104**, as last amended by Laws of Utah 2007, Chapter 329
- 117 **53B-28-402**, as last amended by Laws of Utah 2021, Chapter 187
- 118 **53G-3-204**, as last amended by Laws of Utah 2021, Chapters 84, 162 and 345
- 119 **53G-4-402**, as last amended by Laws of Utah 2021, Chapters 84, 262, 324, and 345
- 120 **54-3-28**, as last amended by Laws of Utah 2021, Chapters 162, 345 and 382
- 121 **54-14-103**, as last amended by Laws of Utah 2009, Chapter 316
- 122 **57-8-27**, as last amended by Laws of Utah 2016, Chapter 255
- 123 **59-2-102**, as last amended by Laws of Utah 2022, Chapter 239
- 124 **59-2-511**, as last amended by Laws of Utah 2007, Chapter 329
- 125 **59-2-919**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 126 **59-2-924.2**, as last amended by Laws of Utah 2022, Chapter 451
- 127 **59-2-1101**, as last amended by Laws of Utah 2022, Chapter 235
- 128 **59-2-1317**, as last amended by Laws of Utah 2022, Chapter 463
- 129 **59-2-1710**, as enacted by Laws of Utah 2012, Chapter 197
- 130 **63A-5b-901**, as last amended by Laws of Utah 2022, Chapter 421
- 131 **63A-5b-1102**, as renumbered and amended by Laws of Utah 2020, Chapter 152
- 132 **63A-9-101**, as last amended by Laws of Utah 2021, Chapter 344
- 133 **63A-9-401**, as last amended by Laws of Utah 2022, Chapter 169
- 134 **63A-15-102**, as renumbered and amended by Laws of Utah 2018, Chapter 461
- 135 **63A-15-201**, as last amended by Laws of Utah 2022, Chapter 125
- 136 **63C-24-102**, as enacted by Laws of Utah 2021, Chapter 155

- 137           **63E-1-102**, as last amended by Laws of Utah 2022, Chapters 44, 63
- 138           **63G-2-103**, as last amended by Laws of Utah 2021, Chapters 211, 283
- 139           **63G-2-305**, as last amended by Laws of Utah 2022, Chapters 11, 109, 198, 201, 303,
- 140 335, 388, 391, and 415
- 141           **63G-6a-103**, as last amended by Laws of Utah 2022, Chapters 421, 422
- 142           **63G-6a-118**, as enacted by Laws of Utah 2020, Chapter 257
- 143           **63G-6a-202**, as last amended by Laws of Utah 2021, Chapter 344
- 144           **63G-6a-2402**, as last amended by Laws of Utah 2017, Chapter 181
- 145           **63G-7-102**, as last amended by Laws of Utah 2022, Chapter 346
- 146           **63G-7-401**, as last amended by Laws of Utah 2021, Chapter 326
- 147           **63G-9-201**, as last amended by Laws of Utah 2016, Chapter 350
- 148           **63G-12-102**, as last amended by Laws of Utah 2022, Chapter 430
- 149           **63G-22-102**, as last amended by Laws of Utah 2021, Chapter 345
- 150           **63G-26-102**, as enacted by Laws of Utah 2020, Chapter 393
- 151           **63H-1-102**, as last amended by Laws of Utah 2022, Chapters 82, 274
- 152           **63H-1-202**, as last amended by Laws of Utah 2022, Chapters 274, 463
- 153           **63I-5-102**, as last amended by Laws of Utah 2020, Chapter 365
- 154           **63J-1-220**, as last amended by Laws of Utah 2021, Chapter 382
- 155           **63J-4-102**, as last amended by Laws of Utah 2021, Chapter 382
- 156           **63J-4-801**, as enacted by Laws of Utah 2021, First Special Session, Chapter 4
- 157           **63L-4-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 158           **63L-5-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 159           **63L-11-102**, as renumbered and amended by Laws of Utah 2021, Chapter 382
- 160           **63M-5-103**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 161           **65A-8-203**, as last amended by Laws of Utah 2021, Chapter 97
- 162           **67-1a-6.5**, as last amended by Laws of Utah 2021, Chapters 162, 345
- 163           **67-1a-15**, as last amended by Laws of Utah 2020, Chapter 30

- 164 **67-1b-102**, as enacted by Laws of Utah 2021, Chapter 394
- 165 **67-3-1**, as last amended by Laws of Utah 2022, Chapter 307
- 166 **67-3-12**, as last amended by Laws of Utah 2022, Chapters 169, 205 and 274
- 167 **67-3-13**, as enacted by Laws of Utah 2021, Chapter 155
- 168 **67-11-2**, as last amended by Laws of Utah 2007, Chapters 306, 329
- 169 **67-21-2**, as last amended by Laws of Utah 2022, Chapter 174
- 170 **71-8-1**, as last amended by Laws of Utah 2018, Chapter 39
- 171 **71-10-1**, as last amended by Laws of Utah 2016, Chapter 230
- 172 **72-2-201**, as last amended by Laws of Utah 2021, Chapters 121, 411
- 173 **72-14-304**, as enacted by Laws of Utah 2018, Chapter 40
- 174 **73-2-1 (Superseded 05/03/23)**, as last amended by Laws of Utah 2022, Chapters 75,
- 175 225
- 176 **73-2-1 (Effective 05/03/23)**, as last amended by Laws of Utah 2022, Chapters 75, 225
- 177 and 311
- 178 **73-5-15**, as last amended by Laws of Utah 2012, Chapter 97
- 179 **73-10-21**, as last amended by Laws of Utah 2008, Chapter 360
- 180 **76-1-101.5**, as renumbered and amended by Laws of Utah 2022, Chapter 181
- 181 **77-23d-102**, as enacted by Laws of Utah 2015, Chapter 447
- 182 **77-38-601**, as enacted by Laws of Utah 2022, Chapter 215
- 183 **78B-2-216**, as last amended by Laws of Utah 2014, Chapter 377
- 184 **78B-4-509**, as last amended by Laws of Utah 2020, Chapter 125
- 185 **78B-6-2301**, as enacted by Laws of Utah 2022, Chapter 428

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

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

189 **8-5-5. Proceeds of resale of lots.**

190 The proceeds from the subsequent resale of any lot or parcel, title to which has been

191 revested in the municipality or cemetery maintenance district under Section 8-5-2 or 8-5-6, less  
192 the costs and expenses incurred in the proceeding, shall become part of the permanent care and  
193 improvement fund of the municipality or cemetery maintenance district, subject to subsequent  
194 disposition under Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, Title 10,  
195 Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, or [~~Title 17B, Chapter 1, Part 6,~~  
196 ~~Fiscal Procedures for Local Districts~~] Title 17B, Chapter 1, Part 6, Fiscal Procedures for  
197 Special Districts.

198 Section 2. Section 10-2-401 is amended to read:

199 **10-2-401. Definitions -- Property owner provisions.**

200 (1) As used in this part:

201 (a) "Affected entity" means:

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

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

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

211 (iv) a school district whose boundary includes any part of an area proposed for  
212 annexation, if the boundary is proposed to be adjusted as a result of the annexation; and

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

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



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

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

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

225 (f) "Mining protection area" means the same as that term is defined in Section  
226 17-41-101.

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

229 (h) "Planning advisory area" means the same as that term is defined in Section  
230 17-27a-306.

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

237 (j) "Rural real property" means the same as that term is defined in Section  
238 17B-2a-1107.

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

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

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

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

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

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

248 (m) "Urban development" means:

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

251 (ii) a commercial or industrial development for which cost projections exceed  
252 \$750,000 for all phases.

253 (2) For purposes of this part:

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

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

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

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

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

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

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

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

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

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

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

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

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

281 **10-2-403. Annexation petition -- Requirements -- Notice required before filing.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

305 (A) be in writing;

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

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

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

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

322 You may obtain more information on the proposed annexation by contacting (state the  
323 name, mailing address, telephone number, and email address of the official or employee of the  
324 proposed annexing municipality designated to respond to questions about the proposed  
325 annexation), (state the name, mailing address, telephone number, and email address of the

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

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

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

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

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

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

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

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

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

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

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

352 (C) covers 100% of the private land area within the area proposed for annexation, if the

353 area is within an agriculture protection area created under Title 17, Chapter 41, Agriculture,  
354 Industrial, or Critical Infrastructure Materials Protection Areas, or a migratory bird production  
355 area created under Title 23, Chapter 28, Migratory Bird Production Area; and

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

358 (c) be accompanied by:

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

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

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

365 "Notice:

366 • There will be no public election on the annexation proposed by this petition because  
367 Utah law does not provide for an annexation to be approved by voters at a public election.

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

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

375 and

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

378 (4) A petition under Subsection (1) may not propose the annexation of all or part of an  
379 area proposed for annexation to a municipality in a previously filed petition that has not been

380 denied, rejected, or granted.

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

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

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

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

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

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

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

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

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

399 **10-2-406. Notice of certification -- Providing notice of petition.**

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

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

405 (i) by posting one notice, and at least one additional notice per 2,000 population within  
406 the combined area, in places within the combined area that are most likely to give notice to the

407 residents within, and the owners of real property located within, the combined area, subject to a  
408 maximum of 10 notices; or

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

411 (b) by posting notice on the Utah Public Notice Website, created in Section  
412 [63A-16-601](#), for three weeks, beginning no later than 10 days after the day on which the  
413 municipal legislative body receives the notice of certification;

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

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

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

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

421 (b) state the date of the municipal legislative body's receipt of the notice of certification  
422 under Subsection [10-2-405\(2\)\(c\)\(i\)](#);

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

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

426 (e) state in conspicuous and plain terms that the municipality may grant the petition  
427 and annex the area described in the petition unless, within the time required under Subsection  
428 [10-2-407\(2\)\(a\)\(i\)](#), a written protest to the annexation petition is filed with the commission and  
429 a copy of the protest delivered to the city recorder or town clerk of the proposed annexing  
430 municipality;

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

433 (g) state that the area proposed for annexation to the municipality will also



434 automatically be annexed to a [~~local~~] special district providing fire protection, paramedic, and  
435 emergency services or a [~~local~~] special district providing law enforcement service, as the case  
436 may be, as provided in Section 17B-1-416, if:

437 (i) the proposed annexing municipality is entirely within the boundaries of a [~~local~~]  
438 special district:

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

441 (B) in the creation of which an election was not required because of Subsection  
442 17B-1-214(3)(c); and

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

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

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

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

453 (B) in the creation of which an election was not required because of Subsection  
454 17B-1-214(3)(c); and

455 (ii) the proposed annexing municipality is not within the boundaries of the [~~local~~]  
456 special district.

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

459 (b) In addition to the requirements under Subsection (2), a notice under Subsection (1)  
460 for a proposed annexation of an area within a county of the first class shall include a statement

461 that a protest to the annexation petition may be filed with the commission by property owners if  
462 it contains the signatures of the owners of private real property that:

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

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

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

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

470 **10-2-412. Boundary commission authority -- Expenses -- Records.**

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

474 (2) A boundary commission may:

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

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

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

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

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

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

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

487 (c) reimburse the reasonable and necessary expenses incurred by each member

488 appointed under Subsection 10-2-409(2)(a)(iii) or (b)(iii), unless otherwise provided by  
489 interlocal agreement.

490 (4) Each county or municipal legislative body shall reimburse the reasonable and  
491 necessary expenses incurred by a commission member who is an elected county or municipal  
492 officer, respectively.

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

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

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

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

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

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

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

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

506 **10-2-413. Feasibility consultant -- Feasibility study -- Modifications to feasibility**  
507 **study.**

508 (1) (a) For a proposed annexation of an area located in a county of the first class, unless  
509 a proposed annexing municipality denies an annexation petition under Subsection  
510 10-2-407(5)(a)(i) and except as provided in Subsection (1)(b), the commission shall choose and  
511 engage a feasibility consultant within 45 days of:

512 (i) the commission's receipt of a protest under Section 10-2-407, if the commission had  
513 been created before the filing of the protest; or

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

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

517 (i) is undeveloped; and

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

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

521 (a) complete a feasibility study on the proposed annexation and submit written results  
522 of the study to the commission no later than 75 days after the feasibility consultant is engaged  
523 to conduct the study;

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

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

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

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

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

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

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

540 (v) the fiscal impact of the proposed annexation on the remaining unincorporated area,  
541 other municipalities, [~~local~~] special districts, special service districts, school districts, and other

- 542 governmental entities;
- 543 (vi) current and five-year projections of demographics and economic base in the area  
544 proposed for annexation and surrounding unincorporated area, including household size and  
545 income, commercial and industrial development, and public facilities;
- 546 (vii) projected growth in the area proposed for annexation and the surrounding  
547 unincorporated area during the next five years;
- 548 (viii) the present and five-year projections of the cost of governmental services in the  
549 area proposed for annexation;
- 550 (ix) the present and five-year projected revenue to the proposed annexing municipality  
551 from the area proposed for annexation;
- 552 (x) the projected impact the annexation will have over the following five years on the  
553 amount of taxes that property owners within the area proposed for annexation, the proposed  
554 annexing municipality, and the remaining unincorporated county will pay;
- 555 (xi) past expansion in terms of population and construction in the area proposed for  
556 annexation and the surrounding unincorporated area;
- 557 (xii) the extension during the past 10 years of the boundaries of each other municipality  
558 near the area proposed for annexation, the willingness of the other municipality to annex the  
559 area proposed for annexation, and the probability that another municipality would annex some  
560 or all of the area proposed for annexation during the next five years if the annexation did not  
561 occur;
- 562 (xiii) the history, culture, and social aspects of the area proposed for annexation and  
563 surrounding area;
- 564 (xiv) the method of providing and the entity that has provided municipal-type services  
565 in the past to the area proposed for incorporation and the feasibility of municipal-type services  
566 being provided by the proposed annexing municipality; and
- 567 (xv) the effect on each school district whose boundaries include part or all of the area  
568 proposed for annexation or the proposed annexing municipality.

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

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

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

- 581 (i) the size of the area proposed for annexation;
- 582 (ii) the size of the proposed annexing municipality;
- 583 (iii) the extent to which the area proposed for annexation is developed;
- 584 (iv) the degree to which the area proposed for annexation is expected to develop and  
585 the type of development expected; and
- 586 (v) the number and type of protests filed against the proposed annexation.

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

590 (5) If the results of the feasibility study do not meet the requirements of Subsection  
591 10-2-416(3), the feasibility consultant may, as part of the feasibility study, make  
592 recommendations as to how the boundaries of the area proposed for annexation may be altered  
593 so that the requirements of Subsection 10-2-416(3) may be met.

594 (6) (a) Except as provided in Subsection (6)(b), the feasibility consultant fees and  
595 expenses shall be shared equally by the proposed annexing municipality and each entity or

596 group under Subsection 10-2-407(1) that files a protest.

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

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

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

604 **10-2-414. Modified annexation petition -- Supplemental feasibility study.**

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

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

614 (b) Each modified annexation petition under Subsection (1)(a) shall comply with the  
615 requirements of Subsections 10-2-403(3) and (4).

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

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

623 (i) the commission;

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

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

626 (c) (i) If the modified annexation petition proposes the annexation of an area that

627 includes part or all of a [~~local~~] special district, special service district, or school district that

628 was not included in the area proposed for annexation in the original petition, the city recorder

629 or town clerk, as the case may be, shall also send notice of the certification of the modified

630 annexation petition to the board of the [~~local~~] special district, special service district, or school

631 district.

632 (ii) If the area proposed for annexation in the modified annexation petition is within

633 1/2 mile of the boundaries of a municipality whose boundaries were not within 1/2 mile of the

634 area proposed for annexation in the original annexation petition, the city recorder or town

635 clerk, as the case may be, shall also send notice of the certification of the modified annexation

636 petition to the legislative body of that municipality.

637 (3) Within 10 days of the commission's receipt of the notice under Subsection (2)(b),

638 the commission shall engage the feasibility consultant that conducted the feasibility study to

639 supplement the feasibility study to take into account the information in the modified

640 annexation petition that was not included in the original annexation petition.

641 (4) The commission shall require the feasibility consultant to complete the

642 supplemental feasibility study and to submit written results of the supplemental study to the

643 commission no later than 30 days after the feasibility consultant is engaged to conduct the

644 supplemental feasibility study.

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

646 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**

647 **Hearing.**

648 (1) As used in Subsection (2)(b)(ii), for purposes of an annexation conducted in

649 accordance with this section of an area located within a county of the first class,



650 "municipal-type services" does not include a service provided by a municipality pursuant to a  
651 contract that the municipality has with another political subdivision as "political subdivision" is  
652 defined in Section 17B-1-102.

653 (2) Notwithstanding Subsection 10-2-402(2), a municipality may annex an  
654 unincorporated area under this section without an annexation petition if:

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

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

659 (B) the majority of each island or peninsula consists of residential or commercial  
660 development;

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

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

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

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

670 (iii) the area consists of:

671 (A) an unincorporated island within or an unincorporated peninsula contiguous to the  
672 municipality; and

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

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

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

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

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

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

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

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

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

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

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

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

703 (d) A property owner consenting to annexation shall indicate the property owner's

704 consent on a form which includes language in substantially the following form:

705 "Notice: If this written consent is used to proceed with an annexation of your property  
706 in accordance with Utah Code Section 10-2-418, no public election is required by law to  
707 approve the annexation. If you sign this consent and later decide you do not want to support  
708 the annexation of your property, you may withdraw your signature by submitting a signed,  
709 written withdrawal with the recorder or clerk of [name of annexing municipality]. If you  
710 choose to withdraw your signature, you must do so no later than the close of the public hearing  
711 on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(d).".

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

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

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

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

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

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

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

731 (b) by posting notice on the Utah Public Notice Website, created in Section  
732 63A-16-601, for three weeks before the day of the public hearing;

733 (c) by sending written notice to:

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

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

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

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

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

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

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

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

746 (iv) except for an annexation that meets the requirements of Subsection (8)(b) or (c),  
747 states in conspicuous and plain terms that the municipal legislative body will annex the area  
748 unless, at or before the public hearing described in Subsection (5)(b), written protests to the  
749 annexation are filed by the owners of private real property that:

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

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

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

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

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

- 763           (i) is located within the area proposed for annexation;
- 764           (ii) covers a majority of the total private land area within the entire area proposed for  
765 annexation; and
- 766           (iii) is equal in value to at least 1/2 the value of all private real property within the  
767 entire area proposed for annexation.

768           (b) (i) Notwithstanding Subsection (8)(a), upon conclusion of the public hearing  
769 described in Subsection (5)(b), a municipality may adopt an ordinance approving the  
770 annexation of the area proposed for annexation under this section without allowing or  
771 considering protests under Subsection (8)(a) if the owners of at least 75% of the total private  
772 land area within the entire area proposed for annexation, representing at least 75% of the value  
773 of the private real property within the entire area proposed for annexation, have consented in  
774 writing to the annexation.

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

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

- 784           (A) the area to be annexed can be more efficiently served by the municipality than by

785 the county;

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

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

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

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

794 (A) existing development in the area;

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

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

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

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

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

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

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

810 (9) (a) Except as provided in Subsections (8)(b)(i) and (8)(c)(i), if protests are timely  
811 filed under Subsection (8)(a), the municipal legislative body may not adopt an ordinance

812 approving the annexation of the area proposed for annexation, and the annexation proceedings  
813 under this section shall be considered terminated.

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

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

819 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

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

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

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

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

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

830 (a) (i) at least three weeks before the day of the public hearing, by posting one notice,  
831 and at least one additional notice per 2,000 population of the municipality, in places within the  
832 municipality that are most likely to give notice to residents of the municipality, subject to a  
833 maximum of 10 notices; or

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

836 (b) by posting notice on the Utah Public Notice Website, created in Section  
837 [63A-16-601](#), for three weeks before the day of the public hearing;

838 (c) if the proposed boundary adjustment may cause any part of real property owned by

839 the state to be within the geographic boundary of a different local governmental entity than  
840 before the adjustment, by providing written notice, at least 50 days before the day of the public  
841 hearing, to:

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

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

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

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

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

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

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

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

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

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

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

862 (C) is equal in value to at least 15% of the value of all private real property within the  
863 area proposed for adjustment; or

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

865 (e) state that the area that is the subject of the boundary adjustment will, because of the



866 boundary adjustment, be automatically annexed to a [local] special district providing fire  
867 protection, paramedic, and emergency services or a [local] special district providing law  
868 enforcement service, as the case may be, as provided in Section 17B-1-416, if:

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

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

873 (B) in the creation of which an election was not required because of Subsection  
874 17B-1-214(3)(c); and

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

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

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

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

883 (B) in the creation of which an election was not required because of Subsection  
884 17B-1-214(3)(c); and

885 (ii) the municipality from which the area is being taken because of the boundary  
886 adjustment is entirely within the boundaries of the [local] special district.

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

892 (6) The municipal legislative body shall comply with the requirements of Section

893 10-2-425 as if the boundary adjustment were an annexation.

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

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

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

900 **10-2-425. Filing of notice and plat -- Recording and notice requirements --**  
901 **Effective date of annexation or boundary adjustment.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

955 (ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a  
956 certificate of annexation or boundary adjustment if:

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

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

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

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

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

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

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

969 (i) "Affected area" means:

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

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

974 (ii) "Annexing municipality" means:  
 975 (A) in the case of an annexation, the municipality that annexes an unincorporated area;  
 976 and  
 977 (B) in the case of a boundary adjustment, a municipality whose boundary includes an  
 978 affected area as a result of a boundary adjustment.

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

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

- 983 (i) levy or collect a property tax on property within an affected area;
- 984 (ii) levy or collect an assessment on property within an affected area; or
- 985 (iii) charge or collect a fee for service provided to property within an affected area,  
 986 unless the municipality was charging and collecting the fee within that area immediately before  
 987 annexation.

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

989 **10-2-428. Neither annexation nor boundary adjustment has an effect on the**  
 990 **boundaries of most special districts or special service districts.**

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

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

998 **10-2a-205. Feasibility study -- Feasibility study consultant -- Qualifications for**  
 999 **proceeding with incorporation.**

1000 (1) Within 90 days after the day on which the lieutenant governor receives a request

1001 that the lieutenant governor certifies under Subsection 10-2a-204(1)(b)(i), the lieutenant  
1002 governor shall engage a feasibility consultant selected, in accordance with Subsection (2), to  
1003 conduct a feasibility study.

1004 (2) (a) The lieutenant governor shall select a feasibility consultant in accordance with  
1005 Title 63G, Chapter 6a, Utah Procurement Code.

1006 (b) The lieutenant governor shall ensure that a feasibility consultant selected under  
1007 Subsection (2)(a):

1008 (i) has expertise in the processes and economics of local government; and

1009 (ii) is not affiliated with:

1010 (A) a sponsor of the feasibility study request to which the feasibility study relates; or

1011 (B) the county in which the proposed municipality is located.

1012 (3) The lieutenant governor shall require the feasibility consultant to:

1013 (a) submit a draft of the feasibility study to each applicable person with whom the  
1014 feasibility consultant is required to consult under Subsection (4)(c) within 90 days after the day  
1015 on which the lieutenant governor engages the feasibility consultant to conduct the study;

1016 (b) allow each person to whom the consultant provides a draft under Subsection (3)(a)  
1017 to review and provide comment on the draft;

1018 (c) submit a completed feasibility study, including a one-page summary of the results,  
1019 to the following within 120 days after the day on which the lieutenant governor engages the  
1020 feasibility consultant to conduct the study:

1021 (i) the lieutenant governor;

1022 (ii) the county legislative body of the county in which the incorporation is proposed;

1023 (iii) the contact sponsor; and

1024 (iv) each person to whom the consultant provided a draft under Subsection (3)(a); and

1025 (d) attend the public hearings described in Section 10-2a-207 to present the feasibility  
1026 study results and respond to questions from the public.

1027 (4) (a) The feasibility consultant shall ensure that the feasibility study includes:

- 1028 (i) an analysis of the population and population density within the area proposed for  
1029 incorporation and the surrounding area;
- 1030 (ii) the current and projected five-year demographics and tax base within the  
1031 boundaries of the proposed municipality and surrounding area, including household size and  
1032 income, commercial and industrial development, and public facilities;
- 1033 (iii) subject to Subsection (4)(b), the current and five-year projected cost of providing  
1034 municipal services to the proposed municipality, including administrative costs;
- 1035 (iv) assuming the same tax categories and tax rates as currently imposed by the county  
1036 and all other current service providers, the present and five-year projected revenue for the  
1037 proposed municipality;
- 1038 (v) an analysis of the risks and opportunities that might affect the actual costs described  
1039 in Subsection (4)(a)(iii) or revenues described in Subsection (4)(a)(iv) of the newly  
1040 incorporated municipality;
- 1041 (vi) an analysis of new revenue sources that may be available to the newly incorporated  
1042 municipality that are not available before the area incorporates, including an analysis of the  
1043 amount of revenues the municipality might obtain from those revenue sources;
- 1044 (vii) the projected tax burden per household of any new taxes that may be levied within  
1045 the proposed municipality within five years after incorporation;
- 1046 (viii) the fiscal impact of the municipality's incorporation on unincorporated areas,  
1047 other municipalities, ~~local~~ special districts, special service districts, and other governmental  
1048 entities in the county; and
- 1049 (ix) if the lieutenant governor excludes property from the proposed municipality under  
1050 Section [10-2a-203](#), an update to the map and legal description described in Subsection  
1051 [10-2a-202\(1\)\(e\)](#).
- 1052 (b) (i) For purposes of Subsection (4)(a)(iii), the feasibility consultant shall assume the  
1053 proposed municipality will provide a level and quality of municipal services that fairly and  
1054 reasonably approximate the level and quality of municipal services that are provided to the area

1055 of the proposed municipality at the time the feasibility consultant conducts the feasibility study.

1056 (ii) In determining the present cost of a municipal service, the feasibility consultant  
1057 shall consider:

1058 (A) the amount it would cost the proposed municipality to provide the municipal  
1059 service for the first five years after the municipality's incorporation; and

1060 (B) the current municipal service provider's present and five-year projected cost of  
1061 providing the municipal service.

1062 (iii) In calculating costs under Subsection (4)(a)(iii), the feasibility consultant shall  
1063 account for inflation and anticipated growth.

1064 (c) In conducting the feasibility study, the feasibility consultant shall consult with the  
1065 following before submitting a draft of the feasibility study under Subsection (3)(a):

1066 (i) if the proposed municipality will include lands owned by the United States federal  
1067 government, the entity within the United States federal government that has jurisdiction over  
1068 the land;

1069 (ii) if the proposed municipality will include lands owned by the state, the entity within  
1070 state government that has jurisdiction over the land;

1071 (iii) each entity that provides a municipal service to a portion of the proposed  
1072 municipality; and

1073 (iv) any other special service district that provides services to a portion of the proposed  
1074 municipality.

1075 (5) If the five-year projected revenues calculated under Subsection (4)(a)(iv) exceed the  
1076 five-year projected costs calculated under Subsection (4)(a)(iii) by more than 5%, the  
1077 feasibility consultant shall project and report the expected annual revenue surplus to the contact  
1078 sponsor and the lieutenant governor.

1079 (6) (a) Except as provided in Subsection (6)(b), if the results of the feasibility study, or  
1080 a supplemental feasibility study described in Section [10-2a-206](#), show that the average annual  
1081 amount of revenue calculated under Subsection (4)(a)(iv) does not exceed the average annual



1082 cost calculated under Subsection (4)(a)(iii) by more than 5%, the process to incorporate the  
1083 area that is the subject of the feasibility study or supplemental feasibility study may not  
1084 proceed.

1085 (b) The process to incorporate an area described in Subsection (6)(a) may proceed if a  
1086 subsequent supplemental feasibility study conducted under Section 10-2a-206 for the proposed  
1087 incorporation demonstrates compliance with Subsection (6)(a).

1088 (7) If the results of the feasibility study or revised feasibility study do not comply with  
1089 Subsection (6), and if requested by the sponsors of the request, the feasibility consultant shall,  
1090 as part of the feasibility study or revised feasibility study, make recommendations regarding  
1091 how the boundaries of the proposed municipality may be altered to comply with Subsection  
1092 (6).

1093 (8) The lieutenant governor shall post a copy of the feasibility study, and any  
1094 supplemental feasibility study described in Section 10-2a-206, on the lieutenant governor's  
1095 website and make a copy available for public review at the Office of the Lieutenant Governor.

1096 Section 13. Section 10-2a-210 is amended to read:

1097 **10-2a-210. Incorporation election -- Notice of election -- Voter information**  
1098 **pamphlet.**

1099 (1) (a) If the lieutenant governor certifies a petition under Subsection 10-2a-209(1)(b),  
1100 the lieutenant governor shall schedule an incorporation election for the proposed municipality  
1101 described in the petition to be held on the date of the next regular general election described in  
1102 Section 20A-1-201, or the next municipal general election described in Section 20A-1-202, that  
1103 is at least 65 days after the day on which the lieutenant governor certifies the petition.

1104 (b) (i) The lieutenant governor shall direct the county legislative body of the county in  
1105 which the proposed municipality is located to hold the election on the date that the lieutenant  
1106 governor schedules under Subsection (1)(a).

1107 (ii) The county shall hold the election as directed by the lieutenant governor under  
1108 Subsection (1)(b)(i).

- 1109           (2) The county clerk shall provide notice of the election:
- 1110           (a) (i) by publishing notice in a newspaper of general circulation within the area
- 1111 proposed to be incorporated at least once a week for three successive weeks before the election;
- 1112           (ii) at least three weeks before the day of the election, by posting one notice, and at
- 1113 least one additional notice per 2,000 population of the area proposed to be incorporated, in
- 1114 places within the area proposed to be incorporated that are most likely to give notice to the
- 1115 voters within the area proposed to be incorporated, subject to a maximum of 10 notices; or
- 1116           (iii) at least three weeks before the day of the election, by mailing notice to each
- 1117 registered voter in the area proposed to be incorporated;
- 1118           (b) by posting notice on the Utah Public Notice Website, created in Section
- 1119 [63A-16-601](#), for three weeks before the day of the election;
- 1120           (c) if the proposed municipality has a website, by posting notice on the proposed
- 1121 municipality's website for three weeks before the day of the election; and
- 1122           (d) by posting notice on the county's website for three weeks before the day of the
- 1123 election.
- 1124           (3) (a) The notice required by Subsection (2) shall contain:
- 1125           (i) a statement of the contents of the petition;
- 1126           (ii) a description of the area proposed to be incorporated as a municipality;
- 1127           (iii) a statement of the date and time of the election and the location of polling places;
- 1128 and
- 1129           (iv) except as provided in Subsection (3)(b), the feasibility study summary described in
- 1130 Subsection [10-2a-205](#)(3)(c) and a statement that a full copy of the study is available on the
- 1131 lieutenant governor's website and for inspection at the Office of the Lieutenant Governor.
- 1132           (b) Instead of including the feasibility summary under Subsection (3)(a)(iv), the notice
- 1133 may include a statement that specifies the following sources where a registered voter in the area
- 1134 proposed to be incorporated may view or obtain a copy of the feasibility study:
- 1135           (i) the lieutenant governor's website;

1136 (ii) the physical address of the Office of the Lieutenant Governor; and

1137 (iii) a mailing address and telephone number.

1138 (4) (a) In addition to the notice required under Subsection (2), the county clerk shall  
1139 publish and distribute, before the incorporation election is held, a voter information pamphlet:

1140 (i) in accordance with the procedures and requirements of Section 20A-7-402;

1141 (ii) in consultation with the lieutenant governor; and

1142 (iii) in a manner that the county clerk determines is adequate, subject to Subsections  
1143 (4)(a)(i) and (ii).

1144 (b) The voter information pamphlet described in Subsection (4)(a):

1145 (i) shall inform the public of the proposed incorporation; and

1146 (ii) may include written statements, printed in the same font style and point size, from  
1147 proponents and opponents of the proposed incorporation.

1148 (5) An individual may not vote in an incorporation election under this section unless  
1149 the individual is a registered voter who [~~resides~~] is a resident, as defined in Section 20A-1-102,  
1150 within the boundaries of the proposed municipality.

1151 (6) If a majority of those who vote in an incorporation election held under this section  
1152 cast votes in favor of incorporation, the area shall incorporate.

1153 Section 14. Section 10-2a-404 is amended to read:

1154 **10-2a-404. Election.**

1155 (1) (a) Notwithstanding Section 20A-1-203, a county of the first class shall hold a local  
1156 special election on November 3, 2015, on the following ballot propositions:

1157 (i) for registered voters residing within a planning township:

1158 (A) whether the planning township shall be incorporated as a city or town, according to  
1159 the classifications of Section 10-2-301, or as a metro township; and

1160 (B) if the planning township incorporates as a metro township, whether the metro  
1161 township is included in a municipal services district; and

1162 (ii) for registered voters residing within an unincorporated island, whether the island

1163 should maintain its unincorporated status or be annexed into an eligible city.

1164 (b) (i) A metro township incorporated under this part shall be governed by the  
1165 five-member council in accordance with Chapter 3b, Part 5, Metro Township Council Form of  
1166 Municipal Government.

1167 (ii) A city or town incorporated under this part shall be governed by the five-member  
1168 council form of government as defined in Section 10-3b-102.

1169 (2) Unless a person is a registered voter who [~~resides~~] is a resident, as defined in  
1170 Section 20A-1-102, within the boundaries of a planning township or an unincorporated island,  
1171 the person may not vote on the proposed incorporation or annexation.

1172 (3) The county clerk shall post notice of the election on the Utah Public Notice  
1173 Website, created in Section 63A-16-601, for three weeks before the election.

1174 (4) The notice required by Subsection (3) shall contain:

1175 (a) for residents of a planning township:

1176 (i) a statement that the voters will vote:

1177 (A) to incorporate as a city or town, according to the classifications of Section  
1178 10-2-301, or as a metro township; and

1179 (B) if the planning township incorporates as a metro township, whether the metro  
1180 township is included in a municipal services district;

1181 (ii) if applicable under Subsection 10-2a-405(5), a map showing the alteration to the  
1182 planning township boundaries that would be effective upon incorporation;

1183 (iii) a statement that if the residents of the planning township elect to incorporate:

1184 (A) as a metro township, the metro township shall be governed by a five-member  
1185 metro township council in accordance with Chapter 3b, Part 5, Metro Township Council Form  
1186 of Municipal Government; or

1187 (B) as a city or town, the city or town shall be governed by the five-member council  
1188 form of government as defined in Section 10-3b-102; and

1189 (iv) a statement of the date and time of the election and the location of polling places;

- 1190 (b) for residents of an unincorporated island:
- 1191 (i) a statement that the voters will vote either to be annexed into an eligible city or  
1192 maintain unincorporated status; and
- 1193 (ii) a statement of the eligible city, as determined by the county legislative body in  
1194 accordance with Section 10-2a-405, the unincorporated island may elect to be annexed by; and
- 1195 (c) a statement of the date and time of the election and the location of polling places.
- 1196 (5) (a) In addition to the notice required under Subsection (3), the county clerk shall  
1197 post at least one notice of the election per 1,000 population in conspicuous places within the  
1198 planning township or unincorporated island that are most likely to give notice of the election to  
1199 the voters of the proposed incorporation or annexation, subject to a maximum of 10 notices.
- 1200 (b) The clerk shall post the notices under Subsection (5)(a) at least seven days before  
1201 the election under Subsection (1).
- 1202 (6) (a) In a planning township, if a majority of those casting votes within the planning  
1203 township vote to:
- 1204 (i) incorporate as a city or town, the planning township shall incorporate as a city or  
1205 town, respectively; or
- 1206 (ii) incorporate as a metro township, the planning township shall incorporate as a metro  
1207 township.
- 1208 (b) If a majority of those casting votes within the planning township vote to incorporate  
1209 as a metro township, and a majority of those casting votes vote to include the metro township  
1210 in a municipal services district and limit the metro township's municipal powers, the metro  
1211 township shall be included in a municipal services district and have limited municipal powers.
- 1212 (c) In an unincorporated island, if a majority of those casting a vote within the selected  
1213 unincorporated island vote to:
- 1214 (i) be annexed by the eligible city, the area shall be annexed by the eligible city; or  
1215 (ii) remain an unincorporated area, the area shall remain unincorporated.
- 1216 (7) The county shall, in consultation with interested parties, prepare and provide

1217 information on an annexation or incorporation subject to this part and an election held in  
1218 accordance with this section.

1219 Section 15. Section **10-3c-102** is amended to read:

1220 **10-3c-102. Definitions.**

1221 As used in this chapter:

1222 (1) "Municipal services district" means a [~~local~~] special district created in accordance  
1223 with Title 17B, Chapter 2a, Part 11, Municipal Services District Act.

1224 (2) "Metro township" means a metro township incorporated in accordance with  
1225 Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County  
1226 of the First Class on and after May 12, 2015.

1227 Section 16. Section **10-9a-103** is amended to read:

1228 **10-9a-103. Definitions.**

1229 As used in this chapter:

1230 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or  
1231 detached from a primary single-family dwelling and contained on one lot.

1232 (2) "Adversely affected party" means a person other than a land use applicant who:

1233 (a) owns real property adjoining the property that is the subject of a land use  
1234 application or land use decision; or

1235 (b) will suffer a damage different in kind than, or an injury distinct from, that of the  
1236 general community as a result of the land use decision.

1237 (3) "Affected entity" means a county, municipality, [~~local~~] special district, special  
1238 service district under Title 17D, Chapter 1, Special Service District Act, school district,  
1239 interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,  
1240 specified public utility, property owner, property owners association, or the Utah Department  
1241 of Transportation, if:

1242 (a) the entity's services or facilities are likely to require expansion or significant  
1243 modification because of an intended use of land;

1244 (b) the entity has filed with the municipality a copy of the entity's general or long-range  
1245 plan; or

1246 (c) the entity has filed with the municipality a request for notice during the same  
1247 calendar year and before the municipality provides notice to an affected entity in compliance  
1248 with a requirement imposed under this chapter.

1249 (4) "Affected owner" means the owner of real property that is:

1250 (a) a single project;

1251 (b) the subject of a land use approval that sponsors of a referendum timely challenged  
1252 in accordance with Subsection 20A-7-601(6); and

1253 (c) determined to be legally referable under Section 20A-7-602.8.

1254 (5) "Appeal authority" means the person, board, commission, agency, or other body  
1255 designated by ordinance to decide an appeal of a decision of a land use application or a  
1256 variance.

1257 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
1258 residential property if the sign is designed or intended to direct attention to a business, product,  
1259 or service that is not sold, offered, or existing on the property where the sign is located.

1260 (7) (a) "Charter school" means:

1261 (i) an operating charter school;

1262 (ii) a charter school applicant that a charter school authorizer approves in accordance  
1263 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

1264 (iii) an entity that is working on behalf of a charter school or approved charter  
1265 applicant to develop or construct a charter school building.

1266 (b) "Charter school" does not include a therapeutic school.

1267 (8) "Conditional use" means a land use that, because of the unique characteristics or  
1268 potential impact of the land use on the municipality, surrounding neighbors, or adjacent land  
1269 uses, may not be compatible in some areas or may be compatible only if certain conditions are  
1270 required that mitigate or eliminate the detrimental impacts.

1271 (9) "Constitutional taking" means a governmental action that results in a taking of  
1272 private property so that compensation to the owner of the property is required by the:

1273 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

1274 (b) Utah Constitution Article I, Section 22.

1275 (10) "Culinary water authority" means the department, agency, or public entity with  
1276 responsibility to review and approve the feasibility of the culinary water system and sources for  
1277 the subject property.

1278 (11) "Development activity" means:

1279 (a) any construction or expansion of a building, structure, or use that creates additional  
1280 demand and need for public facilities;

1281 (b) any change in use of a building or structure that creates additional demand and need  
1282 for public facilities; or

1283 (c) any change in the use of land that creates additional demand and need for public  
1284 facilities.

1285 (12) (a) "Development agreement" means a written agreement or amendment to a  
1286 written agreement between a municipality and one or more parties that regulates or controls the  
1287 use or development of a specific area of land.

1288 (b) "Development agreement" does not include an improvement completion assurance.

1289 (13) (a) "Disability" means a physical or mental impairment that substantially limits  
1290 one or more of a person's major life activities, including a person having a record of such an  
1291 impairment or being regarded as having such an impairment.

1292 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
1293 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
1294 802.

1295 (14) "Educational facility":

1296 (a) means:

1297 (i) a school district's building at which pupils assemble to receive instruction in a



1298 program for any combination of grades from preschool through grade 12, including  
1299 kindergarten and a program for children with disabilities;

1300 (ii) a structure or facility:

1301 (A) located on the same property as a building described in Subsection (14)(a)(i); and

1302 (B) used in support of the use of that building; and

1303 (iii) a building to provide office and related space to a school district's administrative  
1304 personnel; and

1305 (b) does not include:

1306 (i) land or a structure, including land or a structure for inventory storage, equipment  
1307 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

1308 (A) not located on the same property as a building described in Subsection (14)(a)(i);

1309 and

1310 (B) used in support of the purposes of a building described in Subsection (14)(a)(i); or

1311 (ii) a therapeutic school.

1312 (15) "Fire authority" means the department, agency, or public entity with responsibility  
1313 to review and approve the feasibility of fire protection and suppression services for the subject  
1314 property.

1315 (16) "Flood plain" means land that:

1316 (a) is within the 100-year flood plain designated by the Federal Emergency  
1317 Management Agency; or

1318 (b) has not been studied or designated by the Federal Emergency Management Agency  
1319 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because  
1320 the land has characteristics that are similar to those of a 100-year flood plain designated by the  
1321 Federal Emergency Management Agency.

1322 (17) "General plan" means a document that a municipality adopts that sets forth general  
1323 guidelines for proposed future development of the land within the municipality.

1324 (18) "Geologic hazard" means:

- 1325 (a) a surface fault rupture;
- 1326 (b) shallow groundwater;
- 1327 (c) liquefaction;
- 1328 (d) a landslide;
- 1329 (e) a debris flow;
- 1330 (f) unstable soil;
- 1331 (g) a rock fall; or
- 1332 (h) any other geologic condition that presents a risk:
  - 1333 (i) to life;
  - 1334 (ii) of substantial loss of real property; or
  - 1335 (iii) of substantial damage to real property.
- 1336 (19) "Historic preservation authority" means a person, board, commission, or other  
1337 body designated by a legislative body to:
  - 1338 (a) recommend land use regulations to preserve local historic districts or areas; and
  - 1339 (b) administer local historic preservation land use regulations within a local historic  
1340 district or area.
- 1341 (20) "Hookup fee" means a fee for the installation and inspection of any pipe, line,  
1342 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other  
1343 utility system.
- 1344 (21) "Identical plans" means building plans submitted to a municipality that:
  - 1345 (a) are clearly marked as "identical plans";
  - 1346 (b) are substantially identical to building plans that were previously submitted to and  
1347 reviewed and approved by the municipality; and
  - 1348 (c) describe a building that:
    - 1349 (i) is located on land zoned the same as the land on which the building described in the  
1350 previously approved plans is located;
    - 1351 (ii) is subject to the same geological and meteorological conditions and the same law

1352 as the building described in the previously approved plans;

1353 (iii) has a floor plan identical to the building plan previously submitted to and reviewed  
1354 and approved by the municipality; and

1355 (iv) does not require any additional engineering or analysis.

1356 (22) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,  
1357 Impact Fees Act.

1358 (23) "Improvement completion assurance" means a surety bond, letter of credit,  
1359 financial institution bond, cash, assignment of rights, lien, or other equivalent security required  
1360 by a municipality to guaranty the proper completion of landscaping or an infrastructure  
1361 improvement required as a condition precedent to:

1362 (a) recording a subdivision plat; or

1363 (b) development of a commercial, industrial, mixed use, or multifamily project.

1364 (24) "Improvement warranty" means an applicant's unconditional warranty that the  
1365 applicant's installed and accepted landscaping or infrastructure improvement:

1366 (a) complies with the municipality's written standards for design, materials, and  
1367 workmanship; and

1368 (b) will not fail in any material respect, as a result of poor workmanship or materials,  
1369 within the improvement warranty period.

1370 (25) "Improvement warranty period" means a period:

1371 (a) no later than one year after a municipality's acceptance of required landscaping; or

1372 (b) no later than one year after a municipality's acceptance of required infrastructure,  
1373 unless the municipality:

1374 (i) determines for good cause that a one-year period would be inadequate to protect the  
1375 public health, safety, and welfare; and

1376 (ii) has substantial evidence, on record:

1377 (A) of prior poor performance by the applicant; or

1378 (B) that the area upon which the infrastructure will be constructed contains suspect soil

1379 and the municipality has not otherwise required the applicant to mitigate the suspect soil.

1380 (26) "Infrastructure improvement" means permanent infrastructure that is essential for  
1381 the public health and safety or that:

1382 (a) is required for human occupation; and

1383 (b) an applicant must install:

1384 (i) in accordance with published installation and inspection specifications for public  
1385 improvements; and

1386 (ii) whether the improvement is public or private, as a condition of:

1387 (A) recording a subdivision plat;

1388 (B) obtaining a building permit; or

1389 (C) development of a commercial, industrial, mixed use, condominium, or multifamily  
1390 project.

1391 (27) "Internal lot restriction" means a platted note, platted demarcation, or platted  
1392 designation that:

1393 (a) runs with the land; and

1394 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
1395 the plat; or

1396 (ii) designates a development condition that is enclosed within the perimeter of a lot  
1397 described on the plat.

1398 (28) "Land use applicant" means a property owner, or the property owner's designee,  
1399 who submits a land use application regarding the property owner's land.

1400 (29) "Land use application":

1401 (a) means an application that is:

1402 (i) required by a municipality; and

1403 (ii) submitted by a land use applicant to obtain a land use decision; and

1404 (b) does not mean an application to enact, amend, or repeal a land use regulation.

1405 (30) "Land use authority" means:

1406 (a) a person, board, commission, agency, or body, including the local legislative body,  
1407 designated by the local legislative body to act upon a land use application; or

1408 (b) if the local legislative body has not designated a person, board, commission,  
1409 agency, or body, the local legislative body.

1410 (31) "Land use decision" means an administrative decision of a land use authority or  
1411 appeal authority regarding:

1412 (a) a land use permit; or

1413 (b) a land use application.

1414 (32) "Land use permit" means a permit issued by a land use authority.

1415 (33) "Land use regulation":

1416 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,  
1417 specification, fee, or rule that governs the use or development of land;

1418 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;  
1419 and

1420 (c) does not include:

1421 (i) a land use decision of the legislative body acting as the land use authority, even if  
1422 the decision is expressed in a resolution or ordinance; or

1423 (ii) a temporary revision to an engineering specification that does not materially:

1424 (A) increase a land use applicant's cost of development compared to the existing  
1425 specification; or

1426 (B) impact a land use applicant's use of land.

1427 (34) "Legislative body" means the municipal council.

1428 [~~(35) "Local district" means an entity under Title 17B, Limited Purpose Local  
1429 Government Entities - Local Districts, and any other governmental or quasi-governmental  
1430 entity that is not a county, municipality, school district, or the state.]~~

1431 [(36)] (35) "Local historic district or area" means a geographically definable area that:

1432 (a) contains any combination of buildings, structures, sites, objects, landscape features,

1433 archeological sites, or works of art that contribute to the historic preservation goals of a  
1434 legislative body; and

1435 (b) is subject to land use regulations to preserve the historic significance of the local  
1436 historic district or area.

1437 ~~[(37)]~~ (36) "Lot" means a tract of land, regardless of any label, that is created by and  
1438 shown on a subdivision plat that has been recorded in the office of the county recorder.

1439 ~~[(38)]~~ (37) (a) "Lot line adjustment" means a relocation of a lot line boundary between  
1440 adjoining lots or between a lot and adjoining parcels in accordance with Section 10-9a-608:

1441 (i) whether or not the lots are located in the same subdivision; and

1442 (ii) with the consent of the owners of record.

1443 (b) "Lot line adjustment" does not mean a new boundary line that:

1444 (i) creates an additional lot; or

1445 (ii) constitutes a subdivision.

1446 (c) "Lot line adjustment" does not include a boundary line adjustment made by the  
1447 Department of Transportation.

1448 ~~[(39)]~~ (38) "Major transit investment corridor" means public transit service that uses or  
1449 occupies:

1450 (a) public transit rail right-of-way;

1451 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

1452 or

1453 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a  
1454 municipality or county and:

1455 (i) a public transit district as defined in Section 17B-2a-802; or

1456 (ii) an eligible political subdivision as defined in Section 59-12-2219.

1457 ~~[(40)]~~ (39) "Moderate income housing" means housing occupied or reserved for  
1458 occupancy by households with a gross household income equal to or less than 80% of the  
1459 median gross income for households of the same size in the county in which the city is located.

1460 [~~(41)~~] (40) "Municipal utility easement" means an easement that:

1461 (a) is created or depicted on a plat recorded in a county recorder's office and is  
1462 described as a municipal utility easement granted for public use;

1463 (b) is not a protected utility easement or a public utility easement as defined in Section  
1464 54-3-27;

1465 (c) the municipality or the municipality's affiliated governmental entity uses and  
1466 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm  
1467 water, or communications or data lines;

1468 (d) is used or occupied with the consent of the municipality in accordance with an  
1469 authorized franchise or other agreement;

1470 (e) (i) is used or occupied by a specified public utility in accordance with an authorized  
1471 franchise or other agreement; and

1472 (ii) is located in a utility easement granted for public use; or

1473 (f) is described in Section 10-9a-529 and is used by a specified public utility.

1474 [~~(42)~~] (41) "Nominal fee" means a fee that reasonably reimburses a municipality only  
1475 for time spent and expenses incurred in:

1476 (a) verifying that building plans are identical plans; and

1477 (b) reviewing and approving those minor aspects of identical plans that differ from the  
1478 previously reviewed and approved building plans.

1479 [~~(43)~~] (42) "Noncomplying structure" means a structure that:

1480 (a) legally existed before the structure's current land use designation; and

1481 (b) because of one or more subsequent land use ordinance changes, does not conform  
1482 to the setback, height restrictions, or other regulations, excluding those regulations, which  
1483 govern the use of land.

1484 [~~(44)~~] (43) "Nonconforming use" means a use of land that:

1485 (a) legally existed before its current land use designation;

1486 (b) has been maintained continuously since the time the land use ordinance governing

1487 the land changed; and

1488 (c) because of one or more subsequent land use ordinance changes, does not conform  
1489 to the regulations that now govern the use of the land.

1490 ~~[(45)]~~ (44) "Official map" means a map drawn by municipal authorities and recorded in  
1491 a county recorder's office that:

1492 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
1493 highways and other transportation facilities;

1494 (b) provides a basis for restricting development in designated rights-of-way or between  
1495 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
1496 the land; and

1497 (c) has been adopted as an element of the municipality's general plan.

1498 ~~[(46)]~~ (45) "Parcel" means any real property that is not a lot.

1499 ~~[(47)]~~ (46) (a) "Parcel boundary adjustment" means a recorded agreement between  
1500 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary  
1501 line agreement in accordance with Section [10-9a-524](#), if no additional parcel is created and:

1502 (i) none of the property identified in the agreement is a lot; or

1503 (ii) the adjustment is to the boundaries of a single person's parcels.

1504 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary  
1505 line that:

1506 (i) creates an additional parcel; or

1507 (ii) constitutes a subdivision.

1508 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by  
1509 the Department of Transportation.

1510 ~~[(48)]~~ (47) "Person" means an individual, corporation, partnership, organization,  
1511 association, trust, governmental agency, or any other legal entity.

1512 ~~[(49)]~~ (48) "Plan for moderate income housing" means a written document adopted by  
1513 a municipality's legislative body that includes:



1514 (a) an estimate of the existing supply of moderate income housing located within the  
1515 municipality;

1516 (b) an estimate of the need for moderate income housing in the municipality for the  
1517 next five years;

1518 (c) a survey of total residential land use;

1519 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
1520 income housing; and

1521 (e) a description of the municipality's program to encourage an adequate supply of  
1522 moderate income housing.

1523 [~~50~~] (49) "Plat" means an instrument subdividing property into lots as depicted on a  
1524 map or other graphical representation of lands that a licensed professional land surveyor makes  
1525 and prepares in accordance with Section 10-9a-603 or 57-8-13.

1526 [~~51~~] (50) "Potential geologic hazard area" means an area that:

1527 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
1528 relevant map or report as needing further study to determine the area's potential for geologic  
1529 hazard; or

1530 (b) has not been studied by the Utah Geological Survey or a county geologist but  
1531 presents the potential of geologic hazard because the area has characteristics similar to those of  
1532 a designated geologic hazard area.

1533 [~~52~~] (51) "Public agency" means:

1534 (a) the federal government;

1535 (b) the state;

1536 (c) a county, municipality, school district, [~~local~~] special district, special service  
1537 district, or other political subdivision of the state; or

1538 (d) a charter school.

1539 [~~53~~] (52) "Public hearing" means a hearing at which members of the public are  
1540 provided a reasonable opportunity to comment on the subject of the hearing.

1541            [~~(54)~~] (53) "Public meeting" means a meeting that is required to be open to the public  
1542 under Title 52, Chapter 4, Open and Public Meetings Act.

1543            [~~(55)~~] (54) "Public street" means a public right-of-way, including a public highway,  
1544 public avenue, public boulevard, public parkway, public road, public lane, public alley, public  
1545 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation  
1546 easement, or other public way.

1547            [~~(56)~~] (55) "Receiving zone" means an area of a municipality that the municipality  
1548 designates, by ordinance, as an area in which an owner of land may receive a transferable  
1549 development right.

1550            [~~(57)~~] (56) "Record of survey map" means a map of a survey of land prepared in  
1551 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

1552            [~~(58)~~] (57) "Residential facility for persons with a disability" means a residence:

1553            (a) in which more than one person with a disability resides; and

1554            (b) (i) which is licensed or certified by the Department of Human Services under Title  
1555 62A, Chapter 2, Licensure of Programs and Facilities; or

1556            (ii) which is licensed or certified by the Department of Health under Title 26, Chapter  
1557 21, Health Care Facility Licensing and Inspection Act.

1558            [~~(59)~~] (58) "Rules of order and procedure" means a set of rules that govern and  
1559 prescribe in a public meeting:

1560            (a) parliamentary order and procedure;

1561            (b) ethical behavior; and

1562            (c) civil discourse.

1563            [~~(60)~~] (59) "Sanitary sewer authority" means the department, agency, or public entity  
1564 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
1565 wastewater systems.

1566            [~~(61)~~] (60) "Sending zone" means an area of a municipality that the municipality  
1567 designates, by ordinance, as an area from which an owner of land may transfer a transferable

1568 development right.

1569           (61) "Special district" means an entity under Title 17B, Limited Purpose Local  
1570 Government Entities - Special Districts, and any other governmental or quasi-governmental  
1571 entity that is not a county, municipality, school district, or the state.

1572           (62) "Specified public agency" means:

1573           (a) the state;

1574           (b) a school district; or

1575           (c) a charter school.

1576           (63) "Specified public utility" means an electrical corporation, gas corporation, or  
1577 telephone corporation, as those terms are defined in Section 54-2-1.

1578           (64) "State" includes any department, division, or agency of the state.

1579           (65) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be  
1580 divided into two or more lots or other division of land for the purpose, whether immediate or  
1581 future, for offer, sale, lease, or development either on the installment plan or upon any and all  
1582 other plans, terms, and conditions.

1583           (b) "Subdivision" includes:

1584           (i) the division or development of land, whether by deed, metes and bounds  
1585 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether  
1586 the division includes all or a portion of a parcel or lot; and

1587           (ii) except as provided in Subsection (65)(c), divisions of land for residential and  
1588 nonresidential uses, including land used or to be used for commercial, agricultural, and  
1589 industrial purposes.

1590           (c) "Subdivision" does not include:

1591           (i) a bona fide division or partition of agricultural land for the purpose of joining one of  
1592 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if  
1593 neither the resulting combined parcel nor the parcel remaining from the division or partition  
1594 violates an applicable land use ordinance;

- 1595 (ii) a boundary line agreement recorded with the county recorder's office between  
1596 owners of adjoining parcels adjusting the mutual boundary in accordance with Section  
1597 [10-9a-524](#) if no new parcel is created;
- 1598 (iii) a recorded document, executed by the owner of record:
- 1599 (A) revising the legal descriptions of multiple parcels into one legal description  
1600 encompassing all such parcels; or
- 1601 (B) joining a lot to a parcel;
- 1602 (iv) a boundary line agreement between owners of adjoining subdivided properties  
1603 adjusting the mutual lot line boundary in accordance with Sections [10-9a-524](#) and [10-9a-608](#) if:
- 1604 (A) no new dwelling lot or housing unit will result from the adjustment; and  
1605 (B) the adjustment will not violate any applicable land use ordinance;
- 1606 (v) a bona fide division of land by deed or other instrument if the deed or other  
1607 instrument states in writing that the division:
- 1608 (A) is in anticipation of future land use approvals on the parcel or parcels;  
1609 (B) does not confer any land use approvals; and  
1610 (C) has not been approved by the land use authority;
- 1611 (vi) a parcel boundary adjustment;  
1612 (vii) a lot line adjustment;  
1613 (viii) a road, street, or highway dedication plat;  
1614 (ix) a deed or easement for a road, street, or highway purpose; or  
1615 (x) any other division of land authorized by law.
- 1616 (66) "Subdivision amendment" means an amendment to a recorded subdivision in  
1617 accordance with Section [10-9a-608](#) that:
- 1618 (a) vacates all or a portion of the subdivision;  
1619 (b) alters the outside boundary of the subdivision;  
1620 (c) changes the number of lots within the subdivision;  
1621 (d) alters a public right-of-way, a public easement, or public infrastructure within the

1622 subdivision; or

1623 (e) alters a common area or other common amenity within the subdivision.

1624 (67) "Substantial evidence" means evidence that:

1625 (a) is beyond a scintilla; and

1626 (b) a reasonable mind would accept as adequate to support a conclusion.

1627 (68) "Suspect soil" means soil that has:

1628 (a) a high susceptibility for volumetric change, typically clay rich, having more than a

1629 3% swell potential;

1630 (b) bedrock units with high shrink or swell susceptibility; or

1631 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum

1632 commonly associated with dissolution and collapse features.

1633 (69) "Therapeutic school" means a residential group living facility:

1634 (a) for four or more individuals who are not related to:

1635 (i) the owner of the facility; or

1636 (ii) the primary service provider of the facility;

1637 (b) that serves students who have a history of failing to function:

1638 (i) at home;

1639 (ii) in a public school; or

1640 (iii) in a nonresidential private school; and

1641 (c) that offers:

1642 (i) room and board; and

1643 (ii) an academic education integrated with:

1644 (A) specialized structure and supervision; or

1645 (B) services or treatment related to a disability, an emotional development, a

1646 behavioral development, a familial development, or a social development.

1647 (70) "Transferable development right" means a right to develop and use land that

1648 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer

1649 land use rights from a designated sending zone to a designated receiving zone.

1650 (71) "Unincorporated" means the area outside of the incorporated area of a city or  
1651 town.

1652 (72) "Water interest" means any right to the beneficial use of water, including:

1653 (a) each of the rights listed in Section 73-1-11; and

1654 (b) an ownership interest in the right to the beneficial use of water represented by:

1655 (i) a contract; or

1656 (ii) a share in a water company, as defined in Section 73-3-3.5.

1657 (73) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
1658 land use zones, overlays, or districts.

1659 Section 17. Section 10-9a-305 is amended to read:

1660 **10-9a-305. Other entities required to conform to municipality's land use**  
1661 **ordinances -- Exceptions -- School districts and charter schools -- Submission of**  
1662 **development plan and schedule.**

1663 (1) (a) Each county, municipality, school district, charter school, ~~local~~ special district,  
1664 special service district, and political subdivision of the state shall conform to any applicable  
1665 land use ordinance of any municipality when installing, constructing, operating, or otherwise  
1666 using any area, land, or building situated within that municipality.

1667 (b) In addition to any other remedies provided by law, when a municipality's land use  
1668 ordinance is violated or about to be violated by another political subdivision, that municipality  
1669 may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to  
1670 prevent, enjoin, abate, or remove the improper installation, improvement, or use.

1671 (2) (a) Except as provided in Subsection (3), a school district or charter school is  
1672 subject to a municipality's land use ordinances.

1673 (b) (i) Notwithstanding Subsection (3), a municipality may:

1674 (A) subject a charter school to standards within each zone pertaining to setback, height,  
1675 bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction

1676 staging; and

1677 (B) impose regulations upon the location of a project that are necessary to avoid  
1678 unreasonable risks to health or safety, as provided in Subsection (3)(f).

1679 (ii) The standards to which a municipality may subject a charter school under  
1680 Subsection (2)(b)(i) shall be objective standards only and may not be subjective.

1681 (iii) Except as provided in Subsection (7)(d), the only basis upon which a municipality  
1682 may deny or withhold approval of a charter school's land use application is the charter school's  
1683 failure to comply with a standard imposed under Subsection (2)(b)(i).

1684 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of an  
1685 obligation to comply with a requirement of an applicable building or safety code to which it is  
1686 otherwise obligated to comply.

1687 (3) A municipality may not:

1688 (a) impose requirements for landscaping, fencing, aesthetic considerations,  
1689 construction methods or materials, additional building inspections, municipal building codes,  
1690 building use for educational purposes, or the placement or use of temporary classroom facilities  
1691 on school property;

1692 (b) except as otherwise provided in this section, require a school district or charter  
1693 school to participate in the cost of any roadway or sidewalk, or a study on the impact of a  
1694 school on a roadway or sidewalk, that is not reasonably necessary for the safety of school  
1695 children and not located on or contiguous to school property, unless the roadway or sidewalk is  
1696 required to connect an otherwise isolated school site to an existing roadway;

1697 (c) require a district or charter school to pay fees not authorized by this section;

1698 (d) provide for inspection of school construction or assess a fee or other charges for  
1699 inspection, unless the school district or charter school is unable to provide for inspection by an  
1700 inspector, other than the project architect or contractor, who is qualified under criteria  
1701 established by the state superintendent;

1702 (e) require a school district or charter school to pay any impact fee for an improvement

1703 project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact Fees Act;

1704 (f) impose regulations upon the location of an educational facility except as necessary  
1705 to avoid unreasonable risks to health or safety; or

1706 (g) for a land use or a structure owned or operated by a school district or charter school  
1707 that is not an educational facility but is used in support of providing instruction to pupils,  
1708 impose a regulation that:

1709 (i) is not imposed on a similar land use or structure in the zone in which the land use or  
1710 structure is approved; or

1711 (ii) uses the tax exempt status of the school district or charter school as criteria for  
1712 prohibiting or regulating the land use or location of the structure.

1713 (4) Subject to Section [53E-3-710](#), a school district or charter school shall coordinate  
1714 the siting of a new school with the municipality in which the school is to be located, to:

1715 (a) avoid or mitigate existing and potential traffic hazards, including consideration of  
1716 the impacts between the new school and future highways; and

1717 (b) maximize school, student, and site safety.

1718 (5) Notwithstanding Subsection (3)(d), a municipality may, at its discretion:

1719 (a) provide a walk-through of school construction at no cost and at a time convenient to  
1720 the district or charter school; and

1721 (b) provide recommendations based upon the walk-through.

1722 (6) (a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:

1723 (i) a municipal building inspector;

1724 (ii) (A) for a school district, a school district building inspector from that school  
1725 district; or

1726 (B) for a charter school, a school district building inspector from the school district in  
1727 which the charter school is located; or

1728 (iii) an independent, certified building inspector who is:

1729 (A) not an employee of the contractor;



1730 (B) approved by:  
1731 (I) a municipal building inspector; or  
1732 (II) (Aa) for a school district, a school district building inspector from that school  
1733 district; or  
1734 (Bb) for a charter school, a school district building inspector from the school district in  
1735 which the charter school is located; and  
1736 (C) licensed to perform the inspection that the inspector is requested to perform.  
1737 (b) The approval under Subsection (6)(a)(iii)(B) may not be unreasonably withheld.  
1738 (c) If a school district or charter school uses a school district or independent building  
1739 inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall submit to  
1740 the state superintendent of public instruction and municipal building official, on a monthly  
1741 basis during construction of the school building, a copy of each inspection certificate regarding  
1742 the school building.  
1743 (7) (a) A charter school shall be considered a permitted use in all zoning districts  
1744 within a municipality.  
1745 (b) Each land use application for any approval required for a charter school, including  
1746 an application for a building permit, shall be processed on a first priority basis.  
1747 (c) Parking requirements for a charter school may not exceed the minimum parking  
1748 requirements for schools or other institutional public uses throughout the municipality.  
1749 (d) If a municipality has designated zones for a sexually oriented business, or a  
1750 business which sells alcohol, a charter school may be prohibited from a location which would  
1751 otherwise defeat the purpose for the zone unless the charter school provides a waiver.  
1752 (e) (i) A school district or a charter school may seek a certificate authorizing permanent  
1753 occupancy of a school building from:  
1754 (A) the state superintendent of public instruction, as provided in Subsection  
1755 [53E-3-706\(3\)](#), if the school district or charter school used an independent building inspector for  
1756 inspection of the school building; or

1757 (B) a municipal official with authority to issue the certificate, if the school district or  
1758 charter school used a municipal building inspector for inspection of the school building.

1759 (ii) A school district may issue its own certificate authorizing permanent occupancy of  
1760 a school building if it used its own building inspector for inspection of the school building,  
1761 subject to the notification requirement of Subsection 53E-3-706(3)(a)(ii).

1762 (iii) A charter school may seek a certificate authorizing permanent occupancy of a  
1763 school building from a school district official with authority to issue the certificate, if the  
1764 charter school used a school district building inspector for inspection of the school building.

1765 (iv) A certificate authorizing permanent occupancy issued by the state superintendent  
1766 of public instruction under Subsection 53E-3-706(3) or a school district official with authority  
1767 to issue the certificate shall be considered to satisfy any municipal requirement for an  
1768 inspection or a certificate of occupancy.

1769 (8) (a) A specified public agency intending to develop its land shall submit to the land  
1770 use authority a development plan and schedule:

1771 (i) as early as practicable in the development process, but no later than the  
1772 commencement of construction; and

1773 (ii) with sufficient detail to enable the land use authority to assess:

1774 (A) the specified public agency's compliance with applicable land use ordinances;

1775 (B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b), (c),  
1776 (d), (e), and (g) caused by the development;

1777 (C) the amount of any applicable fee described in Section 10-9a-510;

1778 (D) any credit against an impact fee; and

1779 (E) the potential for waiving an impact fee.

1780 (b) The land use authority shall respond to a specified public agency's submission  
1781 under Subsection (8)(a) with reasonable promptness in order to allow the specified public  
1782 agency to consider information the municipality provides under Subsection (8)(a)(ii) in the  
1783 process of preparing the budget for the development.

1784 (9) Nothing in this section may be construed to:  
 1785 (a) modify or supersede Section 10-9a-304; or  
 1786 (b) authorize a municipality to enforce an ordinance in a way, or enact an ordinance,  
 1787 that fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing  
 1788 Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with Disabilities Act of  
 1789 1990, 42 U.S.C. 12102, or any other provision of federal law.

1790 Section 18. Section 10-9a-529 is amended to read:

1791 **10-9a-529. Specified public utility located in a municipal utility easement.**

1792 A specified public utility may exercise each power of a public utility under Section  
 1793 54-3-27 if the specified public utility uses an easement:

- 1794 (1) with the consent of a municipality; and
- 1795 (2) that is located within a municipal utility easement described in Subsections  
 1796 ~~10-9a-103(41)(a)~~ 10-9a-103(40)(a) through (e).

1797 Section 19. Section 11-2-1 is amended to read:

1798 **11-2-1. Local authorities may designate and acquire property for playgrounds  
 1799 and recreational facilities.**

1800 The governing body of any city, town, school district, ~~local~~ special district, special  
 1801 service district, or county may designate and set apart for use as playgrounds, athletic fields,  
 1802 gymnasiums, public baths, swimming pools, camps, indoor recreation centers, television  
 1803 transmission and relay facilities, or other recreational facilities, any lands, buildings or personal  
 1804 property owned by such cities, towns, counties, ~~local~~ special districts, special service districts,  
 1805 or school districts that may be suitable for such purposes; and may, in such manner as may be  
 1806 authorized and provided by law for the acquisition of lands or buildings for public purposes in  
 1807 such cities, towns, counties, ~~local~~ special districts, special service districts, and school  
 1808 districts, acquire lands, buildings, and personal property therein for such use; and may equip,  
 1809 maintain, operate and supervise the same, employing such play leaders, recreation directors,  
 1810 supervisors and other employees as it may deem proper. Such acquisition of lands, buildings

1811 and personal property and the equipping, maintaining, operating and supervision of the same  
1812 shall be deemed to be for public, governmental and municipal purposes.

1813 Section 20. Section **11-13-103** is amended to read:

1814 **11-13-103. Definitions.**

1815 As used in this chapter:

1816 (1) (a) "Additional project capacity" means electric generating capacity provided by a  
1817 generating unit that first produces electricity on or after May 6, 2002, and that is constructed or  
1818 installed at or adjacent to the site of a project that first produced electricity before May 6, 2002,  
1819 regardless of whether:

1820 (i) the owners of the new generating unit are the same as or different from the owner of  
1821 the project; and

1822 (ii) the purchasers of electricity from the new generating unit are the same as or  
1823 different from the purchasers of electricity from the project.

1824 (b) "Additional project capacity" does not mean or include replacement project  
1825 capacity.

1826 (2) "Board" means the Permanent Community Impact Fund Board created by Section  
1827 [35A-8-304](#), and its successors.

1828 (3) "Candidate" means one or more of:

1829 (a) the state;

1830 (b) a county, municipality, school district, ~~local~~ special district, special service  
1831 district, or other political subdivision of the state; and

1832 (c) a prosecution district.

1833 (4) "Commercial project entity" means a project entity, defined in Subsection (18),  
1834 that:

1835 (a) has no taxing authority; and

1836 (b) is not supported in whole or in part by and does not expend or disburse tax  
1837 revenues.

1838 (5) "Direct impacts" means an increase in the need for public facilities or services that  
1839 is attributable to the project or facilities providing additional project capacity, except impacts  
1840 resulting from the construction or operation of a facility that is:

1841 (a) owned by an owner other than the owner of the project or of the facilities providing  
1842 additional project capacity; and

1843 (b) used to furnish fuel, construction, or operation materials for use in the project.

1844 (6) "Electric interlocal entity" means an interlocal entity described in Subsection  
1845 11-13-203(3).

1846 (7) "Energy services interlocal entity" means an interlocal entity that is described in  
1847 Subsection 11-13-203(4).

1848 (8) (a) "Estimated electric requirements," when used with respect to a qualified energy  
1849 services interlocal entity, includes any of the following that meets the requirements of  
1850 Subsection (8)(b):

1851 (i) generation capacity;

1852 (ii) generation output; or

1853 (iii) an electric energy production facility.

1854 (b) An item listed in Subsection (8)(a) is included in "estimated electric requirements"  
1855 if it is needed by the qualified energy services interlocal entity to perform the qualified energy  
1856 services interlocal entity's contractual or legal obligations to any of its members.

1857 (9) (a) "Facilities providing replacement project capacity" means facilities that have  
1858 been, are being, or are proposed to be constructed, reconstructed, converted, repowered,  
1859 acquired, leased, used, or installed to provide replacement project capacity.

1860 (b) "Facilities providing replacement project capacity" includes facilities that have  
1861 been, are being, or are proposed to be constructed, reconstructed, converted, repowered,  
1862 acquired, leased, used, or installed:

1863 (i) to support and facilitate the construction, reconstruction, conversion, repowering,  
1864 installation, financing, operation, management, or use of replacement project capacity; or

1865 (ii) for the distribution of power generated from existing capacity or replacement  
1866 project capacity to facilities located on real property in which the project entity that owns the  
1867 project has an ownership, leasehold, right-of-way, or permitted interest.

1868 (10) "Governing authority" means a governing board or joint administrator.

1869 (11) (a) "Governing board" means the body established in reliance on the authority  
1870 provided under Subsection 11-13-206(1)(b) to govern an interlocal entity.

1871 (b) "Governing board" includes a board of directors described in an agreement, as  
1872 amended, that creates a project entity.

1873 (c) "Governing board" does not include a board as defined in Subsection (2).

1874 (12) "Interlocal entity" means:

1875 (a) a Utah interlocal entity, an electric interlocal entity, or an energy services interlocal  
1876 entity; or

1877 (b) a separate legal or administrative entity created under Section 11-13-205.

1878 (13) "Joint administrator" means an administrator or joint board described in Section  
1879 11-13-207 to administer a joint or cooperative undertaking.

1880 (14) "Joint or cooperative undertaking" means an undertaking described in Section  
1881 11-13-207 that is not conducted by an interlocal entity.

1882 (15) "Member" means a public agency that, with another public agency, creates an  
1883 interlocal entity under Section 11-13-203.

1884 (16) "Out-of-state public agency" means a public agency as defined in Subsection  
1885 (19)(c), (d), or (e).

1886 (17) (a) "Project":

1887 (i) means an electric generation and transmission facility owned by a Utah interlocal  
1888 entity or an electric interlocal entity; and

1889 (ii) includes fuel facilities, fuel production facilities, fuel transportation facilities,  
1890 energy storage facilities, or water facilities that are:

1891 (A) owned by that Utah interlocal entity or electric interlocal entity; and

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

1919 (b) is provided by a facility that is on, adjacent to, in proximity to, or interconnected  
1920 with the site of a project, regardless of whether:

1921 (i) the capacity replacing existing capacity is less than or exceeds the generating or  
1922 transmission capacity of the project existing before installation of the capacity replacing  
1923 existing capacity;

1924 (ii) the capacity replacing existing capacity is owned by the project entity that is the  
1925 owner of the project, a segment established by the project entity, or a person with whom the  
1926 project entity or a segment established by the project entity has contracted; or

1927 (iii) the facility that provides the capacity replacing existing capacity is constructed,  
1928 reconstructed, converted, repowered, acquired, leased, used, or installed before or after any  
1929 actual or anticipated reduction or modification to existing capacity of the project.

1930 (22) "Transportation reinvestment zone" means an area created by two or more public  
1931 agencies by interlocal agreement to capture increased property or sales tax revenue generated  
1932 by a transportation infrastructure project as described in Section [11-13-227](#).

1933 (23) "Utah interlocal entity":

1934 (a) means an interlocal entity described in Subsection [11-13-203\(2\)](#); and

1935 (b) includes a separate legal or administrative entity created under Laws of Utah 1977,  
1936 Chapter 47, Section 3, as amended.

1937 (24) "Utah public agency" means a public agency under Subsection (19)(a) or (b).

1938 Section 21. Section **11-13a-102** is amended to read:

1939 **11-13a-102. Definitions.**

1940 As used in this chapter:

1941 (1) "Controlling interest" means that one or more governmental entities collectively  
1942 represent a majority of the board's voting power as outlined in the nonprofit corporation's  
1943 governing documents.

1944 (2) (a) "Governing board" means the body that governs a governmental nonprofit  
1945 corporation.



- 1946 (b) "Governing board" includes a board of directors.
- 1947 (3) "Governmental entity" means the state, a county, a municipality, a ~~local~~ special
- 1948 district, a special service district, a school district, a state institution of higher education, or any
- 1949 other political subdivision or administrative unit of the state.
- 1950 (4) (a) "Governmental nonprofit corporation" means:
- 1951 (i) a nonprofit corporation that is wholly owned or wholly controlled by one or more
- 1952 governmental entities, unless the nonprofit corporation receives no operating funding or other
- 1953 financial support from any governmental entity; or
- 1954 (ii) a nonprofit corporation in which one or more governmental entities exercise a
- 1955 controlling interest and:
- 1956 (A) that exercises taxing authority;
- 1957 (B) that imposes a mandatory fee for association or participation with the nonprofit
- 1958 corporation where that association or participation is mandated by law; or
- 1959 (C) that receives a majority of the nonprofit corporation's operating funding from one
- 1960 or more governmental entities under the nonprofit corporation's governing documents, except
- 1961 where voluntary membership fees, dues, or assessments compose the operating funding.
- 1962 (b) "Governmental nonprofit corporation" does not include a water company, as that
- 1963 term is defined in Section [16-4-102](#), unless the water company is wholly owned by one or more
- 1964 governmental entities.
- 1965 (5) "Municipality" means a city, town, or metro township.
- 1966 Section 22. Section [11-14-102](#) is amended to read:
- 1967 **11-14-102. Definitions.**
- 1968 For the purpose of this chapter:
- 1969 (1) "Bond" means any bond authorized to be issued under this chapter, including
- 1970 municipal bonds.
- 1971 (2) "Election results" has the same meaning as defined in Section [20A-1-102](#).
- 1972 (3) "Governing body" means:

1973 (a) for a county, city, town, or metro township, the legislative body of the county, city,  
1974 or town;

1975 (b) for a ~~[local]~~ special district, the board of trustees of the ~~[local]~~ special district;

1976 (c) for a school district, the local board of education; or

1977 (d) for a special service district under Title 17D, Chapter 1, Special Service District

1978 Act:

1979 (i) the governing body of the county or municipality that created the special service  
1980 district, if no administrative control board has been established under Section 17D-1-301; or

1981 (ii) the administrative control board, if one has been established under Section  
1982 17D-1-301 and the power to issue bonds not payable from taxes has been delegated to the  
1983 administrative control board.

1984 [~~(4)~~ "Local district" means a district operating under Title 17B, Limited Purpose Local  
1985 Government Entities - Local Districts.]

1986 [~~(5)~~] (4) (a) "Local political subdivision" means a county, city, town, metro township,  
1987 school district, ~~[local]~~ special district, or special service district.

1988 (b) "Local political subdivision" does not include the state and its institutions.

1989 (5) "Special district" means a district operating under Title 17B, Limited Purpose Local  
1990 Government Entities - Special Districts.

1991 Section 23. Section 11-14a-1 is amended to read:

1992 **11-14a-1. Notice of debt issuance.**

1993 (1) For purposes of this chapter:

1994 (a) (i) "Debt" includes bonds, lease purchase agreements, certificates of participation,  
1995 and contracts with municipal building authorities.

1996 (ii) "Debt" does not include tax and revenue anticipation notes or refunding bonds.

1997 (b) (i) "Local government entity" means a county, city, town, school district, ~~[local]~~  
1998 special district, or special service district.

1999 (ii) "Local government entity" does not mean an entity created by an interlocal

2000 agreement under Title 11, Chapter 13, Interlocal Cooperation Act that has assets over  
2001 \$10,000,000.

2002 (c) "New debt resolution" means a resolution authorizing the issuance of debt wholly  
2003 or partially to fund a rejected project.

2004 (d) "Rejected Project" means a project for which a local government entity sought  
2005 voter approval for general obligation bond financing and failed to receive that approval.

2006 (2) Unless a local government entity complies with the requirements of this section, it  
2007 may not adopt a new debt resolution.

2008 (3) (a) Before adopting a new debt resolution, a local government entity shall:

2009 (i) advertise the local government entity's intent to issue debt by posting a notice of that  
2010 intent on the Utah Public Notice Website created in Section [63A-16-601](#), for the two weeks  
2011 before the meeting at which the resolution will be considered; or

2012 (ii) include notice of its intent to issue debt in a bill or other mailing sent to at least  
2013 95% of the residents of the local government entity.

2014 (b) The local government entity shall ensure that the notice:

2015 (i) except for website publication, is at least as large as the bill or other mailing that it  
2016 accompanies;

2017 (ii) is entitled, in type size no smaller than 24 point, "Intent to Issue Debt"; and

2018 (iii) contains the information required by Subsection (3)(c).

2019 (c) The local government entity shall ensure that the advertisement or notice described  
2020 in Subsection (3)(a):

2021 (i) identifies the local government entity;

2022 (ii) states that the entity will meet on a day, time, and place identified in the  
2023 advertisement or notice to hear public comments regarding a resolution authorizing the  
2024 issuance of debt by the entity and to explain to the public the reasons for the issuance of debt;

2025 (iii) contains:

2026 (A) the name of the entity that will issue the debt;

2027 (B) the purpose of the debt; and  
2028 (C) that type of debt and the maximum principal amount that may be issued;  
2029 (iv) invites all concerned citizens to attend the public hearing; and  
2030 (v) states that some or all of the proposed debt would fund a project whose general  
2031 obligation bond financing was rejected by the voters.

2032 (4) (a) The resolution considered at the hearing shall identify:

- 2033 (i) the type of debt proposed to be issued;
- 2034 (ii) the maximum principal amount that might be issued;
- 2035 (iii) the interest rate;
- 2036 (iv) the term of the debt; and
- 2037 (v) how the debt will be repaid.

2038 (b) (i) Except as provided in Subsection (4)(b)(ii), the resolution considered at the  
2039 hearing need not be in final form and need not be adopted or rejected at the meeting at which  
2040 the public hearing is held.

2041 (ii) The local government entity may not, in the final resolution, increase the maximum  
2042 principal amount of debt contained in the notice and discussed at the hearing.

2043 (c) The local government entity may adopt, amend and adopt, or reject the resolution at  
2044 a later meeting without recomplying with the published notice requirements of this section.

2045 Section 24. Section **11-27-2** is amended to read:

2046 **11-27-2. Definitions.**

2047 As used in this chapter:

2048 (1) "Advance refunding bonds" means refunding bonds issued for the purpose of  
2049 refunding outstanding bonds in advance of their maturity.

2050 (2) "Assessments" means a special tax levied against property within a special  
2051 improvement district to pay all or a portion of the costs of making improvements in the district.

2052 (3) "Bond" means any revenue bond, general obligation bond, tax increment bond,  
2053 special improvement bond, local building authority bond, or refunding bond.

2054 (4) "General obligation bond" means any bond, note, warrant, certificate of  
2055 indebtedness, or other obligation of a public body payable in whole or in part from revenues  
2056 derived from ad valorem taxes and that constitutes an indebtedness within the meaning of any  
2057 applicable constitutional or statutory debt limitation.

2058 (5) "Governing body" means the council, commission, county legislative body, board  
2059 of directors, board of trustees, board of education, board of higher education, or other  
2060 legislative body of a public body designated in this chapter that is vested with the legislative  
2061 powers of the public body, and, with respect to the state, the State Bonding Commission  
2062 created by Section [63B-1-201](#).

2063 (6) "Government obligations" means:

2064 (a) direct obligations of the United States of America, or other securities, the principal  
2065 of and interest on which are unconditionally guaranteed by the United States of America; or

2066 (b) obligations of any state, territory, or possession of the United States, or of any of  
2067 the political subdivisions of any state, territory, or possession of the United States, or of the  
2068 District of Columbia described in Section 103(a), Internal Revenue Code of 1986.

2069 (7) "Issuer" means the public body issuing any bond or bonds.

2070 (8) "Public body" means the state or any agency, authority, instrumentality, or  
2071 institution of the state, or any municipal or quasi-municipal corporation, political subdivision,  
2072 agency, school district, ~~local~~ special district, special service district, or other governmental  
2073 entity now or hereafter existing under the laws of the state.

2074 (9) "Refunding bonds" means bonds issued under the authority of this chapter for the  
2075 purpose of refunding outstanding bonds.

2076 (10) "Resolution" means a resolution of the governing body of a public body taking  
2077 formal action under this chapter.

2078 (11) "Revenue bond" means any bond, note, warrant, certificate of indebtedness, or  
2079 other obligation for the payment of money issued by a public body or any predecessor of any  
2080 public body and that is payable from designated revenues not derived from ad valorem taxes or

2081 from a special fund composed of revenues not derived from ad valorem taxes, but excluding all  
2082 of the following:

2083 (a) any obligation constituting an indebtedness within the meaning of any applicable  
2084 constitutional or statutory debt limitation;

2085 (b) any obligation issued in anticipation of the collection of taxes, where the entire  
2086 issue matures not later than one year from the date of the issue; and

2087 (c) any special improvement bond.

2088 (12) "Special improvement bond" means any bond, note, warrant, certificate of  
2089 indebtedness, or other obligation of a public body or any predecessor of any public body that is  
2090 payable from assessments levied on benefitted property and from any special improvement  
2091 guaranty fund.

2092 (13) "Special improvement guaranty fund" means any special improvement guaranty  
2093 fund established under Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;  
2094 Title 11, Chapter 42, Assessment Area Act; or any predecessor or similar statute.

2095 (14) "Tax increment bond" means any bond, note, warrant, certificate of indebtedness,  
2096 or other obligation of a public body issued under authority of Title 17C, Limited Purpose Local  
2097 Government Entities - Community Reinvestment Agency Act.

2098 Section 25. Section **11-30-2** is amended to read:

2099 **11-30-2. Definitions.**

2100 As used in this chapter:

2101 (1) "Attorney general" means the attorney general of the state or one of his assistants.

2102 (2) "Bonds" means any evidence or contract of indebtedness that is issued or  
2103 authorized by a public body, including, without limitation, bonds, refunding bonds, advance  
2104 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of  
2105 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general  
2106 obligations of the issuing public body or are payable solely from a specified source, including  
2107 annual appropriations by the public body.

2108 (3) "County attorney" means the county attorney of a county or one of his assistants.

2109 (4) "Lease" means any lease agreement, lease purchase agreement, and installment  
2110 purchase agreement, and any certificate of interest or participation in any of the foregoing.

2111 Reference in this chapter to issuance of bonds includes execution and delivery of leases.

2112 (5) "Person" means any person, association, corporation, or other entity.

2113 (6) "Public body" means the state or any agency, authority, instrumentality, or  
2114 institution of the state, or any county, municipality, quasi-municipal corporation, school  
2115 district, ~~local~~ special district, special service district, political subdivision, or other  
2116 governmental entity existing under the laws of the state, whether or not possessed of any taxing  
2117 power. With respect to leases, public body, as used in this chapter, refers to the public body  
2118 which is the lessee, or is otherwise the obligor with respect to payment under any such leases.

2119 (7) "Refunding bonds" means any bonds that are issued to refund outstanding bonds,  
2120 including both refunding bonds and advance refunding bonds.

2121 (8) "State" means the state of Utah.

2122 (9) "Validity" means any matter relating to the legality and validity of the bonds and  
2123 the security therefor, including, without limitation, the legality and validity of:

2124 (a) a public body's authority to issue and deliver the bonds;

2125 (b) any ordinance, resolution, or statute granting the public body authority to issue and  
2126 deliver the bonds;

2127 (c) all proceedings, elections, if any, and any other actions taken or to be taken in  
2128 connection with the issuance, sale, or delivery of the bonds;

2129 (d) the purpose, location, or manner of the expenditure of funds;

2130 (e) the organization or boundaries of the public body;

2131 (f) any assessments, taxes, rates, rentals, fees, charges, or tolls levied or that may be  
2132 levied in connection with the bonds;

2133 (g) any lien, proceeding, or other remedy for the collection of those assessments, taxes,  
2134 rates, rentals, fees, charges, or tolls;

2135 (h) any contract or lease executed or to be executed in connection with the bonds;

2136 (i) the pledge of any taxes, revenues, receipts, rentals, or property, or encumbrance  
2137 thereon or security interest therein to secure the bonds; and

2138 (j) any covenants or provisions contained in or to be contained in the bonds. If any  
2139 deed, will, statute, resolution, ordinance, lease, indenture, contract, franchise, or other  
2140 instrument may have an effect on any of the aforementioned, validity also means a declaration  
2141 of the validity and legality thereof and of rights, status, or other legal relations arising  
2142 therefrom.

2143 Section 26. Section **11-31-2** is amended to read:

2144 **11-31-2. Definitions.**

2145 As used in this chapter:

2146 (1) "Bonds" means any evidence or contract of indebtedness that is issued or  
2147 authorized by a public body, including, without limitation, bonds, refunding bonds, advance  
2148 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of  
2149 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general  
2150 obligations of the issuing public body or are payable solely from a specified source, including  
2151 annual appropriations by the public body.

2152 (2) "Legislative body" means, with respect to any action to be taken by a public body  
2153 with respect to bonds, the board, commission, council, agency, or other similar body authorized  
2154 by law to take legislative action on behalf of the public body, and in the case of the state, the  
2155 Legislature, the state treasurer, the commission created under Section [63B-1-201](#), and any other  
2156 entities the Legislature designates.

2157 (3) "Public body" means the state and any public department, public agency, or other  
2158 public entity existing under the laws of the state, including, without limitation, any agency,  
2159 authority, instrumentality, or institution of the state, and any county, city, town, municipal  
2160 corporation, quasi-municipal corporation, state university or college, school district, special  
2161 service district, ~~local~~ special district, separate legal or administrative entity created under the



2162 Interlocal Cooperation Act or other joint agreement entity, community reinvestment agency,  
2163 and any other political subdivision, public authority, public agency, or public trust existing  
2164 under the laws of the state.

2165 Section 27. Section **11-32-2** is amended to read:

2166 **11-32-2. Definitions.**

2167 As used in this chapter:

2168 (1) "Assignment agreement" means the agreement, security agreement, indenture, or  
2169 other documentation by which the county transfers the delinquent tax receivables to the  
2170 authority in consideration of the amounts paid by the authority under the assignment  
2171 agreement, as provided in this chapter.

2172 (2) "Bonds" means any bonds, notes, or other evidence of indebtedness of the financing  
2173 authority issued under this chapter.

2174 (3) "Delinquent tax receivables" means those ad valorem tangible property taxes levied  
2175 within any county, for any year, which remain unpaid and owing the participant members  
2176 within the county, as of January 15 of the following year, plus any interest and penalties  
2177 accruing or assessed to them.

2178 (4) "Financing authority" or "authority" means a nonprofit corporation organized under  
2179 this chapter by a county on behalf of the participant members within the county as the  
2180 financing authority for the participant members solely for the purpose of financing the  
2181 assignment of the delinquent tax receivables of the participant members for which it was  
2182 created.

2183 (5) "Governing body" means the council, commission, county legislative body, board  
2184 of education, board of trustees, or any other governing entity of a public body in which the  
2185 legislative powers of the public body are vested.

2186 (6) "Participant members" means those public bodies, including the county, the  
2187 governing bodies of which approve the creation of an authority as provided in Section [11-32-3](#)  
2188 and on whose behalf the authority acts.

2189 (7) "Public body" means any city, town, county, school district, special service district,  
2190 ~~[local]~~ special district, community reinvestment agency, or any other entity entitled to receive  
2191 ad valorem property taxes, existing under the laws of the state.

2192 Section 28. Section **11-34-1** is amended to read:

2193 **11-34-1. Definitions.**

2194 As used in this chapter:

2195 (1) "Bonds" means any evidence or contract of indebtedness that is issued or  
2196 authorized by a public body, including, without limitation, bonds, refunding bonds, advance  
2197 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of  
2198 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general  
2199 obligations of the issuing public body or are payable solely from a specified source, including  
2200 annual appropriations by the public body.

2201 (2) "Public body" means the state and any public department, public agency, or other  
2202 public entity existing under the laws of the state, including, without limitation, any agency,  
2203 authority, instrumentality, or institution of the state, and any county, city, town, municipal  
2204 corporation, quasi-municipal corporation, state university or college, school district, special  
2205 service district, ~~[local]~~ special district, separate legal or administrative entity created under the  
2206 Interlocal Cooperation Act or other joint agreement entity, community reinvestment agency,  
2207 and any other political subdivision, public authority, public agency, or public trust existing  
2208 under the laws of this state.

2209 Section 29. Section **11-36a-102** is amended to read:

2210 **11-36a-102. Definitions.**

2211 As used in this chapter:

2212 (1) (a) "Affected entity" means each county, municipality, ~~[local]~~ special district under  
2213 ~~[Title 17B, Limited Purpose Local Government Entities - Local Districts]~~ Title 17B, Limited  
2214 Purpose Local Government Entities - Special Districts, special service district under Title 17D,  
2215 Chapter 1, Special Service District Act, school district, interlocal cooperation entity established

2216 under Chapter 13, Interlocal Cooperation Act, and specified public utility:

2217 (i) whose services or facilities are likely to require expansion or significant

2218 modification because of the facilities proposed in the proposed impact fee facilities plan; or

2219 (ii) that has filed with the local political subdivision or private entity a copy of the

2220 general or long-range plan of the county, municipality, [~~local~~] special district, special service

2221 district, school district, interlocal cooperation entity, or specified public utility.

2222 (b) "Affected entity" does not include the local political subdivision or private entity

2223 that is required under Section 11-36a-501 to provide notice.

2224 (2) "Charter school" includes:

2225 (a) an operating charter school;

2226 (b) an applicant for a charter school whose application has been approved by a charter

2227 school authorizer as provided in Title 53G, Chapter 5, Part 6, Charter School Credit

2228 Enhancement Program; and

2229 (c) an entity that is working on behalf of a charter school or approved charter applicant

2230 to develop or construct a charter school building.

2231 (3) "Development activity" means any construction or expansion of a building,

2232 structure, or use, any change in use of a building or structure, or any changes in the use of land

2233 that creates additional demand and need for public facilities.

2234 (4) "Development approval" means:

2235 (a) except as provided in Subsection (4)(b), any written authorization from a local

2236 political subdivision that authorizes the commencement of development activity;

2237 (b) development activity, for a public entity that may develop without written

2238 authorization from a local political subdivision;

2239 (c) a written authorization from a public water supplier, as defined in Section 73-1-4,

2240 or a private water company:

2241 (i) to reserve or provide:

2242 (A) a water right;

- 2243 (B) a system capacity; or
- 2244 (C) a distribution facility; or
- 2245 (ii) to deliver for a development activity:
- 2246 (A) culinary water; or
- 2247 (B) irrigation water; or
- 2248 (d) a written authorization from a sanitary sewer authority, as defined in Section
- 2249 **10-9a-103**:
- 2250 (i) to reserve or provide:
- 2251 (A) sewer collection capacity; or
- 2252 (B) treatment capacity; or
- 2253 (ii) to provide sewer service for a development activity.
- 2254 (5) "Enactment" means:
- 2255 (a) a municipal ordinance, for a municipality;
- 2256 (b) a county ordinance, for a county; and
- 2257 (c) a governing board resolution, for a [~~local~~] special district, special service district, or
- 2258 private entity.
- 2259 (6) "Encumber" means:
- 2260 (a) a pledge to retire a debt; or
- 2261 (b) an allocation to a current purchase order or contract.
- 2262 (7) "Expense for overhead" means a cost that a local political subdivision or private
- 2263 entity:
- 2264 (a) incurs in connection with:
- 2265 (i) developing an impact fee facilities plan;
- 2266 (ii) developing an impact fee analysis; or
- 2267 (iii) imposing an impact fee, including any related overhead expenses; and
- 2268 (b) calculates in accordance with a methodology that is consistent with generally
- 2269 accepted cost accounting practices.

2270 (8) "Hookup fee" means a fee for the installation and inspection of any pipe, line,  
2271 meter, or appurtenance to connect to a gas, water, sewer, storm water, power, or other utility  
2272 system of a municipality, county, ~~[local]~~ special district, special service district, or private  
2273 entity.

2274 (9) (a) "Impact fee" means a payment of money imposed upon new development  
2275 activity as a condition of development approval to mitigate the impact of the new development  
2276 on public infrastructure.

2277 (b) "Impact fee" does not mean a tax, a special assessment, a building permit fee, a  
2278 hookup fee, a fee for project improvements, or other reasonable permit or application fee.

2279 (10) "Impact fee analysis" means the written analysis of each impact fee required by  
2280 Section [11-36a-303](#).

2281 (11) "Impact fee facilities plan" means the plan required by Section [11-36a-301](#).

2282 (12) "Level of service" means the defined performance standard or unit of demand for  
2283 each capital component of a public facility within a service area.

2284 (13) (a) "Local political subdivision" means a county, a municipality, a ~~[local]~~ special  
2285 district under ~~[Title 17B, Limited Purpose Local Government Entities - Local Districts]~~ Title  
2286 17B, Limited Purpose Local Government Entities - Special Districts, a special service district  
2287 under Title 17D, Chapter 1, Special Service District Act, or the Point of the Mountain State  
2288 Land Authority, created in Section [11-59-201](#).

2289 (b) "Local political subdivision" does not mean a school district, whose impact fee  
2290 activity is governed by Section [11-36a-206](#).

2291 (14) "Private entity" means an entity in private ownership with at least 100 individual  
2292 shareholders, customers, or connections, that is located in a first, second, third, or fourth class  
2293 county and provides water to an applicant for development approval who is required to obtain  
2294 water from the private entity either as a:

2295 (a) specific condition of development approval by a local political subdivision acting  
2296 pursuant to a prior agreement, whether written or unwritten, with the private entity; or

- 2297 (b) functional condition of development approval because the private entity:  
2298 (i) has no reasonably equivalent competition in the immediate market; and  
2299 (ii) is the only realistic source of water for the applicant's development.
- 2300 (15) (a) "Project improvements" means site improvements and facilities that are:  
2301 (i) planned and designed to provide service for development resulting from a  
2302 development activity;  
2303 (ii) necessary for the use and convenience of the occupants or users of development  
2304 resulting from a development activity; and  
2305 (iii) not identified or reimbursed as a system improvement.
- 2306 (b) "Project improvements" does not mean system improvements.
- 2307 (16) "Proportionate share" means the cost of public facility improvements that are  
2308 roughly proportionate and reasonably related to the service demands and needs of any  
2309 development activity.
- 2310 (17) "Public facilities" means only the following impact fee facilities that have a life  
2311 expectancy of 10 or more years and are owned or operated by or on behalf of a local political  
2312 subdivision or private entity:  
2313 (a) water rights and water supply, treatment, storage, and distribution facilities;  
2314 (b) wastewater collection and treatment facilities;  
2315 (c) storm water, drainage, and flood control facilities;  
2316 (d) municipal power facilities;  
2317 (e) roadway facilities;  
2318 (f) parks, recreation facilities, open space, and trails;  
2319 (g) public safety facilities;  
2320 (h) environmental mitigation as provided in Section [11-36a-205](#); or  
2321 (i) municipal natural gas facilities.
- 2322 (18) (a) "Public safety facility" means:  
2323 (i) a building constructed or leased to house police, fire, or other public safety entities;

2324 or

2325 (ii) a fire suppression vehicle costing in excess of \$500,000.

2326 (b) "Public safety facility" does not mean a jail, prison, or other place of involuntary  
2327 incarceration.

2328 (19) (a) "Roadway facilities" means a street or road that has been designated on an  
2329 officially adopted subdivision plat, roadway plan, or general plan of a political subdivision,  
2330 together with all necessary appurtenances.

2331 (b) "Roadway facilities" includes associated improvements to a federal or state  
2332 roadway only when the associated improvements:

2333 (i) are necessitated by the new development; and

2334 (ii) are not funded by the state or federal government.

2335 (c) "Roadway facilities" does not mean federal or state roadways.

2336 (20) (a) "Service area" means a geographic area designated by an entity that imposes an  
2337 impact fee on the basis of sound planning or engineering principles in which a public facility,  
2338 or a defined set of public facilities, provides service within the area.

2339 (b) "Service area" may include the entire local political subdivision or an entire area  
2340 served by a private entity.

2341 (21) "Specified public agency" means:

2342 (a) the state;

2343 (b) a school district; or

2344 (c) a charter school.

2345 (22) (a) "System improvements" means:

2346 (i) existing public facilities that are:

2347 (A) identified in the impact fee analysis under Section 11-36a-304; and

2348 (B) designed to provide services to service areas within the community at large; and

2349 (ii) future public facilities identified in the impact fee analysis under Section

2350 11-36a-304 that are intended to provide services to service areas within the community at large.

2351 (b) "System improvements" does not mean project improvements.

2352 Section 30. Section **11-36a-203** is amended to read:

2353 **11-36a-203. Private entity assessment of impact fees -- Charges for water rights,**  
2354 **physical infrastructure -- Notice -- Audit.**

2355 (1) A private entity:

2356 (a) shall comply with the requirements of this chapter before imposing an impact fee;

2357 and

2358 (b) except as otherwise specified in this chapter, is subject to the same requirements of  
2359 this chapter as a local political subdivision.

2360 (2) A private entity may only impose a charge for water rights or physical infrastructure  
2361 necessary to provide water or sewer facilities by imposing an impact fee.

2362 (3) Where notice and hearing requirements are specified, a private entity shall comply  
2363 with the notice and hearing requirements for [~~local~~] special districts.

2364 (4) A private entity that assesses an impact fee under this chapter is subject to the audit  
2365 requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions,  
2366 Interlocal Organizations, and Other Local Entities Act.

2367 Section 31. Section **11-36a-502** is amended to read:

2368 **11-36a-502. Notice to adopt or amend an impact fee facilities plan.**

2369 (1) If a local political subdivision chooses to prepare an independent impact fee  
2370 facilities plan rather than include an impact fee facilities element in the general plan in  
2371 accordance with Section **11-36a-301**, the local political subdivision shall, before adopting or  
2372 amending the impact fee facilities plan:

2373 (a) give public notice, in accordance with Subsection (2), of the plan or amendment at  
2374 least 10 days before the day on which the public hearing described in Subsection (1)(d) is  
2375 scheduled;

2376 (b) make a copy of the plan or amendment, together with a summary designed to be  
2377 understood by a lay person, available to the public;



2378 (c) place a copy of the plan or amendment and summary in each public library within  
2379 the local political subdivision; and

2380 (d) hold a public hearing to hear public comment on the plan or amendment.

2381 (2) With respect to the public notice required under Subsection (1)(a):

2382 (a) each municipality shall comply with the notice and hearing requirements of, and,  
2383 except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections  
2384 10-9a-205 and 10-9a-801 and Subsection 10-9a-502(2);

2385 (b) each county shall comply with the notice and hearing requirements of, and, except  
2386 as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections 17-27a-205  
2387 and 17-27a-801 and Subsection 17-27a-502(2); and

2388 (c) each ~~local~~ special district, special service district, and private entity shall comply  
2389 with the notice and hearing requirements of, and receive the protections of, Section 17B-1-111.

2390 (3) Nothing contained in this section or Section 11-36a-503 may be construed to  
2391 require involvement by a planning commission in the impact fee facilities planning process.

2392 Section 32. Section 11-36a-504 is amended to read:

2393 **11-36a-504. Notice of intent to adopt impact fee enactment -- Hearing --**

2394 **Protections.**

2395 (1) Before adopting an impact fee enactment:

2396 (a) a municipality legislative body shall:

2397 (i) comply with the notice requirements of Section 10-9a-205 as if the impact fee  
2398 enactment were a land use regulation;

2399 (ii) hold a hearing in accordance with Section 10-9a-502 as if the impact fee enactment  
2400 were a land use regulation; and

2401 (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of  
2402 Section 10-9a-801 as if the impact fee were a land use regulation;

2403 (b) a county legislative body shall:

2404 (i) comply with the notice requirements of Section 17-27a-205 as if the impact fee

2405 enactment were a land use regulation;

2406 (ii) hold a hearing in accordance with Section 17-27a-502 as if the impact fee

2407 enactment were a land use regulation; and

2408 (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of

2409 Section 17-27a-801 as if the impact fee were a land use regulation;

2410 (c) a [~~local~~] special district or special service district shall:

2411 (i) comply with the notice and hearing requirements of Section 17B-1-111; and

2412 (ii) receive the protections of Section 17B-1-111;

2413 (d) a local political subdivision shall at least 10 days before the day on which a public

2414 hearing is scheduled in accordance with this section:

2415 (i) make a copy of the impact fee enactment available to the public; and

2416 (ii) post notice of the local political subdivision's intent to enact or modify the impact

2417 fee, specifying the type of impact fee being enacted or modified, on the Utah Public Notice

2418 Website created under Section 63A-16-601; and

2419 (e) a local political subdivision shall submit a copy of the impact fee analysis and a

2420 copy of the summary of the impact fee analysis prepared in accordance with Section

2421 11-36a-303 on its website or to each public library within the local political subdivision.

2422 (2) Subsection (1)(a) or (b) may not be construed to require involvement by a planning

2423 commission in the impact fee enactment process.

2424 Section 33. Section 11-39-101 is amended to read:

2425 **11-39-101. Definitions.**

2426 As used in this chapter:

2427 (1) "Bid limit" means:

2428 (a) for a building improvement:

2429 (i) for the year 2003, \$40,000; and

2430 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an

2431 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser

2432 of 3% or the actual percent change in the Consumer Price Index during the previous calendar  
2433 year; and

2434 (b) for a public works project:

2435 (i) for the year 2003, \$125,000; and

2436 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an  
2437 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser  
2438 of 3% or the actual percent change in the Consumer Price Index during the previous calendar  
2439 year.

2440 (2) "Building improvement":

2441 (a) means the construction or repair of a public building or structure; and

2442 (b) does not include construction or repair at an international airport.

2443 (3) "Consumer Price Index" means the Consumer Price Index for All Urban

2444 Consumers as published by the Bureau of Labor Statistics of the United States Department of  
2445 Labor.

2446 (4) (a) "Design-build project" means a building improvement or public works project  
2447 for which both the design and construction are provided for in a single contract with a  
2448 contractor or combination of contractors capable of providing design-build services.

2449 (b) "Design-build project" does not include a building improvement or public works  
2450 project:

2451 (i) that a local entity undertakes under contract with a construction manager that  
2452 guarantees the contract price and is at risk for any amount over the contract price; and

2453 (ii) each component of which is competitively bid.

2454 (5) "Design-build services" means the engineering, architectural, and other services  
2455 necessary to formulate and implement a design-build project, including the actual construction  
2456 of the project.

2457 (6) "Emergency repairs" means a building improvement or public works project  
2458 undertaken on an expedited basis to:

- 2459 (a) eliminate an imminent risk of damage to or loss of public or private property;
- 2460 (b) remedy a condition that poses an immediate physical danger; or
- 2461 (c) reduce a substantial, imminent risk of interruption of an essential public service.
- 2462 (7) "Governing body" means:
- 2463 (a) for a county, city, town, or metro township, the legislative body of the county, city,
- 2464 town, or metro township;
- 2465 (b) for a ~~[local]~~ special district, the board of trustees of the ~~[local]~~ special district; and
- 2466 (c) for a special service district:
- 2467 (i) the legislative body of the county, city, or town that established the special service
- 2468 district, if no administrative control board has been appointed under Section 17D-1-301; or
- 2469 (ii) the administrative control board of the special service district, if an administrative
- 2470 control board has been appointed under Section 17D-1-301.
- 2471 ~~[(8) "Local district" has the same meaning as defined in Section 17B-1-102.]~~
- 2472 ~~[(9)]~~ (8) "Local entity" means a county, city, town, metro township, ~~[local]~~ special
- 2473 district, or special service district.
- 2474 ~~[(10)]~~ (9) "Lowest responsive responsible bidder" means a prime contractor who:
- 2475 (a) has submitted a bid in compliance with the invitation to bid and within the
- 2476 requirements of the plans and specifications for the building improvement or public works
- 2477 project;
- 2478 (b) is the lowest bidder that satisfies the local entity's criteria relating to financial
- 2479 strength, past performance, integrity, reliability, and other factors that the local entity uses to
- 2480 assess the ability of a bidder to perform fully and in good faith the contract requirements;
- 2481 (c) has furnished a bid bond or equivalent in money as a condition to the award of a
- 2482 prime contract; and
- 2483 (d) furnishes a payment and performance bond as required by law.
- 2484 ~~[(11)]~~ (10) "Procurement code" means the provisions of Title 63G, Chapter 6a, Utah
- 2485 Procurement Code.

2486            [~~(12)~~] (11) "Public works project":  
2487            (a) means the construction of:  
2488            (i) a park or recreational facility; or  
2489            (ii) a pipeline, culvert, dam, canal, or other system for water, sewage, storm water, or  
2490 flood control; and  
2491            (b) does not include:  
2492            (i) the replacement or repair of existing infrastructure on private property;  
2493            (ii) construction commenced before June 1, 2003; and  
2494            (iii) construction or repair at an international airport.  
2495            (12) "Special district" means the same as that term is defined in Section 17B-1-102.  
2496            (13) "Special service district" has the same meaning as defined in Section 17D-1-102.  
2497            Section 34. Section **11-39-107** is amended to read:  
2498            **11-39-107. Procurement code.**  
2499            (1) This chapter may not be construed to:  
2500            (a) prohibit a county or municipal legislative body from adopting the procedures of the  
2501 procurement code; or  
2502            (b) limit the application of the procurement code to a [~~local~~] special district or special  
2503 service district.  
2504            (2) A local entity may adopt procedures for the following construction contracting  
2505 methods:  
2506            (a) construction manager/general contractor, as defined in Section 63G-6a-103;  
2507            (b) a method that requires that the local entity draft a plan, specifications, and an  
2508 estimate for the building improvement or public works project; or  
2509            (c) design-build, as defined in Section 63G-6a-103, if the local entity consults with a  
2510 professional engineer licensed under Title 58, Chapter 22, Professional Engineers and  
2511 Professional Land Surveyors Licensing Act, or an architect licensed under Title 58, Chapter 3a,  
2512 Architects Licensing Act, who has design-build experience and is employed by or under

2513 contract with the local entity.

2514 (3) (a) In seeking bids and awarding a contract for a building improvement or public  
2515 works project, a county or a municipal legislative body may elect to follow the provisions of  
2516 the procurement code, as the county or municipal legislative body considers appropriate under  
2517 the circumstances, for specification preparation, source selection, or contract formation.

2518 (b) A county or municipal legislative body's election to adopt the procedures of the  
2519 procurement code may not excuse the county or municipality, respectively, from complying  
2520 with the requirements to award a contract for work in excess of the bid limit and to publish  
2521 notice of the intent to award.

2522 (c) An election under Subsection (3)(a) may be made on a case-by-case basis, unless  
2523 the county or municipality has previously adopted the procurement code.

2524 (d) The county or municipal legislative body shall:

2525 (i) make each election under Subsection (3)(a) in an open meeting; and

2526 (ii) specify in its action the portions of the procurement code to be followed.

2527 (4) If the estimated cost of the building improvement or public works project proposed  
2528 by a [~~local~~] special district or special service district exceeds the bid limit, the governing body  
2529 of the [~~local~~] special district or special service district may, if it determines to proceed with the  
2530 building improvement or public works project, use the competitive procurement procedures of  
2531 the procurement code in place of the comparable provisions of this chapter.

2532 Section 35. Section **11-40-101** is amended to read:

2533 **11-40-101. Definitions.**

2534 As used in this chapter:

2535 (1) "Applicant" means a person who seeks employment with a public water utility,  
2536 either as an employee or as an independent contractor, and who, after employment, would, in  
2537 the judgment of the public water utility, be in a position to affect the safety or security of the  
2538 publicly owned treatment works or public water system or to affect the safety or well-being of  
2539 patrons of the public water utility.

2540 (2) "Division" means the Criminal Investigation and Technical Services Division of the  
2541 Department of Public Safety, established in Section 53-10-103.

2542 (3) "Independent contractor":

2543 (a) means an engineer, contractor, consultant, or supplier who designs, constructs,  
2544 operates, maintains, repairs, replaces, or provides water treatment or conveyance facilities or  
2545 equipment, or related control or security facilities or equipment, to the public water utility; and

2546 (b) includes the employees and agents of the engineer, contractor, consultant, or  
2547 supplier.

2548 (4) "Person seeking access" means a person who seeks access to a public water utility's  
2549 public water system or publicly owned treatment works and who, after obtaining access, would,  
2550 in the judgment of the public water utility, be in a position to affect the safety or security of the  
2551 publicly owned treatment works or public water system or to affect the safety or well-being of  
2552 patrons of the public water utility.

2553 (5) "Publicly owned treatment works" has the same meaning as defined in Section  
2554 19-5-102.

2555 (6) "Public water system" has the same meaning as defined in Section 19-4-102.

2556 (7) "Public water utility" means a county, city, town, ~~[local]~~ special district under ~~[Title~~  
2557 ~~17B, Chapter 1, Provisions Applicable to All Local Districts]~~ Title 17B, Chapter 1, Provisions  
2558 Applicable to All Special Districts, special service district under Title 17D, Chapter 1, Special  
2559 Service District Act, or other political subdivision of the state that operates publicly owned  
2560 treatment works or a public water system.

2561 Section 36. Section 11-41-102 is amended to read:

2562 **11-41-102. Definitions.**

2563 As used in this chapter:

2564 (1) "Agreement" means an oral or written agreement between a public entity and a  
2565 person.

2566 (2) "Business entity" means a sole proprietorship, partnership, limited partnership,

2567 limited liability company, corporation, or other entity or association used to carry on a business  
2568 for profit.

2569 (3) "Determination of violation" means a determination by the Governor's Office of  
2570 Economic Opportunity of substantial likelihood that a retail facility incentive payment has been  
2571 made in violation of Section 11-41-103, in accordance with Section 11-41-104.

2572 (4) "Environmental mitigation" means an action or activity intended to remedy known  
2573 negative impacts to the environment.

2574 (5) "Executive director" means the executive director of the Governor's Office of  
2575 Economic Opportunity.

2576 (6) "General plan" means the same as that term is defined in Section 23-21-5.

2577 (7) "Mixed-use development" means development with mixed land uses, including  
2578 housing.

2579 (8) "Moderate income housing plan" means the moderate income housing plan element  
2580 of a general plan.

2581 (9) "Office" means the Governor's Office of Economic Opportunity.

2582 (10) "Political subdivision" means any county, city, town, metro township, school  
2583 district, ~~local~~ special district, special service district, community reinvestment agency, or  
2584 entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal  
2585 Cooperation Act.

2586 (11) "Public entity" means:

2587 (a) a political subdivision;

2588 (b) a state agency as defined in Section 63J-1-220;

2589 (c) a higher education institution as defined in Section 53B-1-201;

2590 (d) the Military Installation Development Authority created in Section 63H-1-201;

2591 (e) the Utah Inland Port Authority created in Section 11-58-201; or

2592 (f) the Point of the Mountain State Land Authority created in Section 11-59-201.

2593 (12) "Public funds" means any money received by a public entity that is derived from:



2594 (a) a sales and use tax authorized under Title 59, Chapter 12, Sales and Use Tax Act;

2595 or

2596 (b) a property tax levy.

2597 (13) "Public infrastructure" means:

2598 (a) a public facility as defined in Section 11-36a-102; or

2599 (b) public infrastructure included as part of an infrastructure master plan related to a  
2600 general plan.

2601 (14) "Retail facility" means any facility operated by a business entity for the primary  
2602 purpose of making retail transactions.

2603 (15) (a) "Retail facility incentive payment" means a payment of public funds:

2604 (i) to a person by a public entity;

2605 (ii) for the development, construction, renovation, or operation of a retail facility  
2606 within an area of the state; and

2607 (iii) in the form of:

2608 (A) a payment;

2609 (B) a rebate;

2610 (C) a refund;

2611 (D) a subsidy; or

2612 (E) any other similar incentive, award, or offset.

2613 (b) "Retail facility incentive payment" does not include a payment of public funds for:

2614 (i) the development, construction, renovation, or operation of:

2615 (A) public infrastructure; or

2616 (B) a structured parking facility;

2617 (ii) the demolition of an existing facility;

2618 (iii) assistance under a state or local:

2619 (A) main street program; or

2620 (B) historic preservation program;

2621 (iv) environmental mitigation or sanitation, if determined by a state or federal agency  
2622 under applicable state or federal law;

2623 (v) assistance under a water conservation program or energy efficiency program, if any  
2624 business entity located within the public entity's boundaries or subject to the public entity's  
2625 jurisdiction is eligible to participate in the program;

2626 (vi) emergency aid or assistance, if any business entity located within the public entity's  
2627 boundaries or subject to the public entity's jurisdiction is eligible to receive the emergency aid  
2628 or assistance; or

2629 (vii) assistance under a public safety or security program, if any business entity located  
2630 within the public entity's boundaries or subject to the public entity's jurisdiction is eligible to  
2631 participate in the program.

2632 (16) "Retail transaction" means any transaction subject to a sales and use tax under  
2633 Title 59, Chapter 12, Sales and Use Tax Act.

2634 (17) (a) "Small business" means a business entity that:

2635 (i) has fewer than 30 full-time equivalent employees; and

2636 (ii) maintains the business entity's principal office in the state.

2637 (b) "Small business" does not include:

2638 (i) a franchisee, as defined in 16 C.F.R. Sec. 436.1;

2639 (ii) a dealer, as defined in Section 41-1a-102; or

2640 (iii) a subsidiary or affiliate of another business entity that is not a small business.

2641 Section 37. Section 11-42-102 is amended to read:

2642 **11-42-102. Definitions.**

2643 (1) As used in this chapter:

2644 (a) "Adequate protests" means, for all proposed assessment areas except sewer  
2645 assessment areas, timely filed, written protests under Section 11-42-203 that represent at least  
2646 40% of the frontage, area, taxable value, fair market value, lots, number of connections, or  
2647 equivalent residential units of the property proposed to be assessed, according to the same

2648 assessment method by which the assessment is proposed to be levied, after eliminating:

2649 (i) protests relating to:

2650 (A) property that has been deleted from a proposed assessment area; or

2651 (B) an improvement that has been deleted from the proposed improvements to be  
2652 provided to property within the proposed assessment area; and

2653 (ii) protests that have been withdrawn under Subsection 11-42-203(3).

2654 (b) "Adequate protests" means, for a proposed sewer assessment area, timely filed,  
2655 written protests under Section 11-42-203 that represent at least 70% of the frontage, area,  
2656 taxable value, fair market value, lots, number of connections, or equivalent residential units of  
2657 the property proposed to be assessed, according to the same assessment method by which the  
2658 assessment is proposed to be levied, after eliminating adequate protests under Subsection  
2659 (1)(a).

2660 (2) "Assessment area" means an area, or, if more than one area is designated, the  
2661 aggregate of all areas within a local entity's jurisdictional boundaries that is designated by a  
2662 local entity under Part 2, Designating an Assessment Area, for the purpose of financing the  
2663 costs of improvements, operation and maintenance, or economic promotion activities that  
2664 benefit property within the area.

2665 (3) "Assessment bonds" means bonds that are:

2666 (a) issued under Section 11-42-605; and

2667 (b) payable in part or in whole from assessments levied in an assessment area,  
2668 improvement revenues, and a guaranty fund or reserve fund.

2669 (4) "Assessment fund" means a special fund that a local entity establishes under  
2670 Section 11-42-412.

2671 (5) "Assessment lien" means a lien on property within an assessment area that arises  
2672 from the levy of an assessment, as provided in Section 11-42-501.

2673 (6) "Assessment method" means the method:

2674 (a) by which an assessment is levied against benefitted property, whether by frontage,

2675 area, taxable value, fair market value, lot, parcel, number of connections, equivalent residential  
2676 unit, any combination of these methods, or any other method; and

2677 (b) that, when applied to a benefitted property, accounts for an assessment that meets  
2678 the requirements of Section 11-42-409.

2679 (7) "Assessment ordinance" means an ordinance adopted by a local entity under  
2680 Section 11-42-404 that levies an assessment on benefitted property within an assessment area.

2681 (8) "Assessment resolution" means a resolution adopted by a local entity under Section  
2682 11-42-404 that levies an assessment on benefitted property within an assessment area.

2683 (9) "Benefitted property" means property within an assessment area that directly or  
2684 indirectly benefits from improvements, operation and maintenance, or economic promotion  
2685 activities.

2686 (10) "Bond anticipation notes" means notes issued under Section 11-42-602 in  
2687 anticipation of the issuance of assessment bonds.

2688 (11) "Bonds" means assessment bonds and refunding assessment bonds.

2689 (12) "Commercial area" means an area in which at least 75% of the property is devoted  
2690 to the interchange of goods or commodities.

2691 (13) (a) "Commercial or industrial real property" means real property used directly or  
2692 indirectly or held for one of the following purposes or activities, regardless of whether the  
2693 purpose or activity is for profit:

2694 (i) commercial;

2695 (ii) mining;

2696 (iii) industrial;

2697 (iv) manufacturing;

2698 (v) governmental;

2699 (vi) trade;

2700 (vii) professional;

2701 (viii) a private or public club;

- 2702 (ix) a lodge;
- 2703 (x) a business; or
- 2704 (xi) a similar purpose.
- 2705 (b) "Commercial or industrial real property" includes real property that:
- 2706 (i) is used as or held for dwelling purposes; and
- 2707 (ii) contains more than four rental units.
- 2708 (14) "Connection fee" means a fee charged by a local entity to pay for the costs of
- 2709 connecting property to a publicly owned sewer, storm drainage, water, gas, communications, or
- 2710 electrical system, whether or not improvements are installed on the property.
- 2711 (15) "Contract price" means:
- 2712 (a) the cost of acquiring an improvement, if the improvement is acquired; or
- 2713 (b) the amount payable to one or more contractors for the design, engineering,
- 2714 inspection, and construction of an improvement.
- 2715 (16) "Designation ordinance" means an ordinance adopted by a local entity under
- 2716 Section [11-42-206](#) designating an assessment area.
- 2717 (17) "Designation resolution" means a resolution adopted by a local entity under
- 2718 Section [11-42-206](#) designating an assessment area.
- 2719 (18) "Development authority" means:
- 2720 (a) the Utah Inland Port Authority created in Section [11-58-201](#); or
- 2721 (b) the military installation development authority created in Section [63H-1-201](#).
- 2722 (19) "Economic promotion activities" means activities that promote economic growth
- 2723 in a commercial area of a local entity, including:
- 2724 (a) sponsoring festivals and markets;
- 2725 (b) promoting business investment or activities;
- 2726 (c) helping to coordinate public and private actions; and
- 2727 (d) developing and issuing publications designed to improve the economic well-being
- 2728 of the commercial area.

2729           (20) "Environmental remediation activity" means a surface or subsurface enhancement,  
2730 effort, cost, initial or ongoing maintenance expense, facility, installation, system, earth  
2731 movement, or change to grade or elevation that improves the use, function, aesthetics, or  
2732 environmental condition of publicly owned property.

2733           (21) "Equivalent residential unit" means a dwelling, unit, or development that is equal  
2734 to a single-family residence in terms of the nature of its use or impact on an improvement to be  
2735 provided in the assessment area.

2736           (22) "Governing body" means:

2737           (a) for a county, city, or town, the legislative body of the county, city, or town;

2738           (b) for a [~~local~~] special district, the board of trustees of the [~~local~~] special district;

2739           (c) for a special service district:

2740           (i) the legislative body of the county, city, or town that established the special service  
2741 district, if no administrative control board has been appointed under Section 17D-1-301; or

2742           (ii) the administrative control board of the special service district, if an administrative  
2743 control board has been appointed under Section 17D-1-301;

2744           (d) for the military installation development authority created in Section 63H-1-201,  
2745 the board, as defined in Section 63H-1-102;

2746           (e) for the Utah Inland Port Authority, created in Section 11-58-201, the board, as  
2747 defined in Section 11-58-102; and

2748           (f) for a public infrastructure district, the board of the public infrastructure district as  
2749 defined in Section 17D-4-102.

2750           (23) "Guaranty fund" means the fund established by a local entity under Section  
2751 11-42-701.

2752           (24) "Improved property" means property upon which a residential, commercial, or  
2753 other building has been built.

2754           (25) "Improvement":

2755           (a) (i) means a publicly owned infrastructure, facility, system, or environmental

2756 remediation activity that:

2757 (A) a local entity is authorized to provide;

2758 (B) the governing body of a local entity determines is necessary or convenient to  
2759 enable the local entity to provide a service that the local entity is authorized to provide; or

2760 (C) a local entity is requested to provide through an interlocal agreement in accordance  
2761 with Chapter 13, Interlocal Cooperation Act; and

2762 (ii) includes facilities in an assessment area, including a private driveway, an irrigation  
2763 ditch, and a water turnout, that:

2764 (A) can be conveniently installed at the same time as an infrastructure, system, or other  
2765 facility described in Subsection (25)(a)(i); and

2766 (B) are requested by a property owner on whose property or for whose benefit the  
2767 infrastructure, system, or other facility is being installed; or

2768 (b) for a ~~local~~ special district created to assess groundwater rights in accordance with  
2769 Section 17B-1-202, means a system or plan to regulate groundwater withdrawals within a  
2770 specific groundwater basin in accordance with Sections 17B-1-202 and 73-5-15.

2771 (26) "Improvement revenues":

2772 (a) means charges, fees, impact fees, or other revenues that a local entity receives from  
2773 improvements; and

2774 (b) does not include revenue from assessments.

2775 (27) "Incidental refunding costs" means any costs of issuing refunding assessment  
2776 bonds and calling, retiring, or paying prior bonds, including:

2777 (a) legal and accounting fees;

2778 (b) charges of financial advisors, escrow agents, certified public accountant verification  
2779 entities, and trustees;

2780 (c) underwriting discount costs, printing costs, the costs of giving notice;

2781 (d) any premium necessary in the calling or retiring of prior bonds;

2782 (e) fees to be paid to the local entity to issue the refunding assessment bonds and to

2783 refund the outstanding prior bonds;

2784 (f) any other costs that the governing body determines are necessary and proper to incur

2785 in connection with the issuance of refunding assessment bonds; and

2786 (g) any interest on the prior bonds that is required to be paid in connection with the

2787 issuance of the refunding assessment bonds.

2788 (28) "Installment payment date" means the date on which an installment payment of an

2789 assessment is payable.

2790 (29) "Interim warrant" means a warrant issued by a local entity under Section

2791 [11-42-601](#).

2792 (30) "Jurisdictional boundaries" means:

2793 (a) for a county, the boundaries of the unincorporated area of the county; and

2794 (b) for each other local entity, the boundaries of the local entity.

2795 ~~[(31) "Local district" means a local district under Title 17B, Limited Purpose Local~~

2796 ~~Government Entities - Local Districts.]~~

2797 ~~[(32)]~~ (31) "Local entity" means:

2798 (a) a county, city, town, special service district, or ~~[local]~~ special district;

2799 (b) an interlocal entity as defined in Section [11-13-103](#);

2800 (c) the military installation development authority, created in Section [63H-1-201](#);

2801 (d) a public infrastructure district under Title 17D, Chapter 4, Public Infrastructure

2802 District Act, including a public infrastructure district created by a development authority;

2803 (e) the Utah Inland Port Authority, created in Section [11-58-201](#); or

2804 (f) any other political subdivision of the state.

2805 ~~[(33)]~~ (32) "Local entity obligations" means assessment bonds, refunding assessment

2806 bonds, interim warrants, and bond anticipation notes issued by a local entity.

2807 ~~[(34)]~~ (33) "Mailing address" means:

2808 (a) a property owner's last-known address using the name and address appearing on the

2809 last completed real property assessment roll of the county in which the property is located; and



2810 (b) if the property is improved property:  
2811 (i) the property's street number; or  
2812 (ii) the post office box, rural route number, or other mailing address of the property, if  
2813 a street number has not been assigned.

2814 ~~[(35)]~~ (34) "Net improvement revenues" means all improvement revenues that a local  
2815 entity has received since the last installment payment date, less all amounts payable by the local  
2816 entity from those improvement revenues for operation and maintenance costs.

2817 ~~[(36)]~~ (35) "Operation and maintenance costs":

2818 (a) means the costs that a local entity incurs in operating and maintaining  
2819 improvements in an assessment area, whether or not those improvements have been financed  
2820 under this chapter; and

2821 (b) includes service charges, administrative costs, ongoing maintenance charges, and  
2822 tariffs or other charges for electrical, water, gas, or other utility usage.

2823 ~~[(37)]~~ (36) "Overhead costs" means the actual costs incurred or the estimated costs to  
2824 be incurred by a local entity in connection with an assessment area for appraisals, legal fees,  
2825 filing fees, financial advisory charges, underwriting fees, placement fees, escrow, trustee, and  
2826 paying agent fees, publishing and mailing costs, costs of levying an assessment, recording  
2827 costs, and all other incidental costs.

2828 ~~[(38)]~~ (37) "Prior assessment ordinance" means the ordinance levying the assessments  
2829 from which the prior bonds are payable.

2830 ~~[(39)]~~ (38) "Prior assessment resolution" means the resolution levying the assessments  
2831 from which the prior bonds are payable.

2832 ~~[(40)]~~ (39) "Prior bonds" means the assessment bonds that are refunded in part or in  
2833 whole by refunding assessment bonds.

2834 ~~[(41)]~~ (40) "Project engineer" means the surveyor or engineer employed by or the  
2835 private consulting engineer engaged by a local entity to perform the necessary engineering  
2836 services for and to supervise the construction or installation of the improvements.

2837            [~~(42)~~] (41) "Property" includes real property and any interest in real property, including  
2838 water rights and leasehold rights.

2839            [~~(43)~~] (42) "Property price" means the price at which a local entity purchases or  
2840 acquires by eminent domain property to make improvements in an assessment area.

2841            [~~(44)~~] (43) "Provide" or "providing," with reference to an improvement, includes the  
2842 acquisition, construction, reconstruction, renovation, maintenance, repair, operation, and  
2843 expansion of an improvement.

2844            [~~(45)~~] (44) "Public agency" means:

2845            (a) the state or any agency, department, or division of the state; and

2846            (b) a political subdivision of the state.

2847            [~~(46)~~] (45) "Reduced payment obligation" means the full obligation of an owner of  
2848 property within an assessment area to pay an assessment levied on the property after the  
2849 assessment has been reduced because of the issuance of refunding assessment bonds, as  
2850 provided in Section 11-42-608.

2851            [~~(47)~~] (46) "Refunding assessment bonds" means assessment bonds that a local entity  
2852 issues under Section 11-42-607 to refund, in part or in whole, assessment bonds.

2853            [~~(48)~~] (47) "Reserve fund" means a fund established by a local entity under Section  
2854 11-42-702.

2855            [~~(49)~~] (48) "Service" means:

2856            (a) water, sewer, storm drainage, garbage collection, library, recreation,  
2857 communications, or electric service;

2858            (b) economic promotion activities; or

2859            (c) any other service that a local entity is required or authorized to provide.

2860            [~~(50)~~] (49) (a) "Sewer assessment area" means an assessment area that has as the  
2861 assessment area's primary purpose the financing and funding of public improvements to  
2862 provide sewer service where there is, in the opinion of the local board of health, substantial  
2863 evidence of septic system failure in the defined area due to inadequate soils, high water table,

2864 or other factors proven to cause failure.

2865 (b) "Sewer assessment area" does not include property otherwise located within the  
2866 assessment area:

2867 (i) on which an approved conventional or advanced wastewater system has been  
2868 installed during the previous five calendar years;

2869 (ii) for which the local health department has inspected the system described in  
2870 Subsection ~~[(50)]~~ (49)(b)(i) to ensure that the system is functioning properly; and

2871 (iii) for which the property owner opts out of the proposed assessment area for the  
2872 earlier of a period of 10 calendar years or until failure of the system described in Subsection  
2873 ~~[(50)]~~ (49)(b)(i).

2874 (50) "Special district" means a special district under Title 17B, Limited Purpose Local  
2875 Government Entities - Special Districts

2876 (51) "Special service district" means the same as that term is defined in Section  
2877 17D-1-102.

2878 (52) "Unassessed benefitted government property" means property that a local entity  
2879 may not assess in accordance with Section 11-42-408 but is benefitted by an improvement,  
2880 operation and maintenance, or economic promotion activities.

2881 (53) "Unimproved property" means property upon which no residential, commercial, or  
2882 other building has been built.

2883 (54) "Voluntary assessment area" means an assessment area that contains only property  
2884 whose owners have voluntarily consented to an assessment.

2885 Section 38. Section 11-42a-102 is amended to read:

2886 **11-42a-102. Definitions.**

2887 (1) "Air quality standards" means that a vehicle's emissions are equal to or cleaner than  
2888 the standards established in bin 4 Table S04-1, of 40 C.F.R. 86.1811-04(c)(6).

2889 (2) (a) "Assessment" means the assessment that a local entity or the C-PACE district  
2890 levies on private property under this chapter to cover the costs of an energy efficiency upgrade,

2891 a renewable energy system, or an electric vehicle charging infrastructure.

2892 (b) "Assessment" does not constitute a property tax but shares the same priority lien as  
2893 a property tax.

2894 (3) "Assessment fund" means a special fund that a local entity establishes under  
2895 Section [11-42a-206](#).

2896 (4) "Benefitted property" means private property within an energy assessment area that  
2897 directly benefits from improvements.

2898 (5) "Bond" means an assessment bond and a refunding assessment bond.

2899 (6) (a) "Commercial or industrial real property" means private real property used  
2900 directly or indirectly or held for one of the following purposes or activities, regardless of  
2901 whether the purpose or activity is for profit:

2902 (i) commercial;

2903 (ii) mining;

2904 (iii) agricultural;

2905 (iv) industrial;

2906 (v) manufacturing;

2907 (vi) trade;

2908 (vii) professional;

2909 (viii) a private or public club;

2910 (ix) a lodge;

2911 (x) a business; or

2912 (xi) a similar purpose.

2913 (b) "Commercial or industrial real property" includes:

2914 (i) private real property that is used as or held for dwelling purposes and contains:

2915 (A) more than four rental units; or

2916 (B) one or more owner-occupied or rental condominium units affiliated with a hotel;

2917 and

- 2918 (ii) real property owned by:
- 2919 (A) the military installation development authority, created in Section 63H-1-201; or
- 2920 (B) the Utah Inland Port Authority, created in Section 11-58-201.
- 2921 (7) "Contract price" means:
- 2922 (a) up to 100% of the cost of installing, acquiring, refinancing, or reimbursing for an
- 2923 improvement, as determined by the owner of the property benefitting from the improvement; or
- 2924 (b) the amount payable to one or more contractors for the assessment, design,
- 2925 engineering, inspection, and construction of an improvement.
- 2926 (8) "C-PACE" means commercial property assessed clean energy.
- 2927 (9) "C-PACE district" means the statewide authority established in Section 11-42a-106
- 2928 to implement the C-PACE Act in collaboration with governing bodies, under the direction of
- 2929 OED.
- 2930 (10) "Electric vehicle charging infrastructure" means equipment that is:
- 2931 (a) permanently affixed to commercial or industrial real property; and
- 2932 (b) designed to deliver electric energy to a qualifying electric vehicle or a qualifying
- 2933 plug-in hybrid vehicle.
- 2934 (11) "Energy assessment area" means an area:
- 2935 (a) within the jurisdictional boundaries of a local entity that approves an energy
- 2936 assessment area or, if the C-PACE district or a state interlocal entity levies the assessment, the
- 2937 C-PACE district or the state interlocal entity;
- 2938 (b) containing only the commercial or industrial real property of owners who have
- 2939 voluntarily consented to an assessment under this chapter for the purpose of financing the costs
- 2940 of improvements that benefit property within the energy assessment area; and
- 2941 (c) in which the proposed benefitted properties in the area are:
- 2942 (i) contiguous; or
- 2943 (ii) located on one or more contiguous or adjacent tracts of land that would be
- 2944 contiguous or adjacent property but for an intervening right-of-way, including a sidewalk,

2945 street, road, fixed guideway, or waterway.

2946 (12) "Energy assessment bond" means a bond:

2947 (a) issued under Section 11-42a-401; and

2948 (b) payable in part or in whole from assessments levied in an energy assessment area.

2949 (13) "Energy assessment lien" means a lien on property within an energy assessment  
2950 area that arises from the levy of an assessment in accordance with Section 11-42a-301.

2951 (14) "Energy assessment ordinance" means an ordinance that a local entity adopts  
2952 under Section 11-42a-201 that:

2953 (a) designates an energy assessment area;

2954 (b) levies an assessment on benefitted property within the energy assessment area; and

2955 (c) if applicable, authorizes the issuance of energy assessment bonds.

2956 (15) "Energy assessment resolution" means one or more resolutions adopted by a local  
2957 entity under Section 11-42a-201 that:

2958 (a) designates an energy assessment area;

2959 (b) levies an assessment on benefitted property within the energy assessment area; and

2960 (c) if applicable, authorizes the issuance of energy assessment bonds.

2961 (16) "Energy efficiency upgrade" means an improvement that is:

2962 (a) permanently affixed to commercial or industrial real property; and

2963 (b) designed to reduce energy or water consumption, including:

2964 (i) insulation in:

2965 (A) a wall, roof, floor, or foundation; or

2966 (B) a heating and cooling distribution system;

2967 (ii) a window or door, including:

2968 (A) a storm window or door;

2969 (B) a multiglazed window or door;

2970 (C) a heat-absorbing window or door;

2971 (D) a heat-reflective glazed and coated window or door;

- 2972 (E) additional window or door glazing;
- 2973 (F) a window or door with reduced glass area; or
- 2974 (G) other window or door modifications;
- 2975 (iii) an automatic energy control system;
- 2976 (iv) in a building or a central plant, a heating, ventilation, or air conditioning and
- 2977 distribution system;
- 2978 (v) caulk or weatherstripping;
- 2979 (vi) a light fixture that does not increase the overall illumination of a building, unless
- 2980 an increase is necessary to conform with the applicable building code;
- 2981 (vii) an energy recovery system;
- 2982 (viii) a daylighting system;
- 2983 (ix) measures to reduce the consumption of water, through conservation or more
- 2984 efficient use of water, including installation of:
- 2985 (A) low-flow toilets and showerheads;
- 2986 (B) timer or timing systems for a hot water heater; or
- 2987 (C) rain catchment systems;
- 2988 (x) a modified, installed, or remodeled fixture that is approved as a utility cost-saving
- 2989 measure by the governing body or executive of a local entity;
- 2990 (xi) measures or other improvements to effect seismic upgrades;
- 2991 (xii) structures, measures, or other improvements to provide automated parking or
- 2992 parking that reduces land use;
- 2993 (xiii) the extension of an existing natural gas distribution company line;
- 2994 (xiv) an energy efficient elevator, escalator, or other vertical transport device;
- 2995 (xv) any other improvement that the governing body or executive of a local entity
- 2996 approves as an energy efficiency upgrade; or
- 2997 (xvi) any improvement that relates physically or functionally to any of the
- 2998 improvements listed in Subsections (16)(b)(i) through (xv).

- 2999 (17) "Governing body" means:
- 3000 (a) for a county, city, town, or metro township, the legislative body of the county, city,
- 3001 town, or metro township;
- 3002 (b) for a ~~[local]~~ special district, the board of trustees of the ~~[local]~~ special district;
- 3003 (c) for a special service district:
- 3004 (i) if no administrative control board has been appointed under Section [17D-1-301](#), the
- 3005 legislative body of the county, city, town, or metro township that established the special service
- 3006 district; or
- 3007 (ii) if an administrative control board has been appointed under Section [17D-1-301](#), the
- 3008 administrative control board of the special service district;
- 3009 (d) for the military installation development authority created in Section [63H-1-201](#),
- 3010 the board, as that term is defined in Section [63H-1-102](#); and
- 3011 (e) for the Utah Inland Port Authority, created in Section [11-58-201](#), the board, as
- 3012 defined in Section [11-58-102](#).
- 3013 (18) "Improvement" means a publicly or privately owned energy efficiency upgrade,
- 3014 renewable energy system, or electric vehicle charging infrastructure that:
- 3015 (a) a property owner has requested; or
- 3016 (b) has been or is being installed on a property for the benefit of the property owner.
- 3017 (19) "Incidental refunding costs" means any costs of issuing a refunding assessment
- 3018 bond and calling, retiring, or paying prior bonds, including:
- 3019 (a) legal and accounting fees;
- 3020 (b) charges of financial advisors, escrow agents, certified public accountant verification
- 3021 entities, and trustees;
- 3022 (c) underwriting discount costs, printing costs, and the costs of giving notice;
- 3023 (d) any premium necessary in the calling or retiring of prior bonds;
- 3024 (e) fees to be paid to the local entity to issue the refunding assessment bond and to
- 3025 refund the outstanding prior bonds;



3026 (f) any other costs that the governing body determines are necessary and proper to incur  
3027 in connection with the issuance of a refunding assessment bond; and

3028 (g) any interest on the prior bonds that is required to be paid in connection with the  
3029 issuance of the refunding assessment bond.

3030 (20) "Installment payment date" means the date on which an installment payment of an  
3031 assessment is payable.

3032 (21) "Jurisdictional boundaries" means:

3033 (a) for the C-PACE district or any state interlocal entity, the boundaries of the state;  
3034 and

3035 (b) for each local entity, the boundaries of the local entity.

3036 [~~(22)~~ "Local district" means a local district under Title 17B, Limited Purpose Local  
3037 Government Entities - Local Districts.]

3038 [~~(23)~~ (22) (a) "Local entity" means:

3039 (i) a county, city, town, or metro township;

3040 (ii) a special service district, a [~~local~~] special district, or an interlocal entity as that term  
3041 is defined in Section [11-13-103](#);

3042 (iii) a state interlocal entity;

3043 (iv) the military installation development authority, created in Section [63H-1-201](#);

3044 (v) the Utah Inland Port Authority, created in Section [11-58-201](#); or

3045 (vi) any political subdivision of the state.

3046 (b) "Local entity" includes the C-PACE district solely in connection with:

3047 (i) the designation of an energy assessment area;

3048 (ii) the levying of an assessment; and

3049 (iii) the assignment of an energy assessment lien to a third-party lender under Section  
3050 [11-42a-302](#).

3051 [~~(24)~~ (23) "Local entity obligations" means energy assessment bonds and refunding  
3052 assessment bonds that a local entity issues.

3053            [~~(25)~~] (24) "OED" means the Office of Energy Development created in Section  
3054 79-6-401.

3055            [~~(26)~~] (25) "OEM vehicle" means the same as that term is defined in Section 19-1-402.

3056            [~~(27)~~] (26) "Overhead costs" means the actual costs incurred or the estimated costs to  
3057 be incurred in connection with an energy assessment area, including:

3058            (a) appraisals, legal fees, filing fees, facilitation fees, and financial advisory charges;

3059            (b) underwriting fees, placement fees, escrow fees, trustee fees, and paying agent fees;

3060            (c) publishing and mailing costs;

3061            (d) costs of levying an assessment;

3062            (e) recording costs; and

3063            (f) all other incidental costs.

3064            [~~(28)~~] (27) "Parameters resolution" means a resolution or ordinance that a local entity  
3065 adopts in accordance with Section 11-42a-201.

3066            [~~(29)~~] (28) "Prior bonds" means the energy assessment bonds refunded in part or in  
3067 whole by a refunding assessment bond.

3068            [~~(30)~~] (29) "Prior energy assessment ordinance" means the ordinance levying the  
3069 assessments from which the prior bonds are payable.

3070            [~~(31)~~] (30) "Prior energy assessment resolution" means the resolution levying the  
3071 assessments from which the prior bonds are payable.

3072            [~~(32)~~] (31) "Property" includes real property and any interest in real property, including  
3073 water rights and leasehold rights.

3074            [~~(33)~~] (32) "Public electrical utility" means a large-scale electric utility as that term is  
3075 defined in Section 54-2-1.

3076            [~~(34)~~] (33) "Qualifying electric vehicle" means a vehicle that:

3077            (a) meets air quality standards;

3078            (b) is not fueled by natural gas;

3079            (c) draws propulsion energy from a battery with at least 10 kilowatt hours of capacity;

3080 and

3081 (d) is an OEM vehicle except that the vehicle is fueled by a fuel described in

3082 Subsection [~~(34)~~(c)] (33)(c).

3083 [~~(35)~~] (34) "Qualifying plug-in hybrid vehicle" means a vehicle that:

3084 (a) meets air quality standards;

3085 (b) is not fueled by natural gas or propane;

3086 (c) has a battery capacity that meets or exceeds the battery capacity described in

3087 Subsection 30D(b)(3), Internal Revenue Code; and

3088 (d) is fueled by a combination of electricity and:

3089 (i) diesel fuel;

3090 (ii) gasoline; or

3091 (iii) a mixture of gasoline and ethanol.

3092 [~~(36)~~] (35) "Reduced payment obligation" means the full obligation of an owner of

3093 property within an energy assessment area to pay an assessment levied on the property after the

3094 local entity has reduced the assessment because of the issuance of a refunding assessment

3095 bond, in accordance with Section 11-42a-403.

3096 [~~(37)~~] (36) "Refunding assessment bond" means an assessment bond that a local entity

3097 issues under Section 11-42a-403 to refund, in part or in whole, energy assessment bonds.

3098 [~~(38)~~] (37) (a) "Renewable energy system" means a product, system, device, or

3099 interacting group of devices that is permanently affixed to commercial or industrial real

3100 property not located in the certified service area of a distribution electrical cooperative, as that

3101 term is defined in Section 54-2-1, and:

3102 (i) produces energy from renewable resources, including:

3103 (A) a photovoltaic system;

3104 (B) a solar thermal system;

3105 (C) a wind system;

3106 (D) a geothermal system, including a generation system, a direct-use system, or a

3107 ground source heat pump system;  
3108 (E) a microhydro system;  
3109 (F) a biofuel system; or  
3110 (G) any other renewable source system that the governing body of the local entity  
3111 approves;  
3112 (ii) stores energy, including:  
3113 (A) a battery storage system; or  
3114 (B) any other energy storing system that the governing body or chief executive officer  
3115 of a local entity approves; or  
3116 (iii) any improvement that relates physically or functionally to any of the products,  
3117 systems, or devices listed in Subsection [~~(38)(a)(i)~~] (37)(a)(i) or (ii).  
3118 (b) "Renewable energy system" does not include a system described in Subsection  
3119 (38)(a)(i) if the system provides energy to property outside the energy assessment area, unless  
3120 the system:  
3121 (i) (A) existed before the creation of the energy assessment area; and  
3122 (B) beginning before January 1, 2017, provides energy to property outside of the area  
3123 that became the energy assessment area; or  
3124 (ii) provides energy to property outside the energy assessment area under an agreement  
3125 with a public electrical utility that is substantially similar to agreements for other renewable  
3126 energy systems that are not funded under this chapter.  
3127 (38) "Special district" means a special district under Title 17B, Limited Purpose Local  
3128 Government Entities - Special Districts.  
3129 (39) "Special service district" means the same as that term is defined in Section  
3130 [17D-1-102](#).  
3131 (40) "State interlocal entity" means:  
3132 (a) an interlocal entity created under Chapter 13, Interlocal Cooperation Act, by two or  
3133 more counties, cities, towns, or metro townships that collectively represent at least a majority

3134 of the state's population; or

3135 (b) an entity that another state authorized, before January 1, 2017, to issue bonds,  
3136 notes, or other obligations or refunding obligations to finance or refinance projects in the state.

3137 (41) "Third-party lender" means a trust company, savings bank, savings and loan  
3138 association, bank, credit union, or any other entity that provides loans directly to property  
3139 owners for improvements authorized under this chapter.

3140 Section 39. Section **11-43-102** is amended to read:

3141 **11-43-102. Memorials by political subdivisions.**

3142 (1) As used in this section:

3143 (a) "Political subdivision" means any county, city, town, or school district.

3144 (b) "Political subdivision" does not [~~mean~~] include a [~~local~~] special district under [~~Title~~  
3145 ~~17B, Limited Purpose Local Government Entities - Local Districts~~] Title 17B, Limited Purpose  
3146 Local Government Entities - Special Districts, or a special service district under Title 17D,  
3147 Chapter 1, Special Service District Act.

3148 (2) A political subdivision may authorize the use or donation of the political  
3149 subdivision's land for the purpose of maintaining, erecting, or contributing to the erection or  
3150 maintenance of a memorial to commemorate those individuals who have:

3151 (a) participated in or have given their lives in any of the one or more wars or military  
3152 conflicts in which the United States of America has been a participant; or

3153 (b) given their lives in association with public service on behalf of the state or the  
3154 political subdivision, including firefighters, peace officers, highway patrol officers, or other  
3155 public servants.

3156 (3) The use or donation of a political subdivision's land in relation to a memorial  
3157 described in Subsection (2) may include:

3158 (a) using or appropriating public funds for the purchase, development, improvement, or  
3159 maintenance of public land on which a memorial is located or established;

3160 (b) using or appropriating public funds for the erection, improvement, or maintenance

3161 of a memorial;

3162 (c) donating or selling public land for use in relation to a memorial; or

3163 (d) authorizing the use of a political subdivision's land for a memorial that is funded or  
3164 maintained in part or in full by another public or private entity.

3165 (4) The political subdivision may specify the form, placement, and design of a  
3166 memorial that is subject to this section.

3167 Section 40. Section **11-47-102** is amended to read:

3168 **11-47-102. Definitions.**

3169 For purposes of this chapter, "elected official" means each person elected to a county  
3170 office, municipal office, school board or school district office, [~~local~~] special district office, or  
3171 special service district office, but does not include judges.

3172 Section 41. Section **11-48-101.5** is amended to read:

3173 **11-48-101.5. Definitions.**

3174 As used in this chapter:

3175 (1) (a) "911 ambulance services" means ambulance services rendered in response to a  
3176 911 call received by a designated dispatch center that receives 911 or E911 calls.

3177 (b) "911 ambulance services" does not mean a seven or ten digit telephone call  
3178 received directly by an ambulance provider licensed under Title 26, Chapter 8a, Utah  
3179 Emergency Medical Services System Act.

3180 (2) "Municipality" means a city, town, or metro township.

3181 (3) "Political subdivision" means a county, city, town, [~~local~~] special district, or  
3182 [~~special~~] service district.

3183 Section 42. Section **11-48-103** is amended to read:

3184 **11-48-103. Provision of 911 ambulance services in municipalities and counties.**

3185 (1) The governing body of each municipality and county shall, subject to Title 26,  
3186 Chapter 8a, Part 4, Ambulance and Paramedic Providers, ensure at least a minimum level of  
3187 911 ambulance services are provided:

3188 (a) within the territorial limits of the municipality or county;  
3189 (b) by a ground ambulance provider, licensed by the Department of Health under Title  
3190 26, Chapter 8a, Part 4, Ambulance and Paramedic Providers; and  
3191 (c) in accordance with rules established by the State Emergency Medical Services  
3192 Committee under Subsection 26-8a-104(8).  
3193 (2) A municipality or county may:  
3194 (a) subject to Subsection (3), maintain and support 911 ambulance services for the  
3195 municipality's or county's own jurisdiction; or  
3196 (b) contract to:  
3197 (i) provide 911 ambulance services to any county, municipal corporation, [~~local~~  
3198 special district, special service district, interlocal entity, private corporation, nonprofit  
3199 corporation, state agency, or federal agency;  
3200 (ii) receive 911 ambulance services from any county, municipal corporation, [~~local~~  
3201 special district, special service district, interlocal entity, private corporation, nonprofit  
3202 corporation, state agency, or federal agency;  
3203 (iii) jointly provide 911 ambulance services with any county, municipal corporation,  
3204 [~~local~~ special district, special service district, interlocal entity, private corporation, nonprofit  
3205 corporation, state agency, or federal agency; or  
3206 (iv) contribute toward the support of 911 ambulance services in any county, municipal  
3207 corporation, [~~local~~ special district, special service district, interlocal entity, private  
3208 corporation, nonprofit corporation, state agency, or federal agency in return for 911 ambulance  
3209 services.  
3210 (3) (a) A municipality or county that maintains and supports 911 ambulance services  
3211 for the municipality's or county's own jurisdiction under Subsection (2)(a) shall obtain a license  
3212 as a ground ambulance provider from the Department of Health under Title 26, Chapter 8a,  
3213 Part 4, Ambulance and Paramedic Providers.  
3214 (b) Subsections 26-8a-405 through 26-8a-405.3 do not apply to a license described in

3215 Subsection (3)(a).

3216 Section 43. Section **11-50-102** is amended to read:

3217 **11-50-102. Definitions.**

3218 As used in this chapter:

3219 (1) "Annual financial report" means a comprehensive annual financial report or similar  
3220 financial report required by Section [51-2a-201](#).

3221 (2) "Chief administrative officer" means the chief administrative officer designated in  
3222 accordance with Section [11-50-202](#).

3223 (3) "Chief financial officer" means the chief financial officer designated in accordance  
3224 with Section [11-50-202](#).

3225 (4) "Governing body" means:

3226 (a) for a county, city, or town, the legislative body of the county, city, or town;

3227 (b) for a ~~local~~ special district, the board of trustees of the ~~local~~ special district;

3228 (c) for a school district, the local board of education; or

3229 (d) for a special service district under Title 17D, Chapter 1, Special Service District

3230 Act:

3231 (i) the governing body of the county or municipality that created the special service  
3232 district, if no administrative control board has been established under Section [17D-1-301](#); or

3233 (ii) the administrative control board, if one has been established under Section  
3234 [17D-1-301](#).

3235 (5) (a) "Political subdivision" means any county, city, town, school district, community  
3236 reinvestment agency, special improvement or taxing district, ~~local~~ special district, special  
3237 service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13,  
3238 Interlocal Cooperation Act, or other governmental subdivision or public corporation.

3239 (b) Notwithstanding Subsection (5)(a), "political subdivision" does not mean a project  
3240 entity, as defined in Section [11-13-103](#).

3241 Section 44. Section **11-52-102** is amended to read:



3242 **11-52-102. Definitions.**

3243 As used in this chapter:

3244 (1) "Federal receipts" means the federal financial assistance, as defined in 31 U.S.C.  
3245 Sec. 7501, that is reported as part of a single audit.

3246 (2) "Political subdivision" means:

3247 (a) a county, as defined in Section 17-50-101;

3248 (b) a municipality, as defined in Section 10-1-104;

3249 (c) a ~~local~~ special district, as defined in Section 17B-1-102;

3250 (d) a special service district, as defined in Section 17D-1-102;

3251 (e) an interlocal entity, as defined in Section 11-13-103;

3252 (f) a community reinvestment agency created under Title 17C, Limited Purpose Local  
3253 Government Entities - Community Reinvestment Agency Act;

3254 (g) a local building authority, as defined in Section 17D-2-102; or

3255 (h) a conservation district, as defined in Section 17D-3-102.

3256 (3) "Single audit" has the same meaning as defined in 31 U.S.C. Sec. 7501.

3257 Section 45. Section **11-54-102** is amended to read:

3258 **11-54-102. Definitions.**

3259 As used in this chapter:

3260 (1) "Buyback purchaser" means a person who buys a procurement item from the local  
3261 government entity to which the person previously sold the procurement item.

3262 (2) "Excess repurchase amount" means the difference between:

3263 (a) the amount a buyback purchaser pays to a local government entity to purchase a  
3264 procurement item that the buyback purchaser previously sold to the local government entity;  
3265 and

3266 (b) the amount the local government entity paid to the buyback purchaser to purchase  
3267 the procurement item.

3268 (3) "Local government entity" means a county, city, town, metro township, ~~local~~

3269 special district, special service district, community reinvestment agency, conservation district,  
3270 or school district that is not subject to Title 63G, Chapter 6a, Utah Procurement Code.

3271 (4) "Procurement item" means the same as that term is defined in Section 63G-6a-103.

3272 Section 46. Section 11-55-102 is amended to read:

3273 **11-55-102. Definitions.**

3274 As used in this chapter:

3275 (1) "Board" means the same as that term is defined in Section 63A-3-106.

3276 (2) "Board member" means the same as that term is defined in Section 63A-3-106.

3277 (3) "Municipality" means the same as that term is defined in Section 10-1-104.

3278 (4) "Political subdivision" means a county, municipality, school district, limited  
3279 purpose local government entity described in [~~Title 17B, Limited Purpose Local Government~~  
3280 ~~Entities - Local Districts~~] Title 17B, Limited Purpose Local Government Entities - Special  
3281 Districts, Title 17C, Limited Purpose Local Government Entities - Community Reinvestment  
3282 Agency Act, or Title 17D, Limited Purpose Local Government Entities - Other Entities, or an  
3283 entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal  
3284 Cooperation Act, or any other governmental subdivision or public corporation.

3285 Section 47. Section 11-57-102 is amended to read:

3286 **11-57-102. Definitions.**

3287 As used in this chapter:

3288 (1) "Employee" means a person who is not an elected or appointed officer and who is  
3289 employed on a full- or part-time basis by a political subdivision.

3290 (2) "Officer" means a person who is elected or appointed to an office or position within  
3291 a political subdivision.

3292 (3) (a) "Personal use expenditure" means an expenditure made without the authority of  
3293 law that:

3294 (i) is not directly related to the performance of an activity as an officer or employee of  
3295 a political subdivision;

3296 (ii) primarily furthers a personal interest of an officer or employee of a political  
3297 subdivision or the family, a friend, or an associate of an officer or employee of a political  
3298 subdivision; and

3299 (iii) would constitute taxable income under federal law.

3300 (b) "Personal use expenditure" does not include:

3301 (i) a de minimis or incidental expenditure;

3302 (ii) a monthly vehicle allowance; or

3303 (iii) a government vehicle that an officer or employee uses to travel to and from the  
3304 officer or employee's official duties, including an allowance for personal use as provided by a  
3305 written policy of the political subdivision.

3306 (4) "Political subdivision" means any county, city, town, school district, community  
3307 reinvestment agency, special improvement or taxing district, ~~local~~ special district, special  
3308 service district, entity created by an interlocal agreement adopted under Title 11, Chapter 13,  
3309 Interlocal Cooperation Act, or other governmental subdivision or public corporation.

3310 (5) "Public funds" means the same as that term is defined in Section 51-7-3.

3311 Section 48. Section 11-58-102 is amended to read:

3312 **11-58-102. Definitions.**

3313 As used in this chapter:

3314 (1) "Authority" means the Utah Inland Port Authority, created in Section 11-58-201.

3315 (2) "Authority jurisdictional land" means land within the authority boundary  
3316 delineated:

3317 (a) in the electronic shapefile that is the electronic component of H.B. 2001, Utah  
3318 Inland Port Authority Amendments, 2018 Second Special Session; and

3319 (b) beginning April 1, 2020, as provided in Subsection 11-58-202(3).

3320 (3) "Base taxable value" means:

3321 (a) (i) except as provided in Subsection (3)(a)(ii), for a project area that consists of the  
3322 authority jurisdictional land, the taxable value of authority jurisdictional land in calendar year

3323 2018; and

3324 (ii) for an area described in Subsection 11-58-601(5), the taxable value of that area in  
3325 calendar year 2017; or

3326 (b) for a project area that consists of land outside the authority jurisdictional land, the  
3327 taxable value of property within any portion of a project area, as designated by board  
3328 resolution, from which the property tax differential will be collected, as shown upon the  
3329 assessment roll last equalized before the year in which the authority adopts a project area plan  
3330 for that area.

3331 (4) "Board" means the authority's governing body, created in Section 11-58-301.

3332 (5) "Business plan" means a plan designed to facilitate, encourage, and bring about  
3333 development of the authority jurisdictional land to achieve the goals and objectives described  
3334 in Subsection 11-58-203(1), including the development and establishment of an inland port.

3335 (6) "Development" means:

3336 (a) the demolition, construction, reconstruction, modification, expansion, or  
3337 improvement of a building, utility, infrastructure, landscape, parking lot, park, trail,  
3338 recreational amenity, or other facility, including public infrastructure and improvements; and

3339 (b) the planning of, arranging for, or participation in any of the activities listed in  
3340 Subsection (6)(a).

3341 (7) "Development project" means a project for the development of land within a  
3342 project area.

3343 (8) "Inland port" means one or more sites that:

3344 (a) contain multimodal facilities, intermodal facilities, or other facilities that:

3345 (i) are related but may be separately owned and managed; and

3346 (ii) together are intended to:

3347 (A) allow global trade to be processed and altered by value-added services as goods  
3348 move through the supply chain;

3349 (B) provide a regional merging point for transportation modes for the distribution of

3350 goods to and from ports and other locations in other regions;

3351 (C) provide cargo-handling services to allow freight consolidation and distribution,

3352 temporary storage, customs clearance, and connection between transport modes; and

3353 (D) provide international logistics and distribution services, including freight

3354 forwarding, customs brokerage, integrated logistics, and information systems; and

3355 (b) may include a satellite customs clearance terminal, an intermodal facility, a

3356 customs pre-clearance for international trade, or other facilities that facilitate, encourage, and

3357 enhance regional, national, and international trade.

3358 (9) "Inland port use" means a use of land:

3359 (a) for an inland port;

3360 (b) that directly implements or furthers the purposes of an inland port, as stated in

3361 Subsection (8);

3362 (c) that complements or supports the purposes of an inland port, as stated in Subsection

3363 (8); or

3364 (d) that depends upon the presence of the inland port for the viability of the use.

3365 (10) "Intermodal facility" means a facility for transferring containerized cargo between

3366 rail, truck, air, or other transportation modes.

3367 (11) "Multimodal facility" means a hub or other facility for trade combining any

3368 combination of rail, trucking, air cargo, and other transportation services.

3369 (12) "Nonvoting member" means an individual appointed as a member of the board

3370 under Subsection [11-58-302\(3\)](#) who does not have the power to vote on matters of authority

3371 business.

3372 (13) "Project area" means:

3373 (a) the authority jurisdictional land; or

3374 (b) land outside the authority jurisdictional land, whether consisting of a single

3375 contiguous area or multiple noncontiguous areas, described in a project area plan or draft

3376 project area plan, where the development project set forth in the project area plan or draft

3377 project area plan takes place or is proposed to take place.

3378 (14) "Project area budget" means a multiyear projection of annual or cumulative  
3379 revenues and expenses and other fiscal matters pertaining to the project area.

3380 (15) "Project area plan" means a written plan that, after its effective date, guides and  
3381 controls the development within a project area.

3382 (16) "Property tax" includes a privilege tax and each levy on an ad valorem basis on  
3383 tangible or intangible personal or real property.

3384 (17) "Property tax differential":

3385 (a) means the difference between:

3386 (i) the amount of property tax revenues generated each tax year by all taxing entities  
3387 from a project area, using the current assessed value of the property; and

3388 (ii) the amount of property tax revenues that would be generated from that same area  
3389 using the base taxable value of the property; and

3390 (b) does not include property tax revenue from:

3391 (i) a county additional property tax or multicounty assessing and collecting levy  
3392 imposed in accordance with Section [59-2-1602](#);

3393 (ii) a judgment levy imposed by a taxing entity under Section [59-2-1328](#) or [59-2-1330](#);  
3394 or

3395 (iii) a levy imposed by a taxing entity under Section [11-14-310](#) to pay for a general  
3396 obligation bond.

3397 (18) "Public entity" means:

3398 (a) the state, including each department, division, or other agency of the state; or

3399 (b) a county, city, town, metro township, school district, [~~local~~] special district, special  
3400 service district, interlocal cooperation entity, community reinvestment agency, or other political  
3401 subdivision of the state, including the authority.

3402 (19) "Public infrastructure and improvements":

3403 (a) means infrastructure, improvements, facilities, or buildings that:

- 3404 (i) benefit the public; and
- 3405 (ii) (A) are owned by a public entity or a utility; or
- 3406 (B) are publicly maintained or operated by a public entity;
- 3407 (b) includes:
- 3408 (i) facilities, lines, or systems that provide:
- 3409 (A) water, chilled water, or steam; or
- 3410 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,
- 3411 microgrids, or telecommunications service;
- 3412 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking
- 3413 facilities, rail lines, intermodal facilities, multimodal facilities, and public transportation
- 3414 facilities;
- 3415 (iii) an inland port; and
- 3416 (iv) infrastructure, improvements, facilities, or buildings that:
- 3417 (A) are privately owned;
- 3418 (B) benefit the public;
- 3419 (C) as determined by the board, provide a substantial benefit to the development and
- 3420 operation of a project area; and
- 3421 (D) are built according to the applicable county or municipal design and safety
- 3422 standards for public infrastructure.
- 3423 (20) "Shapefile" means the digital vector storage format for storing geometric location
- 3424 and associated attribute information.
- 3425 (21) "Taxable value" means the value of property as shown on the last equalized
- 3426 assessment roll.
- 3427 (22) "Taxing entity":
- 3428 (a) means a public entity that levies a tax on property within a project area; and
- 3429 (b) does not include a public infrastructure district that the authority creates under Title
- 3430 17D, Chapter 4, Public Infrastructure District Act.

3431 (23) "Voting member" means an individual appointed or designated as a member of the  
3432 board under Subsection 11-58-302(2).

3433 Section 49. Section 11-58-205 is amended to read:

3434 **11-58-205. Applicability of other law -- Cooperation of state and local**  
3435 **governments -- Municipality to consider board input -- Prohibition relating to natural**  
3436 **resources -- Inland port as permitted or conditional use -- Municipal services --**  
3437 **Disclosure by nonauthority governing body member.**

3438 (1) Except as otherwise provided in this chapter, the authority does not have and may  
3439 not exercise any powers relating to the regulation of land uses on the authority jurisdictional  
3440 land.

3441 (2) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107,  
3442 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed  
3443 by Title 63E, Independent Entities Code.

3444 (3) A department, division, or other agency of the state and a political subdivision of  
3445 the state shall cooperate with the authority to the fullest extent possible to provide whatever  
3446 support, information, or other assistance the board requests that is reasonably necessary to help  
3447 the authority fulfill its duties and responsibilities under this chapter.

3448 (4) In making decisions affecting the authority jurisdictional land, the legislative body  
3449 of a municipality in which the authority jurisdictional land is located shall consider input from  
3450 the authority board.

3451 (5) (a) No later than December 31, 2018, the ordinances of a municipality with  
3452 authority jurisdictional land within its boundary shall allow an inland port as a permitted or  
3453 conditional use, subject to standards that are:

- 3454 (i) determined by the municipality; and
- 3455 (ii) consistent with the policies and objectives stated in Subsection 11-58-203(1).

3456 (b) A municipality whose ordinances do not comply with Subsection (5)(a) within the  
3457 time prescribed in that subsection shall allow an inland port as a permitted use without regard



3458 to any contrary provision in the municipality's land use ordinances.

3459 (6) The transporting, unloading, loading, transfer, or temporary storage of natural  
3460 resources may not be prohibited on the authority jurisdictional land.

3461 (7) (a) A municipality whose boundary includes authority jurisdictional land shall  
3462 provide the same municipal services to the area of the municipality that is within the authority  
3463 jurisdictional land as the municipality provides to other areas of the municipality with similar  
3464 zoning and a similar development level.

3465 (b) The level and quality of municipal services that a municipality provides within  
3466 authority jurisdictional land shall be fairly and reasonably consistent with the level and quality  
3467 of municipal services that the municipality provides to other areas of the municipality with  
3468 similar zoning and a similar development level.

3469 (8) (a) As used in this Subsection (8):

3470 (i) "Direct financial benefit" means the same as that term is defined in Section  
3471 [11-58-304](#).

3472 (ii) "Nonauthority governing body member" means a member of the board or other  
3473 body that has authority to make decisions for a nonauthority government owner.

3474 (iii) "Nonauthority government owner" mean a state agency or nonauthority local  
3475 government entity that owns land that is part of the authority jurisdictional land.

3476 (iv) "Nonauthority local government entity":

3477 (A) means a county, city, town, metro township, ~~local~~ special district, special service  
3478 district, community reinvestment agency, or other political subdivision of the state; and

3479 (B) excludes the authority.

3480 (v) "State agency" means a department, division, or other agency or instrumentality of  
3481 the state, including an independent state agency.

3482 (b) A nonauthority governing body member who owns or has a financial interest in  
3483 land that is part of the authority jurisdictional land or who reasonably expects to receive a  
3484 direct financial benefit from development of authority jurisdictional land shall submit a written

3485 disclosure to the authority board and the nonauthority government owner.

3486 (c) A written disclosure under Subsection (8)(b) shall describe, as applicable:

3487 (i) the nonauthority governing body member's ownership or financial interest in  
3488 property that is part of the authority jurisdictional land; and

3489 (ii) the direct financial benefit the nonauthority governing body member expects to  
3490 receive from development of authority jurisdictional land.

3491 (d) A nonauthority governing body member required under Subsection (8)(b) to submit  
3492 a written disclosure shall submit the disclosure no later than 30 days after:

3493 (i) the nonauthority governing body member:

3494 (A) acquires an ownership or financial interest in property that is part of the authority  
3495 jurisdictional land; or

3496 (B) first knows that the nonauthority governing body member expects to receive a  
3497 direct financial benefit from the development of authority jurisdictional land; or

3498 (ii) the effective date of this Subsection (8), if that date is later than the period  
3499 described in Subsection (8)(d)(i).

3500 (e) A written disclosure submitted under this Subsection (8) is a public record.

3501 (9) No later than December 31, 2022, a primary municipality, as defined in Section  
3502 [11-58-601](#), shall enter into an agreement with the authority under which the primary  
3503 municipality agrees to facilitate the efficient processing of land use applications, as defined in  
3504 Section [10-9a-103](#), relating to authority jurisdictional land within the primary municipality,  
3505 including providing for at least one full-time employee as a single point of contact for the  
3506 processing of those land use applications.

3507 Section 50. Section **11-59-102** is amended to read:

3508 **11-59-102. Definitions.**

3509 As used in this chapter:

3510 (1) "Authority" means the Point of the Mountain State Land Authority, created in  
3511 Section [11-59-201](#).

- 3512 (2) "Board" means the authority's board, created in Section 11-59-301.
- 3513 (3) "Development":
- 3514 (a) means the construction, reconstruction, modification, expansion, or improvement of
- 3515 a building, utility, infrastructure, landscape, parking lot, park, trail, recreational amenity, or
- 3516 other facility, including:
- 3517 (i) the demolition or preservation or repurposing of a building, infrastructure, or other
- 3518 facility;
- 3519 (ii) surveying, testing, locating existing utilities and other infrastructure, and other
- 3520 preliminary site work; and
- 3521 (iii) any associated planning, design, engineering, and related activities; and
- 3522 (b) includes all activities associated with:
- 3523 (i) marketing and business recruiting activities and efforts;
- 3524 (ii) leasing, or selling or otherwise disposing of, all or any part of the point of the
- 3525 mountain state land; and
- 3526 (iii) planning and funding for mass transit infrastructure to service the point of the
- 3527 mountain state land.
- 3528 (4) "New correctional facility" means the state correctional facility being developed in
- 3529 Salt Lake City to replace the state correctional facility in Draper.
- 3530 (5) "Point of the mountain state land" means the approximately 700 acres of
- 3531 state-owned land in Draper, including land used for the operation of a state correctional facility
- 3532 until completion of the new correctional facility and state-owned land in the vicinity of the
- 3533 current state correctional facility.
- 3534 (6) "Public entity" means:
- 3535 (a) the state, including each department, division, or other agency of the state; or
- 3536 (b) a county, city, town, metro township, school district, ~~local~~ special district, special
- 3537 service district, interlocal cooperation entity, community reinvestment agency, or other political
- 3538 subdivision of the state, including the authority.

- 3539 (7) "Publicly owned infrastructure and improvements":
- 3540 (a) means infrastructure, improvements, facilities, or buildings that:
- 3541 (i) benefit the public; and
- 3542 (ii) (A) are owned by a public entity or a utility; or
- 3543 (B) are publicly maintained or operated by a public entity; and
- 3544 (b) includes:
- 3545 (i) facilities, lines, or systems that provide:
- 3546 (A) water, chilled water, or steam; or
- 3547 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,
- 3548 microgrids, or telecommunications service;
- 3549 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking
- 3550 facilities, and public transportation facilities; and
- 3551 (iii) greenspace, parks, trails, recreational amenities, or other similar facilities.
- 3552 (8) "Taxing entity" means the same as that term is defined in Section [59-2-102](#).
- 3553 Section 51. Section **11-59-204** is amended to read:
- 3554 **11-59-204. Applicability of other law -- Coordination with municipality.**
- 3555 (1) The authority and the point of the mountain state land are not subject to:
- 3556 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or
- 3557 (b) the jurisdiction of a ~~[local] special~~ district under ~~[Title 17B, Limited Purpose Local~~
- 3558 ~~Government Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities -
- 3559 Special Districts, or a special service district under Title 17D, Chapter 1, Special Service
- 3560 District Act, except to the extent that:
- 3561 (i) some or all of the point of the mountain state land is, on May 8, 2018, included
- 3562 within the boundary of a ~~[local] special~~ district or special service district; and
- 3563 (ii) the authority elects to receive service from the ~~[local] special~~ district or special
- 3564 service district for the point of the mountain state land that is included within the boundary of
- 3565 the ~~[local] special~~ district or special service district, respectively.

3566 (2) In formulating and implementing a development plan for the point of the mountain  
3567 state land, the authority shall consult with officials of the municipality within which the point  
3568 of the mountain state land is located on planning and zoning matters.

3569 (3) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107,  
3570 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed  
3571 by Title 63E, Independent Entities Code.

3572 (4) Nothing in this chapter may be construed to remove the point of the mountain state  
3573 land from the service area of the municipality in which the point of the mountain state land is  
3574 located, for purposes of water, sewer, and other similar municipal services currently being  
3575 provided.

3576 (5) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act,  
3577 except that for an electronic meeting of the authority board that otherwise complies with  
3578 Section 52-4-207, the authority board:

- 3579 (a) is not required to establish an anchor location; and
- 3580 (b) may convene and conduct the meeting without the written determination otherwise  
3581 required under Subsection 52-4-207(4).

3582 Section 52. Section 11-60-102 is amended to read:

3583 **11-60-102. Definitions.**

3584 As used in this chapter:

3585 (1) "Direct charge" means a charge, fee, assessment, or amount, other than a property  
3586 tax, that a political subdivision charges to a property owner.

3587 (2) "Nonrecurring tax notice charge" means a tax notice charge that a political  
3588 subdivision certifies to the county treasurer on a one-time or case-by-case basis rather than  
3589 regularly over multiple calendar years.

3590 (3) "Notice of lien" means a notice that:

- 3591 (a) a political subdivision records in the office of the recorder of the county in which a  
3592 property that is the subject of a nonrecurring tax notice charge is located; and

3593 (b) describes the nature and amount of the nonrecurring tax notice charge and whether  
3594 the political subdivision intends to certify the charge to the county treasurer under statutory  
3595 authority that allows the treasurer to place the charge on the property tax notice described in  
3596 Section 59-2-1317.

3597 (4) "Political subdivision" means:

3598 (a) a county, as that term is defined in Section 17-50-101;

3599 (b) a municipality, as that term is defined in Section 10-1-104;

3600 (c) a ~~local~~ special district, as that term is defined in Section 17B-1-102;

3601 (d) a special service district, as that term is defined in Section 17D-1-102;

3602 (e) an interlocal entity, as that term is defined in Section 11-13-103;

3603 (f) a community reinvestment agency created under Title 17C, Limited Purpose Local  
3604 Government Entities - Community Reinvestment Agency Act;

3605 (g) a local building authority, as that term is defined in Section 17D-2-102;

3606 (h) a conservation district, as that term is defined in Section 17D-3-102; or

3607 (i) a local entity, as that term is defined in Sections 11-42-102 and 11-42a-102.

3608 (5) "Political subdivision lien" means a lien that a statute expressly authorizes a  
3609 political subdivision to hold and record, including a direct charge that constitutes, according to  
3610 an express statutory provision, a lien.

3611 (6) "Property tax" means a tax imposed on real property under Title 59, Chapter 2,  
3612 Property Tax Act, Title 59, Chapter 3, Tax Equivalent Property Act, or Title 59, Chapter 4,  
3613 Privilege Tax.

3614 (7) "Tax notice charge" means the same as that term is defined in Section 59-2-1301.5.

3615 (8) "Tax sale" means the tax sale described in Title 59, Chapter 2, Part 13, Collection  
3616 of Taxes.

3617 Section 53. Section 11-61-102 is amended to read:

3618 **11-61-102. Definitions.**

3619 As used in this chapter:

- 3620 (1) "Expressive activity" means:
- 3621 (a) peacefully assembling, protesting, or speaking;
- 3622 (b) distributing literature;
- 3623 (c) carrying a sign; or
- 3624 (d) signature gathering or circulating a petition.
- 3625 (2) "Generally applicable time, place, and manner restriction" means a content-neutral
- 3626 ordinance, policy, practice, or other action that:
- 3627 (a) by its clear language and intent, restricts or infringes on expressive activity;
- 3628 (b) applies generally to any person; and
- 3629 (c) is not an individually applicable time, place, and manner restriction.
- 3630 (3) (a) "Individually applicable time, place, and manner restriction" means a
- 3631 content-neutral policy, practice, or other action:
- 3632 (i) that restricts or infringes on expressive activity; and
- 3633 (ii) that a political subdivision applies:
- 3634 (A) on a case-by-case basis;
- 3635 (B) to a specifically identified person or group of persons; and
- 3636 (C) regarding a specifically identified place and time.
- 3637 (b) "Individually applicable time, place, and manner restriction" includes a restriction
- 3638 placed on expressive activity as a condition to obtain a permit.
- 3639 (4) (a) "Political subdivision" means a county, city, town, or metro township.
- 3640 (b) "Political subdivision" does not mean:
- 3641 (i) a ~~[local] special~~ district under ~~[Title 17B, Limited Purpose Local Government~~
- 3642 ~~Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities - Special
- 3643 Districts;
- 3644 (ii) a special service district under Title 17D, Chapter 1, Special Service District Act;
- 3645 or
- 3646 (iii) a school district under Title 53G, Chapter 3, School District Creation and Change.

- 3647 (5) (a) "Public building" means a building or permanent structure that is:  
3648 (i) owned, leased, or occupied by a political subdivision or a subunit of a political  
3649 subdivision;  
3650 (ii) open to public access in whole or in part; and  
3651 (iii) used for public education or political subdivision activities.  
3652 (b) "Public building" does not mean:  
3653 (i) a building owned or leased by a political subdivision or a subunit of a political  
3654 subdivision:  
3655 (A) that is closed to public access;  
3656 (B) where state or federal law restricts expressive activity; or  
3657 (C) when the building is used by a person, in whole or in part, for a private function; or  
3658 (ii) a public school.  
3659 (6) (a) "Public grounds" means the area outside a public building that is a traditional  
3660 public forum where members of the public may safely gather to engage in expressive activity.  
3661 (b) "Public grounds" includes sidewalks, streets, and parks.  
3662 (c) "Public grounds" does not include the interior of a public building.  
3663 Section 54. Section **11-65-101** is amended to read:  
3664 **11-65-101. Definitions.**  
3665 As used in this chapter:  
3666 (1) "Adjacent political subdivision" means a political subdivision of the state with a  
3667 boundary that abuts the lake authority boundary or includes lake authority land.  
3668 (2) "Board" means the lake authority's governing body, created in Section [11-65-301](#).  
3669 (3) "Lake authority" means the Utah Lake Authority, created in Section [11-65-201](#).  
3670 (4) "Lake authority boundary" means the boundary:  
3671 (a) defined by recorded boundary settlement agreements between private landowners  
3672 and the Division of Forestry, Fire, and State Lands; and  
3673 (b) that separates privately owned land from Utah Lake sovereign land.



3674 (5) "Lake authority land" means land on the lake side of the lake authority boundary.

3675 (6) "Management" means work to coordinate and facilitate the improvement of Utah  
3676 Lake, including work to enhance the long-term viability and health of Utah Lake and to  
3677 produce economic, aesthetic, recreational, environmental, and other benefits for the state,  
3678 consistent with the strategies, policies, and objectives described in this chapter.

3679 (7) "Management plan" means a plan to conceptualize, design, facilitate, coordinate,  
3680 encourage, and bring about the management of the lake authority land to achieve the policies  
3681 and objectives described in Section 11-65-203.

3682 (8) "Nonvoting member" means an individual appointed as a member of the board  
3683 under Subsection 11-65-302(6) who does not have the power to vote on matters of lake  
3684 authority business.

3685 (9) "Project area" means an area that is identified in a project area plan as the area  
3686 where the management described in the project area plan will occur.

3687 (10) "Project area budget" means a multiyear projection of annual or cumulative  
3688 revenues and expenses and other fiscal matters pertaining to a project area.

3689 (11) "Project area plan" means a written plan that, after the plan's effective date,  
3690 manages activity within a project area within the scope of a management plan.

3691 (12) "Public entity" means:

3692 (a) the state, including each department, division, or other agency of the state; or

3693 (b) a county, city, town, metro township, school district, ~~local~~ special district, special  
3694 service district, interlocal cooperation entity, community reinvestment agency, or other political  
3695 subdivision of the state.

3696 (13) "Publicly owned infrastructure and improvements":

3697 (a) means infrastructure, improvements, facilities, or buildings that:

3698 (i) benefit the public; and

3699 (ii) (A) are owned by a public entity or a utility; or

3700 (B) are publicly maintained or operated by a public entity;

3701 (b) includes:

3702 (i) facilities, lines, or systems that provide:

3703 (A) water, chilled water, or steam; or

3704 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,

3705 microgrids, or telecommunications service; and

3706 (ii) streets, roads, curbs, gutters, sidewalks, walkways, solid waste facilities, parking

3707 facilities, and public transportation facilities.

3708 (14) "Sovereign land" means land:

3709 (a) lying below the ordinary high water mark of a navigable body of water at the date

3710 of statehood; and

3711 (b) owned by the state by virtue of the state's sovereignty.

3712 (15) "Utah Lake" includes all waters of Utah Lake and all land, whether or not

3713 submerged under water, within the lake authority boundary.

3714 (16) "Voting member" means an individual appointed as a member of the board under

3715 Subsection [11-65-302\(2\)](#).

3716 Section 55. Section **13-8-5** is amended to read:

3717 **13-8-5. Definitions -- Limitation on retention proceeds withheld -- Deposit in**

3718 **interest-bearing escrow account -- Release of proceeds -- Payment to subcontractors --**

3719 **Penalty -- No waiver.**

3720 (1) As used in this section:

3721 (a) (i) "Construction contract" means a written agreement between the parties relative

3722 to the design, construction, alteration, repair, or maintenance of a building, structure, highway,

3723 appurtenance, appliance, or other improvements to real property, including moving,

3724 demolition, and excavating for nonresidential commercial or industrial construction projects.

3725 (ii) If the construction contract is for construction of a project that is part residential

3726 and part nonresidential, this section applies only to that portion of the construction project that

3727 is nonresidential as determined pro rata based on the percentage of the total square footage of

3728 the project that is nonresidential.

3729 (b) "Construction lender" means any person, including a bank, trust company, savings  
3730 bank, industrial bank, land bank, safe deposit company, private banker, savings and loan  
3731 association, credit union, cooperative bank, small loan company, sales finance company,  
3732 investment company, or any other financial institution that advances money to a borrower for  
3733 the purpose of making alterations or improvements to real property. A construction lender  
3734 does not include a person or entity who is acting in the capacity of contractor, original  
3735 contractor, or subcontractor.

3736 (c) "Construction project" means an improvement to real property that is the subject of  
3737 a construction contract.

3738 (d) "Contractor" means a person who, for compensation other than wages as an  
3739 employee, undertakes any work in a construction trade, as defined in Section 58-55-102 and  
3740 includes:

3741 (i) any person engaged as a maintenance person who regularly engages in activities set  
3742 forth in Section 58-55-102 as a construction trade; or

3743 (ii) a construction manager who performs management and counseling services on a  
3744 construction project for a fee.

3745 (e) "Original contractor" means the same as that term is defined in Section 38-1a-102.

3746 (f) "Owner" means the person who holds any legal or equitable title or interest in  
3747 property. Owner does not include a construction lender unless the construction lender has an  
3748 ownership interest in the property other than solely as a construction lender.

3749 (g) "Public agency" means any state agency or a county, city, town, school district,  
3750 [local] special district, special service district, or other political subdivision of the state that  
3751 enters into a construction contract for an improvement of public property.

3752 (h) "Retention payment" means release of retention proceeds as defined in Subsection  
3753 (1)(i).

3754 (i) "Retention proceeds" means money earned by a contractor or subcontractor but

3755 retained by the owner or public agency pursuant to the terms of a construction contract to  
3756 guarantee payment or performance by the contractor or subcontractor of the construction  
3757 contract.

3758 (j) "Subcontractor" means the same as that term is defined in Section [38-1a-102](#).

3759 (2) (a) This section is applicable to all construction contracts relating to construction  
3760 work or improvements entered into on or after July 1, 1999, between:

3761 (i) an owner or public agency and an original contractor;

3762 (ii) an original contractor and a subcontractor; and

3763 (iii) subcontractors under a contract described in Subsection (2)(a)(i) or (ii).

3764 (b) This section does not apply to a construction lender.

3765 (3) (a) Notwithstanding Section [58-55-603](#), the retention proceeds withheld and  
3766 retained from any payment due under the terms of the construction contract may not exceed 5%  
3767 of the payment:

3768 (i) by the owner or public agency to the original contractor;

3769 (ii) by the original contractor to any subcontractor; or

3770 (iii) by a subcontractor.

3771 (b) The total retention proceeds withheld may not exceed 5% of the total construction  
3772 price.

3773 (c) The percentage of the retention proceeds withheld and retained pursuant to a  
3774 construction contract between the original contractor and a subcontractor or between  
3775 subcontractors shall be the same retention percentage as between the owner and the original  
3776 contractor if:

3777 (i) the retention percentage in the original construction contract between an owner and  
3778 the original contractor is less than 5%; or

3779 (ii) after the original construction contract is executed but before completion of the  
3780 construction contract the retention percentage is reduced to less than 5%.

3781 (4) (a) If any payment on a contract with a private contractor, firm, or corporation to do

3782 work for an owner or public agency is retained or withheld by the owner or the public agency,  
3783 as retention proceeds, it shall be placed in an interest-bearing account and accounted for  
3784 separately from other amounts paid under the contract.

3785 (b) The interest accrued under Subsection (4)(a) shall be:

3786 (i) for the benefit of the contractor and subcontractors; and

3787 (ii) paid after the project is completed and accepted by the owner or the public agency.

3788 (c) The contractor shall ensure that any interest accrued on the retainage is distributed  
3789 by the contractor to subcontractors on a pro rata basis.

3790 (d) Retention proceeds and accrued interest retained by an owner or public agency:

3791 (i) are considered to be in a constructive trust for the benefit of the contractor and  
3792 subcontractors who have earned the proceeds; and

3793 (ii) are not subject to assignment, encumbrance, attachment, garnishment, or execution  
3794 levy for the debt of any person holding the retention proceeds and accrued interest.

3795 (5) Any retention proceeds retained or withheld pursuant to this section and any  
3796 accrued interest shall be released pursuant to a billing statement from the contractor within 45  
3797 days from the later of:

3798 (a) the date the owner or public agency receives the billing statement from the  
3799 contractor;

3800 (b) the date that a certificate of occupancy or final acceptance notice is issued to:

3801 (i) the original contractor who obtained the building permit from the building inspector  
3802 or public agency;

3803 (ii) the owner or architect; or

3804 (iii) the public agency;

3805 (c) the date that a public agency or building inspector that has the authority to issue a  
3806 certificate of occupancy does not issue the certificate but permits partial or complete occupancy  
3807 or use of a construction project; or

3808 (d) the date the contractor accepts the final pay quantities.

3809           (6) If only partial occupancy of a construction project is permitted, any retention  
3810 proceeds withheld and retained pursuant to this section and any accrued interest shall be  
3811 partially released within 45 days under the same conditions as provided in Subsection (5) in  
3812 direct proportion to the value of the part of the construction project occupied or used.

3813           (7) The billing statement from the contractor as provided in Subsection (5)(a) shall  
3814 include documentation of lien releases or waivers.

3815           (8) (a) Notwithstanding Subsection (3):

3816           (i) if a contractor or subcontractor is in default or breach of the terms and conditions of  
3817 the construction contract documents, plans, or specifications governing construction of the  
3818 project, the owner or public agency may withhold from payment for as long as reasonably  
3819 necessary an amount necessary to cure the breach or default of the contractor or subcontractor;  
3820 or

3821           (ii) if a project or a portion of the project has been substantially completed, the owner  
3822 or public agency may retain until completion up to twice the fair market value of the work of  
3823 the original contractor or of any subcontractor that has not been completed:

3824           (A) in accordance with the construction contract documents, plans, and specifications;  
3825 or

3826           (B) in the absence of plans and specifications, to generally accepted craft standards.

3827           (b) An owner or public agency that refuses payment under Subsection (8)(a) shall  
3828 describe in writing within 45 days of withholding such amounts what portion of the work was  
3829 not completed according to the standards specified in Subsection (8)(a).

3830           (9) (a) Except as provided in Subsection (9)(b), an original contractor or subcontractor  
3831 who receives retention proceeds shall pay each of its subcontractors from whom retention has  
3832 been withheld each subcontractor's share of the retention received within 10 days from the day  
3833 that all or any portion of the retention proceeds is received:

3834           (i) by the original contractor from the owner or public agency; or

3835           (ii) by the subcontractor from:

3836 (A) the original contractor; or

3837 (B) a subcontractor.

3838 (b) Notwithstanding Subsection (9)(a), if a retention payment received by the original  
3839 contractor is specifically designated for a particular subcontractor, payment of the retention  
3840 shall be made to the designated subcontractor.

3841 (10) (a) In any action for the collection of the retained proceeds withheld and retained  
3842 in violation of this section, the successful party is entitled to:

3843 (i) attorney fees; and

3844 (ii) other allowable costs.

3845 (b) (i) Any owner, public agency, original contractor, or subcontractor who knowingly  
3846 and wrongfully withholds a retention shall be subject to a charge of 2% per month on the  
3847 improperly withheld amount, in addition to any interest otherwise due.

3848 (ii) The charge described in Subsection (10)(b)(i) shall be paid to the contractor or  
3849 subcontractor from whom the retention proceeds have been wrongfully withheld.

3850 (11) A party to a construction contract may not require any other party to waive any  
3851 provision of this section.

3852 Section 56. Section **14-1-18** is amended to read:

3853 **14-1-18. Definitions -- Application of Procurement Code to payment and**  
3854 **performance bonds.**

3855 (1) (a) For purposes of this chapter, "political subdivision" means any county, city,  
3856 town, school district, [~~local~~] special district, special service district, community reinvestment  
3857 agency, public corporation, institution of higher education of the state, public agency of any  
3858 political subdivision, and, to the extent provided by law, any other entity which expends public  
3859 funds for construction.

3860 (b) For purposes of applying Section [63G-6a-1103](#) to a political subdivision, "state"  
3861 includes "political subdivision."

3862 (2) Notwithstanding any provision of Title 63G, Chapter 6a, Utah Procurement Code,

3863 to the contrary, Section [63G-6a-1103](#) applies to all contracts for the construction, alteration, or  
3864 repair of any public building or public work of the state or a political subdivision of the state.

3865 Section 57. Section **15-7-2** is amended to read:

3866 **15-7-2. Definitions.**

3867 As used in this chapter:

3868 (1) "Authorized officer" means any individual required or permitted by any law or by  
3869 the issuing public entity to execute on behalf of the public entity, a certificated registered  
3870 public obligation or a writing relating to an uncertificated registered public obligation.

3871 (2) "Certificated registered public obligation" means a registered public obligation  
3872 which is represented by an instrument.

3873 (3) "Code" means the Internal Revenue Code of 1954.

3874 (4) "Facsimile seal" means the reproduction by engraving, imprinting, stamping, or  
3875 other means of the seal of the issuer, official, or official body.

3876 (5) "Facsimile signature" means the reproduction by engraving, imprinting, stamping,  
3877 or other means of a manual signature.

3878 (6) "Financial intermediary" means a bank, broker, clearing corporation or other  
3879 person, or the nominee of any of them, which in the ordinary course of its business maintains  
3880 registered public obligation accounts for its customers.

3881 (7) "Issuer" means a public entity which issues an obligation.

3882 (8) "Obligation" means an agreement by a public entity to pay principal and any  
3883 interest on the obligation, whether in the form of a contract to repay borrowed money, a lease,  
3884 an installment purchase agreement, or otherwise, and includes a share, participation, or other  
3885 interest in any such agreement.

3886 (9) "Official" or "official body" means the person or group of persons that is  
3887 empowered to provide for the original issuance of an obligation of the issuer, by defining the  
3888 obligation and its terms, conditions, and other incidents, or to perform duties with respect to a  
3889 registered public obligation and any successor of such person or group of persons.



3890 (10) "Official actions" means the actions by statute, order, ordinance, resolution,  
3891 contract, or other authorized means by which the issuer provides for issuance of a registered  
3892 public obligation.

3893 (11) "Public entity" means any entity, department, or agency which is empowered  
3894 under the laws of one or more states, territories, possessions of the United States or the District  
3895 of Columbia, including this state, to issue obligations any interest with respect to which may,  
3896 under any provision of law, be provided an exemption from the income tax referred to in the  
3897 Code. The term "public entity" includes, without limitation, this state, an entity deriving  
3898 powers from and acting pursuant to a state constitution or legislative act, a county, city, town, a  
3899 municipal corporation, a quasi-municipal corporation, a state university or college, a school  
3900 district, a special service district, a ~~local~~ special district, a separate legal or administrative  
3901 entity created under the Interlocal Cooperation Act or other joint agreement entity, a  
3902 community reinvestment agency, any other political subdivision, a public authority or public  
3903 agency, a public trust, a nonprofit corporation, or other organizations.

3904 (12) "Registered public obligation" means an obligation issued by a public entity which  
3905 is issued pursuant to a system of registration.

3906 (13) "System of registration" and its variants means a plan that provides:

3907 (a) with respect to a certificated registered public obligation, that:

3908 (i) the certificated registered public obligation specifies a person entitled to the  
3909 registered public obligation and the rights it represents; and

3910 (ii) transfer of the certificated registered public obligation and the rights it represents  
3911 may be registered upon books maintained for that purpose by or on behalf of the issuer; and

3912 (b) with respect to an uncertificated registered public obligation, that:

3913 (i) books maintained by or on behalf of the issuer for the purpose of registration of the  
3914 transfer of a registered public obligation specify a person entitled to the registered public  
3915 obligation and the rights evidenced by it; and

3916 (ii) transfer of the uncertificated registered public obligation and the rights evidenced

3917 by it be registered upon such books.

3918 (14) "Uncertificated registered public obligation" means a registered public obligation  
3919 which is not represented by an instrument.

3920 Section 58. Section **19-3-301** is amended to read:

3921 **19-3-301. Restrictions on nuclear waste placement in state.**

3922 (1) The placement, including transfer, storage, decay in storage, treatment, or disposal,  
3923 within the exterior boundaries of Utah of high-level nuclear waste or greater than class C  
3924 radioactive waste is prohibited.

3925 (2) Notwithstanding Subsection (1) the governor, after consultation with the county  
3926 executive and county legislative body of the affected county and with concurrence of the  
3927 Legislature, may specifically approve the placement as provided in this part, but only if:

3928 (a) (i) the federal Nuclear Regulatory Commission issues a license, pursuant to the  
3929 Nuclear Waste Policy Act, 42 U.S.C.A. 10101 et seq., or the Atomic Energy Act, 42 U.S.C.A.  
3930 2011 et seq., for the placement within the exterior boundaries of Utah of high-level nuclear  
3931 waste or greater than class C radioactive waste; and

3932 (ii) the authority of the federal Nuclear Regulatory Commission to grant a license  
3933 under Subsection (2)(a)(i) is clearly upheld by a final judgment of a court of competent  
3934 jurisdiction; or

3935 (b) an agency of the federal government is transporting the waste, and all state and  
3936 federal requirements to proceed with the transportation have been met.

3937 (3) The requirement for the approval of a final court of competent jurisdiction shall be  
3938 met in all of the following categories, in order for a state license proceeding regarding waste to  
3939 begin:

3940 (a) transfer or transportation, by rail, truck, or other mechanisms;

3941 (b) storage, including any temporary storage at a site away from the generating reactor;

3942 (c) decay in storage;

3943 (d) treatment; and

3944 (e) disposal.

3945 (4) (a) Upon satisfaction of the requirements of Subsection (2)(a), for each category  
3946 listed in Subsection (3), or satisfaction of the requirements under Subsection (2)(b), the  
3947 governor, with the concurrence of the attorney general, shall certify in writing to the executive  
3948 director of the Department of Environmental Quality that all of the requirements have been  
3949 met, and that any necessary state licensing processes may begin.

3950 (b) Separate certification under this Subsection (4) shall be given for each category in  
3951 Subsection (3).

3952 (5) (a) The department shall make, by rule, a determination of the dollar amount of the  
3953 health and economic costs expected to result from a reasonably foreseeable accidental release  
3954 of waste involving a transfer facility or storage facility, or during transportation of waste,  
3955 within the exterior boundaries of the state. The department may initiate rulemaking under this  
3956 Subsection (5)(a) on or after March 15, 2001.

3957 (b) (i) The department shall also determine the dollar amount currently available to  
3958 cover the costs as determined in Subsection (5)(a):

- 3959 (A) under nuclear industry self-insurance;
- 3960 (B) under federal insurance requirements; and
- 3961 (C) in federal money.

3962 (ii) The department may not include any calculations of federal money that may be  
3963 appropriated in the future in determining the amount under Subsection (5)(b)(i).

3964 (c) The department shall use the information compiled under Subsections (5)(a) and (b)  
3965 to determine the amount of unfunded potential liability in the event of a release of waste from a  
3966 storage or transfer facility, or a release during the transportation of waste.

3967 (6) (a) State agencies may not, for the purpose of providing any goods, services, or  
3968 municipal-type services to a storage facility or transfer facility, or to any organization engaged  
3969 in the transportation of waste, enter into any contracts or any other agreements prior to:

- 3970 (i) the satisfaction of the conditions in Subsection (4); and

3971 (ii) the executive director of the department having certified that the requirements of  
3972 Sections 19-3-304 through 19-3-308 have been met for the purposes of a license application  
3973 proceeding for a storage facility or transfer facility.

3974 (b) Political subdivisions of the state may not enter into any contracts or any other  
3975 agreements for the purpose of providing any goods, services, or municipal-type services to a  
3976 storage facility or transfer facility, or to any organization engaged in the transportation of  
3977 waste.

3978 (c) This Subsection (6) does not prohibit a state agency from exercising the regulatory  
3979 authority granted to it by law.

3980 (7) (a) Notwithstanding any other provision of law, any political subdivision may not  
3981 be formed pursuant to the laws of Utah for the purpose of providing any goods, services, or  
3982 municipal-type services to a storage facility or transfer facility prior to the satisfaction of the  
3983 conditions in Subsection (4). These political subdivisions include:

3984 (i) a cooperative;

3985 (ii) a ~~[local] special~~ district authorized by ~~[Title 17B, Limited Purpose Local~~  
3986 ~~Government Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities -  
3987 Special Districts;

3988 (iii) a special service district under Title 17D, Chapter 1, Special Service District Act;

3989 (iv) a limited purpose local governmental entity authorized by Title 17, Counties;

3990 (v) any joint power agreement authorized by Title 11, Cities, Counties, and Local  
3991 Taxing Units; and

3992 (vi) the formation of a municipality, or any authority of a municipality authorized by  
3993 Title 10, Utah Municipal Code.

3994 (b) (i) Subsection (7)(a) shall be strictly interpreted. Any political subdivision  
3995 authorized and formed under the laws of the state on or after March 15, 2001, which  
3996 subsequently contracts to, or in any manner agrees to provide, or does provide goods, services,  
3997 or municipal-type services to a storage facility or transfer facility is formed in violation of

3998 Subsection (7)(a).

3999 (ii) If the conditions of Subsection (7)(b)(i) apply, the persons who formed the political  
4000 subdivision are considered to have knowingly violated a provision of this part, and the  
4001 penalties of Section 19-3-312 apply.

4002 (8) (a) An organization may not be formed for the purpose of providing any goods,  
4003 services, or municipal-type services to a storage facility or transfer facility prior to:

4004 (i) the satisfaction of the conditions in Subsection (4); and

4005 (ii) the executive director of the department having certified that the requirements of  
4006 Sections 19-3-304 through 19-3-308 have been met.

4007 (b) A foreign organization may not be registered to do business in the state for the  
4008 purpose of providing any goods, services, or municipal-type services to a storage facility or  
4009 transfer facility prior to:

4010 (i) the satisfaction of the conditions in Subsection (4); and

4011 (ii) the executive director of the department having certified that the requirements of  
4012 Sections 19-3-304 through 19-3-308 have been met.

4013 (c) The prohibitions of Subsections (8)(a) and (b) shall be strictly applied, and:

4014 (i) the formation of a new organization or registration of a foreign organization within  
4015 the state, any of whose purposes are to provide goods, services, or municipal-type services to a  
4016 storage facility or transfer facility may not be licensed or registered in the state, and the local or  
4017 foreign organization is void and does not have authority to operate within the state;

4018 (ii) any organization which is formed or registered on or after March 15, 2001, and  
4019 which subsequently contracts to, or in any manner agrees to provide, or does provide goods,  
4020 services, or municipal-type services to a storage facility or transfer facility has been formed or  
4021 registered in violation of Subsection (8)(a) or (b) respectively; and

4022 (iii) if the conditions of Subsection (8)(c)(ii) apply, the persons who formed the  
4023 organization or the principals of the foreign organization, are considered to have knowingly  
4024 violated a provision of this part, and are subject to the penalties in Section 19-3-312.

4025 (9) (a) (i) Any contract or agreement to provide any goods, services, or municipal-type  
4026 services to any organization engaging in, or attempting to engage in the placement of high-level  
4027 nuclear waste or greater than class C radioactive waste at a storage facility or transfer facility  
4028 within the state are declared to be against the greater public interest, health, and welfare of the  
4029 state, by promoting an activity which has the great potential to cause extreme public harm.

4030 (ii) These contracts or agreements under Subsection (9)(a)(i), whether formal or  
4031 informal, are declared to be void from inception, agreement, or execution as against public  
4032 policy.

4033 (b) (i) Any contract or other agreement to provide goods, services, or municipal-type  
4034 services to storage or transfer facilities may not be executed within the state.

4035 (ii) Any contract or other agreement, existing or executed on or after March 15, 2001,  
4036 is considered void from the time of agreement or execution.

4037 (10) (a) All contracts and agreements under Subsection (10)(b) are assessed an annual  
4038 transaction fee of 75% of the gross value of the contract to the party providing the goods,  
4039 services, or municipal-type services to the storage facility or transfer facility or transportation  
4040 entity. The fee shall be assessed per calendar year, and is payable on a prorated basis on or  
4041 before the last day of each month in accordance with rules established under Subsection  
4042 (10)(d), and as follows:

4043 (i) 25% of the gross value of the contract to the department; and

4044 (ii) 50% of the gross value of the contract to the Department of Cultural and  
4045 Community Engagement, to be used by the Utah Division of Indian Affairs as provided in  
4046 Subsection (11).

4047 (b) Contracts and agreements subject to the fee under Subsection (10)(a) are those  
4048 contracts and agreements to provide goods, services, or municipal-type services to a storage or  
4049 transfer facility, or to any organization engaged in the transportation of high-level nuclear  
4050 waste or greater than class C radioactive waste to a transfer facility or storage facility, and  
4051 which:

4052 (i) are in existence on March 15, 2001; or

4053 (ii) become effective notwithstanding Subsection (9)(a).

4054 (c) Any governmental agency which regulates the charges to consumers for services  
4055 provided by utilities or other organizations shall require the regulated utility or organization to  
4056 include the fees under Subsection (10)(a) in the rates charged to the purchaser of the goods,  
4057 services, or municipal-type services affected by Subsection (10)(b).

4058 (d) (i) The department, in consultation with the State Tax Commission, shall establish  
4059 rules for the valuation of the contracts and assessment and collection of the fees, and other  
4060 rules as necessary to determine the amount of and collection of the fee under Subsection  
4061 (10)(a). The department may initiate rulemaking under this Subsection (10)(d)(i) on or after  
4062 March 15, 2001.

4063 (ii) Persons and organizations holding contracts affected by Subsection (10)(b) shall  
4064 make a good faith estimate of the fee under Subsection (10)(a) for calendar year 2001, and  
4065 remit that amount to the department on or before July 31, 2001.

4066 (11) (a) The portion of the fees imposed under Subsection (10) which is to be paid to  
4067 the Department of Cultural and Community Engagement for use by the Utah Division of Indian  
4068 Affairs shall be used for establishment of a statewide community and economic development  
4069 program for the tribes of Native American people within the exterior boundaries of the state  
4070 who have by tribal procedure established a position rejecting siting of any nuclear waste facility  
4071 on their reservation lands.

4072 (b) The program under Subsection (11)(a) shall include:

4073 (i) educational services and facilities;

4074 (ii) health care services and facilities;

4075 (iii) programs of economic development;

4076 (iv) utilities;

4077 (v) sewer;

4078 (vi) street lighting;

- 4079 (vii) roads and other infrastructure; and
- 4080 (viii) oversight and staff support for the program.

4081 (12) It is the intent of the Legislature that this part does not prohibit or interfere with a  
4082 person's exercise of the rights under the First Amendment to the Constitution of the United  
4083 States or under Utah Constitution Article I, Sec. 15, by an organization attempting to site a  
4084 storage facility or transfer facility within the borders of the state for the placement of high-level  
4085 nuclear waste or greater than class C radioactive waste.

4086 Section 59. Section **19-4-111** is amended to read:

4087 **19-4-111. Fluoride added to or removed from water -- Election or shareholder**  
4088 **vote required.**

4089 (1) As used in this section:

4090 (a) "Corporate public water system" means a public water system that is owned by a  
4091 corporation engaged in distributing water only to its shareholders.

4092 (b) "Corporation" is as defined in Section [16-4-102](#).

4093 (c) "Fluoride" means a chemical compound that contains the fluoride ion and is used to  
4094 fluoridate drinking water, including:

4095 (i) fluorosilicic acid;

4096 (ii) sodium fluorosilicate; or

4097 (iii) sodium fluoride.

4098 (d) "Fluoride supplier" means a person who:

4099 (i) manufactures, distributes, or packages or repackages fluoride;

4100 (ii) is NSF/ANSI Standard 60 certified;

4101 (iii) has evidence of the person's NSF/ANSI Standard 60 certification displayed on the  
4102 website of a certification body accredited by the International Accreditation Forum, including:

4103 (A) NSF;

4104 (B) the Underwriter Laboratory; or

4105 (C) the Water Quality Association; and



4106 (iv) provides fluoride in compliance with applicable NSF/ANSI Standard 60  
4107 certification requirements.

4108 (e) "Removal" means ceasing to add fluoride to a public water supply, the addition  
4109 having been previously approved by the voters of a political subdivision.

4110 (2) (a) Except as provided in Subsection (7) or Subsection 19-4-104(1)(a)(i), public  
4111 water supplies, whether state, county, municipal, or district, may not have fluoride added to or  
4112 removed from the water supply without the approval of a majority of voters in an election in  
4113 the area affected.

4114 (b) An election shall be held:

4115 (i) upon the filing of an initiative petition requesting the action in accordance with state  
4116 law governing initiative petitions;

4117 (ii) in the case of a municipal, [~~local~~] special district, special service district, or county  
4118 water system that is functionally separate from any other water system, upon the passage of a  
4119 resolution by the legislative body or [~~local~~] special district or special service district board  
4120 representing the affected voters, submitting the question to the affected voters at a municipal  
4121 general election; or

4122 (iii) in a county of the first or second class, upon the passage of a resolution by the  
4123 county legislative body to place an opinion question relating to all public water systems within  
4124 the county, except as provided in Subsection (3), on the ballot at a general election.

4125 (3) If a majority of voters on an opinion question under Subsection (2)(b)(iii) approve  
4126 the addition of fluoride to or the removal of fluoride from the public water supplies within the  
4127 county, the local health departments shall require the addition of fluoride to or the removal of  
4128 fluoride from all public water supplies within that county other than those systems:

4129 (a) that are functionally separate from any other public water systems in that county;  
4130 and

4131 (b) where a majority of the voters served by the public water system voted against the  
4132 addition or removal of fluoride on the opinion question under Subsection (2)(b)(iii).

4133 (4) Nothing contained in this section prohibits the addition of chlorine or other water  
4134 purifying agents.

4135 (5) Any political subdivision that, prior to November 2, 1976, decided to and was  
4136 adding fluoride to the drinking water is considered to have complied with Subsection (2).

4137 (6) In an election held pursuant to Subsection (2)(b)(i), (ii), or (iii), where a majority of  
4138 the voters approve the addition of fluoride to or the removal of fluoride from the public water  
4139 supplies, no election to consider adding fluoride to or removing fluoride from the public water  
4140 supplies shall be held for a period of four years from the date of approval by the majority of  
4141 voters beginning with elections held in November 2000.

4142 (7) (a) A supplier may not add fluoride to or remove fluoride from a corporate public  
4143 water system unless the majority of the votes cast by the shareholders of the corporate public  
4144 water system authorize the supplier to add or remove the fluoride.

4145 (b) If a corporate public water system's shareholders do not vote to add fluoride under  
4146 Subsection (7)(a), the supplier shall annually provide notice to a person who receives water  
4147 from the corporate public water system of the average amount of fluoride in the water.

4148 (c) A vote of the corporate public water system's shareholders under Subsection (7)(a)  
4149 does not require a supplier of another public water system, including a public water system that  
4150 provides water to the corporate public water system, to add fluoride to or remove fluoride from  
4151 the public water system.

4152 (8) If a local health department requires a public water system to add fluoride to public  
4153 drinking water supplies under Subsection (3), the public water system shall fluoridate the  
4154 public drinking water supplies with fluoride manufactured, distributed, packaged, and, if  
4155 applicable, repackaged by a fluoride supplier who has provided copies of the original, dated  
4156 documents used to obtain and maintain NSF/ANSI Standard 60 certification to:

4157 (a) the local health department that oversees the public water system; and

4158 (b) the division.

4159 (9) A public water system described in Subsection (8) shall obtain, for each quantity of

4160 fluoride acquired to fluoridate public drinking water supplies, a batch-specific certificate of  
4161 analysis that represents the complete composition of the formulation of the undiluted raw  
4162 fluoride substance, in percent or parts by weight, for each chemical and contaminant in the  
4163 batch.

4164 (10) A local health department shall:

4165 (a) order the temporary removal of fluoride from a public water system within the  
4166 boundaries of the local health department if the public water system:

4167 (i) violates Subsection (8) or (9); or

4168 (ii) is unable to fluoridate public drinking water supplies in accordance with  
4169 Subsections (8) and (9); and

4170 (b) review and maintain the certification documents submitted to the local health  
4171 department under Subsection (8).

4172 (11) A public water system described in Subsection (8) shall:

4173 (a) review and maintain certificates of analysis obtained under Subsection (9); and

4174 (b) upon request of a member of the public, provide a copy of a certificate of analysis  
4175 obtained under Subsection (9) to the member of the public.

4176 (12) A local health department may order the temporary removal of fluoride from a  
4177 public water system within the boundaries of the local health department if the public water  
4178 system violates a provision of Subsection (11).

4179 (13) If a local health department orders the removal of fluoride from a public water  
4180 system under Subsection (10)(a) or (12), the local health department shall:

4181 (a) issue a public notice regarding the temporary removal of fluoride from the public  
4182 water system; and

4183 (b) when the public water system demonstrates its ability to fluoridate in accordance  
4184 with Subsections (8), (9), and (11), revoke the removal requirement.

4185 (14) The division shall review and maintain the certification documents submitted to  
4186 the division under Subsection (8).

4187 Section 60. Section **19-6-508** is amended to read:

4188 **19-6-508. Resource recovery project operated by an improvement district.**

4189 (1) As used in this section, "resource recovery project" means a project that consists of  
4190 facilities for the handling, treatment and processing through anaerobic digestion, and resource  
4191 recovery, of solid waste consisting primarily of organic matter.

4192 (2) An improvement district authorized to operate all or any part of a system for the  
4193 collection, treatment, or disposition of sewage under Section [17B-2a-403](#) may own, acquire,  
4194 construct, or operate a resource recovery project in accordance with this section.

4195 (3) An improvement district described in Subsection (2) may:

4196 (a) (i) own, acquire, construct, or operate a resource recovery project independently; or

4197 (ii) subject to Subsection (4), enter into a short- or long-term agreement for the  
4198 ownership, acquisition, construction, management, or operation of a resource recovery project  
4199 with:

4200 (A) a public agency, as defined in Section [11-13-103](#);

4201 (B) a private person; or

4202 (C) a combination of persons listed in Subsections (3)(a)(ii)(A) and (B);

4203 (b) accept and disburse money from a federal or state grant or any other source for the  
4204 acquisition, construction, operation, maintenance, or improvement of a resource recovery  
4205 project;

4206 (c) contract for the lease or purchase of land, a facility, or a vehicle for the operation of  
4207 a resource recovery project;

4208 (d) establish one or more policies for the operation of a resource recovery project,  
4209 including:

4210 (i) the hours of operation;

4211 (ii) the character and kind of waste accepted by the resource recovery project; and

4212 (iii) any policy necessary to ensure the safety of the resource recovery project

4213 personnel;

4214 (e) sell or contract for the sale of usable material, energy, fuel, or heat separated,  
4215 extracted, recycled, or recovered from solid waste that consists primarily of organic matter in a  
4216 resource recovery project;

4217 (f) issue a bond in accordance with [~~Title 17B, Chapter 1, Part 11, Local District~~  
4218 ~~Bonds~~] Title 17B, Chapter 1, Part 11, Special District Bonds;

4219 (g) issue an industrial development revenue bond in accordance with Title 11, Chapter  
4220 17, Utah Industrial Facilities and Development Act, to pay the costs of financing a project, as  
4221 defined in Section 11-17-2, that consists of a resource recovery project;

4222 (h) agree to construct and operate a resource recovery project that manages the solid  
4223 waste of a public entity or a private person, in accordance with one or more contracts and other  
4224 arrangements described in a proceeding according to which a bond is issued; and

4225 (i) contract for and accept solid waste that consists primarily of organic matter at a  
4226 resource recovery project regardless of whether the solid waste is generated inside or outside  
4227 the boundaries of the improvement district.

4228 (4) (a) An agreement described in Subsection (3)(a)(ii) shall:

4229 (i) contain provisions that the improvement district's board determines are in the best  
4230 interests of the improvement district, including provisions that address:

4231 (A) the purposes of the agreement;

4232 (B) the duration of the agreement;

4233 (C) the method of appointing or employing necessary personnel;

4234 (D) the method of financing the resource recovery project, including the apportionment  
4235 of costs of construction and operation;

4236 (E) the ownership interest of each owner in the resource recovery project and other  
4237 property used in connection with the resource recovery project;

4238 (F) the procedures for the disposition of property when the agreement expires or is  
4239 terminated, or when the resource recovery project ceases operation for any reason;

4240 (G) any agreement of the parties prohibiting or restricting the alienation or partition of

4241 the undivided interests of an owner in the resource recovery project;

4242 (H) the construction and repair of the resource recovery project, including, if the parties  
4243 agree, a determination that one of the parties may construct or repair the resource recovery  
4244 project as agent for all parties to the agreement;

4245 (I) the administration, operation, and maintenance of the resource recovery project,  
4246 including, if the parties agree, a determination that one of the parties may administer, operate,  
4247 and maintain the resource recovery project as agent for all parties to the agreement;

4248 (J) the creation of a committee of representatives of the parties to the agreement,  
4249 including the committee's powers;

4250 (K) if the parties agree, a provision that if any party defaults in the performance or  
4251 discharge of the party's obligations under the agreement, the other parties may perform or  
4252 assume, pro rata or otherwise, the obligations of the defaulting party and may, if the defaulting  
4253 party fails to remedy the default, succeed to or require the disposition of the rights and interests  
4254 of the defaulting party in the resource recovery project;

4255 (L) provisions for indemnification of construction, operation, and administration agents  
4256 for completing construction, handling emergencies, and allocating output of the resource  
4257 recovery project among the parties to the agreement according to the ownership interests of the  
4258 parties;

4259 (M) methods for amending and terminating the agreement; and

4260 (N) any other matter determined by the parties to the agreement to be necessary; and

4261 (ii) provide for an equitable method of allocating operation, repair, and maintenance  
4262 costs of the resource recovery project.

4263 (b) A provision under Subsection (4)(a)(i)(G) is not subject to any law restricting  
4264 covenants against alienation or partition.

4265 (c) An improvement district's ownership interest in a resource recovery project may not  
4266 be less than the proportion of money or the value of property supplied by the improvement  
4267 district for the acquisition and construction of the resource recovery project.

4268 Section 61. Section **26-8a-102** is amended to read:

4269 **26-8a-102. Definitions.**

4270 As used in this chapter:

4271 (1) (a) "911 ambulance or paramedic services" means:

4272 (i) either:

4273 (A) 911 ambulance service;

4274 (B) 911 paramedic service; or

4275 (C) both 911 ambulance and paramedic service; and

4276 (ii) a response to a 911 call received by a designated dispatch center that receives 911  
4277 or E911 calls.

4278 (b) "911 ambulance or paramedic services" does not mean a seven or 10 digit  
4279 telephone call received directly by an ambulance provider licensed under this chapter.

4280 (2) "Ambulance" means a ground, air, or water vehicle that:

4281 (a) transports patients and is used to provide emergency medical services; and

4282 (b) is required to obtain a permit under Section [26-8a-304](#) to operate in the state.

4283 (3) "Ambulance provider" means an emergency medical service provider that:

4284 (a) transports and provides emergency medical care to patients; and

4285 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

4286 (4) (a) "Behavioral emergency services" means delivering a behavioral health  
4287 intervention to a patient in an emergency context within a scope and in accordance with  
4288 guidelines established by the department.

4289 (b) "Behavioral emergency services" does not include engaging in the:

4290 (i) practice of mental health therapy as defined in Section [58-60-102](#);

4291 (ii) practice of psychology as defined in Section [58-61-102](#);

4292 (iii) practice of clinical social work as defined in Section [58-60-202](#);

4293 (iv) practice of certified social work as defined in Section [58-60-202](#);

4294 (v) practice of marriage and family therapy as defined in Section [58-60-302](#);

4295 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or

4296 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.

4297 (5) "Committee" means the State Emergency Medical Services Committee created by

4298 Section 26B-1-204.

4299 (6) "Community paramedicine" means medical care:

4300 (a) provided by emergency medical service personnel; and

4301 (b) provided to a patient who is not:

4302 (i) in need of ambulance transportation; or

4303 (ii) located in a health care facility as defined in Section 26-21-2.

4304 (7) "Direct medical observation" means in-person observation of a patient by a

4305 physician, registered nurse, physician's assistant, or individual licensed under Section

4306 26-8a-302.

4307 (8) "Emergency medical condition" means:

4308 (a) a medical condition that manifests itself by symptoms of sufficient severity,

4309 including severe pain, that a prudent layperson, who possesses an average knowledge of health

4310 and medicine, could reasonably expect the absence of immediate medical attention to result in:

4311 (i) placing the individual's health in serious jeopardy;

4312 (ii) serious impairment to bodily functions; or

4313 (iii) serious dysfunction of any bodily organ or part; or

4314 (b) a medical condition that in the opinion of a physician or the physician's designee

4315 requires direct medical observation during transport or may require the intervention of an

4316 individual licensed under Section 26-8a-302 during transport.

4317 (9) (a) "Emergency medical service personnel" means an individual who provides

4318 emergency medical services or behavioral emergency services to a patient and is required to be

4319 licensed or certified under Section 26-8a-302.

4320 (b) "Emergency medical service personnel" includes a paramedic, medical director of a

4321 licensed emergency medical service provider, emergency medical service instructor, behavioral



4322 emergency services technician, other categories established by the committee, and a certified  
4323 emergency medical dispatcher.

4324 (10) "Emergency medical service providers" means:

4325 (a) licensed ambulance providers and paramedic providers;

4326 (b) a facility or provider that is required to be designated under Subsection

4327 [26-8a-303](#)(1)(a); and

4328 (c) emergency medical service personnel.

4329 (11) "Emergency medical services" means:

4330 (a) medical services;

4331 (b) transportation services;

4332 (c) behavioral emergency services; or

4333 (d) any combination of the services described in Subsections (11)(a) through (c).

4334 (12) "Emergency medical service vehicle" means a land, air, or water vehicle that is:

4335 (a) maintained and used for the transportation of emergency medical personnel,

4336 equipment, and supplies to the scene of a medical emergency; and

4337 (b) required to be permitted under Section [26-8a-304](#).

4338 (13) "Governing body":

4339 (a) means the same as that term is defined in Section [11-42-102](#); and

4340 (b) for purposes of a "special service district" under Section [11-42-102](#), means a  
4341 special service district that has been delegated the authority to select a provider under this  
4342 chapter by the special service district's legislative body or administrative control board.

4343 (14) "Interested party" means:

4344 (a) a licensed or designated emergency medical services provider that provides  
4345 emergency medical services within or in an area that abuts an exclusive geographic service area  
4346 that is the subject of an application submitted pursuant to Part 4, Ambulance and Paramedic  
4347 Providers;

4348 (b) any municipality, county, or fire district that lies within or abuts a geographic

4349 service area that is the subject of an application submitted pursuant to Part 4, Ambulance and  
4350 Paramedic Providers; or

4351 (c) the department when acting in the interest of the public.

4352 (15) "Level of service" means the level at which an ambulance provider type of service  
4353 is licensed as:

4354 (a) emergency medical technician;

4355 (b) advanced emergency medical technician; or

4356 (c) paramedic.

4357 (16) "Medical control" means a person who provides medical supervision to an  
4358 emergency medical service provider.

4359 (17) "Non-911 service" means transport of a patient that is not 911 transport under  
4360 Subsection (1).

4361 (18) "Nonemergency secured behavioral health transport" means an entity that:

4362 (a) provides nonemergency secure transportation services for an individual who:

4363 (i) is not required to be transported by an ambulance under Section [26-8a-305](#); and

4364 (ii) requires behavioral health observation during transport between any of the

4365 following facilities:

4366 (A) a licensed acute care hospital;

4367 (B) an emergency patient receiving facility;

4368 (C) a licensed mental health facility; and

4369 (D) the office of a licensed health care provider; and

4370 (b) is required to be designated under Section [26-8a-303](#).

4371 (19) "Paramedic provider" means an entity that:

4372 (a) employs emergency medical service personnel; and

4373 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

4374 (20) "Patient" means an individual who, as the result of illness, injury, or a behavioral  
4375 emergency condition, meets any of the criteria in Section [26-8a-305](#).

- 4376 (21) "Political subdivision" means:
- 4377 (a) a city, town, or metro township;
- 4378 (b) a county;
- 4379 (c) a special service district created under Title 17D, Chapter 1, Special Service
- 4380 District Act, for the purpose of providing fire protection services under Subsection
- 4381 [17D-1-201\(9\)](#);
- 4382 (d) a ~~[local]~~ special district created under ~~[Title 17B, Limited Purpose Local~~
- 4383 ~~Government Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities -
- 4384 Special Districts, for the purpose of providing fire protection, paramedic, and emergency
- 4385 services;
- 4386 (e) areas coming together as described in Subsection [26-8a-405.2\(2\)\(b\)\(ii\)](#); or
- 4387 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.
- 4388 (22) "Trauma" means an injury requiring immediate medical or surgical intervention.
- 4389 (23) "Trauma system" means a single, statewide system that:
- 4390 (a) organizes and coordinates the delivery of trauma care within defined geographic
- 4391 areas from the time of injury through transport and rehabilitative care; and
- 4392 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
- 4393 delivering care for trauma patients, regardless of severity.
- 4394 (24) "Triage" means the sorting of patients in terms of disposition, destination, or
- 4395 priority. For prehospital trauma victims, triage requires a determination of injury severity to
- 4396 assess the appropriate level of care according to established patient care protocols.
- 4397 (25) "Triage, treatment, transportation, and transfer guidelines" means written
- 4398 procedures that:
- 4399 (a) direct the care of patients; and
- 4400 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
- 4401 center, or an emergency medical service provider.
- 4402 (26) "Type of service" means the category at which an ambulance provider is licensed

4403 as:

4404 (a) ground ambulance transport;

4405 (b) ground ambulance interfacility transport; or

4406 (c) both ground ambulance transport and ground ambulance interfacility transport.

4407 Section 62. Section **26-8a-405.2** is amended to read:

4408 **26-8a-405.2. Selection of provider -- Request for competitive sealed proposal --**

4409 **Public convenience and necessity.**

4410 (1) (a) A political subdivision may contract with an applicant approved under Section  
4411 [26-8a-404](#) to provide services for the geographic service area that is approved by the  
4412 department in accordance with Subsection (2), if:

4413 (i) the political subdivision complies with the provisions of this section and Section  
4414 [26-8a-405.3](#) if the contract is for 911 ambulance or paramedic services; or

4415 (ii) the political subdivision complies with Sections [26-8a-405.3](#) and [26-8a-405.4](#), if  
4416 the contract is for non-911 services.

4417 (b) (i) The provisions of this section and Sections [26-8a-405.1](#), [26-8a-405.3](#), and  
4418 [26-8a-405.4](#) do not require a political subdivision to issue a request for proposal for ambulance  
4419 or paramedic services or non-911 services.

4420 (ii) If a political subdivision does not contract with an applicant in accordance with this  
4421 section and Section [26-8a-405.3](#), the provisions of Sections [26-8a-406](#) through [26-8a-409](#) apply  
4422 to the issuance of a license for ambulance or paramedic services in the geographic service area  
4423 that is within the boundaries of the political subdivision.

4424 (iii) If a political subdivision does not contract with an applicant in accordance with  
4425 this section, Section [26-8a-405.3](#) and Section [26-8a-405.4](#), a license for the non-911 services in  
4426 the geographic service area that is within the boundaries of the political subdivision may be  
4427 issued:

4428 (A) under the public convenience and necessity provisions of Sections [26-8a-406](#)  
4429 through [26-8a-409](#); or

4430 (B) by a request for proposal issued by the department under Section 26-8a-405.5.

4431 (c) (i) For purposes of this Subsection (1)(c):

4432 (A) "Fire district" means a ~~[local]~~ special district under ~~[Title 17B, Limited Purpose~~  
4433 ~~Local Government Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government  
4434 Entities - Special Districts, that:

4435 (I) is located in a county of the first or second class; and

4436 (II) provides fire protection, paramedic, and emergency services.

4437 (B) "Participating municipality" means a city or town whose area is partly or entirely  
4438 included within a county service area or fire district.

4439 (C) "Participating county" means a county whose unincorporated area is partly or  
4440 entirely included within a fire district.

4441 (ii) A participating municipality or participating county may as provided in this section  
4442 and Section 26-8a-405.3, contract with a provider for 911 ambulance or paramedic service.

4443 (iii) If the participating municipality or participating county contracts with a provider  
4444 for services under this section and Section 26-8a-405.3:

4445 (A) the fire district is not obligated to provide the services that are included in the  
4446 contract between the participating municipality or the participating county and the provider;

4447 (B) the fire district may impose taxes and obligations within the fire district in the same  
4448 manner as if the participating municipality or participating county were receiving all services  
4449 offered by the fire district; and

4450 (C) the participating municipality's and participating county's obligations to the fire  
4451 district are not diminished.

4452 (2) (a) The political subdivision shall submit the request for proposal and the exclusive  
4453 geographic service area to be included in a request for proposal issued under Subsections

4454 (1)(a)(i) or (ii) to the department for approval prior to issuing the request for proposal. The  
4455 department shall approve the request for proposal and the exclusive geographic service area:

4456 (i) unless the geographic service area creates an orphaned area; and

4457 (ii) in accordance with Subsections (2)(b) and (c).

4458 (b) The exclusive geographic service area may:

4459 (i) include the entire geographic service area that is within the political subdivision's  
4460 boundaries;

4461 (ii) include islands within or adjacent to other peripheral areas not included in the  
4462 political subdivision that governs the geographic service area; or

4463 (iii) exclude portions of the geographic service area within the political subdivision's  
4464 boundaries if another political subdivision or licensed provider agrees to include the excluded  
4465 area within their license.

4466 (c) The proposed geographic service area for 911 ambulance or paramedic service shall  
4467 demonstrate that non-911 ambulance or paramedic service will be provided in the geographic  
4468 service area, either by the current provider, the applicant, or some other method acceptable to  
4469 the department. The department may consider the effect of the proposed geographic service  
4470 area on the costs to the non-911 provider and that provider's ability to provide only non-911  
4471 services in the proposed area.

4472 Section 63. Section **26-8a-603** is amended to read:

4473 **26-8a-603. Volunteer Emergency Medical Service Personnel Health Insurance**  
4474 **Program -- Creation -- Administration -- Eligibility -- Benefits -- Rulemaking -- Advisory**  
4475 **board.**

4476 (1) As used in this section:

4477 (a) "Health benefit plan" means the same as that term is defined in Section [31A-1-301](#).

4478 (b) "Local government entity" means a political subdivision that:

4479 (i) is licensed as a ground ambulance provider under Part 4, Ambulance and Paramedic  
4480 Providers; and

4481 (ii) as of January 1, 2022, does not offer health insurance benefits to volunteer  
4482 emergency medical service personnel.

4483 (c) "PEHP" means the Public Employees' Benefit and Insurance Program created in

4484 Section 49-20-103.

4485 (d) "Political subdivision" means a county, a municipality, a limited purpose  
4486 government entity described in [~~Title 17B, Limited Purpose Local Government Entities - Local~~  
4487 ~~Districts~~] Title 17B, Limited Purpose Local Government Entities - Special Districts, or Title  
4488 17D, Limited Purpose Local Government Entities - Other Entities, or an entity created by an  
4489 interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.

4490 (e) "Qualifying association" means an association that represents two or more political  
4491 subdivisions in the state.

4492 (2) The Volunteer Emergency Medical Service Personnel Health Insurance Program  
4493 shall promote recruitment and retention of volunteer emergency medical service personnel by  
4494 making health insurance available to volunteer emergency medical service personnel.

4495 (3) The department shall contract with a qualifying association to create, implement,  
4496 and administer the Volunteer Emergency Medical Service Personnel Health Insurance Program  
4497 described in this section.

4498 (4) Participation in the program is limited to emergency medical service personnel  
4499 who:

4500 (a) are licensed under Section 26-8a-302 and are able to perform all necessary  
4501 functions associated with the license;

4502 (b) provide emergency medical services under the direction of a local governmental  
4503 entity:

4504 (i) by responding to 20% of calls for emergency medical services in a rolling  
4505 twelve-month period;

4506 (ii) within a county of the third, fourth, fifth, or sixth class; and

4507 (iii) as a volunteer under the Fair Labor Standards Act, in accordance with 29 C.F.R.  
4508 Sec. 553.106;

4509 (c) are not eligible for a health benefit plan through an employer or a spouse's  
4510 employer;

4511 (d) are not eligible for medical coverage under a government sponsored healthcare  
4512 program; and

4513 (e) reside in the state.

4514 (5) (a) A participant in the program is eligible to participate in PEHP in accordance  
4515 with Subsection (5)(b) and Subsection 49-20-201(3).

4516 (b) Benefits available to program participants under PEHP are limited to health  
4517 insurance that:

4518 (i) covers the program participant and the program participant's eligible dependents on  
4519 a July 1 plan year;

4520 (ii) accepts enrollment during an open enrollment period or for a special enrollment  
4521 event, including the initial eligibility of a program participant;

4522 (iii) if the program participant is no longer eligible for benefits, terminates on the last  
4523 day of the last month for which the individual is a participant in the Volunteer Emergency  
4524 Medical Service Personnel Health Insurance Program; and

4525 (iv) is not subject to continuation rights under state or federal law.

4526 (6) (a) The department may make rules in accordance with Title 63G, Chapter 3, Utah  
4527 Administrative Rulemaking Act, to define additional criteria regarding benefit design and  
4528 eligibility for the program.

4529 (b) The department shall convene an advisory board:

4530 (i) to advise the department on making rules under Subsection (6)(a); and

4531 (ii) that includes representation from at least the following entities:

4532 (A) the qualifying association that receives the contract under Subsection (3); and

4533 (B) PEHP.

4534 (7) For purposes of this section, the qualifying association that receives the contract  
4535 under Subsection (3) shall be considered the public agency for whom the program participant is  
4536 volunteering under 29 C.F.R. Sec. 553.101.

4537 Section 64. Section **26-18-21** is amended to read:



4538 **26-18-21. Medicaid intergovernmental transfer report -- Approval requirements.**

4539 (1) As used in this section:

4540 (a) (i) "Intergovernmental transfer" means the transfer of public funds from:

4541 (A) a local government entity to another nonfederal governmental entity; or

4542 (B) from a nonfederal, government owned health care facility regulated under Chapter  
4543 21, Health Care Facility Licensing and Inspection Act, to another nonfederal governmental  
4544 entity.

4545 (ii) "Intergovernmental transfer" does not include:

4546 (A) the transfer of public funds from one state agency to another state agency; or

4547 (B) a transfer of funds from the University of Utah Hospitals and Clinics.

4548 (b) (i) "Intergovernmental transfer program" means a federally approved  
4549 reimbursement program or category that is authorized by the Medicaid state plan or waiver  
4550 authority for intergovernmental transfers.

4551 (ii) "Intergovernmental transfer program" does not include the addition of a provider to  
4552 an existing intergovernmental transfer program.

4553 (c) "Local government entity" means a county, city, town, special service district,  
4554 [~~local~~] special district, or local education agency as that term is defined in Section [63J-5-102](#).

4555 (d) "Non-state government entity" means a hospital authority, hospital district, health  
4556 care district, special service district, county, or city.

4557 (2) (a) An entity that receives federal Medicaid dollars from the department as a result  
4558 of an intergovernmental transfer shall, on or before August 1, 2017, and on or before August 1  
4559 each year thereafter, provide the department with:

4560 (i) information regarding the payments funded with the intergovernmental transfer as  
4561 authorized by and consistent with state and federal law;

4562 (ii) information regarding the entity's ability to repay federal funds, to the extent  
4563 required by the department in the contract for the intergovernmental transfer; and

4564 (iii) other information reasonably related to the intergovernmental transfer that may be

4565 required by the department in the contract for the intergovernmental transfer.

4566 (b) On or before October 15, 2017, and on or before October 15 each subsequent year,  
4567 the department shall prepare a report for the Executive Appropriations Committee that  
4568 includes:

4569 (i) the amount of each intergovernmental transfer under Subsection (2)(a);

4570 (ii) a summary of changes to CMS regulations and practices that are known by the  
4571 department regarding federal funds related to an intergovernmental transfer program; and

4572 (iii) other information the department gathers about the intergovernmental transfer  
4573 under Subsection (2)(a).

4574 (3) The department shall not create a new intergovernmental transfer program after  
4575 July 1, 2017, unless the department reports to the Executive Appropriations Committee, in  
4576 accordance with Section [63J-5-206](#), before submitting the new intergovernmental transfer  
4577 program for federal approval. The report shall include information required by Subsection  
4578 [63J-5-102\(1\)\(d\)](#) and the analysis required in Subsections (2)(a) and (b).

4579 (4) (a) The department shall enter into new Nursing Care Facility Non-State  
4580 Government-Owned Upper Payment Limit program contracts and contract amendments adding  
4581 new nursing care facilities and new non-state government entity operators in accordance with  
4582 this Subsection (4).

4583 (b) (i) If the nursing care facility expects to receive less than \$1,000,000 in federal  
4584 funds each year from the Nursing Care Facility Non-State Government-Owned Upper Payment  
4585 Limit program, excluding seed funding and administrative fees paid by the non-state  
4586 government entity, the department shall enter into a Nursing Care Facility Non-State  
4587 Government-Owned Upper Payment Limit program contract with the non-state government  
4588 entity operator of the nursing care facility.

4589 (ii) If the nursing care facility expects to receive between \$1,000,000 and \$10,000,000  
4590 in federal funds each year from the Nursing Care Facility Non-State Government-Owned  
4591 Upper Payment Limit program, excluding seed funding and administrative fees paid by the

4592 non-state government entity, the department shall enter into a Nursing Care Facility Non-State  
4593 Government-Owned Upper Payment Limit program contract with the non-state government  
4594 entity operator of the nursing care facility after receiving the approval of the Executive  
4595 Appropriations Committee.

4596 (iii) If the nursing care facility expects to receive more than \$10,000,000 in federal  
4597 funds each year from the Nursing Care Facility Non-State Government-Owned Upper Payment  
4598 Limit program, excluding seed funding and administrative fees paid by the non-state  
4599 government entity, the department may not approve the application without obtaining approval  
4600 from the Legislature and the governor.

4601 (c) A non-state government entity may not participate in the Nursing Care Facility  
4602 Non-State Government-Owned Upper Payment Limit program unless the non-state government  
4603 entity is a special service district, county, or city that operates a hospital or holds a license  
4604 under Chapter 21, Health Care Facility Licensing and Inspection Act.

4605 (d) Each non-state government entity that participates in the Nursing Care Facility  
4606 Non-State Government-Owned Upper Payment Limit program shall certify to the department  
4607 that:

4608 (i) the non-state government entity is a local government entity that is able to make an  
4609 intergovernmental transfer under applicable state and federal law;

4610 (ii) the non-state government entity has sufficient public funds or other permissible  
4611 sources of seed funding that comply with the requirements in 42 C.F.R. Part 433, Subpart B;

4612 (iii) the funds received from the Nursing Care Facility Non-State Government-Owned  
4613 Upper Payment Limit program are:

4614 (A) for each nursing care facility, available for patient care until the end of the  
4615 non-state government entity's fiscal year; and

4616 (B) used exclusively for operating expenses for nursing care facility operations, patient  
4617 care, capital expenses, rent, royalties, and other operating expenses; and

4618 (iv) the non-state government entity has completed all licensing, enrollment, and other

4619 forms and documents required by federal and state law to register a change of ownership with  
4620 the department and with CMS.

4621 (5) The department shall add a nursing care facility to an existing Nursing Care Facility  
4622 Non-State Government-Owned Upper Payment Limit program contract if:

4623 (a) the nursing care facility is managed by or affiliated with the same non-state  
4624 government entity that also manages one or more nursing care facilities that are included in an  
4625 existing Nursing Care Facility Non-State Government-Owned Upper Payment Limit program  
4626 contract; and

4627 (b) the non-state government entity makes the certification described in Subsection  
4628 (4)(d)(ii).

4629 (6) The department may not increase the percentage of the administrative fee paid by a  
4630 non-state government entity to the department under the Nursing Care Facility Non-State  
4631 Government-Owned Upper Payment Limit program.

4632 (7) The department may not condition participation in the Nursing Care Facility  
4633 Non-State Government-Owned Upper Payment Limit program on:

4634 (a) a requirement that the department be allowed to direct or determine the types of  
4635 patients that a non-state government entity will treat or the course of treatment for a patient in a  
4636 non-state government nursing care facility; or

4637 (b) a requirement that a non-state government entity or nursing care facility post a  
4638 bond, purchase insurance, or create a reserve account of any kind.

4639 (8) The non-state government entity shall have the primary responsibility for ensuring  
4640 compliance with Subsection (4)(d)(ii).

4641 (9) (a) The department may not enter into a new Nursing Care Facility Non-State  
4642 Government-Owned Upper Payment Limit program contract before January 1, 2019.

4643 (b) Subsection (9)(a) does not apply to:

4644 (i) a new Nursing Care Facility Non-State Government-Owned Upper Payment Limit  
4645 program contract that was included in the federal funds request summary under Section

4646 63J-5-201 for fiscal year 2018; or

4647 (ii) a nursing care facility that is operated or managed by the same company as a  
4648 nursing care facility that was included in the federal funds request summary under Section  
4649 63J-5-201 for fiscal year 2018.

4650 Section 65. Section 31A-23a-501 is amended to read:

4651 **31A-23a-501. Licensee compensation.**

4652 (1) As used in this section:

4653 (a) "Commission compensation" includes funds paid to or credited for the benefit of a  
4654 licensee from:

4655 (i) commission amounts deducted from insurance premiums on insurance sold by or  
4656 placed through the licensee;

4657 (ii) commission amounts received from an insurer or another licensee as a result of the  
4658 sale or placement of insurance; or

4659 (iii) overrides, bonuses, contingent bonuses, or contingent commissions received from  
4660 an insurer or another licensee as a result of the sale or placement of insurance.

4661 (b) (i) "Compensation from an insurer or third party administrator" means  
4662 commissions, fees, awards, overrides, bonuses, contingent commissions, loans, stock options,  
4663 gifts, prizes, or any other form of valuable consideration:

4664 (A) whether or not payable pursuant to a written agreement; and

4665 (B) received from:

4666 (I) an insurer; or

4667 (II) a third party to the transaction for the sale or placement of insurance.

4668 (ii) "Compensation from an insurer or third party administrator" does not mean  
4669 compensation from a customer that is:

4670 (A) a fee or pass-through costs as provided in Subsection (1)(e); or

4671 (B) a fee or amount collected by or paid to the producer that does not exceed an  
4672 amount established by the commissioner by administrative rule.

- 4673 (c) (i) "Customer" means:
- 4674 (A) the person signing the application or submission for insurance; or
- 4675 (B) the authorized representative of the insured actually negotiating the placement of
- 4676 insurance with the producer.
- 4677 (ii) "Customer" does not mean a person who is a participant or beneficiary of:
- 4678 (A) an employee benefit plan; or
- 4679 (B) a group or blanket insurance policy or group annuity contract sold, solicited, or
- 4680 negotiated by the producer or affiliate.
- 4681 (d) (i) "Noncommission compensation" includes all funds paid to or credited for the
- 4682 benefit of a licensee other than commission compensation.
- 4683 (ii) "Noncommission compensation" does not include charges for pass-through costs
- 4684 incurred by the licensee in connection with obtaining, placing, or servicing an insurance policy.
- 4685 (e) "Pass-through costs" include:
- 4686 (i) costs for copying documents to be submitted to the insurer; and
- 4687 (ii) bank costs for processing cash or credit card payments.
- 4688 (2) (a) Except as provided in Subsection (3), a licensee may receive from an insured or
- 4689 from a person purchasing an insurance policy, noncommission compensation.
- 4690 (b) Noncommission compensation shall be:
- 4691 (i) limited to actual or reasonable expenses incurred for services; and
- 4692 (ii) uniformly applied to all insureds or prospective insureds in a class or classes of
- 4693 business or for a specific service or services.
- 4694 (c) The following additional noncommission compensation is authorized:
- 4695 (i) compensation a surety bond's principal debtor pays, under procedures approved by a
- 4696 rule or order of the commissioner, to a producer of a compensation corporate surety for an
- 4697 extra service;
- 4698 (ii) compensation an insurance producer receives for services performed for an insured
- 4699 in connection with a claim adjustment, if the producer:

4700 (A) does not receive and is not promised compensation for aiding in the claim  
4701 adjustment before the claim occurs; and  
4702 (B) is also licensed as a public adjuster in accordance with Section 31A-26-203;  
4703 (iii) compensation a consultant receives as a consulting fee, if the consultant complies  
4704 with the requirements under Section 31A-23a-401; and  
4705 (iv) a compensation arrangement that the commissioner approves after finding that the  
4706 arrangement:  
4707 (A) does not violate Section 31A-23a-401; and  
4708 (B) is not harmful to the public.  
4709 (d) All accounting records relating to noncommission compensation shall be  
4710 maintained in a manner that facilitates an audit.  
4711 (3) (a) A surplus lines producer may receive noncommission compensation when  
4712 acting as a producer for the insured in a surplus lines transaction, if:  
4713 (i) the producer and the insured have agreed on the producer's noncommission  
4714 compensation; and  
4715 (ii) the producer has disclosed to the insured the existence and source of any other  
4716 compensation that accrues to the producer as a result of the transaction.  
4717 (b) The disclosure required by this Subsection (3) shall:  
4718 (i) include the signature of the insured or prospective insured acknowledging the  
4719 noncommission compensation;  
4720 (ii) clearly specify:  
4721 (A) the amount of any known noncommission compensation;  
4722 (B) the type and amount, if known, of any potential and contingent noncommission  
4723 compensation; and  
4724 (C) the existence and source of any other compensation; and  
4725 (iii) be provided to the insured or prospective insured before the performance of the  
4726 service.

- 4727 (4) (a) For purposes of this Subsection (4):
- 4728 (i) "Large customer" means an employer who, with respect to a calendar year and to a
- 4729 plan year:
- 4730 (A) employed an average of at least 100 eligible employees on each business day
- 4731 during the preceding calendar year; and
- 4732 (B) employs at least two employees on the first day of the plan year.
- 4733 (ii) "Producer" includes:
- 4734 (A) a producer;
- 4735 (B) an affiliate of a producer; or
- 4736 (C) a consultant.
- 4737 (b) A producer may not accept or receive any compensation from an insurer or third
- 4738 party administrator for the initial placement of a health benefit plan, other than a hospital
- 4739 confinement indemnity policy, unless prior to a large customer's initial purchase of the health
- 4740 benefit plan the producer discloses in writing to the large customer that the producer will
- 4741 receive compensation from the insurer or third party administrator for the placement of
- 4742 insurance, including the amount or type of compensation known to the producer at the time of
- 4743 the disclosure.
- 4744 (c) A producer shall:
- 4745 (i) obtain the large customer's signed acknowledgment that the disclosure under
- 4746 Subsection (4)(b) was made to the large customer; or
- 4747 (ii) (A) sign a statement that the disclosure required by Subsection (4)(b) was made to
- 4748 the large customer; and
- 4749 (B) keep the signed statement on file in the producer's office while the health benefit
- 4750 plan placed with the large customer is in force.
- 4751 (d) A licensee who collects or receives any part of the compensation from an insurer or
- 4752 third party administrator in a manner that facilitates an audit shall, while the health benefit plan
- 4753 placed with the large customer is in force, maintain a copy of:



- 4754 (i) the signed acknowledgment described in Subsection (4)(c)(i); or
- 4755 (ii) the signed statement described in Subsection (4)(c)(ii).
- 4756 (e) Subsection (4)(c) does not apply to:
  - 4757 (i) a person licensed as a producer who acts only as an intermediary between an insurer
  - 4758 and the customer's producer, including a managing general agent; or
  - 4759 (ii) the placement of insurance in a secondary or residual market.
- 4760 (f) (i) A producer shall provide to a large customer listed in this Subsection (4)(f) an
- 4761 annual accounting, as defined by rule made by the department in accordance with Title 63G,
- 4762 Chapter 3, Utah Administrative Rulemaking Act, of all amounts the producer receives in
- 4763 commission compensation from an insurer or third party administrator as a result of the sale or
- 4764 placement of a health benefit plan to a large customer that is:
  - 4765 (A) the state;
  - 4766 (B) a political subdivision or instrumentality of the state or a combination thereof
  - 4767 primarily engaged in educational activities or the administration or servicing of educational
  - 4768 activities, including the State Board of Education and its instrumentalities, an institution of
  - 4769 higher education and its branches, a school district and its instrumentalities, a vocational and
  - 4770 technical school, and an entity arising out of a consolidation agreement between entities
  - 4771 described under this Subsection (4)(f)(i)(B);
  - 4772 (C) a county, city, town, ~~[local] special~~ district under ~~[Title 17B, Limited Purpose~~
  - 4773 ~~Local Government Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government
  - 4774 Entities - Special Districts, special service district under Title 17D, Chapter 1, Special Service
  - 4775 District Act, an entity created by an interlocal cooperation agreement under Title 11, Chapter
  - 4776 13, Interlocal Cooperation Act, or any other governmental entity designated in statute as a
  - 4777 political subdivision of the state; or
  - 4778 (D) a quasi-public corporation, that has the same meaning as defined in Section
  - 4779 [63E-1-102](#).
- 4780 (ii) The department shall pattern the annual accounting required by this Subsection

4781 (4)(f) on the insurance related information on Internal Revenue Service Form 5500 and its  
4782 relevant attachments.

4783 (g) At the request of the department, a producer shall provide the department a copy of:

4784 (i) a disclosure required by this Subsection (4); or

4785 (ii) an Internal Revenue Service Form 5500 and its relevant attachments.

4786 (5) This section does not alter the right of any licensee to recover from an insured the  
4787 amount of any premium due for insurance effected by or through that licensee or to charge a  
4788 reasonable rate of interest upon past-due accounts.

4789 (6) This section does not apply to bail bond producers or bail enforcement agents as  
4790 defined in Section 31A-35-102.

4791 (7) A licensee may not receive noncommission compensation from an insurer, insured,  
4792 or enrollee for providing a service or engaging in an act that is required to be provided or  
4793 performed in order to receive commission compensation, except for the surplus lines  
4794 transactions that do not receive commissions.

4795 Section 66. Section 34-30-14 is amended to read:

4796 **34-30-14. Public works -- Wages.**

4797 (1) For purposes of this section:

4798 (a) "Political subdivision" means a county, city, town, school district, ~~local~~ special  
4799 district, special service district, public corporation, institution of higher education of the state,  
4800 public agency of any political subdivision, or other entity that expends public funds for  
4801 construction, maintenance, repair or improvement of public works.

4802 (b) "Public works" or "public works project" means a building, road, street, sewer,  
4803 storm drain, water system, irrigation system, reclamation project, or other facility owned or to  
4804 be contracted for by the state or a political subdivision, and that is to be paid for in whole or in  
4805 part with tax revenue paid by residents of the state.

4806 (2) (a) Except as provided in Subsection (2)(b) or as required by federal or state law,  
4807 the state or any political subdivision that contracts for the construction, maintenance, repair, or

4808 improvement of public works may not require that a contractor, subcontractor, or material  
4809 supplier or carrier engaged in the construction, maintenance, repair, or improvement of public  
4810 works pay its employees:

4811 (i) a predetermined amount of wages or wage rate; or

4812 (ii) a type, amount, or rate of employee benefits.

4813 (b) Subsection (2)(a) does not apply when federal law requires the payment of  
4814 prevailing or minimum wages to persons working on projects funded in whole or in part by  
4815 federal funds.

4816 (3) The state or any political subdivision that contracts for the construction,  
4817 maintenance, repair, or improvement of public works may not require that a contractor,  
4818 subcontractor, or material supplier or carrier engaged in the construction, maintenance, repair  
4819 or improvement of public works execute or otherwise become a party to any project labor  
4820 agreement, collective bargaining agreement, prehire agreement, or any other agreement with  
4821 employees, their representatives, or any labor organization as a condition of bidding,  
4822 negotiating, being awarded, or performing work on a public works project.

4823 (4) This section applies to any contract executed after May 1, 1995.

4824 Section 67. Section **34-32-1.1** is amended to read:

4825 **34-32-1.1. Prohibiting public employers from making payroll deductions for**  
4826 **political purposes.**

4827 (1) As used in this section:

4828 (a) (i) "Labor organization" means a lawful organization of any kind that is composed,  
4829 in whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing  
4830 with employers concerning grievances, labor disputes, wages, rates of pay, hours of  
4831 employment, or other terms and conditions of employment.

4832 (ii) Except as provided in Subsection (1)(a)(iii), "labor organization" includes each  
4833 employee association and union for public employees.

4834 (iii) "Labor organization" does not include organizations governed by the National

4835 Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151  
4836 et seq.

4837 (b) "Political purposes" means an act done with the intent or in a way to influence or  
4838 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
4839 against any candidate for public office at any caucus, political convention, primary, or election.

4840 (c) "Public employee" means a person employed by:

4841 (i) the state of Utah or any administrative subunit of the state;

4842 (ii) a state institution of higher education; or

4843 (iii) a municipal corporation, a county, a municipality, a school district, a [~~local~~]  
4844 special district, a special service district, or any other political subdivision of the state.

4845 (d) "Public employer" means an employer that is:

4846 (i) the state of Utah or any administrative subunit of the state;

4847 (ii) a state institution of higher education; or

4848 (iii) a municipal corporation, a county, a municipality, a school district, a [~~local~~]  
4849 special district, a special service district, or any other political subdivision of the state.

4850 (e) "Union dues" means dues, fees, assessments, or other money required as a  
4851 condition of membership or participation in a labor organization.

4852 (2) A public employer may not deduct from the wages of its employees any amounts to  
4853 be paid to:

4854 (a) a candidate as defined in Section 20A-11-101;

4855 (b) a personal campaign committee as defined in Section 20A-11-101;

4856 (c) a political action committee as defined in Section 20A-11-101;

4857 (d) a political issues committee as defined in Section 20A-11-101;

4858 (e) a registered political party as defined in Section 20A-11-101;

4859 (f) a political fund as defined in Section 20A-11-1402; or

4860 (g) any entity established by a labor organization to solicit, collect, or distribute money  
4861 primarily for political purposes as defined in this chapter.

4862 (3) The attorney general may bring an action to require a public employer to comply  
4863 with the requirements of this section.

4864 Section 68. Section **34-41-101** is amended to read:

4865 **34-41-101. Definitions.**

4866 As used in this chapter:

4867 (1) "Drug" means any substance recognized as a drug in the United States  
4868 Pharmacopeia, the National Formulary, the Homeopathic Pharmacopeia, or other drug  
4869 compendia, including Title 58, Chapter 37, Utah Controlled Substances Act, or supplement to  
4870 any of those compendia.

4871 (2) "Drug testing" means the scientific analysis for the presence of drugs or their  
4872 metabolites in the human body in accordance with the definitions and terms of this chapter.

4873 (3) "Local governmental employee" means any person or officer in the service of a  
4874 local governmental entity or state institution of higher education for compensation.

4875 (4) (a) "Local governmental entity" means any political subdivision of Utah including  
4876 any county, municipality, local school district, ~~local~~ special district, special service district, or  
4877 any administrative subdivision of those entities.

4878 (b) "Local governmental entity" does not mean Utah state government or its  
4879 administrative subdivisions provided for in Sections [63A-17-1001](#) through [63A-17-1006](#).

4880 (5) "Periodic testing" means preselected and preannounced drug testing of employees  
4881 or volunteers conducted on a regular schedule.

4882 (6) "Prospective employee" means any person who has made a written or oral  
4883 application to become an employee of a local governmental entity or a state institution of  
4884 higher education.

4885 (7) "Random testing" means the unannounced drug testing of an employee or volunteer  
4886 who was selected for testing by using a method uninfluenced by any personal characteristics  
4887 other than job category.

4888 (8) "Reasonable suspicion for drug testing" means an articulated belief based on the

4889 recorded specific facts and reasonable inferences drawn from those facts that a local  
4890 government employee or volunteer is in violation of the drug-free workplace policy.

4891 (9) "Rehabilitation testing" means unannounced but preselected drug testing done as  
4892 part of a program of counseling, education, and treatment of an employee or volunteer in  
4893 conjunction with the drug-free workplace policy.

4894 (10) "Safety sensitive position" means any local governmental or state institution of  
4895 higher education position involving duties which directly affects the safety of governmental  
4896 employees, the general public, or positions where there is access to controlled substances, as  
4897 defined in Title 58, Chapter 37, Utah Controlled Substances Act, during the course of  
4898 performing job duties.

4899 (11) "Sample" means urine, blood, breath, saliva, or hair.

4900 (12) "State institution of higher education" means the institution as defined in Section  
4901 [53B-3-102](#).

4902 (13) "Volunteer" means any person who donates services as authorized by the local  
4903 governmental entity or state institution of higher education without pay or other compensation  
4904 except expenses actually and reasonably incurred.

4905 Section 69. Section **34-52-102** is amended to read:

4906 **34-52-102. Definitions.**

4907 As used in this chapter:

4908 (1) "Applicant" means an individual who provides information to a public or private  
4909 employer for the purpose of obtaining employment.

4910 (2) (a) "Criminal conviction" means a verdict or finding of guilt after a criminal trial or  
4911 a plea of guilty or nolo contendere to a criminal charge.

4912 (b) "Criminal conviction" does not include an expunged criminal conviction.

4913 (3) (a) "Private employer" means a person who has one or more employees employed  
4914 in the same business, or in or about the same establishment, under any contract of hire, express  
4915 or implied, oral or written.

4916 (b) "Private employer" does not include a public employer.

4917 (4) "Public employer" means an employer that is:

4918 (a) the state or any administrative subunit of the state, including a department, division,  
4919 board, council, committee, institution, office, bureau, or other similar administrative unit of  
4920 state government;

4921 (b) a state institution of higher education; or

4922 (c) a municipal corporation, county, municipality, school district, ~~local~~ special  
4923 district, special service district, or other political subdivision of the state.

4924 Section 70. Section **35A-1-102** is amended to read:

4925 **35A-1-102. Definitions.**

4926 Unless otherwise specified, as used in this title:

4927 (1) "Client" means an individual who the department has determined to be eligible for  
4928 services or benefits under:

4929 (a) Chapter 3, Employment Support Act; and

4930 (b) Chapter 5, Training and Workforce Improvement Act.

4931 (2) "Department" means the Department of Workforce Services created in Section  
4932 [35A-1-103](#).

4933 (3) "Economic service area" means an economic service area established in accordance  
4934 with Chapter 2, Economic Service Areas.

4935 (4) "Employment assistance" means services or benefits provided by the department  
4936 under:

4937 (a) Chapter 3, Employment Support Act; and

4938 (b) Chapter 5, Training and Workforce Improvement Act.

4939 (5) "Employment center" is a location in an economic service area where the services  
4940 provided by an economic service area under Section [35A-2-201](#) may be accessed by a client.

4941 (6) "Employment counselor" means an individual responsible for developing an  
4942 employment plan and coordinating the services and benefits under this title in accordance with

4943 Chapter 2, Economic Service Areas.

4944 (7) "Employment plan" means a written agreement between the department and a client  
4945 that describes:

4946 (a) the relationship between the department and the client;

4947 (b) the obligations of the department and the client; and

4948 (c) the result if an obligation is not fulfilled by the department or the client.

4949 (8) "Executive director" means the executive director of the department appointed  
4950 under Section [35A-1-201](#).

4951 (9) "Government entity" means the state or any county, municipality, ~~local~~ special  
4952 district, special service district, or other political subdivision or administrative unit of the state,  
4953 a state institution of higher education as defined in Section [53B-2-101](#), or a local education  
4954 agency as defined in Section [53G-7-401](#).

4955 (10) "Public assistance" means:

4956 (a) services or benefits provided under Chapter 3, Employment Support Act;

4957 (b) medical assistance provided under Title 26, Chapter 18, Medical Assistance Act;

4958 (c) foster care maintenance payments provided from the General Fund or under Title  
4959 IV-E of the Social Security Act;

4960 (d) SNAP benefits; and

4961 (e) any other public funds expended for the benefit of a person in need of financial,  
4962 medical, food, housing, or related assistance.

4963 (11) "SNAP" means the federal "Supplemental Nutrition Assistance Program" under  
4964 Title 7, U.S.C. Chapter 51, Supplemental Nutrition Assistance Program, formerly known as the  
4965 federal Food Stamp Program.

4966 (12) "SNAP benefit" or "SNAP benefits" means a financial benefit, coupon, or  
4967 privilege available under SNAP.

4968 (13) "Stabilization" means addressing the basic living, family care, and social or  
4969 psychological needs of the client so that the client may take advantage of training or



4970 employment opportunities provided under this title or through other agencies or institutions.

4971 (14) "Vulnerable populations" means children or adults with a life situation that  
4972 substantially affects that individual's ability to:

4973 (a) provide personal protection;

4974 (b) provide necessities such as food, shelter, clothing, or mental or other health care;

4975 (c) obtain services necessary for health, safety, or welfare;

4976 (d) carry out the activities of daily living;

4977 (e) manage the adult's own financial resources; or

4978 (f) comprehend the nature and consequences of remaining in a situation of abuse,  
4979 neglect, or exploitation.

4980 Section 71. Section **36-11-102** is amended to read:

4981 **36-11-102. Definitions.**

4982 As used in this chapter:

4983 (1) "Aggregate daily expenditures" means:

4984 (a) for a single lobbyist, principal, or government officer, the total of all expenditures  
4985 made within a calendar day by the lobbyist, principal, or government officer for the benefit of  
4986 an individual public official;

4987 (b) for an expenditure made by a member of a lobbyist group, the total of all  
4988 expenditures made within a calendar day by every member of the lobbyist group for the benefit  
4989 of an individual public official; or

4990 (c) for a multiclient lobbyist, the total of all expenditures made by the multiclient  
4991 lobbyist within a calendar day for the benefit of an individual public official, regardless of  
4992 whether the expenditures were attributed to different clients.

4993 (2) "Approved activity" means an event, a tour, or a meeting:

4994 (a) (i) to which a legislator or another nonexecutive branch public official is invited;

4995 and

4996 (ii) attendance at which is approved by:

4997 (A) the speaker of the House of Representatives, if the public official is a member of  
4998 the House of Representatives or another nonexecutive branch public official; or

4999 (B) the president of the Senate, if the public official is a member of the Senate or  
5000 another nonexecutive branch public official; or

5001 (b) (i) to which a public official who holds a position in the executive branch of state  
5002 government is invited; and

5003 (ii) attendance at which is approved by the governor or the lieutenant governor.

5004 (3) "Board of education" means:

5005 (a) a local school board described in Title 53G, Chapter 4, School Districts;

5006 (b) the State Board of Education;

5007 (c) the State Charter School Board created under Section [53G-5-201](#); or

5008 (d) a charter school governing board described in Title 53G, Chapter 5, Charter  
5009 Schools.

5010 (4) "Capitol hill complex" means the same as that term is defined in Section  
5011 [63C-9-102](#).

5012 (5) (a) "Compensation" means anything of economic value, however designated, that is  
5013 paid, loaned, granted, given, donated, or transferred to an individual for the provision of  
5014 services or ownership before any withholding required by federal or state law.

5015 (b) "Compensation" includes:

5016 (i) a salary or commission;

5017 (ii) a bonus;

5018 (iii) a benefit;

5019 (iv) a contribution to a retirement program or account;

5020 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue  
5021 Code, and subject to social security deductions, including a payment in excess of the maximum  
5022 amount subject to deduction under social security law;

5023 (vi) an amount that the individual authorizes to be deducted or reduced for salary

- 5024 deferral or other benefits authorized by federal law; or
- 5025 (vii) income based on an individual's ownership interest.
- 5026 (6) "Compensation payor" means a person who pays compensation to a public official
- 5027 in the ordinary course of business:
- 5028 (a) because of the public official's ownership interest in the compensation payor; or
- 5029 (b) for services rendered by the public official on behalf of the compensation payor.
- 5030 (7) "Education action" means:
- 5031 (a) a resolution, policy, or other official action for consideration by a board of
- 5032 education;
- 5033 (b) a nomination or appointment by an education official or a board of education;
- 5034 (c) a vote on an administrative action taken by a vote of a board of education;
- 5035 (d) an adjudicative proceeding over which an education official has direct or indirect
- 5036 control;
- 5037 (e) a purchasing or contracting decision;
- 5038 (f) drafting or making a policy, resolution, or rule;
- 5039 (g) determining a rate or fee; or
- 5040 (h) making an adjudicative decision.
- 5041 (8) "Education official" means:
- 5042 (a) a member of a board of education;
- 5043 (b) an individual appointed to or employed in a position under a board of education, if
- 5044 that individual:
- 5045 (i) occupies a policymaking position or makes purchasing or contracting decisions;
- 5046 (ii) drafts resolutions or policies or drafts or makes rules;
- 5047 (iii) determines rates or fees;
- 5048 (iv) makes decisions relating to an education budget or the expenditure of public
- 5049 money; or
- 5050 (v) makes adjudicative decisions; or

5051 (c) an immediate family member of an individual described in Subsection (8)(a) or (b).  
5052 (9) "Event" means entertainment, a performance, a contest, or a recreational activity  
5053 that an individual participates in or is a spectator at, including a sporting event, an artistic  
5054 event, a play, a movie, dancing, or singing.

5055 (10) "Executive action" means:  
5056 (a) a nomination or appointment by the governor;  
5057 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule  
5058 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;  
5059 (c) agency ratemaking proceedings; or  
5060 (d) an adjudicative proceeding of a state agency.

5061 (11) (a) "Expenditure" means any of the items listed in this Subsection (11)(a) when  
5062 given to or for the benefit of a public official unless consideration of equal or greater value is  
5063 received:  
5064 (i) a purchase, payment, or distribution;  
5065 (ii) a loan, gift, or advance;  
5066 (iii) a deposit, subscription, or forbearance;  
5067 (iv) services or goods;  
5068 (v) money;  
5069 (vi) real property;  
5070 (vii) a ticket or admission to an event; or  
5071 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide  
5072 any item listed in Subsections (11)(a)(i) through (vii).

5073 (b) "Expenditure" does not mean:  
5074 (i) a commercially reasonable loan made in the ordinary course of business;  
5075 (ii) a campaign contribution:  
5076 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial  
5077 Reporting Requirements, Section 10-3-208, Section 17-16-6.5, or any applicable ordinance

5078 adopted under Subsection 10-3-208(6) or 17-16-6.5(1); or  
5079 (B) lawfully given to a person that is not required to report the contribution under a law  
5080 or ordinance described in Subsection (11)(b)(ii)(A);  
5081 (iii) printed informational material that is related to the performance of the recipient's  
5082 official duties;  
5083 (iv) a devise or inheritance;  
5084 (v) any item listed in Subsection (11)(a) if:  
5085 (A) given by a relative;  
5086 (B) given by a compensation payor for a purpose solely unrelated to the public  
5087 official's position as a public official;  
5088 (C) the item is food or beverage with a value that does not exceed the food  
5089 reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed  
5090 the food reimbursement rate; or  
5091 (D) the item is not food or beverage, has a value of less than \$10, and the aggregate  
5092 daily expenditures do not exceed \$10;  
5093 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the  
5094 following are invited:  
5095 (A) all members of the Legislature;  
5096 (B) all members of a standing or interim committee;  
5097 (C) all members of an official legislative task force;  
5098 (D) all members of a party caucus; or  
5099 (E) all members of a group described in Subsections (11)(b)(vi)(A) through (D) who  
5100 are attending a meeting of a national organization whose primary purpose is addressing general  
5101 legislative policy;  
5102 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public  
5103 official who is:  
5104 (A) giving a speech at the event, tour, or meeting;

- 5105 (B) participating in a panel discussion at the event, tour, or meeting; or  
5106 (C) presenting or receiving an award at the event, tour, or meeting;  
5107 (viii) a plaque, commendation, or award that:  
5108 (A) is presented in public; and  
5109 (B) has the name of the individual receiving the plaque, commendation, or award  
5110 inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or  
5111 award;  
5112 (ix) a gift that:  
5113 (A) is an item that is not consumable and not perishable;  
5114 (B) a public official, other than a local official or an education official, accepts on  
5115 behalf of the state;  
5116 (C) the public official promptly remits to the state;  
5117 (D) a property administrator does not reject under Section [63G-23-103](#);  
5118 (E) does not constitute a direct benefit to the public official before or after the public  
5119 official remits the gift to the state; and  
5120 (F) after being remitted to the state, is not transferred, divided, distributed, or used to  
5121 distribute a gift or benefit to one or more public officials in a manner that would otherwise  
5122 qualify the gift as an expenditure if the gift were given directly to a public official;  
5123 (x) any of the following with a cash value not exceeding \$30:  
5124 (A) a publication; or  
5125 (B) a commemorative item;  
5126 (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose of  
5127 which is:  
5128 (A) to solicit a contribution that is reportable under Title 20A, Chapter 11, Campaign  
5129 and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section [10-3-208](#), Section  
5130 [17-16-6.5](#), or an applicable ordinance adopted under Subsection [10-3-208\(6\)](#) or [17-16-6.5\(1\)](#);  
5131 (B) to solicit a campaign contribution that a person is not required to report under a law

5132 or ordinance described in Subsection (11)(b)(xi)(A); or  
5133 (C) charitable solicitation, as defined in Section 13-22-2;  
5134 (xii) travel to, lodging at, food or beverage served at, and admission to an approved  
5135 activity;  
5136 (xiii) sponsorship of an approved activity;  
5137 (xiv) notwithstanding Subsection (11)(a)(vii), admission to, attendance at, or travel to  
5138 or from an event, a tour, or a meeting:  
5139 (A) that is sponsored by a governmental entity;  
5140 (B) that is widely attended and related to a governmental duty of a public official;  
5141 (C) for a local official, that is sponsored by an organization that represents only local  
5142 governments, including the Utah Association of Counties, the Utah League of Cities and  
5143 Towns, or the Utah Association of Special Districts; or  
5144 (D) for an education official, that is sponsored by a public school, a charter school, or  
5145 an organization that represents only public schools or charter schools, including the Utah  
5146 Association of Public Charter Schools, the Utah School Boards Association, or the Utah  
5147 School Superintendents Association; or  
5148 (xv) travel to a widely attended tour or meeting related to a governmental duty of a  
5149 public official if that travel results in a financial savings to:  
5150 (A) for a public official who is not a local official or an education official, the state; or  
5151 (B) for a public official who is a local official or an education official, the local  
5152 government or board of education to which the public official belongs.  
5153 (12) "Food reimbursement rate" means the total amount set by the director of the  
5154 Division of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an  
5155 employee of the executive branch, for an entire day.  
5156 (13) (a) "Foreign agent" means an individual who engages in lobbying under contract  
5157 with a foreign government.  
5158 (b) "Foreign agent" does not include an individual who is recognized by the United

5159 States Department of State as a duly accredited diplomatic or consular officer of a foreign  
5160 government, including a duly accredited honorary consul.

5161 (14) "Foreign government" means a government other than the government of:

5162 (a) the United States;

5163 (b) a state within the United States;

5164 (c) a territory or possession of the United States; or

5165 (d) a political subdivision of the United States.

5166 (15) (a) "Government officer" means:

5167 (i) an individual elected to a position in state or local government, when acting in the  
5168 capacity of the state or local government position;

5169 (ii) an individual elected to a board of education, when acting in the capacity of a  
5170 member of a board of education;

5171 (iii) an individual appointed to fill a vacancy in a position described in Subsection  
5172 (15)(a)(i) or (ii), when acting in the capacity of the position; or

5173 (iv) an individual appointed to or employed in a full-time position by state government,  
5174 local government, or a board of education, when acting in the capacity of the individual's  
5175 appointment or employment.

5176 (b) "Government officer" does not mean a member of the legislative branch of state  
5177 government.

5178 (16) "Immediate family" means:

5179 (a) a spouse;

5180 (b) a child residing in the household; or

5181 (c) an individual claimed as a dependent for tax purposes.

5182 (17) "Legislative action" means:

5183 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or  
5184 proposed in either house of the Legislature or its committees or requested by a legislator; and

5185 (b) the action of the governor in approving or vetoing legislation.



5186 (18) "Lobbying" means communicating with a public official for the purpose of  
5187 influencing a legislative action, executive action, local action, or education action.

5188 (19) (a) "Lobbyist" means:

5189 (i) an individual who is employed by a principal; or

5190 (ii) an individual who contracts for economic consideration, other than reimbursement  
5191 for reasonable travel expenses, with a principal to lobby a public official.

5192 (b) "Lobbyist" does not include:

5193 (i) a government officer;

5194 (ii) a member or employee of the legislative branch of state government;

5195 (iii) a person, including a principal, while appearing at, or providing written comments  
5196 to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah Administrative  
5197 Rulemaking Act or Title 63G, Chapter 4, Administrative Procedures Act;

5198 (iv) a person participating on or appearing before an advisory or study task force,  
5199 commission, board, or committee, constituted by the Legislature, a local government, a board  
5200 of education, or any agency or department of state government, except legislative standing,  
5201 appropriation, or interim committees;

5202 (v) a representative of a political party;

5203 (vi) an individual representing a bona fide church solely for the purpose of protecting  
5204 the right to practice the religious doctrines of the church, unless the individual or church makes  
5205 an expenditure that confers a benefit on a public official;

5206 (vii) a newspaper, television station or network, radio station or network, periodical of  
5207 general circulation, or book publisher for the purpose of publishing news items, editorials,  
5208 other comments, or paid advertisements that directly or indirectly urge legislative action,  
5209 executive action, local action, or education action;

5210 (viii) an individual who appears on the individual's own behalf before a committee of  
5211 the Legislature, an agency of the executive branch of state government, a board of education,  
5212 the governing body of a local government, a committee of a local government, or a committee

5213 of a board of education, solely for the purpose of testifying in support of or in opposition to  
5214 legislative action, executive action, local action, or education action; or

5215 (ix) an individual representing a business, entity, or industry, who:

5216 (A) interacts with a public official, in the public official's capacity as a public official,  
5217 while accompanied by a registered lobbyist who is lobbying in relation to the subject of the  
5218 interaction or while presenting at a legislative committee meeting at the same time that the  
5219 registered lobbyist is attending another legislative committee meeting; and

5220 (B) does not make an expenditure for, or on behalf of, a public official in relation to the  
5221 interaction or during the period of interaction.

5222 (20) "Lobbyist group" means two or more lobbyists, principals, government officers, or  
5223 any combination of lobbyists, principals, and government officers, who each contribute a  
5224 portion of an expenditure made to benefit a public official or member of the public official's  
5225 immediate family.

5226 (21) "Local action" means:

5227 (a) an ordinance or resolution for consideration by a local government;

5228 (b) a nomination or appointment by a local official or a local government;

5229 (c) a vote on an administrative action taken by a vote of a local government's  
5230 legislative body;

5231 (d) an adjudicative proceeding over which a local official has direct or indirect control;

5232 (e) a purchasing or contracting decision;

5233 (f) drafting or making a policy, resolution, or rule;

5234 (g) determining a rate or fee; or

5235 (h) making an adjudicative decision.

5236 (22) "Local government" means:

5237 (a) a county, city, town, or metro township;

5238 (b) a ~~[local]~~ special district governed by ~~[Title 17B, Limited Purpose Local~~

5239 ~~Government Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities -

5240 Special Districts;

5241 (c) a special service district governed by Title 17D, Chapter 1, Special Service District  
5242 Act;

5243 (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local  
5244 Government Entities - Community Reinvestment Agency Act;

5245 (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;

5246 (f) a redevelopment agency; or

5247 (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter  
5248 13, Interlocal Cooperation Act.

5249 (23) "Local official" means:

5250 (a) an elected member of a local government;

5251 (b) an individual appointed to or employed in a position in a local government if that  
5252 individual:

5253 (i) occupies a policymaking position or makes purchasing or contracting decisions;

5254 (ii) drafts ordinances or resolutions or drafts or makes rules;

5255 (iii) determines rates or fees; or

5256 (iv) makes adjudicative decisions; or

5257 (c) an immediate family member of an individual described in Subsection (23)(a) or

5258 (b).

5259 (24) "Meeting" means a gathering of people to discuss an issue, receive instruction, or  
5260 make a decision, including a conference, seminar, or summit.

5261 (25) "Multiclient lobbyist" means a single lobbyist, principal, or government officer  
5262 who represents two or more clients and divides the aggregate daily expenditure made to benefit  
5263 a public official or member of the public official's immediate family between two or more of  
5264 those clients.

5265 (26) "Principal" means a person that employs an individual to perform lobbying, either  
5266 as an employee or as an independent contractor.

- 5267 (27) "Public official" means:
- 5268 (a) (i) a member of the Legislature;
- 5269 (ii) an individual elected to a position in the executive branch of state government; or
- 5270 (iii) an individual appointed to or employed in a position in the executive or legislative
- 5271 branch of state government if that individual:
- 5272 (A) occupies a policymaking position or makes purchasing or contracting decisions;
- 5273 (B) drafts legislation or makes rules;
- 5274 (C) determines rates or fees; or
- 5275 (D) makes adjudicative decisions;
- 5276 (b) an immediate family member of a person described in Subsection (27)(a);
- 5277 (c) a local official; or
- 5278 (d) an education official.
- 5279 (28) "Public official type" means a notation to identify whether a public official is:
- 5280 (a) (i) a member of the Legislature;
- 5281 (ii) an individual elected to a position in the executive branch of state government;
- 5282 (iii) an individual appointed to or employed in a position in the legislative branch of
- 5283 state government who meets the definition of public official under Subsection (27)(a)(iii);
- 5284 (iv) an individual appointed to or employed in a position in the executive branch of
- 5285 state government who meets the definition of public official under Subsection (27)(a)(iii);
- 5286 (v) a local official, including a description of the type of local government for which
- 5287 the individual is a local official; or
- 5288 (vi) an education official, including a description of the type of board of education for
- 5289 which the individual is an education official; or
- 5290 (b) an immediate family member of an individual described in Subsection (27)(a), (c),
- 5291 or (d).
- 5292 (29) "Quarterly reporting period" means the three-month period covered by each
- 5293 financial report required under Subsection [36-11-201\(2\)\(a\)](#).

5294 (30) "Related person" means a person, agent, or employee who knowingly and  
5295 intentionally assists a lobbyist, principal, or government officer in lobbying.

5296 (31) "Relative" means:

5297 (a) a spouse;

5298 (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law,  
5299 brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin; or

5300 (c) a spouse of an individual described in Subsection (31)(b).

5301 (32) "Tour" means visiting a location, for a purpose relating to the duties of a public  
5302 official, and not primarily for entertainment, including:

5303 (a) viewing a facility;

5304 (b) viewing the sight of a natural disaster; or

5305 (c) assessing a circumstance in relation to which a public official may need to take  
5306 action within the scope of the public official's duties.

5307 Section 72. Section **36-11-201** is amended to read:

5308 **36-11-201. Lobbyist, principal, and government officer financial reporting**  
5309 **requirements -- Prohibition for related person to make expenditures.**

5310 (1) (a) (i) Except as provided in Subsection (1)(a)(ii), a lobbyist shall file financial  
5311 reports with the lieutenant governor on or before the due dates specified in Subsection (2).

5312 (ii) A lobbyist who has not made an expenditure during a quarterly reporting period is  
5313 not required to file a quarterly financial report for that quarterly reporting period.

5314 (iii) A lobbyist who is not required to file any quarterly reports under this section for a  
5315 calendar year shall, on or before January 10 of the following year, file a financial report listing  
5316 the amount of the expenditures for the entire preceding year as "none."

5317 (b) Except as provided in Subsection (1)(c), a government officer or principal that  
5318 makes an expenditure during any of the quarterly reporting periods under Subsection (2)(a)  
5319 shall file a financial report with the lieutenant governor on or before the date that a report for  
5320 that quarter is due.

- 5321 (c) (i) As used in this Subsection (1)(c), "same local government type" means:
- 5322 (A) for a county government, the same county government or another county
- 5323 government;
- 5324 (B) for a municipal government, the same municipal government or another municipal
- 5325 government;
- 5326 (C) for a board of education, the same board of education;
- 5327 (D) for a local school board described in Title 53G, Chapter 4, School Districts, the
- 5328 same local school board or another local school board;
- 5329 (E) for a ~~local~~ special district, the same ~~local~~ special district or another ~~local~~
- 5330 special district or a special service district;
- 5331 (F) for a special service district, the same special service district or another special
- 5332 service district or a ~~local~~ special district; or
- 5333 (G) for a participant in an interlocal agreement, another participant in the same
- 5334 interlocal agreement.
- 5335 (ii) A local official or an education official is not required, under this section, to report
- 5336 an expenditure made by the local official or education official to another local official or
- 5337 education official of the same local government type as the local official or education official
- 5338 making the expenditure.
- 5339 (2) (a) A financial report is due quarterly on the following dates:
- 5340 (i) April 10, for the period of January 1 through March 31;
- 5341 (ii) July 10, for the period of April 1 through June 30;
- 5342 (iii) October 10, for the period of July 1 through September 30; and
- 5343 (iv) January 10, for the period of October 1 through December 31 of the previous year.
- 5344 (b) If the due date for a financial report falls on a Saturday, Sunday, or legal holiday,
- 5345 the report is due on the next succeeding business day.
- 5346 (c) A financial report is timely filed if it is filed electronically before the close of
- 5347 regular office hours on or before the due date.

- 5348 (3) A financial report shall contain:
- 5349 (a) the total amount of expenditures made to benefit any public official during the
- 5350 quarterly reporting period;
- 5351 (b) the total amount of expenditures made, by the type of public official, during the
- 5352 quarterly reporting period;
- 5353 (c) for the financial report due on January 10:
- 5354 (i) the total amount of expenditures made to benefit any public official during the last
- 5355 calendar year; and
- 5356 (ii) the total amount of expenditures made, by the type of public official, during the last
- 5357 calendar year;
- 5358 (d) a disclosure of each expenditure made during the quarterly reporting period to
- 5359 reimburse or pay for travel or lodging for a public official, including:
- 5360 (i) each travel destination and each lodging location;
- 5361 (ii) the name of each public official who benefitted from the expenditure on travel or
- 5362 lodging;
- 5363 (iii) the public official type of each public official named;
- 5364 (iv) for each public official named, a listing of the amount and purpose of each
- 5365 expenditure made for travel or lodging; and
- 5366 (v) the total amount of expenditures listed under Subsection (3)(d)(iv);
- 5367 (e) a disclosure of aggregate daily expenditures greater than \$10 made during the
- 5368 quarterly reporting period including:
- 5369 (i) the date and purpose of the expenditure;
- 5370 (ii) the location of the expenditure;
- 5371 (iii) the name of any public official benefitted by the expenditure;
- 5372 (iv) the type of the public official benefitted by the expenditure; and
- 5373 (v) the total monetary worth of the benefit that the expenditure conferred on any public
- 5374 official;

5375 (f) for each public official who was employed by the lobbyist, principal, or government  
5376 officer, a list that provides:

5377 (i) the name of the public official; and

5378 (ii) the nature of the employment with the public official;

5379 (g) each bill or resolution, by number and short title, on behalf of which the lobbyist,  
5380 principal, or government officer made an expenditure to a public official;

5381 (h) a description of each executive action on behalf of which the lobbyist, principal, or  
5382 government officer made an expenditure to a public official;

5383 (i) a description of each local action or education action regarding which the lobbyist,  
5384 principal, or government officer made an expenditure to a local official or education official;

5385 (j) the general purposes, interests, and nature of the entities that the lobbyist, principal,  
5386 or government officer filing the report represents; and

5387 (k) for a lobbyist, a certification that the information provided in the report is true,  
5388 accurate, and complete to the lobbyist's best knowledge and belief.

5389 (4) A related person may not, while assisting a lobbyist, principal, or government  
5390 officer in lobbying, make an expenditure that benefits a public official under circumstances that  
5391 would otherwise fall within the disclosure requirements of this chapter if the expenditure was  
5392 made by the lobbyist, principal, or government officer.

5393 (5) The lieutenant governor shall:

5394 (a) (i) develop a preprinted form for a financial report required by this section; and

5395 (ii) make copies of the form available to a lobbyist, principal, or government officer  
5396 who requests a form; and

5397 (b) provide a reporting system that allows a lobbyist, principal, or government officer  
5398 to submit a financial report required by this chapter via the Internet.

5399 (6) (a) A lobbyist and a principal shall continue to file a financial report required by  
5400 this section until the lobbyist or principal files a statement with the lieutenant governor that:

5401 (i) (A) for a lobbyist, states that the lobbyist has ceased lobbying activities; or



5402 (B) for a principal, states that the principal no longer employs an individual as a  
5403 lobbyist;

5404 (ii) in the case of a lobbyist, states that the lobbyist is surrendering the lobbyist's  
5405 license;

5406 (iii) contains a listing, as required by this section, of all previously unreported  
5407 expenditures that have been made through the date of the statement; and

5408 (iv) states that the lobbyist or principal will not make any additional expenditure that is  
5409 not disclosed on the statement unless the lobbyist or principal complies with the disclosure and  
5410 licensing requirements of this chapter.

5411 (b) Except as provided in Subsection (1)(a)(ii), a lobbyist or principal that is required  
5412 to file a financial report under this section is required to file the report quarterly until the  
5413 lobbyist or principal files the statement required by Subsection (6)(a).

5414 Section 73. Section **36-11-304** is amended to read:

5415 **36-11-304. Expenditures over certain amounts prohibited -- Exceptions.**

5416 (1) Except as provided in Subsection (2) or (3), a lobbyist, principal, or government  
5417 officer may not make or offer to make aggregate daily expenditures that exceed:

5418 (a) for food or beverage, the food reimbursement rate; or

5419 (b) \$10 for expenditures other than food or beverage.

5420 (2) A lobbyist, principal, or government officer may make aggregate daily expenditures  
5421 that exceed the limits described in Subsection (1):

5422 (a) for the following items, if the expenditure is reported in accordance with Section  
5423 [36-11-201](#):

5424 (i) food;

5425 (ii) beverage;

5426 (iii) travel;

5427 (iv) lodging; or

5428 (v) admission to or attendance at a tour or meeting that is not an approved activity; or

5429 (b) if the expenditure is made for a purpose solely unrelated to the public official's  
5430 position as a public official.

5431 (3) (a) As used in this Subsection (3), "same local government type" means:

5432 (i) for a county government, the same county government or another county  
5433 government;

5434 (ii) for a municipal government, the same municipal government or another municipal  
5435 government;

5436 (iii) for a board of education, the same board of education;

5437 (iv) for a local school board described in Title 53G, Chapter 4, School Districts, the  
5438 same local school board or another local school board;

5439 (v) for a ~~local~~ special district, the same ~~local~~ special district or another ~~local~~  
5440 special district or a special service district;

5441 (vi) for a special service district, the same special service district or another special  
5442 service district or a ~~local~~ special district; or

5443 (vii) for a participant in an interlocal agreement, another participant in the same  
5444 interlocal agreement.

5445 (b) This section does not apply to an expenditure made by a local official or an  
5446 education official to another local official or education official of the same local government  
5447 type as the local official or education official making the expenditure.

5448 Section 74. Section **36-12-13** is amended to read:

5449 **36-12-13. Office of the Legislative Fiscal Analyst established -- Powers, functions,**  
5450 **and duties -- Qualifications.**

5451 (1) There is established an Office of the Legislative Fiscal Analyst as a permanent staff  
5452 office for the Legislature.

5453 (2) The powers, functions, and duties of the Office of the Legislative Fiscal Analyst  
5454 under the supervision of the fiscal analyst are:

5455 (a) (i) to estimate general revenue collections, including comparisons of:

- 5456 (A) current estimates for each major tax type to long-term trends for that tax type;
- 5457 (B) current estimates for federal fund receipts to long-term federal fund trends; and
- 5458 (C) current estimates for tax collections and federal fund receipts to long-term trends
- 5459 deflated for the inflationary effects of debt monetization; and
- 5460 (ii) to report the analysis required under Subsection (2)(a)(i) to the Legislature's
- 5461 Executive Appropriations Committee before each annual general session of the Legislature;
- 5462 (b) to analyze in detail the state budget before the convening of each legislative session
- 5463 and make recommendations to the Legislature on each item or program appearing in the
- 5464 budget, including:
  - 5465 (i) funding for and performance of programs, acquisitions, and services currently
  - 5466 undertaken by state government to determine whether each department, agency, institution, or
  - 5467 program should:
    - 5468 (A) continue at its current level of expenditure;
    - 5469 (B) continue at a different level of expenditure; or
    - 5470 (C) be terminated; and
  - 5471 (ii) increases or decreases to spending authority and other resource allocations for the
  - 5472 current and future fiscal years;
  - 5473 (c) to prepare on all proposed bills fiscal estimates that reflect:
    - 5474 (i) potential state government revenue impacts;
    - 5475 (ii) anticipated state government expenditure changes;
    - 5476 (iii) anticipated expenditure changes for county, municipal, [~~local~~] special district, or
    - 5477 special service district governments; and
    - 5478 (iv) anticipated direct expenditure by Utah residents and businesses, including the unit
    - 5479 cost, number of units, and total cost to all impacted residents and businesses;
  - 5480 (d) to indicate whether each proposed bill will impact the regulatory burden for Utah
  - 5481 residents or businesses, and if so:
    - 5482 (i) whether the impact increases or decreases the regulatory burden; and

- 5483           (ii) whether the change in burden is high, medium, or low;
- 5484           (e) beginning in 2017 and repeating every three years after 2017, to prepare the
- 5485 following cycle of analyses of long-term fiscal sustainability:
- 5486           (i) in year one, the joint revenue volatility report required under Section [63J-1-205](#);
- 5487           (ii) in year two, a long-term budget for programs appropriated from major funds and
- 5488 tax types; and
- 5489           (iii) in year three, a budget stress test comparing estimated future revenue to and
- 5490 expenditure from major funds and tax types under various potential economic conditions;
- 5491           (f) to report instances in which the administration may be failing to carry out the
- 5492 expressed intent of the Legislature;
- 5493           (g) to propose and analyze statutory changes for more effective operational economies
- 5494 or more effective administration;
- 5495           (h) to prepare, before each annual general session of the Legislature, a summary
- 5496 showing the current status of the following as compared to the past nine fiscal years:
- 5497           (i) debt;
- 5498           (ii) long-term liabilities;
- 5499           (iii) contingent liabilities;
- 5500           (iv) General Fund borrowing;
- 5501           (v) reserves;
- 5502           (vi) fund and nonlapsing balances; and
- 5503           (vii) cash funded capital investments;
- 5504           (i) to make recommendations for addressing the items described in Subsection (2)(h) in
- 5505 the upcoming annual general session of the Legislature;
- 5506           (j) to prepare, after each session of the Legislature, a summary showing the effect of
- 5507 the final legislative program on the financial condition of the state;
- 5508           (k) to conduct organizational and management improvement studies in accordance
- 5509 with Title 63J, Chapter 1, Part 9, Government Performance Reporting and Efficiency Process,

5510 and legislative rule;

5511 (l) to prepare and deliver upon request of any interim committee or the Legislative  
5512 Management Committee, reports on the finances of the state and on anticipated or proposed  
5513 requests for appropriations;

5514 (m) to recommend areas for research studies by the executive department or the interim  
5515 committees;

5516 (n) to appoint and develop a professional staff within budget limitations;

5517 (o) to prepare and submit the annual budget request for the office;

5518 (p) to develop a taxpayer receipt:

5519 (i) available to taxpayers through a website; and

5520 (ii) that allows a taxpayer to view on the website an estimate of how the taxpayer's tax  
5521 dollars are expended for government purposes; and

5522 (q) to publish or provide other information on taxation and government expenditures  
5523 that may be accessed by the public.

5524 (3) The legislative fiscal analyst shall have a master's degree in public administration,  
5525 political science, economics, accounting, or the equivalent in academic or practical experience.

5526 (4) In carrying out the duties provided for in this section, the legislative fiscal analyst  
5527 may obtain access to all records, documents, and reports necessary to the scope of the  
5528 legislative fiscal analyst's duties according to the procedures contained in Title 36, Chapter 14,  
5529 Legislative Subpoena Powers.

5530 (5) The Office of the Legislative Fiscal Analyst shall provide any information the State  
5531 Board of Education reports in accordance with Subsection [53E-3-507](#)(7) to:

5532 (a) the chief sponsor of the proposed bill; and

5533 (b) upon request, any legislator.

5534 Section 75. Section **38-1b-102** is amended to read:

5535 **38-1b-102. Definitions.**

5536 As used in this chapter:

- 5537 (1) "Alternate means" means the same as that term is defined in Section 38-1a-102.
- 5538 (2) "Construction project" means the same as that term is defined in Section 38-1a-102.
- 5539 (3) "Construction work" means the same as that term is defined in Section 38-1a-102.
- 5540 (4) "Designated agent" means the same as that term is defined in Section 38-1a-102.
- 5541 (5) "Division" means the Division of Professional Licensing created in Section
- 5542 58-1-103.
- 5543 (6) "Government project" means a construction project undertaken by or for:
- 5544 (a) the state, including a department, division, or other agency of the state; or
- 5545 (b) a county, city, town, school district, ~~local~~ special district, special service district,
- 5546 community reinvestment agency, or other political subdivision of the state.
- 5547 (7) "Government project-identifying information" means:
- 5548 (a) the lot or parcel number of each lot included in the project property that has a lot or
- 5549 parcel number; or
- 5550 (b) the unique project number assigned by the designated agent.
- 5551 (8) "Original contractor" means the same as that term is defined in Section 38-1a-102.
- 5552 (9) "Owner" means the same as that term is defined in Section 38-1a-102.
- 5553 (10) "Owner-builder" means the same as that term is defined in Section 38-1a-102.
- 5554 (11) "Private project" means a construction project that is not a government project.
- 5555 (12) "Project property" means the same as that term is defined in Section 38-1a-102.
- 5556 (13) "Registry" means the same as that term is defined in Section 38-1a-102.
- 5557 Section 76. Section 38-9-102 is amended to read:
- 5558 **38-9-102. Definitions.**
- 5559 As used in this chapter:
- 5560 (1) "Affected person" means:
- 5561 (a) a person who is a record interest holder of the real property that is the subject of a
- 5562 recorded nonconsensual common law document; or
- 5563 (b) the person against whom a recorded nonconsensual common law document

5564 purports to reflect or establish a claim or obligation.

5565 (2) "Document sponsor" means a person who, personally or through a designee, signs  
5566 or submits for recording a document that is, or is alleged to be, a nonconsensual common law  
5567 document.

5568 (3) "Interest holder" means a person who holds or possesses a present, lawful property  
5569 interest in certain real property, including an owner, title holder, mortgagee, trustee, or  
5570 beneficial owner.

5571 (4) "Lien claimant" means a person claiming an interest in real property who offers a  
5572 document for recording or filing with any county recorder in the state asserting a lien, or notice  
5573 of interest, or other claim of interest in certain real property.

5574 (5) "Nonconsensual common law document" means a document that is submitted to a  
5575 county recorder's office for recording against public official property that:

5576 (a) purports to create a lien or encumbrance on or a notice of interest in the real  
5577 property;

5578 (b) at the time the document is recorded, is not:

5579 (i) expressly authorized by this chapter or a state or federal statute;

5580 (ii) authorized by or contained in an order or judgment of a court of competent  
5581 jurisdiction; or

5582 (iii) signed by or expressly authorized by a document signed by the owner of the real  
5583 property; and

5584 (c) is submitted in relation to the public official's status or capacity as a public official.

5585 (6) "Owner" means a person who has a vested ownership interest in real property.

5586 (7) "Political subdivision" means a county, city, town, school district, special  
5587 improvement or taxing district, ~~local~~ special district, special service district, or other  
5588 governmental subdivision or public corporation.

5589 (8) "Public official" means:

5590 (a) a current or former:

- 5591 (i) member of the Legislature;
- 5592 (ii) member of Congress;
- 5593 (iii) judge;
- 5594 (iv) member of law enforcement;
- 5595 (v) corrections officer;
- 5596 (vi) active member of the Utah State Bar; or
- 5597 (vii) member of the Board of Pardons and Parole;
- 5598 (b) an individual currently or previously appointed or elected to an elected position in:
- 5599 (i) the executive branch of state or federal government; or
- 5600 (ii) a political subdivision;
- 5601 (c) an individual currently or previously appointed to or employed in a position in a
- 5602 political subdivision, or state or federal government that:
- 5603 (i) is a policymaking position; or
- 5604 (ii) involves:
- 5605 (A) purchasing or contracting decisions;
- 5606 (B) drafting legislation or making rules;
- 5607 (C) determining rates or fees; or
- 5608 (D) making adjudicative decisions; or
- 5609 (d) an immediate family member of a person described in Subsections (8)(a) through
- 5610 (c).
- 5611 (9) "Public official property" means real property that has at least one record interest
- 5612 holder who is a public official.
- 5613 (10) (a) "Record interest holder" means a person who holds or possesses a present,
- 5614 lawful property interest in real property, including an owner, titleholder, mortgagee, trustee, or
- 5615 beneficial owner, and whose name and interest in that real property appears in the county
- 5616 recorder's records for the county in which the property is located.
- 5617 (b) "Record interest holder" includes any grantor in the chain of the title in real



5618 property.

5619 (11) "Record owner" means an owner whose name and ownership interest in certain  
5620 real property is recorded or filed in the county recorder's records for the county in which the  
5621 property is located.

5622 (12) "Wrongful lien" means any document that purports to create a lien, notice of  
5623 interest, or encumbrance on an owner's interest in certain real property and at the time it is  
5624 recorded is not:

5625 (a) expressly authorized by this chapter or another state or federal statute;

5626 (b) authorized by or contained in an order or judgment of a court of competent  
5627 jurisdiction in the state; or

5628 (c) signed by or authorized pursuant to a document signed by the owner of the real  
5629 property.

5630 Section 77. Section **45-1-101** is amended to read:

5631 **45-1-101. Legal notice publication requirements.**

5632 (1) As used in this section:

5633 (a) "Average advertisement rate" means:

5634 (i) in determining a rate for publication on the public legal notice website or in a  
5635 newspaper that primarily distributes publications in a county of the third, fourth, fifth, or sixth  
5636 class, a newspaper's gross advertising revenue for the preceding calendar quarter divided by the  
5637 gross column-inch space used in the newspaper for advertising for the previous calendar  
5638 quarter; or

5639 (ii) in determining a rate for publication in a newspaper that primarily distributes  
5640 publications in a county of the first or second class, a newspaper's average rate for all  
5641 qualifying advertising segments for the preceding calendar quarter for an advertisement:

5642 (A) published in the same section of the newspaper as the legal notice; and

5643 (B) of the same column-inch space as the legal notice.

5644 (b) "Column-inch space" means a unit of space that is one standard column wide by

5645 one inch high.

5646 (c) "Gross advertising revenue" means the total revenue obtained by a newspaper from  
5647 all of its qualifying advertising segments.

5648 (d) (i) "Legal notice" means:

5649 (A) a communication required to be made public by a state statute or state agency rule;  
5650 or

5651 (B) a notice required for judicial proceedings or by judicial decision.

5652 (ii) "Legal notice" does not include:

5653 (A) a public notice published by a public body in accordance with the provisions of  
5654 Sections [52-4-202](#) and [63A-16-601](#); or

5655 (B) a notice of delinquency in the payment of property taxes described in Section  
5656 [59-2-1332.5](#).

5657 [~~(e)~~] "~~Local district~~" is ~~as defined in Section [17B-1-102](#).~~

5658 [~~(f)~~] (e) "Public legal notice website" means the website described in Subsection (2)(b)  
5659 for the purpose of publishing a legal notice online.

5660 [~~(g)~~] (f) (i) "Qualifying advertising segment" means, except as provided in Subsection  
5661 [~~(+)(g)(ii)~~] (1)(f)(ii), a category of print advertising sold by a newspaper, including classified  
5662 advertising, line advertising, and display advertising.

5663 (ii) "Qualifying advertising segment" does not include legal notice advertising.

5664 (g) "Special district" means the same as that term is defined in Section [17B-1-102](#).

5665 (h) "Special service district" [~~is as~~] means the same as that term is defined in Section  
5666 [17D-1-102](#).

5667 (2) Except as provided in Subsections (8) and (9), notwithstanding any other legal  
5668 notice provision established by law, a person required by law to publish legal notice shall  
5669 publish the notice:

5670 (a) (i) as required by the statute establishing the legal notice requirement; or

5671 (ii) by serving legal notice, by certified mail or in person, directly on all parties for

5672 whom the statute establishing the legal notice requirement requires legal notice, if:  
5673       (A) the direct service of legal notice does not replace publication in a newspaper that  
5674 primarily distributes publications in a county of the third, fourth, fifth, or sixth class;  
5675       (B) the statute clearly identifies the parties;  
5676       (C) the person can prove that the person has identified all parties for whom notice is  
5677 required; and  
5678       (D) the person keeps a record of the service for at least two years; and  
5679       (b) on a public legal notice website established by the combined efforts of Utah's  
5680 newspapers that collectively distribute newspapers to the majority of newspaper subscribers in  
5681 the state.  
5682       (3) The public legal notice website shall:  
5683       (a) be available for viewing and searching by the general public, free of charge; and  
5684       (b) accept legal notice posting from any newspaper in the state.  
5685       (4) A person that publishes legal notice as required under Subsection (2) is not relieved  
5686 from complying with an otherwise applicable requirement under Title 52, Chapter 4, Open and  
5687 Public Meetings Act.  
5688       (5) If legal notice is required by law and one option for complying with the  
5689 requirement is publication in a newspaper, or if a ~~local~~ special district or a special service  
5690 district publishes legal notice in a newspaper, the newspaper:  
5691       (a) may not charge more for publication than the newspaper's average advertisement  
5692 rate; and  
5693       (b) shall publish the legal notice on the public legal notice website at no additional  
5694 cost.  
5695       (6) If legal notice is not required by law, if legal notice is required by law and the  
5696 person providing legal notice, in accordance with the requirements of law, chooses not to  
5697 publish the legal notice in a newspaper, or if a ~~local~~ special district or a special service district  
5698 with an annual operating budget of less than \$250,000 chooses to publish a legal notice on the

5699 public notice website without publishing the complete notice in the newspaper, a newspaper:

5700 (a) may not charge more than an amount equal to 15% of the newspaper's average  
5701 advertisement rate for publishing five column lines in the newspaper to publish legal notice on  
5702 the public legal notice website;

5703 (b) may not require that the legal notice be published in the newspaper; and

5704 (c) at the request of the person publishing on the legal notice website, shall publish in  
5705 the newspaper up to five column lines, at no additional charge, that briefly describe the legal  
5706 notice and provide the web address where the full public legal notice can be found.

5707 (7) If a newspaper offers to publish the type of legal notice described in Subsection (5),  
5708 it may not refuse to publish the type of legal notice described in Subsection (6).

5709 (8) Notwithstanding the requirements of a statute that requires the publication of legal  
5710 notice, if legal notice is required by law to be published by a [local] special district or a special  
5711 service district with an annual operating budget of \$250,000 or more, the [local] special district  
5712 or special service district shall satisfy its legal notice publishing requirements by:

5713 (a) mailing a written notice, postage prepaid:

5714 (i) to each voter in the [local] special district or special service district; and

5715 (ii) that contains the information required by the statute that requires the publication of  
5716 legal notice; or

5717 (b) publishing the legal notice in a newspaper and on the legal public notice website as  
5718 described in Subsection (5).

5719 (9) Notwithstanding the requirements of a statute that requires the publication of legal  
5720 notice, if legal notice is required by law to be published by a [local] special district or a special  
5721 service district with an annual operating budget of less than \$250,000, the [local] special  
5722 district or special service district shall satisfy its legal notice publishing requirements by:

5723 (a) mailing a written notice, postage prepaid:

5724 (i) to each voter in the [local] special district or special service district; and

5725 (ii) that contains the information required by the statute that requires the publication of

5726 legal notice; or

5727 (b) publishing the legal notice in a newspaper and on the public legal notice website as  
5728 described in Subsection (5); or

5729 (c) publishing the legal notice on the public legal notice website as described in  
5730 Subsection (6).

5731 Section 78. Section **49-11-102** is amended to read:

5732 **49-11-102. Definitions.**

5733 As used in this title:

5734 (1) (a) "Active member" means a member who:

5735 (i) is employed by a participating employer and accruing service credit; or

5736 (ii) within the previous 120 days:

5737 (A) has been employed by a participating employer; and

5738 (B) accrued service credit.

5739 (b) "Active member" does not include a retiree.

5740 (2) "Actuarial equivalent" means a benefit of equal value when computed upon the  
5741 basis of mortality tables as recommended by the actuary and adopted by the executive director,  
5742 including regular interest.

5743 (3) "Actuarial interest rate" means the interest rate as recommended by the actuary and  
5744 adopted by the board upon which the funding of system costs and benefits are computed.

5745 (4) (a) "Agency" means:

5746 (i) a department, division, agency, office, authority, commission, board, institution, or  
5747 hospital of the state;

5748 (ii) a county, municipality, school district, ~~local~~ special district, or special service  
5749 district;

5750 (iii) a state college or university; or

5751 (iv) any other participating employer.

5752 (b) "Agency" does not include an entity listed under Subsection (4)(a)(i) that is a

5753 subdivision of another entity listed under Subsection (4)(a).

5754 (5) "Allowance" or "retirement allowance" means the pension plus the annuity,  
5755 including any cost of living or other authorized adjustments to the pension and annuity.

5756 (6) "Alternate payee" means a member's former spouse or family member eligible to  
5757 receive payments under a Domestic Relations Order in compliance with Section [49-11-612](#).

5758 (7) "Amortization rate" means the board certified percent of salary required to amortize  
5759 the unfunded actuarial accrued liability in accordance with policies established by the board  
5760 upon the advice of the actuary.

5761 (8) "Annuity" means monthly payments derived from member contributions.

5762 (9) "Appointive officer" means an employee appointed to a position for a definite and  
5763 fixed term of office by official and duly recorded action of a participating employer whose  
5764 appointed position is designated in the participating employer's charter, creation document, or  
5765 similar document, and:

5766 (a) who earns \$500 or more per month, indexed as of January 1, 1990, as provided in  
5767 Section [49-12-407](#) for a Tier I appointive officer; and

5768 (b) whose appointive position is full-time as certified by the participating employer for  
5769 a Tier II appointive officer.

5770 (10) (a) "At-will employee" means a person who is employed by a participating  
5771 employer and:

5772 (i) who is not entitled to merit or civil service protection and is generally considered  
5773 exempt from a participating employer's merit or career service personnel systems;

5774 (ii) whose on-going employment status is entirely at the discretion of the person's  
5775 employer; or

5776 (iii) who may be terminated without cause by a designated supervisor, manager, or  
5777 director.

5778 (b) "At-will employee" does not include a career employee who has obtained a  
5779 reasonable expectation of continued employment based on inclusion in a participating

5780 employer's merit system, civil service protection system, or career service personnel systems,  
5781 policies, or plans.

5782 (11) "Beneficiary" means any person entitled to receive a payment under this title  
5783 through a relationship with or designated by a member, participant, covered individual, or  
5784 alternate payee of a defined contribution plan.

5785 (12) "Board" means the Utah State Retirement Board established under Section  
5786 [49-11-202](#).

5787 (13) "Board member" means a person serving on the Utah State Retirement Board as  
5788 established under Section [49-11-202](#).

5789 (14) "Board of Higher Education" or "Utah Board of Higher Education" means the  
5790 Utah Board of Higher Education described in Section [53B-1-402](#).

5791 (15) "Certified contribution rate" means the board certified percent of salary paid on  
5792 behalf of an active member to the office to maintain the system on a financially and actuarially  
5793 sound basis.

5794 (16) "Contributions" means the total amount paid by the participating employer and the  
5795 member into a system or to the Utah Governors' and Legislators' Retirement Plan under  
5796 Chapter 19, Utah Governors' and Legislators' Retirement Act.

5797 (17) "Council member" means a person serving on the Membership Council  
5798 established under Section [49-11-205](#).

5799 (18) "Covered individual" means any individual covered under Chapter 20, Public  
5800 Employees' Benefit and Insurance Program Act.

5801 (19) "Current service" means covered service under:

- 5802 (a) Chapter 12, Public Employees' Contributory Retirement Act;
- 5803 (b) Chapter 13, Public Employees' Noncontributory Retirement Act;
- 5804 (c) Chapter 14, Public Safety Contributory Retirement Act;
- 5805 (d) Chapter 15, Public Safety Noncontributory Retirement Act;
- 5806 (e) Chapter 16, Firefighters' Retirement Act;

- 5807 (f) Chapter 17, Judges' Contributory Retirement Act;
- 5808 (g) Chapter 18, Judges' Noncontributory Retirement Act;
- 5809 (h) Chapter 19, Utah Governors' and Legislators' Retirement Act;
- 5810 (i) Chapter 22, New Public Employees' Tier II Contributory Retirement Act; or
- 5811 (j) Chapter 23, New Public Safety and Firefighter Tier II Contributory Retirement Act.

5812 (20) "Defined benefit" or "defined benefit plan" or "defined benefit system" means a  
5813 system or plan offered under this title to provide a specified allowance to a retiree or a retiree's  
5814 spouse after retirement that is based on a set formula involving one or more of the following  
5815 factors:

- 5816 (a) years of service;
- 5817 (b) final average monthly salary; or
- 5818 (c) a retirement multiplier.

5819 (21) "Defined contribution" or "defined contribution plan" means any defined  
5820 contribution plan or deferred compensation plan authorized under the Internal Revenue Code  
5821 and administered by the board.

5822 (22) "Educational institution" means a political subdivision or instrumentality of the  
5823 state or a combination thereof primarily engaged in educational activities or the administration  
5824 or servicing of educational activities, including:

- 5825 (a) the State Board of Education and its instrumentalities;
- 5826 (b) any institution of higher education and its branches;
- 5827 (c) any school district and its instrumentalities;
- 5828 (d) any vocational and technical school; and
- 5829 (e) any entity arising out of a consolidation agreement between entities described under  
5830 this Subsection (22).

5831 (23) "Elected official":

5832 (a) means a person elected to a state office, county office, municipal office, school  
5833 board or school district office, ~~local~~ special district office, or special service district office;



5834 (b) includes a person who is appointed to serve an unexpired term of office described  
5835 under Subsection (23)(a); and

5836 (c) does not include a judge or justice who is subject to a retention election under  
5837 Section [20A-12-201](#).

5838 (24) (a) "Employer" means any department, educational institution, or political  
5839 subdivision of the state eligible to participate in a government-sponsored retirement system  
5840 under federal law.

5841 (b) "Employer" may also include an agency financed in whole or in part by public  
5842 funds.

5843 (25) "Exempt employee" means an employee working for a participating employer:

5844 (a) who is not eligible for service credit under Section [49-12-203](#), [49-13-203](#),  
5845 [49-14-203](#), [49-15-203](#), or [49-16-203](#); and

5846 (b) for whom a participating employer is not required to pay contributions or  
5847 nonelective contributions.

5848 (26) "Final average monthly salary" means the amount computed by dividing the  
5849 compensation received during the final average salary period under each system by the number  
5850 of months in the final average salary period.

5851 (27) "Fund" means any fund created under this title for the purpose of paying benefits  
5852 or costs of administering a system, plan, or program.

5853 (28) (a) "Inactive member" means a member who has not been employed by a  
5854 participating employer for a period of at least 120 days.

5855 (b) "Inactive member" does not include retirees.

5856 (29) (a) "Initially entering" means hired, appointed, or elected for the first time, in  
5857 current service as a member with any participating employer.

5858 (b) "Initially entering" does not include a person who has any prior service credit on  
5859 file with the office.

5860 (c) "Initially entering" includes an employee of a participating employer, except for an

5861 employee that is not eligible under a system or plan under this title, who:

5862 (i) does not have any prior service credit on file with the office;

5863 (ii) is covered by a retirement plan other than a retirement plan created under this title;

5864 and

5865 (iii) moves to a position with a participating employer that is covered by this title.

5866 (30) "Institution of higher education" means an institution described in Section

5867 [53B-1-102](#).

5868 (31) (a) "Member" means a person, except a retiree, with contributions on deposit with

5869 a system, the Utah Governors' and Legislators' Retirement Plan under Chapter 19, Utah

5870 Governors' and Legislators' Retirement Act, or with a terminated system.

5871 (b) "Member" also includes leased employees within the meaning of Section 414(n)(2)

5872 of the Internal Revenue Code, if the employees have contributions on deposit with the office.

5873 If leased employees constitute less than 20% of the participating employer's work force that is

5874 not highly compensated within the meaning of Section 414(n)(5)(c)(ii), Internal Revenue Code,

5875 "member" does not include leased employees covered by a plan described in Section 414(n)(5)

5876 of the federal Internal Revenue Code.

5877 (32) "Member contributions" means the sum of the contributions paid to a system or

5878 the Utah Governors' and Legislators' Retirement Plan, including refund interest if allowed by a

5879 system, and which are made by:

5880 (a) the member; and

5881 (b) the participating employer on the member's behalf under Section 414(h) of the

5882 Internal Revenue Code.

5883 (33) "Nonelective contribution" means an amount contributed by a participating

5884 employer into a participant's defined contribution account.

5885 (34) "Normal cost rate":

5886 (a) means the percent of salary that is necessary for a retirement system that is fully

5887 funded to maintain its fully funded status; and

5888 (b) is determined by the actuary based on the assumed rate of return established by the  
5889 board.

5890 (35) "Office" means the Utah State Retirement Office.

5891 (36) "Participant" means an individual with voluntary deferrals or nonelective  
5892 contributions on deposit with the defined contribution plans administered under this title.

5893 (37) "Participating employer" means a participating employer, as defined by Chapter  
5894 12, Public Employees' Contributory Retirement Act, Chapter 13, Public Employees'  
5895 Noncontributory Retirement Act, Chapter 14, Public Safety Contributory Retirement Act,  
5896 Chapter 15, Public Safety Noncontributory Retirement Act, Chapter 16, Firefighters'  
5897 Retirement Act, Chapter 17, Judges' Contributory Retirement Act, and Chapter 18, Judges'  
5898 Noncontributory Retirement Act, or an agency financed in whole or in part by public funds  
5899 which is participating in a system or plan as of January 1, 2002.

5900 (38) "Part-time appointed board member" means a person:

5901 (a) who is appointed to serve as a member of a board, commission, council, committee,  
5902 or panel of a participating employer; and

5903 (b) whose service as a part-time appointed board member does not qualify as a regular  
5904 full-time employee as defined under Section [49-12-102](#), [49-13-102](#), or [49-22-102](#).

5905 (39) "Pension" means monthly payments derived from participating employer  
5906 contributions.

5907 (40) "Plan" means the Utah Governors' and Legislators' Retirement Plan created by  
5908 Chapter 19, Utah Governors' and Legislators' Retirement Act, the New Public Employees' Tier  
5909 II Defined Contribution Plan created by Chapter 22, Part 4, Tier II Defined Contribution Plan,  
5910 the New Public Safety and Firefighter Tier II Defined Contribution Plan created by Chapter 23,  
5911 Part 4, Tier II Defined Contribution Plan, or the defined contribution plans created under  
5912 Section [49-11-801](#).

5913 (41) (a) "Political subdivision" means any local government entity, including cities,  
5914 towns, counties, and school districts, but only if the subdivision is a juristic entity that is legally

5915 separate and distinct from the state and only if its employees are not by virtue of their  
5916 relationship to the entity employees of the state.

5917 (b) "Political subdivision" includes [~~local~~] special districts, special service districts, or  
5918 authorities created by the Legislature or by local governments, including the office.

5919 (c) "Political subdivision" does not include a project entity created under Title 11,  
5920 Chapter 13, Interlocal Cooperation Act, that was formed prior to July 1, 1987.

5921 (42) "Program" means the Public Employees' Insurance Program created under Chapter  
5922 20, Public Employees' Benefit and Insurance Program Act, or the Public Employees'  
5923 Long-Term Disability program created under Chapter 21, Public Employees' Long-Term  
5924 Disability Act.

5925 (43) "Public funds" means those funds derived, either directly or indirectly, from public  
5926 taxes or public revenue, dues or contributions paid or donated by the membership of the  
5927 organization, used to finance an activity whose objective is to improve, on a nonprofit basis,  
5928 the governmental, educational, and social programs and systems of the state or its political  
5929 subdivisions.

5930 (44) "Qualified defined contribution plan" means a defined contribution plan that  
5931 meets the requirements of Section 401(k) or Section 403(b) of the Internal Revenue Code.

5932 (45) "Refund interest" means the amount accrued on member contributions at a rate  
5933 adopted by the board.

5934 (46) "Retiree" means an individual who has qualified for an allowance under this title.

5935 (47) "Retirement" means the status of an individual who has become eligible, applies  
5936 for, and is entitled to receive an allowance under this title.

5937 (48) "Retirement date" means the date selected by the member on which the member's  
5938 retirement becomes effective with the office.

5939 (49) "Retirement related contribution":

5940 (a) means any employer payment to any type of retirement plan or program made on  
5941 behalf of an employee; and

5942 (b) does not include Social Security payments or Social Security substitute payments  
5943 made on behalf of an employee.

5944 (50) "Service credit" means:

5945 (a) the period during which an employee is employed and compensated by a  
5946 participating employer and meets the eligibility requirements for membership in a system or the  
5947 Utah Governors' and Legislators' Retirement Plan, provided that any required contributions are  
5948 paid to the office; and

5949 (b) periods of time otherwise purchasable under this title.

5950 (51) "Surviving spouse" means:

5951 (a) the lawful spouse who has been married to a member for at least six months  
5952 immediately before the death date of the member; or

5953 (b) a former lawful spouse of a member with a valid domestic relations order benefits  
5954 on file with the office before the member's death date in accordance with Section [49-11-612](#).

5955 (52) "System" means the individual retirement systems created by Chapter 12, Public  
5956 Employees' Contributory Retirement Act, Chapter 13, Public Employees' Noncontributory  
5957 Retirement Act, Chapter 14, Public Safety Contributory Retirement Act, Chapter 15, Public  
5958 Safety Noncontributory Retirement Act, Chapter 16, Firefighters' Retirement Act, Chapter 17,  
5959 Judges' Contributory Retirement Act, Chapter 18, Judges' Noncontributory Retirement Act, and  
5960 Chapter 19, Utah Governors' and Legislators' Retirement Act, the defined benefit portion of the  
5961 Tier II Hybrid Retirement System under Chapter 22, Part 3, Tier II Hybrid Retirement System,  
5962 and the defined benefit portion of the Tier II Hybrid Retirement System under Chapter 23, Part  
5963 3, Tier II Hybrid Retirement System.

5964 (53) "Technical college" means the same as that term is defined in Section  
5965 [53B-1-101.5](#).

5966 (54) "Tier I" means a system or plan under this title for which:

5967 (a) an employee is eligible to participate if the employee initially enters regular  
5968 full-time employment before July 1, 2011; or

5969 (b) a governor or legislator who initially enters office before July 1, 2011.

5970 (55) (a) "Tier II" means a system or plan under this title provided in lieu of a Tier I

5971 system or plan for an employee, governor, legislator, or full-time elected official who does not

5972 have Tier I service credit in a system or plan under this title:

5973 (i) if the employee initially enters regular full-time employment on or after July 1,

5974 2011; or

5975 (ii) if the governor, legislator, or full-time elected official initially enters office on or

5976 after July 1, 2011.

5977 (b) "Tier II" includes:

5978 (i) the Tier II hybrid system established under:

5979 (A) Chapter 22, Part 3, Tier II Hybrid Retirement System; or

5980 (B) Chapter 23, Part 3, Tier II Hybrid Retirement System; and

5981 (ii) the Tier II Defined Contribution Plan (Tier II DC Plan) established under:

5982 (A) Chapter 22, Part 4, Tier II Defined Contribution Plan; or

5983 (B) Chapter 23, Part 4, Tier II Defined Contribution Plan.

5984 (56) "Unfunded actuarial accrued liability" or "UAAL":

5985 (a) is determined by the system's actuary; and

5986 (b) means the excess, if any, of the accrued liability of a retirement system over the

5987 actuarial value of its assets.

5988 (57) "Voluntary deferrals" means an amount contributed by a participant into that

5989 participant's defined contribution account.

5990 Section 79. Section **49-11-205** is amended to read:

5991 **49-11-205. Membership Council established -- Members -- Chair -- Duties --**

5992 **Expenses and per diem.**

5993 (1) There is established a Membership Council to perform the duties under Subsection

5994 (5).

5995 (2) The Membership Council shall be composed of 15 council members selected as

5996 follows:

5997 (a) three council members shall be school employees selected by the governing board  
5998 of an association representative of a majority of school employees who are members of a  
5999 system administered by the board;

6000 (b) one council member shall be a classified school employee selected by the  
6001 governing board of the association representative of a majority of classified school employees  
6002 who are members of a system administered by the board;

6003 (c) two council members shall be public employees selected by the governing board of  
6004 the association representative of a majority of the public employees who are members of a  
6005 system administered by the board;

6006 (d) one council member shall be a municipal officer or employee selected by the  
6007 governing board of the association representative of a majority of the municipalities who  
6008 participate in a system administered by the board;

6009 (e) one council member shall be a county officer or employee selected by the governing  
6010 board of the association representative of a majority of counties who participate in a system  
6011 administered by the board;

6012 (f) one council member shall be a representative of members of the Judges'  
6013 Noncontributory Retirement System selected by the Judicial Council;

6014 (g) one council member shall be a representative of members of the Public Safety  
6015 Retirement Systems selected by the governing board of the association representative of the  
6016 majority of peace officers who are members of the Public Safety Retirement Systems;

6017 (h) one council member shall be a representative of members of the Firefighters'  
6018 Retirement System selected by the governing board of the association representative of the  
6019 majority of paid professional firefighters who are members of the Firefighters' Retirement  
6020 System;

6021 (i) one council member shall be a retiree selected by the governing board of the  
6022 association representing the largest number of retirees, who are not public education retirees,

6023 from the Public Employees' Contributory, Public Employees' Noncontributory, and New Public  
6024 Employees' Tier II Contributory Retirement Systems;

6025 (j) one council member shall be a retiree selected by the governing board of the  
6026 association representing the largest number of public education retirees;

6027 (k) one council member shall be a school business official selected by the governing  
6028 board of the association representative of a majority of the school business officials from  
6029 public education employers who participate in a system administered by the board; and

6030 (l) one council member shall be a special district officer or employee selected by the  
6031 governing board of the association representing the largest number of special service districts  
6032 and ~~local~~ special districts who participate in a system administered by the board.

6033 (3) (a) Each entity granted authority to select council members under Subsection (2)  
6034 may also revoke the selection at any time.

6035 (b) Each term on the council shall be for a period of four years, subject to Subsection  
6036 (3)(a).

6037 (c) Each term begins on July 1 and expires on June 30.

6038 (d) When a vacancy occurs on the council for any reason, the replacement shall be  
6039 selected for the remainder of the unexpired term.

6040 (4) The council shall annually designate one council member as chair.

6041 (5) The council shall:

6042 (a) recommend to the board and to the Legislature benefits and policies for members of  
6043 any system or plan administered by the board;

6044 (b) recommend procedures and practices to improve the administration of the systems  
6045 and plans and the public employee relations responsibilities of the board and office;

6046 (c) examine the record of all decisions affecting retirement benefits made by a hearing  
6047 officer under Section [49-11-613](#);

6048 (d) submit nominations to the board for the position of executive director if that  
6049 position is vacant;



6050 (e) advise and counsel with the board and the director on policies affecting members of  
6051 the various systems administered by the office; and

6052 (f) perform other duties assigned to it by the board.

6053 (6) A member of the council may not receive compensation or benefits for the  
6054 member's service, but may receive per diem and travel expenses in accordance with:

6055 (a) Section 63A-3-106;

6056 (b) Section 63A-3-107; and

6057 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
6058 63A-3-107.

6059 Section 80. Section 51-4-2 is amended to read:

6060 **51-4-2. Deposits by political subdivisions.**

6061 (1) As used in this section:

6062 (a) "Officer" means each:

6063 (i) county treasurer, county auditor, county assessor, county clerk, clerk of the district  
6064 court, city treasurer, city clerk, justice court judge; and

6065 (ii) other officer of a political subdivision.

6066 (b) "Political subdivision" means a county, city, town, school district, ~~local~~ special  
6067 district, and special service district.

6068 (2) (a) Each officer shall deposit all public funds daily, if practicable, but no later than  
6069 once every three banking days.

6070 (b) Each officer shall deposit all public funds only in qualified depositories unless the  
6071 public funds need to be deposited in a bank outside Utah in order to provide for:

6072 (i) payment of maturing bonds or other evidences of indebtedness; or

6073 (ii) payment of the interest on bonds or other evidences of indebtedness.

6074 (3) (a) (i) Each officer shall require all checks to be made payable to the office of the  
6075 officer receiving funds or to the political subdivision's treasurer.

6076 (ii) An officer may not accept a check unless it is made payable to the office of the

6077 officer receiving funds or to the political subdivision's treasurer.

6078 (b) Each officer shall deposit all money the officer collects into an account controlled  
6079 by the political subdivision's treasurer.

6080 (4) (a) Except as provided in Subsection (4)(b) and unless a shorter time for depositing  
6081 funds is otherwise required by law, each political subdivision that has collected funds that are  
6082 due to the state or to another political subdivision of the state shall, on or before the tenth day  
6083 of each month, pay all of those funds that were received during the last month:

6084 (i) to a qualified depository for the credit of the appropriate public treasurer; or

6085 (ii) to the appropriate public treasurer.

6086 (b) Property tax collections shall be apportioned and paid according to Section

6087 [59-2-1365](#).

6088 Section 81. Section **51-7-3** is amended to read:

6089 **51-7-3. Definitions.**

6090 As used in this chapter:

6091 (1) "Agent" means "agent" as defined in Section [61-1-13](#).

6092 (2) "Certified dealer" means:

6093 (a) a primary reporting dealer recognized by the Federal Reserve Bank of New York  
6094 who is certified by the director as having met the applicable criteria of council rule; or

6095 (b) a broker dealer who:

6096 (i) has and maintains an office and a resident registered principal in the state;

6097 (ii) meets the capital requirements established by council rules;

6098 (iii) meets the requirements for good standing established by council rule; and

6099 (iv) is certified by the director as meeting quality criteria established by council rule.

6100 (3) "Certified investment adviser" means a federal covered adviser, as defined in

6101 Section [61-1-13](#), or an investment adviser, as defined in Section [61-1-13](#), who is certified by

6102 the director as having met the applicable criteria of council rule.

6103 (4) "Commissioner" means the commissioner of financial institutions.

6104 (5) "Council" means the State Money Management Council created by Section  
6105 51-7-16.

6106 (6) "Covered bond" means a publicly placed debt security issued by a bank, other  
6107 regulated financial institution, or a subsidiary of either that is secured by a pool of loans that  
6108 remain on the balance sheet of the issuer or its subsidiary.

6109 (7) "Director" means the director of the Utah State Division of Securities of the  
6110 Department of Commerce.

6111 (8) (a) "Endowment funds" means gifts, devises, or bequests of property of any kind  
6112 donated to a higher education institution from any source.

6113 (b) "Endowment funds" does not mean money used for the general operation of a  
6114 higher education institution that is received by the higher education institution from:

- 6115 (i) state appropriations;
- 6116 (ii) federal contracts;
- 6117 (iii) federal grants;
- 6118 (iv) private research grants; and
- 6119 (v) tuition and fees collected from students.

6120 (9) "First tier commercial paper" means commercial paper rated by at least two  
6121 nationally recognized statistical rating organizations in the highest short-term rating category.

6122 (10) "Funds functioning as endowments" means funds, regardless of source, whose  
6123 corpus is intended to be held in perpetuity by formal institutional designation according to the  
6124 institution's policy for designating those funds.

6125 (11) "GASB" or "Governmental Accounting Standards Board" means the  
6126 Governmental Accounting Standards Board that is responsible for accounting standards used  
6127 by public entities.

6128 (12) "Hard put" means an unconditional sell-back provision or a redemption provision  
6129 applicable at issue to a note or bond, allowing holders to sell their holdings back to the issuer  
6130 or to an equal or higher-rated third party provider at specific intervals and specific prices

6131 determined at the time of issuance.

6132 (13) "Higher education institution" means the institutions specified in Section  
6133 [53B-1-102](#).

6134 (14) "Investment adviser representative" is as defined in Section [61-1-13](#).

6135 (15) (a) "Investment agreement" means any written agreement that has specifically  
6136 negotiated withdrawal or reinvestment provisions and a specifically negotiated interest rate.

6137 (b) "Investment agreement" includes any agreement to supply investments on one or  
6138 more future dates.

6139 (16) "Local government" means a county, municipality, school district, ~~[local]~~ special  
6140 district under [Title 17B, Limited Purpose Local Government Entities - Local Districts] Title  
6141 17B, Limited Purpose Local Government Entities - Special Districts, special service district  
6142 under Title 17D, Chapter 1, Special Service District Act, or any other political subdivision of  
6143 the state.

6144 (17) "Market value" means market value as defined in the Master Repurchase  
6145 Agreement.

6146 (18) "Master Repurchase Agreement" means the current standard Master Repurchase  
6147 Agreement approved by the Public Securities Association or by any successor organization.

6148 (19) "Maximum amount" means, with respect to qualified depositories, the total  
6149 amount of:

6150 (a) deposits in excess of the federal deposit insurance limit; and

6151 (b) nonqualifying repurchase agreements.

6152 (20) "Money market mutual fund" means an open-end managed investment fund:

6153 (a) that complies with the diversification, quality, and maturity requirements of Rule  
6154 2a-7 or any successor rule of the Securities and Exchange Commission applicable to money  
6155 market mutual funds; and

6156 (b) that assesses no sales load on the purchase of shares and no contingent deferred  
6157 sales charge or other similar charges, however designated.

6158           (21) "Nationally recognized statistical rating organization" means an organization that  
6159 has been designated as a nationally recognized statistical rating organization by the Securities  
6160 and Exchange Commission's Division of Market Regulation.

6161           (22) "Nonqualifying repurchase agreement" means a repurchase agreement evidencing  
6162 indebtedness of a qualified depository arising from the transfer of obligations of the United  
6163 States Treasury or other authorized investments to public treasurers that is:

6164           (a) evidenced by a safekeeping receipt issued by the qualified depository;

6165           (b) included in the depository's maximum amount of public funds; and

6166           (c) valued and maintained at market value plus an appropriate margin collateral  
6167 requirement based upon the term of the agreement and the type of securities acquired.

6168           (23) "Operating funds" means current balances and other funds that are to be disbursed  
6169 for operation of the state government or any of its boards, commissions, institutions,  
6170 departments, divisions, agencies, or other similar instrumentalities, or any county, city, school  
6171 district, political subdivision, or other public body.

6172           (24) "Permanent funds" means funds whose principal may not be expended, the  
6173 earnings from which are to be used for purposes designated by law.

6174           (25) "Permitted depository" means any out-of-state financial institution that meets  
6175 quality criteria established by rule of the council.

6176           (26) "Public funds" means money, funds, and accounts, regardless of the source from  
6177 which the money, funds, and accounts are derived, that are owned, held, or administered by the  
6178 state or any of its boards, commissions, institutions, departments, divisions, agencies, bureaus,  
6179 laboratories, or other similar instrumentalities, or any county, city, school district, political  
6180 subdivision, or other public body.

6181           (27) (a) "Public money" means "public funds."

6182           (b) "Public money," as used in Article VII, Sec. 15, Utah Constitution, means the same  
6183 as "state funds."

6184           (28) "Public treasurer" includes the state treasurer and the official of any state board,

6185 commission, institution, department, division, agency, or other similar instrumentality, or of  
6186 any county, city, school district, charter school, political subdivision, or other public body who  
6187 has the responsibility for the safekeeping and investment of any public funds.

6188 (29) "Qualified depository" means a Utah depository institution or an out-of-state  
6189 depository institution, as those terms are defined in Section 7-1-103, that is authorized to  
6190 conduct business in this state under Section 7-1-702 or Title 7, Chapter 19, Acquisition of  
6191 Failing Depository Institutions or Holding Companies, whose deposits are insured by an  
6192 agency of the federal government and that has been certified by the commissioner of financial  
6193 institutions as having met the requirements established under this chapter and the rules of the  
6194 council to be eligible to receive deposits of public funds.

6195 (30) "Qualifying repurchase agreement" means a repurchase agreement evidencing  
6196 indebtedness of a financial institution or government securities dealer acting as principal  
6197 arising from the transfer of obligations of the United States Treasury or other authorized  
6198 investments to public treasurers only if purchased securities are:

6199 (a) delivered to the public treasurer's safekeeping agent or custodian as contemplated  
6200 by Section 7 of the Master Repurchase Agreement; and

6201 (b) valued and maintained at market value plus an appropriate margin collateral  
6202 requirement based upon the term of the agreement and the type of securities acquired.

6203 (31) "Reciprocal deposits" means deposits that are initially deposited into a qualified  
6204 depository and are then redeposited through a deposit account registry service:

6205 (a) in one or more FDIC-insured depository institutions in amounts up to the relevant  
6206 FDIC-insured deposit limit for a depositor in each depository institution; and

6207 (b) in exchange for reciprocal FDIC-insured deposits made through the deposit account  
6208 registry service to the qualified depository.

6209 (32) "Securities division" means Utah's Division of Securities created within the  
6210 Department of Commerce by Section 13-1-2.

6211 (33) "State funds" means:

6212 (a) public money raised by operation of law for the support and operation of the state  
6213 government; and

6214 (b) all other money, funds, and accounts, regardless of the source from which the  
6215 money, funds, or accounts are derived, that are owned, held, or administered by the state or any  
6216 of its boards, commissions, institutions, departments, divisions, agencies, bureaus, laboratories,  
6217 or other similar instrumentalities.

6218 Section 82. Section **52-4-203** is amended to read:

6219 **52-4-203. Written minutes of open meetings -- Public records -- Recording of**  
6220 **meetings.**

6221 (1) Except as provided under Subsection (7), written minutes and a recording shall be  
6222 kept of all open meetings.

6223 (2) (a) Written minutes of an open meeting shall include:

6224 (i) the date, time, and place of the meeting;

6225 (ii) the names of members present and absent;

6226 (iii) the substance of all matters proposed, discussed, or decided by the public body  
6227 which may include a summary of comments made by members of the public body;

6228 (iv) a record, by individual member, of each vote taken by the public body;

6229 (v) the name of each person who:

6230 (A) is not a member of the public body; and

6231 (B) after being recognized by the presiding member of the public body, provided  
6232 testimony or comments to the public body;

6233 (vi) the substance, in brief, of the testimony or comments provided by the public under  
6234 Subsection (2)(a)(v); and

6235 (vii) any other information that is a record of the proceedings of the meeting that any  
6236 member requests be entered in the minutes or recording.

6237 (b) A public body may satisfy the requirement under Subsection (2)(a)(iii) or (vi) that  
6238 minutes include the substance of matters proposed, discussed, or decided or the substance of

6239 testimony or comments by maintaining a publicly available online version of the minutes that  
6240 provides a link to the meeting recording at the place in the recording where the matter is  
6241 proposed, discussed, or decided or the testimony or comments provided.

6242 (c) A public body that has members who were elected to the public body shall satisfy  
6243 the requirement described in Subsection (2)(a)(iv) by recording each vote:

6244 (i) in list format;

6245 (ii) by category for each action taken by a member, including yes votes, no votes, and  
6246 absent members; and

6247 (iii) by each member's name.

6248 (3) A recording of an open meeting shall:

6249 (a) be a complete and unedited record of all open portions of the meeting from the  
6250 commencement of the meeting through adjournment of the meeting; and

6251 (b) be properly labeled or identified with the date, time, and place of the meeting.

6252 (4) (a) As used in this Subsection (4):

6253 (i) "Approved minutes" means written minutes:

6254 (A) of an open meeting; and

6255 (B) that have been approved by the public body that held the open meeting.

6256 (ii) "Electronic information" means information presented or provided in an electronic  
6257 format.

6258 (iii) "Pending minutes" means written minutes:

6259 (A) of an open meeting; and

6260 (B) that have been prepared in draft form and are subject to change before being  
6261 approved by the public body that held the open meeting.

6262 (iv) "Specified local public body" means a legislative body of a county, city, town, or  
6263 metro township.

6264 (v) "State public body" means a public body that is an administrative, advisory,  
6265 executive, or legislative body of the state.



6266 (vi) "State website" means the Utah Public Notice Website created under Section  
6267 63A-16-601.

6268 (b) Pending minutes, approved minutes, and a recording of a public meeting are public  
6269 records under Title 63G, Chapter 2, Government Records Access and Management Act.

6270 (c) Pending minutes shall contain a clear indication that the public body has not yet  
6271 approved the minutes or that the minutes are subject to change until the public body approves  
6272 them.

6273 (d) A public body shall require an individual who, at an open meeting of the public  
6274 body, publicly presents or provides electronic information, relating to an item on the public  
6275 body's meeting agenda, to provide the public body, at the time of the meeting, an electronic or  
6276 hard copy of the electronic information for inclusion in the public record.

6277 (e) A state public body shall:

6278 (i) make pending minutes available to the public within 30 days after holding the open  
6279 meeting that is the subject of the pending minutes;

6280 (ii) within three business days after approving written minutes of an open meeting:

6281 (A) post to the state website a copy of the approved minutes and any public materials  
6282 distributed at the meeting;

6283 (B) make the approved minutes and public materials available to the public at the  
6284 public body's primary office; and

6285 (C) if the public body provides online minutes under Subsection (2)(b), post approved  
6286 minutes that comply with Subsection (2)(b) and the public materials on the public body's  
6287 website; and

6288 (iii) within three business days after holding an open meeting, post on the state website  
6289 an audio recording of the open meeting, or a link to the recording.

6290 (f) A specified local public body shall:

6291 (i) make pending minutes available to the public within 30 days after holding the open  
6292 meeting that is the subject of the pending minutes;

6293           (ii) within three business days after approving written minutes of an open meeting,  
6294 post and make available a copy of the approved minutes and any public materials distributed at  
6295 the meeting, as provided in Subsection (4)(e)(ii); and

6296           (iii) within three business days after holding an open meeting, make an audio recording  
6297 of the open meeting available to the public for listening.

6298           (g) A public body that is not a state public body or a specified local public body shall:

6299           (i) make pending minutes available to the public within a reasonable time after holding  
6300 the open meeting that is the subject of the pending minutes;

6301           (ii) within three business days after approving written minutes of an open meeting:

6302           (A) post and make available a copy of the approved minutes and any public materials  
6303 distributed at the meeting, as provided in Subsection (4)(e)(ii); or

6304           (B) comply with Subsections (4)(e)(ii)(B) and (C) and post to the state website a link to  
6305 a website on which the approved minutes and any public materials distributed at the meeting  
6306 are posted; and

6307           (iii) within three business days after holding an open meeting, make an audio recording  
6308 of the open meeting available to the public for listening.

6309           (h) A public body shall establish and implement procedures for the public body's  
6310 approval of the written minutes of each meeting.

6311           (i) Approved minutes of an open meeting are the official record of the meeting.

6312           (5) All or any part of an open meeting may be independently recorded by any person in  
6313 attendance if the recording does not interfere with the conduct of the meeting.

6314           (6) The written minutes or recording of an open meeting that are required to be  
6315 retained permanently shall be maintained in or converted to a format that meets long-term  
6316 records storage requirements.

6317           (7) Notwithstanding Subsection (1), a recording is not required to be kept of:

6318           (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken  
6319 by the public body; or

6320 (b) an open meeting of a [~~local~~] special district under [~~Title 17B, Limited Purpose~~  
6321 ~~Local Government Entities - Local Districts~~] Title 17B, Limited Purpose Local Government  
6322 Entities - Special Districts, or special service district under Title 17D, Chapter 1, Special  
6323 Service District Act, if the district's annual budgeted expenditures for all funds, excluding  
6324 capital expenditures and debt service, are \$50,000 or less.

6325 Section 83. Section **52-8-102** is amended to read:

6326 **52-8-102. Definitions.**

6327 As used in this chapter:

6328 (1) "Attribution" means to be responsible for the truth, correctness, and accuracy of a  
6329 report.

6330 (2) "Chief executive officer" means:

6331 (a) the governor, for the state;

6332 (b) the chair of the county commission or the county executive, for a county; and

6333 (c) the mayor, for a municipality, or if governed under a council-manager form of  
6334 government, the chair of the council.

6335 (3) "Government entity" includes the state, its agencies and institutions, each county,  
6336 municipality, school district, [~~local~~] special district, and special service district in Utah.

6337 (4) "Promotional literature" means reports whose primary or secondary purpose is to  
6338 provide nonresidents with information about the government entity that produced the report.

6339 (5) (a) "Report" means each account, statement, record of proceedings, summary of  
6340 activities, and other written or printed document required by statute that is prepared or  
6341 produced by a government entity that is distributed to the public.

6342 (b) "Report" does not mean written or printed documents whose primary purpose is to  
6343 provide biographical information about government officials.

6344 Section 84. Section **53-2a-203** is amended to read:

6345 **53-2a-203. Definitions.**

6346 As used in this part:

- 6347 (1) "Chief executive officer" means:
- 6348 (a) for a municipality:
- 6349 (i) the mayor for a municipality operating under all forms of municipal government
- 6350 except the council-manager form of government; or
- 6351 (ii) the city manager for a municipality operating under the council-manager form of
- 6352 government;
- 6353 (b) for a county:
- 6354 (i) the chair of the county commission for a county operating under the county
- 6355 commission or expanded county commission form of government;
- 6356 (ii) the county executive officer for a county operating under the county-executive
- 6357 council form of government; or
- 6358 (iii) the county manager for a county operating under the council-manager form of
- 6359 government;
- 6360 (c) for a special service district:
- 6361 (i) the chief executive officer of the county or municipality that created the special
- 6362 service district if authority has not been delegated to an administrative control board as
- 6363 provided in Section 17D-1-301;
- 6364 (ii) the chair of the administrative control board to which authority has been delegated
- 6365 as provided in Section 17D-1-301; or
- 6366 (iii) the general manager or other officer or employee to whom authority has been
- 6367 delegated by the governing body of the special service district as provided in Section
- 6368 17D-1-301; or
- 6369 (d) for a ~~local~~ special district:
- 6370 (i) the chair of the board of trustees selected as provided in Section 17B-1-309; or
- 6371 (ii) the general manager or other officer or employee to whom authority has been
- 6372 delegated by the board of trustees.
- 6373 (2) "Executive action" means any of the following actions by the governor during a

6374 state of emergency:

6375 (a) an order, a rule, or a regulation made by the governor as described in Section  
6376 53-2a-209;

6377 (b) an action by the governor to suspend or modify a statute as described in Subsection  
6378 53-2a-204(1)(j); or

6379 (c) an action by the governor to suspend the enforcement of a statute as described in  
6380 Subsection 53-2a-209(4).

6381 (3) "Exigent circumstances" means a significant change in circumstances following the  
6382 expiration of a state of emergency declared in accordance with this chapter that:

6383 (a) substantially increases the threat to public safety or health relative to the  
6384 circumstances in existence when the state of emergency expired;

6385 (b) poses an imminent threat to public safety or health; and

6386 (c) was not known or foreseen and could not have been known or foreseen at the time  
6387 the state of emergency expired.

6388 (4) "Legislative emergency response committee" means the Legislative Emergency  
6389 Response Committee created in Section 53-2a-218.

6390 (5) "Local emergency" means a condition in any municipality or county of the state  
6391 which requires that emergency assistance be provided by the affected municipality or county or  
6392 another political subdivision to save lives and protect property within its jurisdiction in  
6393 response to a disaster, or to avoid or reduce the threat of a disaster.

6394 (6) "Long-term state of emergency" means a state of emergency:

6395 (a) that lasts longer than 30 days; or

6396 (b) declared to respond to exigent circumstances as described in Subsection  
6397 53-2a-206(3).

6398 (7) "Political subdivision" means a municipality, county, special service district, or  
6399 ~~local~~ special district.

6400 Section 85. Section 53-2a-302 is amended to read:

6401 **53-2a-302. Definitions.**

6402 As used in this part:

6403 (1) "Emergency responder":

6404 (a) means a person in the public or private sector:

6405 (i) who has special skills, qualification, training, knowledge, or experience, whether or  
6406 not possessing a license, certificate, permit, or other official recognition for the skills,  
6407 qualification, training, knowledge, or experience, that would benefit a participating political  
6408 subdivision in responding to a locally declared emergency or in an authorized drill or exercise;  
6409 and

6410 (ii) whom a participating political subdivision requests or authorizes to assist in  
6411 responding to a locally declared emergency or in an authorized drill or exercise; and

6412 (b) includes:

6413 (i) a law enforcement officer;

6414 (ii) a firefighter;

6415 (iii) an emergency medical services worker;

6416 (iv) a physician, physician assistant, nurse, or other public health worker;

6417 (v) an emergency management official;

6418 (vi) a public works worker;

6419 (vii) a building inspector;

6420 (viii) an architect, engineer, or other design professional; or

6421 (ix) a person with specialized equipment operations skills or training or with any other  
6422 skills needed to provide aid in a declared emergency.

6423 (2) "Participating political subdivision" means each county, municipality, public safety  
6424 district, and public safety interlocal entity that has not adopted a resolution under Section  
6425 [53-2a-306](#) withdrawing itself from the statewide mutual aid system.

6426 (3) "Public safety district" means a [~~local~~] special district under [~~Title 17B, Limited~~  
6427 ~~Purpose Local Government Entities - Local Districts~~] Title 17B, Limited Purpose Local

6428 Government Entities - Special Districts, or special service district under Title 17D, Chapter 1,  
6429 Special Service District Act, that provides public safety service.

6430 (4) "Public safety interlocal entity" means an interlocal entity under Title 11, Chapter  
6431 13, Interlocal Cooperation Act, that provides public safety service.

6432 (5) "Public safety service" means a service provided to the public to protect life and  
6433 property and includes fire protection, police protection, emergency medical service, and  
6434 hazardous material response service.

6435 (6) "Requesting political subdivision" means a participating political subdivision that  
6436 requests emergency assistance under Section 53-2a-207 from one or more other participating  
6437 political subdivisions.

6438 (7) "Responding political subdivision" means a participating political subdivision that  
6439 responds to a request under Section 53-2a-307 from a requesting political subdivision.

6440 (8) "State" means the state of Utah.

6441 (9) "Statewide mutual aid system" or "system" means the aggregate of all participating  
6442 political subdivisions and the state.

6443 Section 86. Section 53-2a-305 is amended to read:

6444 **53-2a-305. Agreements not affected by this part.**

6445 Nothing in this part may be construed:

6446 (1) to limit the state, a county, municipality, [~~local~~] special district, special service  
6447 district, or interlocal entity from entering into an agreement allowed by law for public safety  
6448 and related purposes; or

6449 (2) to affect an agreement to which the state, a county, municipality, [~~local~~] special  
6450 district, special service district, or interlocal entity is a party.

6451 Section 87. Section 53-2a-602 is amended to read:

6452 **53-2a-602. Definitions.**

6453 (1) Unless otherwise defined in this section, the terms that are used in this part mean  
6454 the same as those terms are defined in Part 1, Emergency Management Act.

6455 (2) As used in this part:

6456 (a) "Agent of the state" means any representative of a state agency, local agency, or  
6457 non-profit entity that agrees to provide support to a requesting intrastate or interstate  
6458 government entity that has declared an emergency or disaster and has requested assistance  
6459 through the division.

6460 (b) "Declared disaster" means one or more events:

6461 (i) within the state;

6462 (ii) that occur within a limited period of time;

6463 (iii) that involve:

6464 (A) a significant number of persons being at risk of bodily harm, sickness, or death; or

6465 (B) a significant portion of real property at risk of loss;

6466 (iv) that are sudden in nature and generally occur less frequently than every three years;

6467 and

6468 (v) that results in:

6469 (A) the president of the United States declaring an emergency or major disaster in the  
6470 state;

6471 (B) the governor declaring a state of emergency under [~~Title 53, Chapter 2a, Part 2,~~  
6472 ~~Disaster Response and Recovery Act~~] Part 2 Disaster Response and Recovery Act; or

6473 (C) the chief executive officer of a local government declaring a local emergency under  
6474 Part 2, Disaster Response and Recovery Act.

6475 (c) "Disaster recovery account" means the State Disaster Recovery Restricted Account  
6476 created in Section [53-2a-603](#).

6477 (d) (i) "Emergency disaster services" means:

6478 (A) evacuation;

6479 (B) shelter;

6480 (C) medical triage;

6481 (D) emergency transportation;



- 6482 (E) repair of infrastructure;
- 6483 (F) safety services, including fencing or roadblocks;
- 6484 (G) sandbagging;
- 6485 (H) debris removal;
- 6486 (I) temporary bridges;
- 6487 (J) procurement and distribution of food, water, or ice;
- 6488 (K) procurement and deployment of generators;
- 6489 (L) rescue or recovery;
- 6490 (M) emergency protective measures; or
- 6491 (N) services similar to those described in Subsections (2)(d)(i)(A) through (M), as
- 6492 defined by the division by rule, that are generally required in response to a declared disaster.
- 6493 (ii) "Emergency disaster services" does not include:
- 6494 (A) emergency preparedness; or
- 6495 (B) notwithstanding whether or not a county participates in the Wildland Fire
- 6496 Suppression Fund created in Section [65A-8-204](#), any fire suppression or presuppression costs
- 6497 that may be paid for from the Wildland Fire Suppression Fund if the county participates in the
- 6498 Wildland Fire Suppression Fund.
- 6499 (e) "Emergency preparedness" means the following done for the purpose of being
- 6500 prepared for an emergency as defined by the division by rule made in accordance with Title
- 6501 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 6502 (i) the purchase of equipment;
- 6503 (ii) the training of personnel; or
- 6504 (iii) the obtaining of a certification.
- 6505 (f) "Governing body" means:
- 6506 (i) for a county, city, or town, the legislative body of the county, city, or town;
- 6507 (ii) for a ~~local~~ special district, the board of trustees of the ~~local~~ special district; and
- 6508 (iii) for a special service district:

6509 (A) the legislative body of the county, city, or town that established the special service  
6510 district, if no administrative control board has been appointed under Section 17D-1-301; or

6511 (B) the administrative control board of the special service district, if an administrative  
6512 control board has been appointed under Section 17D-1-301.

6513 [~~(g) "Local district" means the same as that term is defined in Section 17B-1-102.~~]

6514 [~~(h)~~] (g) "Local fund" means a local government disaster fund created in accordance  
6515 with Section 53-2a-605.

6516 [~~(i)~~] (h) "Local government" means:

6517 (i) a county;

6518 (ii) a city or town; or

6519 (iii) a ~~local~~ special district or special service district that:

6520 (A) operates a water system;

6521 (B) provides transportation service;

6522 (C) provides, operates, and maintains correctional and rehabilitative facilities and  
6523 programs for municipal, state, and other detainees and prisoners;

6524 (D) provides consolidated 911 and emergency dispatch service;

6525 (E) operates an airport; or

6526 (F) operates a sewage system.

6527 (i) "Special district" means the same as that term is defined in Section 17B-1-102.

6528 (j) "Special fund" means a fund other than a general fund of a local government that is  
6529 created for a special purpose established under the uniform system of budgeting, accounting,  
6530 and reporting.

6531 (k) "Special service district" means the same as that term is defined in Section  
6532 17D-1-102.

6533 (l) "State's prime interest rate" means the average interest rate paid by the state on  
6534 general obligation bonds issued during the most recent fiscal year in which bonds were sold.

6535 Section 88. Section 53-2a-605 is amended to read:

6536           **53-2a-605. Local government disaster funds.**

6537           (1) (a) Subject to this section and notwithstanding anything to the contrary contained in  
6538 Title 10, Utah Municipal Code, or Title 17, Counties, [~~Title 17B, Limited Purpose Local~~  
6539 ~~Government Entities - Local Districts~~] Title 17B, Limited Purpose Local Government Entities -  
6540 Special Districts, or Title 17D, Chapter 1, Special Service District Act, the governing body of a  
6541 local government may create and maintain by ordinance a special fund known as a local  
6542 government disaster fund.

6543           (b) The local fund shall consist of:

6544           (i) subject to the limitations of this section, money transferred to it in accordance with  
6545 Subsection (2);

6546           (ii) any other public or private money received by the local government that is:

6547           (A) given to the local government for purposes consistent with this section; and

6548           (B) deposited into the local fund at the request of:

6549           (I) the governing body of the local government; or

6550           (II) the person giving the money; and

6551           (iii) interest or income realized from the local fund.

6552           (c) Interest or income realized from the local fund shall be deposited into the local  
6553 fund.

6554           (d) Money in a local fund may be:

6555           (i) deposited or invested as provided in Section [51-7-11](#); or

6556           (ii) transferred by the local government treasurer to the state treasurer under Section  
6557 [51-7-5](#) for the state treasurer's management and control under Title 51, Chapter 7, State Money  
6558 Management Act.

6559           (e) (i) The money in a local fund may accumulate from year to year until the local  
6560 government governing body determines to spend any money in the local fund for one or more  
6561 of the purposes specified in Subsection (3).

6562           (ii) Money in a local fund at the end of a fiscal year:

- 6563 (A) shall remain in the local fund for future use; and  
6564 (B) may not be transferred to any other fund or used for any other purpose.
- 6565 (2) The amounts transferred to a local fund may not exceed 10% of the total estimated  
6566 revenues of the local government for the current fiscal period that are not restricted or  
6567 otherwise obligated.
- 6568 (3) Money in the fund may only be used to fund the services and activities of the local  
6569 government creating the local fund in response to:
- 6570 (a) a declared disaster within the boundaries of the local government;  
6571 (b) the aftermath of the disaster that gave rise to a declared disaster within the  
6572 boundaries of the local government; and  
6573 (c) subject to Subsection (5), emergency preparedness.
- 6574 (4) (a) A local fund is subject to this part and:
- 6575 (i) in the case of a town, Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah  
6576 Towns, except that:
- 6577 (A) in addition to the funds listed in Section 10-5-106, the mayor shall prepare a  
6578 budget for the local fund;
- 6579 (B) Section 10-5-119 addressing termination of special funds does not apply to a local  
6580 fund; and
- 6581 (C) the council of the town may not authorize an interfund loan under Section  
6582 10-5-120 from the local fund;
- 6583 (ii) in the case of a city, Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah  
6584 Cities, except that:
- 6585 (A) in addition to the funds listed in Section 10-6-109, the mayor shall prepare a  
6586 budget for the local fund;
- 6587 (B) Section 10-6-131 addressing termination of special funds does not apply to a local  
6588 fund; and
- 6589 (C) the governing body of the city may not authorize an interfund loan under Section

6590 10-6-132 from the local fund; and

6591 (iii) in the case of a county, Title 17, Chapter 36, Uniform Fiscal Procedures Act for  
6592 Counties, except that:

6593 (A) Section 17-36-29 addressing termination of special funds does not apply to a local  
6594 fund; and

6595 (B) the governing body of the county may not authorize an interfund loan under  
6596 Section 17-36-30 from the local fund;

6597 (iv) in the case of a ~~[local]~~ special district or special service district, ~~[Title 17B,~~  
6598 ~~Chapter 1, Part 6, Fiscal Procedures for Local Districts]~~ Title 17B, Chapter 1, Part 6, Fiscal  
6599 Procedures for Special Districts, except that:

6600 (A) Section 17B-1-625, addressing termination of a special fund, does not apply to a  
6601 local fund; and

6602 (B) the governing body of the ~~[local]~~ special district or special service district may not  
6603 authorize an interfund loan under Section 17B-1-626 from the local fund; and

6604 (v) in the case of an interlocal entity, Title 11, Chapter 13, Part 5, Fiscal Procedures for  
6605 Interlocal Entities, except for the following provisions:

6606 (A) Section 11-13-522 addressing termination of a special fund does not apply to a  
6607 local fund; and

6608 (B) the governing board of the interlocal entity may not authorize an interfund loan  
6609 under Section 11-13-523 from the local fund.

6610 (b) Notwithstanding Subsection (4)(a), transfers of money to a local fund or the  
6611 accumulation of money in a local fund do not affect any limits on fund balances, net assets, or  
6612 the accumulation of retained earnings in any of the following of a local government:

6613 (i) a general fund;

6614 (ii) an enterprise fund;

6615 (iii) an internal service fund; or

6616 (iv) any other fund.

6617 (5) (a) A local government may not expend during a fiscal year more than 10% of the  
6618 money budgeted to be deposited into a local fund during that fiscal year for emergency  
6619 preparedness.

6620 (b) The amount described in Subsection (5)(a) shall be determined before the adoption  
6621 of the tentative budget.

6622 Section 89. Section **53-2a-1301** is amended to read:

6623 **53-2a-1301. Definitions.**

6624 As used in the part:

6625 (1) "Account" means the Post Disaster Recovery and Mitigation Restricted Account  
6626 created in Section [53-2a-1302](#).

6627 (2) "Affected community" means a community directly affected by an ongoing or  
6628 recent disaster.

6629 (3) "Chief executive officer" means the same as that term is defined in Section  
6630 [53-2a-203](#).

6631 (4) "Community" means a county, municipality, [~~local~~] special district, or special  
6632 service district.

6633 (5) "Costs not recoverable" include:

6634 (a) the county threshold; and

6635 (b) costs covered by insurance or federal government grants, including funding  
6636 provided to the state by FEMA's Public Assistance grant program described in 44 C.F.R.  
6637 Chapter 1, Subchapter D, Part 206.

6638 (6) "County threshold" means, for each county, the countywide per capita indicator  
6639 established by FEMA for the state, multiplied by the population of the county as determined by  
6640 the division.

6641 (7) "Disaster recovery" means action taken to remove debris, implement life-saving  
6642 emergency protective measures, or repair, replace, or restore facilities in response to a disaster.

6643 (8) "Disaster recovery grant" means money granted to an affected community for

6644 disaster recovery that amounts to not more than 75% of the difference between the cost of  
6645 disaster recovery, as determined by the division after reviewing the official damage assessment,  
6646 and costs not recoverable.

6647 (9) "FEMA" means the Federal Emergency Management Agency.

6648 (10) "Post hazard mitigation" means action taken, after a natural disaster, to reduce or  
6649 eliminate risk to people or property that may occur as a result of the long-term effects of the  
6650 natural disaster or a subsequent natural disaster, including action to prevent damage caused by  
6651 flooding, earthquake, dam failure, wildfire, landslide, severe weather, drought, and problem  
6652 soil.

6653 (11) "Post hazard mitigation grant" means money granted to a community for post  
6654 hazard mitigation that amounts to not more than 75% of the costs deemed necessary by the  
6655 division to complete the post hazard mitigation.

6656 (12) "Official damage assessment" means a financial assessment of the damage to an  
6657 affected community, caused by a disaster, that is conducted under the direction of the  
6658 governing body of the affected community, in accordance with the rules described in Section  
6659 [53-2a-1305](#).

6660 Section 90. Section **53-3-207** is amended to read:

6661 **53-3-207. License certificates or driving privilege cards issued to drivers by class**  
6662 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**  
6663 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

6664 (1) As used in this section:

6665 (a) "Driving privilege" means the privilege granted under this chapter to drive a motor  
6666 vehicle.

6667 (b) "Governmental entity" means the state or a political subdivision of the state.

6668 (c) "Health care professional" means:

6669 (i) a licensed physician, physician assistant, nurse practitioner, or mental health  
6670 therapist; or

6671 (ii) any other licensed health care professional the division designates by rule made in  
6672 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

6673 (d) "Political subdivision" means any county, city, town, school district, public transit  
6674 district, community reinvestment agency, special improvement or taxing district, [toeat] special  
6675 district, special service district, an entity created by an interlocal agreement adopted under Title  
6676 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public  
6677 corporation.

6678 (e) "Invisible condition" means a physical or mental condition that may interfere with  
6679 an individual's ability to communicate with a law enforcement officer, including:

6680 (i) a communication impediment;

6681 (ii) hearing loss;

6682 (iii) blindness or a visual impairment;

6683 (iv) autism spectrum disorder;

6684 (v) a drug allergy;

6685 (vi) Alzheimer's disease or dementia;

6686 (vii) post-traumatic stress disorder;

6687 (viii) traumatic brain injury;

6688 (ix) schizophrenia;

6689 (x) epilepsy;

6690 (xi) a developmental disability;

6691 (xii) Down syndrome;

6692 (xiii) diabetes;

6693 (xiv) a heart condition; or

6694 (xv) any other condition approved by the department.

6695 (f) "Invisible condition identification symbol" means a symbol or alphanumeric code  
6696 that indicates that an individual is an individual with an invisible condition.

6697 (g) "State" means this state, and includes any office, department, agency, authority,



6698 commission, board, institution, hospital, college, university, children's justice center, or other  
6699 instrumentality of the state.

6700 (2) (a) The division shall issue to every individual privileged to drive a motor vehicle, a  
6701 regular license certificate, a limited-term license certificate, or a driving privilege card  
6702 indicating the type or class of motor vehicle the individual may drive.

6703 (b) An individual may not drive a class of motor vehicle unless granted the privilege in  
6704 that class.

6705 (3) (a) Every regular license certificate, limited-term license certificate, or driving  
6706 privilege card shall bear:

6707 (i) the distinguishing number assigned to the individual by the division;

6708 (ii) the name, birth date, and Utah residence address of the individual;

6709 (iii) a brief description of the individual for the purpose of identification;

6710 (iv) any restrictions imposed on the license under Section 53-3-208;

6711 (v) a photograph of the individual;

6712 (vi) a photograph or other facsimile of the individual's signature;

6713 (vii) an indication whether the individual intends to make an anatomical gift under  
6714 Title 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the driving privilege is  
6715 extended under Subsection 53-3-214(3); and

6716 (viii) except as provided in Subsection (3)(b), if the individual states that the individual  
6717 is a veteran of the United States military on the application for a driver license in accordance  
6718 with Section 53-3-205 and provides verification that the individual was granted an honorable  
6719 or general discharge from the United States Armed Forces, an indication that the individual is a  
6720 United States military veteran for a regular license certificate or limited-term license certificate  
6721 issued on or after July 1, 2011.

6722 (b) A regular license certificate or limited-term license certificate issued to an  
6723 individual younger than 21 years old on a portrait-style format as required in Subsection (7)(b)  
6724 is not required to include an indication that the individual is a United States military veteran

6725 under Subsection (3)(a)(viii).

6726 (c) A new license certificate issued by the division may not bear the individual's social  
6727 security number.

6728 (d) (i) The regular license certificate, limited-term license certificate, or driving  
6729 privilege card shall be of an impervious material, resistant to wear, damage, and alteration.

6730 (ii) The size, form, and color of the regular license certificate, limited-term license  
6731 certificate, or driving privilege card shall be as prescribed by the commissioner.

6732 (iii) The commissioner may also prescribe the issuance of a special type of limited  
6733 regular license certificate, limited-term license certificate, or driving privilege card under  
6734 Subsection 53-3-220(4).

6735 (4) (a) The division shall include or affix an invisible condition identification symbol  
6736 on an individual's regular license certificate, limited-term license certificate, or driving  
6737 privilege card if the individual, on a form prescribed by the department:

6738 (i) requests the division to include the invisible condition identification symbol;

6739 (ii) provides written verification from a health care professional that the individual is  
6740 an individual with an invisible condition; and

6741 (iii) signs a waiver of liability for the release of any medical information to:

6742 (A) the department;

6743 (B) any person who has access to the individual's medical information as recorded on  
6744 the individual's driving record or the Utah Criminal Justice Information System under this  
6745 chapter; and

6746 (C) any other person who may view or receive notice of the individual's medical  
6747 information by seeing the individual's regular license certificate, limited-term license  
6748 certificate, or driving privilege card or the individual's information in the Utah Criminal Justice  
6749 Information System.

6750 (b) As part of the form described in Subsection (4)(a), the department shall advise the  
6751 individual that by submitting the signed waiver, the individual consents to the release of the

6752 individual's medical information to any person described in Subsections (4)(a)(iii)(A) through  
6753 (C), even if the person is otherwise ineligible to access the individual's medical information  
6754 under state or federal law.

6755 (c) The division may not:

6756 (i) charge a fee to include the invisible condition identification symbol on the  
6757 individual's regular license certificate, limited-term license certificate, or driving privilege card;  
6758 or

6759 (ii) after including the invisible condition identification symbol on the individual's  
6760 previously issued regular license certificate, limited-term license certificate, or driving  
6761 privilege card, require the individual to provide subsequent written verification described in  
6762 Subsection (4)(a)(ii) to include the invisible condition identification symbol on the individual's  
6763 renewed or extended regular license certificate, limited-term license certificate, or driving  
6764 privilege card.

6765 (d) The inclusion of an invisible condition identification symbol on an individual's  
6766 license certificate, limited-term license certificate, or driving privilege card in accordance with  
6767 Subsection (4)(a) does not confer any legal rights or privileges on the individual, including  
6768 parking privileges for individuals with disabilities under Section [41-1a-414](#).

6769 (e) For each individual issued a regular license certificate, limited-term license  
6770 certificate, or driving privilege card under this section that includes an invisible condition  
6771 identification symbol, the division shall include in the division's database a brief description of  
6772 the nature of the individual's invisible condition in the individual's record and provide the brief  
6773 description to the Utah Criminal Justice Information System.

6774 (f) Except as provided in this section, the division may not release the information  
6775 described in Subsection (4)(e).

6776 (g) Within 30 days after the day on which the division receives an individual's written  
6777 request, the division shall:

6778 (i) remove from the individual's record in the division's database the invisible condition

6779 identification symbol and the brief description described in Subsection (4)(e); and

6780 (ii) provide the individual's updated record to the Utah Criminal Justice Information  
6781 System.

6782 (5) As provided in Section [63G-2-302](#), the information described in Subsection (4)(a)  
6783 is a private record for purposes of Title 63G, Chapter 2, Government Records Access and  
6784 Management Act.

6785 (6) (a) (i) The division, upon determining after an examination that an applicant is  
6786 mentally and physically qualified to be granted a driving privilege, may issue to an applicant a  
6787 receipt for the fee if the applicant is eligible for a regular license certificate or limited-term  
6788 license certificate.

6789 (ii) (A) The division shall issue a temporary regular license certificate or temporary  
6790 limited-term license certificate allowing the individual to drive a motor vehicle while the  
6791 division is completing the division's investigation to determine whether the individual is  
6792 entitled to be granted a driving privilege.

6793 (B) A temporary regular license certificate or a temporary limited-term license  
6794 certificate issued under this Subsection (6) shall be recognized and have the same rights and  
6795 privileges as a regular license certificate or a limited-term license certificate.

6796 (b) The temporary regular license certificate or temporary limited-term license  
6797 certificate shall be in the individual's immediate possession while driving a motor vehicle, and  
6798 the temporary regular license certificate or temporary limited-term license certificate is invalid  
6799 when the individual's regular license certificate or limited-term license certificate has been  
6800 issued or when, for good cause, the privilege has been refused.

6801 (c) The division shall indicate on the temporary regular license certificate or temporary  
6802 limited-term license certificate a date after which the temporary regular license certificate or  
6803 temporary limited-term license certificate is not valid as a temporary license.

6804 (d) (i) Except as provided in Subsection (6)(d)(ii), the division may not issue a  
6805 temporary driving privilege card or other temporary permit to an applicant for a driving

6806 privilege card.

6807 (ii) The division may issue a learner permit issued in accordance with Section  
6808 [53-3-210.5](#) to an applicant for a driving privilege card.

6809 (7) (a) The division shall distinguish learner permits, temporary permits, regular  
6810 license certificates, limited-term license certificates, and driving privilege cards issued to any  
6811 individual younger than 21 years old by use of plainly printed information or the use of a color  
6812 or other means not used for other regular license certificates, limited-term license certificates,  
6813 or driving privilege cards.

6814 (b) The division shall distinguish a regular license certificate, limited-term license  
6815 certificate, or driving privilege card issued to an individual younger than 21 years old by use of  
6816 a portrait-style format not used for other regular license certificates, limited-term license  
6817 certificates, or driving privilege cards and by plainly printing the date the regular license  
6818 certificate, limited-term license certificate, or driving privilege card holder is 21 years old.

6819 (8) The division shall distinguish a limited-term license certificate by clearly indicating  
6820 on the document:

6821 (a) that the limited-term license certificate is temporary; and

6822 (b) the limited-term license certificate's expiration date.

6823 (9) (a) The division shall only issue a driving privilege card to an individual whose  
6824 privilege was obtained without providing evidence of lawful presence in the United States as  
6825 required under Subsection [53-3-205](#)(8).

6826 (b) The division shall distinguish a driving privilege card from a license certificate by:

6827 (i) use of a format, color, font, or other means; and

6828 (ii) clearly displaying on the front of the driving privilege card a phrase substantially  
6829 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

6830 (10) The provisions of Subsection (7)(b) do not apply to a learner permit, temporary  
6831 permit, temporary regular license certificate, temporary limited-term license certificate, or any  
6832 other temporary permit.

6833 (11) The division shall issue temporary license certificates of the same nature, except  
6834 as to duration, as the license certificates that they temporarily replace, as are necessary to  
6835 implement applicable provisions of this section and Section 53-3-223.

6836 (12) (a) A governmental entity may not accept a driving privilege card as proof of  
6837 personal identification.

6838 (b) A driving privilege card may not be used as a document providing proof of an  
6839 individual's age for any government required purpose.

6840 (13) An individual who violates Subsection (2)(b) is guilty of an infraction.

6841 (14) Unless otherwise provided, the provisions, requirements, classes, endorsements,  
6842 fees, restrictions, and sanctions under this code apply to a:

6843 (a) driving privilege in the same way as a license or limited-term license issued under  
6844 this chapter; and

6845 (b) limited-term license certificate or driving privilege card in the same way as a  
6846 regular license certificate issued under this chapter.

6847 Section 91. Section 53-5-708 is amended to read:

6848 **53-5-708. Permit -- Names private.**

6849 (1) (a) The bureau shall maintain a record in its office of any permit issued under this  
6850 part.

6851 (b) Notwithstanding the requirements of Subsection 63G-2-301(2)(b), the names,  
6852 addresses, telephone numbers, dates of birth, and Social Security numbers of persons receiving  
6853 permits are protected records under Subsection 63G-2-305(11).

6854 (c) Notwithstanding Section 63G-2-206, a person may not share any of the information  
6855 listed in Subsection (1)(b) with any office, department, division, or other agency of the federal  
6856 government unless:

6857 (i) the disclosure is necessary to conduct a criminal background check on the  
6858 individual who is the subject of the information;

6859 (ii) the disclosure of information is made pursuant to a court order directly associated

6860 with an active investigation or prosecution of the individual who is the subject of the  
6861 information;

6862 (iii) the disclosure is made to a criminal justice agency in a criminal investigation or  
6863 prosecution;

6864 (iv) the disclosure is made by a law enforcement agency within the state to another law  
6865 enforcement agency in the state or in another state in connection with an investigation,  
6866 including a preliminary investigation, or a prosecution of the individual who is the subject of  
6867 the information;

6868 (v) the disclosure is made by a law enforcement agency within the state to an employee  
6869 of a federal law enforcement agency in the course of a combined law enforcement effort  
6870 involving the law enforcement agency within the state and the federal law enforcement agency;  
6871 or

6872 (vi) the disclosure is made in response to a routine request that a federal law  
6873 enforcement officer makes to obtain information on an individual whom the federal law  
6874 enforcement officer detains, including for a traffic stop, or questions because of the individual's  
6875 suspected violation of state law.

6876 (d) A person is guilty of a class A misdemeanor if the person knowingly:

6877 (i) discloses information listed in Subsection (1)(b) in violation of the provisions under  
6878 Title 63G, Chapter 2, Government Records Access and Management Act, applicable to  
6879 protected records; or

6880 (ii) shares information in violation of Subsection (1)(c).

6881 (e) (i) As used in this Subsection (1)(e), "governmental agency" means:

6882 (A) the state or any department, division, agency, or other instrumentality of the state;

6883 or

6884 (B) a political subdivision of the state, including a county, city, town, school district,  
6885 ~~local~~ special district, and special service district.

6886 (ii) A governmental agency may not compel or attempt to compel an individual who

6887 has been issued a concealed firearm permit to divulge whether the individual:

6888 (A) has been issued a concealed firearm permit; or

6889 (B) is carrying a concealed firearm.

6890 (iii) Subsection (1)(e)(ii) does not apply to a law enforcement officer.

6891 (2) The bureau shall immediately file a copy of each permit it issues under this part.

6892 Section 92. Section **53-7-104** is amended to read:

6893 **53-7-104. Enforcement of state fire code and rules -- Division of authority and**  
6894 **responsibility.**

6895 (1) The authority and responsibility for enforcing the state fire code and rules made  
6896 under this chapter is divided as provided in this section.

6897 (2) The fire officers of any city or county shall enforce the state fire code and rules of  
6898 the state fire marshal in their respective areas.

6899 (3) The state fire marshal may enforce the state fire code and rules in:

6900 (a) areas outside of corporate cities, fire protection districts, and other ~~local~~ special  
6901 districts or special service districts organized for fire protection purposes;

6902 (b) state-owned property, school district owned property, and privately owned property  
6903 used for schools located within corporate cities and county fire protection districts, asylums,  
6904 mental hospitals, hospitals, sanitariums, homes for the aged, residential health-care facilities,  
6905 children's homes or institutions, or similar institutional type occupancy of any capacity; and

6906 (c) corporate cities, counties, fire protection districts, and special service districts  
6907 organized for fire protection purposes upon receiving a request from the chief fire official or  
6908 the local governing body.

6909 Section 93. Section **53-21-101** is amended to read:

6910 **53-21-101. Definitions.**

6911 As used in this chapter:

6912 (1) "Crime scene investigator technician" means an individual employed by a law  
6913 enforcement agency to collect and analyze evidence from crime scenes and crime-related



- 6914 incidents.
- 6915 (2) "Department" means the Department of Public Safety.
- 6916 (3) "First responder" means:
- 6917 (a) a law enforcement officer, as defined in Section 53-13-103;
- 6918 (b) an emergency medical technician, as defined in Section 26-8c-102;
- 6919 (c) an advanced emergency medical technician, as defined in Section 26-8c-102;
- 6920 (d) a paramedic, as defined in Section 26-8c-102;
- 6921 (e) a firefighter, as defined in Section 34A-3-113;
- 6922 (f) a dispatcher, as defined in Section 53-6-102;
- 6923 (g) a correctional officer, as defined in Section 53-13-104;
- 6924 (h) a special function officer, as defined in Section 53-13-105, employed by a local
- 6925 sheriff;
- 6926 (i) a search and rescue worker under the supervision of a local sheriff;
- 6927 (j) a credentialed criminal justice system victim advocate as defined in Section
- 6928 77-38-403 who responds to incidents with a law enforcement officer;
- 6929 (k) a crime scene investigator technician; or
- 6930 (l) a wildland firefighter.
- 6931 (4) "First responder agency" means a [~~local~~] special district, municipality, interlocal
- 6932 entity, or other political subdivision that employs a first responder to provide fire protection,
- 6933 paramedic, law enforcement, or emergency services.
- 6934 (5) "Mental health resources" means:
- 6935 (a) an assessment to determine appropriate mental health treatment that is performed
- 6936 by a mental health therapist;
- 6937 (b) outpatient mental health treatment provided by a mental health therapist; or
- 6938 (c) peer support services provided by a peer support specialist who is qualified to
- 6939 provide peer support services under Subsection 62A-15-103(2)(h).
- 6940 (6) "Mental health therapist" means the same as that term is defined in Section

6941 58-60-102.

6942 (7) "Plan" means a plan to implement or expand a program that provides mental health  
6943 resources to first responders for which the division awards a grant under this chapter.

6944 Section 94. Section **53B-16-104** is amended to read:

6945 **53B-16-104. Restrictions on higher education entities bidding on architect or**  
6946 **engineering services in public procurement projects.**

6947 (1) As used in this section:

6948 (a) "Architect-engineer services" means those professional services within the scope of  
6949 the practice of architecture as defined in Section 58-3a-102, or professional engineering as  
6950 defined in Section 58-22-102.

6951 (b) "Government entity" means a state agency, an institution of higher education, a  
6952 county, a municipality, a local school district, a ~~local~~ special district, or a special service  
6953 district.

6954 (2) When a government entity elects to obtain architect or engineering services by  
6955 using a competitive procurement process and has provided public notice of its competitive  
6956 procurement process:

6957 (a) a higher education entity, or any part of one, may not submit a proposal in response  
6958 to the government entity's competitive procurement process; and

6959 (b) the government entity may not award a contract to perform the architect or  
6960 engineering services solicited in the competitive procurement process to a higher education  
6961 entity or any part of one.

6962 (3) (a) Subject to the prohibition contained in Subsection (3)(b), an employee of a  
6963 higher education entity may, in a private capacity, submit a proposal in response to the  
6964 competitive procurement process.

6965 (b) An employee of a higher education entity may not use any supplies, materials, or  
6966 other resources owned by, or any persons matriculating at, attending, or employed by, the  
6967 higher education entity in:

- 6968 (i) preparing a response to the competitive procurement process; or
- 6969 (ii) completing any work, assignment, or contract awarded to the employee resulting
- 6970 from that competitive procurement process.

6971 Section 95. Section **53B-28-402** is amended to read:

6972 **53B-28-402. Campus safety study -- Report to Legislature.**

6973 (1) As used in this section:

6974 (a) "Campus law enforcement" means a unit of an institution that provides public

6975 safety services.

6976 (b) (i) "Institution" means an institution of higher education described in Section

6977 [53B-2-101](#).

6978 (ii) "Institution" includes an institution's campus law enforcement.

6979 [~~(c)~~] "~~Local district~~" means the same as that term is defined in Section [17B-1-102](#).]

6980 [~~(c)~~] (c) "Local law enforcement" means a state or local law enforcement agency other

6981 than campus law enforcement.

6982 [~~(d)~~] (d) "Public safety services" means police services, security services, dispatch

6983 services, emergency services, or other similar services.

6984 [~~(e)~~] (e) "Sexual violence" means the same as that term is defined in Section

6985 [53B-28-301](#).

6986 (f) "Special district" means the same as that term is defined in Section [17B-1-102](#).

6987 (g) "Special service district" means the same as that term is defined in Section

6988 [17D-1-102](#).

6989 (h) "Student" means the same as that term is defined in Section [53B-28-301](#).

6990 (i) "Student organization" means the same as that term is defined in Section

6991 [53B-28-401](#).

6992 (2) The board shall:

6993 (a) study issues related to providing public safety services on institution campuses,

6994 including:

6995 (i) policies and practices for hiring, supervision, and firing of campus law enforcement  
6996 officers;

6997 (ii) training of campus law enforcement in responding to incidents of sexual violence  
6998 or other crimes reported by or involving a student, including training related to lethality or  
6999 similar assessments;

7000 (iii) how campus law enforcement and local law enforcement respond to reports of  
7001 incidents of sexual violence or other crimes reported by or involving a student, including  
7002 supportive measures for victims and disciplinary actions for perpetrators;

7003 (iv) training provided to faculty, staff, students, and student organizations on campus  
7004 safety and prevention of sexual violence;

7005 (v) roles, responsibilities, jurisdiction, and authority of local law enforcement and  
7006 campus law enforcement, including authority based on:

7007 (A) the type of public safety services provided; or

7008 (B) geographic boundaries;

7009 (vi) how an institution and local law enforcement coordinate to respond to on-campus  
7010 and off-campus incidents requiring public safety services, including:

7011 (A) legal requirements or restrictions affecting coordination;

7012 (B) agreements, practices, or procedures governing coordination between an institution  
7013 and local law enforcement, including mutual support, sharing information, or dispatch  
7014 management; and

7015 (C) any issues that may affect the timeliness of a response to an on-campus or  
7016 off-campus incident reported by or involving a student;

7017 (vii) infrastructure, staffing, and equipment considerations that impact the effectiveness  
7018 of campus law enforcement or local law enforcement responses to an on-campus or off-campus  
7019 incident reported by or involving a student;

7020 (viii) the benefits and disadvantages of an institution employing campus law  
7021 enforcement compared to local law enforcement providing public safety services on an

7022 institution campus;

7023 (ix) an institution's compliance with federal and state crime statistic reporting

7024 requirements;

7025 (x) how an institution informs faculty, staff, and students about a crime or emergency

7026 on campus;

7027 (xi) national best practices for providing public safety services on institution campuses,

7028 including differences in best practices based on the size, infrastructure, location, and other

7029 relevant characteristics of a college or university; and

7030 (xii) any other issue the board determines is relevant to the study;

7031 (b) make recommendations for providing public safety services on institution campuses

7032 statewide;

7033 (c) produce a final report of the study described in this section, including the

7034 recommendations described in Subsection (2)(b); and

7035 (d) in accordance with Section 68-3-14, present the final report described in Subsection

7036 (2)(c) to the Education Interim Committee and the Law Enforcement and Criminal Justice

7037 Interim Committee at or before the committees' November 2021 meetings.

7038 (3) In carrying out the board's duties under this section, the board may coordinate with

7039 individuals and organizations with knowledge, expertise, or experience related to the board's

7040 duties under this section, including:

7041 (a) the [Utah] Department of Health;

7042 (b) the Utah Office for Victims of Crime;

7043 (c) the Utah Council on Victims of Crime;

7044 (d) institutions;

7045 (e) local law enforcement;

7046 (f) [local] special districts or special service districts that provide 911 and emergency

7047 dispatch service; and

7048 (g) community and other non-governmental organizations.

7049 Section 96. Section **53G-3-204** is amended to read:

7050 **53G-3-204. Notice before preparing or amending a long-range plan or acquiring**  
7051 **certain property.**

7052 (1) As used in this section:

7053 (a) "Affected entity" means each county, municipality, [~~local~~] special district under  
7054 [~~Title 17B, Limited Purpose Local Government Entities - Local Districts~~] Title 17B, Limited  
7055 Purpose Local Government Entities - Special Districts, special service district under Title 17D,  
7056 Chapter 1, Special Service District Act, interlocal cooperation entity established under Title 11,  
7057 Chapter 13, Interlocal Cooperation Act, and specified public utility:

7058 (i) whose services or facilities are likely to require expansion or significant  
7059 modification because of an intended use of land; or

7060 (ii) that has filed with the school district a copy of the general or long-range plan of the  
7061 county, municipality, [~~local~~] special district, special service district, school district, interlocal  
7062 cooperation entity, or specified public utility.

7063 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
7064 telephone corporation, as those terms are defined in Section [54-2-1](#).

7065 (2) (a) If a school district located in a county of the first or second class prepares a  
7066 long-range plan regarding the school district's facilities proposed for the future or amends an  
7067 already existing long-range plan, the school district shall, before preparing a long-range plan or  
7068 amendments to an existing long-range plan, provide written notice, as provided in this section,  
7069 of the school district's intent to prepare a long-range plan or to amend an existing long-range  
7070 plan.

7071 (b) Each notice under Subsection (2)(a) shall:

7072 (i) indicate that the school district intends to prepare a long-range plan or to amend a  
7073 long-range plan, as the case may be;

7074 (ii) describe or provide a map of the geographic area that will be affected by the  
7075 long-range plan or amendments to a long-range plan;

7076 (iii) be:

7077 (A) sent to each county in whose unincorporated area and each municipality in whose

7078 boundaries is located the land on which the proposed long-range plan or amendments to a

7079 long-range plan are expected to indicate that the proposed facilities will be located;

7080 (B) sent to each affected entity;

7081 (C) sent to the Utah Geospatial Resource Center created in Section [63A-16-505](#);

7082 (D) sent to each association of governments, established pursuant to an interlocal

7083 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or

7084 municipality described in Subsection (2)(b)(iii)(A) is a member; and

7085 (E) placed on the Utah Public Notice Website created under Section [63A-16-601](#);

7086 (iv) with respect to the notice to counties and municipalities described in Subsection

7087 (2)(b)(iii)(A) and affected entities, invite them to provide information for the school district to

7088 consider in the process of preparing, adopting, and implementing the long-range plan or

7089 amendments to a long-range plan concerning:

7090 (A) impacts that the use of land proposed in the proposed long-range plan or

7091 amendments to a long-range plan may have on the county, municipality, or affected entity; and

7092 (B) uses of land that the county, municipality, or affected entity is planning or

7093 considering that may conflict with the proposed long-range plan or amendments to a long-range

7094 plan; and

7095 (v) include the address of an Internet website, if the school district has one, and the

7096 name and telephone number of an individual where more information can be obtained

7097 concerning the school district's proposed long-range plan or amendments to a long-range plan.

7098 (3) (a) Except as provided in Subsection (3)(d), each school district intending to

7099 acquire real property in a county of the first or second class for the purpose of expanding the

7100 district's infrastructure or other facilities shall provide written notice, as provided in this

7101 Subsection (3), of the school district's intent to acquire the property if the intended use of the

7102 property is contrary to:

7103 (i) the anticipated use of the property under the county or municipality's general plan;

7104 or

7105 (ii) the property's current zoning designation.

7106 (b) Each notice under Subsection (3)(a) shall:

7107 (i) indicate that the school district intends to acquire real property;

7108 (ii) identify the real property; and

7109 (iii) be sent to:

7110 (A) each county in whose unincorporated area and each municipality in whose

7111 boundaries the property is located; and

7112 (B) each affected entity.

7113 (c) A notice under this Subsection (3) is a protected record as provided in Subsection

7114 [63G-2-305](#)(8).

7115 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the school district

7116 previously provided notice under Subsection (2) identifying the general location within the

7117 municipality or unincorporated part of the county where the property to be acquired is located.

7118 (ii) If a school district is not required to comply with the notice requirement of

7119 Subsection (3)(a) because of application of Subsection (3)(d)(i), the school district shall

7120 provide the notice specified in Subsection (3)(a) as soon as practicable after the school district's

7121 acquisition of the real property.

7122 Section 97. Section **53G-4-402** is amended to read:

7123 **53G-4-402. Powers and duties generally.**

7124 (1) A local school board shall:

7125 (a) implement the core standards for Utah public schools using instructional materials

7126 that best correlate to the core standards for Utah public schools and graduation requirements;

7127 (b) administer tests, required by the state board, which measure the progress of each

7128 student, and coordinate with the state superintendent and state board to assess results and create

7129 plans to improve the student's progress, which shall be submitted to the state board for



7130 approval;

7131 (c) use progress-based assessments as part of a plan to identify schools, teachers, and  
7132 students that need remediation and determine the type and amount of federal, state, and local  
7133 resources to implement remediation;

7134 (d) for each grading period and for each course in which a student is enrolled, issue a  
7135 grade or performance report to the student:

7136 (i) that reflects the student's work, including the student's progress based on mastery,  
7137 for the grading period; and

7138 (ii) in accordance with the local school board's adopted grading or performance  
7139 standards and criteria;

7140 (e) develop early warning systems for students or classes failing to make progress;

7141 (f) work with the state board to establish a library of documented best practices,  
7142 consistent with state and federal regulations, for use by the ~~local~~ special districts;

7143 (g) implement training programs for school administrators, including basic  
7144 management training, best practices in instructional methods, budget training, staff  
7145 management, managing for learning results and continuous improvement, and how to help  
7146 every child achieve optimal learning in basic academic subjects; and

7147 (h) ensure that the local school board meets the data collection and reporting standards  
7148 described in Section [53E-3-501](#).

7149 (2) Local school boards shall spend Minimum School Program funds for programs and  
7150 activities for which the state board has established minimum standards or rules under Section  
7151 [53E-3-501](#).

7152 (3) (a) A local school board may purchase, sell, and make improvements on school  
7153 sites, buildings, and equipment and construct, erect, and furnish school buildings.

7154 (b) School sites or buildings may only be conveyed or sold on local school board  
7155 resolution affirmed by at least two-thirds of the members.

7156 (4) (a) A local school board may participate in the joint construction or operation of a

7157 school attended by children residing within the district and children residing in other districts  
7158 either within or outside the state.

7159 (b) Any agreement for the joint operation or construction of a school shall:

7160 (i) be signed by the president of the local school board of each participating district;

7161 (ii) include a mutually agreed upon pro rata cost; and

7162 (iii) be filed with the state board.

7163 (5) A local school board may establish, locate, and maintain elementary, secondary,  
7164 and applied technology schools.

7165 (6) Except as provided in Section [53E-3-905](#), a local school board may enroll children  
7166 in school who are at least five years old before September 2 of the year in which admission is  
7167 sought.

7168 (7) A local school board may establish and support school libraries.

7169 (8) A local school board may collect damages for the loss, injury, or destruction of  
7170 school property.

7171 (9) A local school board may authorize guidance and counseling services for children  
7172 and their parents before, during, or following enrollment of the children in schools.

7173 (10) (a) A local school board shall administer and implement federal educational  
7174 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National  
7175 Education Programs.

7176 (b) Federal funds are not considered funds within the school district budget under  
7177 Chapter 7, Part 3, Budgets.

7178 (11) (a) A local school board may organize school safety patrols and adopt policies  
7179 under which the patrols promote student safety.

7180 (b) A student appointed to a safety patrol shall be at least 10 years old and have written  
7181 parental consent for the appointment.

7182 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion  
7183 of a highway intended for vehicular traffic use.

7184 (d) Liability may not attach to a school district, its employees, officers, or agents or to a  
7185 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting  
7186 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

7187 (12) (a) A local school board may on its own behalf, or on behalf of an educational  
7188 institution for which the local school board is the direct governing body, accept private grants,  
7189 loans, gifts, endowments, devises, or bequests that are made for educational purposes.

7190 (b) These contributions are not subject to appropriation by the Legislature.

7191 (13) (a) A local school board may appoint and fix the compensation of a compliance  
7192 officer to issue citations for violations of Subsection 76-10-105(2)(b).

7193 (b) A person may not be appointed to serve as a compliance officer without the  
7194 person's consent.

7195 (c) A teacher or student may not be appointed as a compliance officer.

7196 (14) A local school board shall adopt bylaws and policies for the local school board's  
7197 own procedures.

7198 (15) (a) A local school board shall make and enforce policies necessary for the control  
7199 and management of the district schools.

7200 (b) Local school board policies shall be in writing, filed, and referenced for public  
7201 access.

7202 (16) A local school board may hold school on legal holidays other than Sundays.

7203 (17) (a) A local school board shall establish for each school year a school traffic safety  
7204 committee to implement this Subsection (17).

7205 (b) The committee shall be composed of one representative of:

7206 (i) the schools within the district;

7207 (ii) the Parent Teachers' Association of the schools within the district;

7208 (iii) the municipality or county;

7209 (iv) state or local law enforcement; and

7210 (v) state or local traffic safety engineering.

- 7211 (c) The committee shall:
- 7212 (i) receive suggestions from school community councils, parents, teachers, and others
- 7213 and recommend school traffic safety improvements, boundary changes to enhance safety, and
- 7214 school traffic safety program measures;
- 7215 (ii) review and submit annually to the Department of Transportation and affected
- 7216 municipalities and counties a child access routing plan for each elementary, middle, and junior
- 7217 high school within the district;
- 7218 (iii) consult the Utah Safety Council and the Division of Family Health Services and
- 7219 provide training to all school children in kindergarten through grade 6, within the district, on
- 7220 school crossing safety and use; and
- 7221 (iv) help ensure the district's compliance with rules made by the Department of
- 7222 Transportation under Section [41-6a-303](#).
- 7223 (d) The committee may establish subcommittees as needed to assist in accomplishing
- 7224 the committee's duties under Subsection (17)(c).
- 7225 (18) (a) A local school board shall adopt and implement a comprehensive emergency
- 7226 response plan to prevent and combat violence in the local school board's public schools, on
- 7227 school grounds, on its school vehicles, and in connection with school-related activities or
- 7228 events.
- 7229 (b) The plan shall:
- 7230 (i) include prevention, intervention, and response components;
- 7231 (ii) be consistent with the student conduct and discipline policies required for school
- 7232 districts under Chapter 11, Part 2, Miscellaneous Requirements;
- 7233 (iii) require professional learning for all district and school building staff on what their
- 7234 roles are in the emergency response plan;
- 7235 (iv) provide for coordination with local law enforcement and other public safety
- 7236 representatives in preventing, intervening, and responding to violence in the areas and activities
- 7237 referred to in Subsection (18)(a); and

7238 (v) include procedures to notify a student, to the extent practicable, who is off campus  
7239 at the time of a school violence emergency because the student is:

7240 (A) participating in a school-related activity; or

7241 (B) excused from school for a period of time during the regular school day to  
7242 participate in religious instruction at the request of the student's parent.

7243 (c) The state board, through the state superintendent, shall develop comprehensive  
7244 emergency response plan models that local school boards may use, where appropriate, to  
7245 comply with Subsection (18)(a).

7246 (d) A local school board shall, by July 1 of each year, certify to the state board that its  
7247 plan has been practiced at the school level and presented to and reviewed by its teachers,  
7248 administrators, students, and their parents and local law enforcement and public safety  
7249 representatives.

7250 (19) (a) A local school board may adopt an emergency response plan for the treatment  
7251 of sports-related injuries that occur during school sports practices and events.

7252 (b) The plan may be implemented by each secondary school in the district that has a  
7253 sports program for students.

7254 (c) The plan may:

7255 (i) include emergency personnel, emergency communication, and emergency  
7256 equipment components;

7257 (ii) require professional learning on the emergency response plan for school personnel  
7258 who are involved in sports programs in the district's secondary schools; and

7259 (iii) provide for coordination with individuals and agency representatives who:

7260 (A) are not employees of the school district; and

7261 (B) would be involved in providing emergency services to students injured while  
7262 participating in sports events.

7263 (d) The local school board, in collaboration with the schools referred to in Subsection  
7264 (19)(b), may review the plan each year and make revisions when required to improve or

7265 enhance the plan.

7266 (e) The state board, through the state superintendent, shall provide local school boards  
7267 with an emergency plan response model that local school boards may use to comply with the  
7268 requirements of this Subsection (19).

7269 (20) A local school board shall do all other things necessary for the maintenance,  
7270 prosperity, and success of the schools and the promotion of education.

7271 (21) (a) Before closing a school or changing the boundaries of a school, a local school  
7272 board shall:

7273 (i) at least 120 days before approving the school closure or school boundary change,  
7274 provide notice to the following that the local school board is considering the closure or  
7275 boundary change:

7276 (A) parents of students enrolled in the school, using the same form of communication  
7277 the local school board regularly uses to communicate with parents;

7278 (B) parents of students enrolled in other schools within the school district that may be  
7279 affected by the closure or boundary change, using the same form of communication the local  
7280 school board regularly uses to communicate with parents; and

7281 (C) the governing council and the mayor of the municipality in which the school is  
7282 located;

7283 (ii) provide an opportunity for public comment on the proposed school closure or  
7284 school boundary change during at least two public local school board meetings; and

7285 (iii) hold a public hearing as defined in Section [10-9a-103](#) and provide public notice of  
7286 the public hearing as described in Subsection (21)(b).

7287 (b) The notice of a public hearing required under Subsection (21)(a)(iii) shall:

7288 (i) indicate the:

7289 (A) school or schools under consideration for closure or boundary change; and

7290 (B) the date, time, and location of the public hearing;

7291 (ii) at least 10 days before the public hearing, be:

7292 (A) published:  
7293 (I) in a newspaper of general circulation in the area; and  
7294 (II) on the Utah Public Notice Website created in Section 63A-16-601; and  
7295 (B) posted in at least three public locations within the municipality in which the school  
7296 is located on the school district's official website, and prominently at the school; and  
7297 (iii) at least 30 days before the public hearing described in Subsection (21)(a)(iii), be  
7298 provided as described in Subsections (21)(a)(i)(A), (B), and (C).

7299 (22) A local school board may implement a facility energy efficiency program  
7300 established under Title 11, Chapter 44, Performance Efficiency Act.

7301 (23) A local school board may establish or partner with a certified youth court in  
7302 accordance with Section 80-6-902 or establish or partner with a comparable restorative justice  
7303 program, in coordination with schools in that district. A school may refer a student to a youth  
7304 court or a comparable restorative justice program in accordance with Section 53G-8-211.

7305 (24) A local school board shall:

7306 (a) make curriculum that the school district uses readily accessible and available for a  
7307 parent to view;

7308 (b) annually notify a parent of a student enrolled in the school district of how to access  
7309 the information described in Subsection (24)(a); and

7310 (c) include on the school district's website information about how to access the  
7311 information described in Subsection (24)(a).

7312 Section 98. Section 54-3-28 is amended to read:

7313 **54-3-28. Notice required of certain public utilities before preparing or amending**  
7314 **a long-range plan or acquiring certain property.**

7315 (1) As used in this section:

7316 (a) (i) "Affected entity" means each county, municipality, ~~local~~ special district under  
7317 ~~[Title 17B, Limited Purpose Local Government Entities - Local Districts]~~ Title 17B, Limited  
7318 Purpose Local Government Entities - Special Districts, special service district, school district,

7319 interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,  
7320 and specified public utility:

7321 (A) whose services or facilities are likely to require expansion or significant  
7322 modification because of expected uses of land under a proposed long-range plan or under  
7323 proposed amendments to a long-range plan; or

7324 (B) that has filed with the specified public utility a copy of the general or long-range  
7325 plan of the county, municipality, ~~local~~ special district, special service district, school district,  
7326 interlocal cooperation entity, or specified public utility.

7327 (ii) "Affected entity" does not include the specified public utility that is required under  
7328 Subsection (2) to provide notice.

7329 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
7330 telephone corporation, as those terms are defined in Section [54-2-1](#).

7331 (2) (a) If a specified public utility prepares a long-range plan regarding the specified  
7332 public utility's facilities proposed for the future in a county of the first or second class or  
7333 amends an already existing long-range plan, the specified public utility shall, before preparing a  
7334 long-range plan or amendments to an existing long-range plan, provide written notice, as  
7335 provided in this section, of the specified public utility's intent to prepare a long-range plan or to  
7336 amend an existing long-range plan.

7337 (b) Each notice under Subsection (2) shall:

7338 (i) indicate that the specified public utility intends to prepare a long-range plan or to  
7339 amend a long-range plan, as the case may be;

7340 (ii) describe or provide a map of the geographic area that will be affected by the  
7341 long-range plan or amendments to a long-range plan;

7342 (iii) be sent to:

7343 (A) each county in whose unincorporated area and each municipality in whose  
7344 boundaries is located the land on which the proposed long-range plan or amendments to a  
7345 long-range plan are expected to indicate that the proposed facilities will be located;



7346 (B) each affected entity;

7347 (C) the Utah Geospatial Resource Center created in Section [63A-16-505](#);

7348 (D) each association of governments, established pursuant to an interlocal agreement  
7349 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality  
7350 described in Subsection (2)(b)(iii)(A) is a member; and

7351 (E) the state planning coordinator appointed under Section [63J-4-401](#);

7352 (iv) with respect to the notice to counties and municipalities described in Subsection  
7353 (2)(b)(iii)(A) and affected entities, invite them to provide information for the specified public  
7354 utility to consider in the process of preparing, adopting, and implementing the long-range plan  
7355 or amendments to a long-range plan concerning:

7356 (A) impacts that the use of land proposed in the proposed long-range plan or  
7357 amendments to a long-range plan may have on the county, municipality, or affected entity; and

7358 (B) uses of land that the county, municipality, or affected entity is planning or  
7359 considering that may conflict with the proposed long-range plan or amendments to a long-range  
7360 plan; and

7361 (v) include the address of an Internet website, if the specified public utility has one, and  
7362 the name and telephone number of an individual where more information can be obtained  
7363 concerning the specified public utility's proposed long-range plan or amendments to a  
7364 long-range plan.

7365 (3) (a) Except as provided in Subsection (3)(d), each specified public utility intending  
7366 to acquire real property in a county of the first or second class for the purpose of expanding the  
7367 specified public utility's infrastructure or other facilities used for providing the services that the  
7368 specified public utility is authorized to provide shall provide written notice, as provided in this  
7369 Subsection (3), of the specified public utility's intent to acquire the property if the intended use  
7370 of the property is contrary to:

7371 (i) the anticipated use of the property under the county or municipality's general plan;

7372 or

- 7373 (ii) the property's current zoning designation.
- 7374 (b) Each notice under Subsection (3)(a) shall:
- 7375 (i) indicate that the specified public utility intends to acquire real property;
- 7376 (ii) identify the real property; and
- 7377 (iii) be sent to:
- 7378 (A) each county in whose unincorporated area and each municipality in whose
- 7379 boundaries the property is located; and
- 7380 (B) each affected entity.
- 7381 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
- 7382 [63G-2-305\(8\)](#).
- 7383 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the specified
- 7384 public utility previously provided notice under Subsection (2) identifying the general location
- 7385 within the municipality or unincorporated part of the county where the property to be acquired
- 7386 is located.
- 7387 (ii) If a specified public utility is not required to comply with the notice requirement of
- 7388 Subsection (3)(a) because of application of Subsection (3)(d)(i), the specified public utility
- 7389 shall provide the notice specified in Subsection (3)(a) as soon as practicable after the specified
- 7390 public utility's acquisition of the real property.
- 7391 Section 99. Section **54-14-103** is amended to read:
- 7392 **54-14-103. Definitions.**
- 7393 As used in this chapter:
- 7394 (1) "Actual excess cost" means the difference in cost between:
- 7395 (a) the standard cost of a facility; and
- 7396 (b) the actual cost of the facility, including any necessary right-of-way, as determined
- 7397 in accordance with Section [54-14-203](#).
- 7398 (2) "Board" means the Utility Facility Review Board.
- 7399 (3) "Commencement of construction of a facility" includes the project design and the

7400 ordering of materials necessary to construct the facility.

7401 (4) "Estimated excess cost" means any material difference in estimated cost between  
7402 the costs of a facility, including any necessary right-of-way, if constructed in accordance with  
7403 the requirements of a local government and the standard cost of the facility.

7404 (5) (a) "Facility" means a transmission line, a substation, a gas pipeline, a tap, a  
7405 measuring device, or a treatment device.

7406 (b) "Facility" includes a high voltage power line route as defined in Section 54-18-102.

7407 (6) (a) "Gas pipeline" means equipment, material, and structures used to transport gas  
7408 to the public utility's customers, including:

7409 (i) pipe;

7410 (ii) a compressor;

7411 (iii) a pressure regulator;

7412 (iv) a support structure; and

7413 (v) any other equipment or structure used to transport or facilitate transportation of gas  
7414 through a pipe.

7415 (b) "Gas pipeline" does not include a service line.

7416 (7) "Local government":

7417 (a) means a city or town as defined in Section 10-1-104 or a county; or

7418 (b) may refer to one or more of the local governments in whose jurisdiction a facility is  
7419 located if a facility is proposed to be located in more than one local government jurisdiction.

7420 (8) "Pay" includes, in reference to a local government paying the actual excess cost of a  
7421 facility, payment by:

7422 (a) a ~~[local] special~~ district under ~~[Title 17B, Limited Purpose Local Government~~  
7423 ~~Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities - Special  
7424 Districts;

7425 (b) a special service district under Title 17D, Chapter 1, Special Service District Act;

7426 or

7427 (c) a private entity other than the public utility pursuant to a regulation or decision of  
7428 the local government.

7429 (9) (a) "Standard cost" means the estimated cost of a facility, including any necessary  
7430 right-of-way, if constructed in accordance with:

7431 (i) the public utility's normal practices; and

7432 (ii) zoning, subdivision, and building code regulations of a local government, including  
7433 siting, setback, screening, and landscaping requirements:

7434 (A) imposed on similar land uses in the same zone; and

7435 (B) that do not impair the ability of the public utility to provide service to its customers  
7436 in a safe, reliable, adequate, and efficient manner.

7437 (b) With respect to a transmission line, "standard cost" is the cost of any overhead line  
7438 constructed in accordance with the public utility's normal practices.

7439 (c) With respect to a facility of a gas corporation, "standard cost" is the cost of  
7440 constructing the facility in accordance with the public utility's normal practices.

7441 (10) (a) "Substation" means a separate space within which electric supply equipment is  
7442 located for the purpose of switching, regulating, transforming, or otherwise modifying the  
7443 characteristics of electricity, including:

7444 (i) electrical equipment such as transformers, circuit breakers, voltage regulating  
7445 equipment, buses, switches, capacitor banks, reactors, protection and control equipment, and  
7446 other related equipment;

7447 (ii) the site at which the equipment is located, any foundations, support structures,  
7448 buildings, or driveways necessary to locate, operate, and maintain the equipment at the site;  
7449 and

7450 (iii) the structure intended to restrict access to the equipment to qualified persons.

7451 (b) "Substation" does not include a distribution pole-mounted or pad-mounted  
7452 transformer that is used for the final transformation of power to the voltage level utilized by the  
7453 customer.

7454 (11) (a) "Transmission line" means an electrical line, including structures, equipment,  
7455 plant, or fixtures associated with the electrical line, operated at a nominal voltage of 34,000  
7456 volts or above.

7457 (b) "Transmission line" includes, for purposes of Title 54, Chapter 18, Siting of High  
7458 Voltage Power Line Act, an electrical line as described in Subsection (11)(a) operated at a  
7459 nominal voltage of 230 kilovolts or more.

7460 Section 100. Section **57-8-27** is amended to read:

7461 **57-8-27. Separate taxation.**

7462 (1) Each unit and its percentage of undivided interest in the common or community  
7463 areas and facilities shall be considered to be a parcel and shall be subject to separate  
7464 assessment and taxation by each assessing unit, ~~local~~ special district, and special service  
7465 district for all types of taxes authorized by law, including ad valorem levies and special  
7466 assessments. Neither the building or buildings, the property, nor any of the common areas and  
7467 facilities may be considered a parcel.

7468 (2) In the event any of the interests in real property made subject to this chapter by the  
7469 declaration are leasehold interests, if the lease creating these interests is of record in the office  
7470 of the county recorder, if the balance of the term remaining under the lease is at least 40 years  
7471 at the time the leasehold interest is made subject to this chapter, if units are situated or are to be  
7472 situated on or within the real property covered by the lease, and if the lease provides that the  
7473 lessee shall pay all taxes and assessments imposed by governmental authority, then until 10  
7474 years prior to the date that the leasehold is to expire or until the lease is terminated, whichever  
7475 first occurs, all taxes and assessments on the real property covered by the lease shall be levied  
7476 against the owner of the lessee's interest. If the owner of the reversion under the lease has  
7477 executed the declaration and condominium plat, until 10 years prior to the date that the  
7478 leasehold is to expire, or until the lease is terminated, whichever first occurs, all taxes and  
7479 assessments on the real property covered by the lease shall be separately levied against the unit  
7480 owners having an interest in the lease, with each unit owner for taxation purposes being

7481 considered the owner of a parcel consisting of his undivided condominium interest in the fee of  
7482 the real property affected by the lease.

7483 (3) No forfeiture or sale of the improvements or the property as a whole for delinquent  
7484 real estate taxes, special assessments, or charges shall divest or in anywise affect the title to an  
7485 individual unit if the real estate taxes or duly levied share of the assessments and charges on the  
7486 individual unit are currently paid.

7487 (4) Any exemption from taxes that may exist on real property or the ownership of the  
7488 property may not be denied by virtue of the submission of the property to this chapter.

7489 (5) Timeshare interests and timeshare estates, as defined in Section 57-19-2, may not  
7490 be separately taxed but shall be valued, assessed, and taxed at the unit level. The value of  
7491 timeshare interests and timeshare estates, for purposes of ad valorem taxation, shall be  
7492 determined by valuing the real property interest associated with the timeshare interest or  
7493 timeshare estate, exclusive of the value of any intangible property and rights associated with  
7494 the acquisition, operation, ownership, and use of the timeshare interest or timeshare estate,  
7495 including the fees and costs associated with the sale of timeshare interests and timeshare estates  
7496 that exceed those fees and costs normally incurred in the sale of other similar properties, the  
7497 fees and costs associated with the operation, ownership, and use of timeshare interests and  
7498 timeshare estates, vacation exchange rights, vacation conveniences and services, club  
7499 memberships, and any other intangible rights and benefits available to a timeshare unit owner.  
7500 Nothing in this section shall be construed as requiring the assessment of any real property  
7501 interest associated with a timeshare interest or timeshare estate at less than its fair market  
7502 value. Notice of assessment, delinquency, sale, or any other purpose required by law is  
7503 considered sufficient for all purposes if the notice is given to the management committee.

7504 Section 101. Section **59-2-102** is amended to read:

7505 **59-2-102. Definitions.**

7506 As used in this chapter:

7507 (1) (a) "Acquisition cost" means any cost required to put an item of tangible personal

7508 property into service.

7509 (b) "Acquisition cost" includes:

7510 (i) the purchase price of a new or used item;

7511 (ii) the cost of freight, shipping, loading at origin, unloading at destination, crating,  
7512 skidding, or any other applicable cost of shipping;

7513 (iii) the cost of installation, engineering, rigging, erection, or assembly, including  
7514 foundations, pilings, utility connections, or similar costs; and

7515 (iv) sales and use taxes.

7516 (2) "Aerial applicator" means aircraft or rotorcraft used exclusively for the purpose of  
7517 engaging in dispensing activities directly affecting agriculture or horticulture with an  
7518 airworthiness certificate from the Federal Aviation Administration certifying the aircraft or  
7519 rotorcraft's use for agricultural and pest control purposes.

7520 (3) "Air charter service" means an air carrier operation that requires the customer to  
7521 hire an entire aircraft rather than book passage in whatever capacity is available on a scheduled  
7522 trip.

7523 (4) "Air contract service" means an air carrier operation available only to customers  
7524 that engage the services of the carrier through a contractual agreement and excess capacity on  
7525 any trip and is not available to the public at large.

7526 (5) "Aircraft" means the same as that term is defined in Section [72-10-102](#).

7527 (6) (a) Except as provided in Subsection (6)(b), "airline" means an air carrier that:

7528 (i) operates:

7529 (A) on an interstate route; and

7530 (B) on a scheduled basis; and

7531 (ii) offers to fly one or more passengers or cargo on the basis of available capacity on a  
7532 regularly scheduled route.

7533 (b) "Airline" does not include an:

7534 (i) air charter service; or

- 7535 (ii) air contract service.
- 7536 (7) "Assessment roll" or "assessment book" means a permanent record of the  
7537 assessment of property as assessed by the county assessor and the commission and may be  
7538 maintained manually or as a computerized file as a consolidated record or as multiple records  
7539 by type, classification, or categories.
- 7540 (8) "Base parcel" means a parcel of property that was legally:
- 7541 (a) subdivided into two or more lots, parcels, or other divisions of land; or
- 7542 (b) (i) combined with one or more other parcels of property; and
- 7543 (ii) subdivided into two or more lots, parcels, or other divisions of land.
- 7544 (9) (a) "Certified revenue levy" means a property tax levy that provides an amount of  
7545 ad valorem property tax revenue equal to the sum of:
- 7546 (i) the amount of ad valorem property tax revenue to be generated statewide in the  
7547 previous year from imposing a multicounty assessing and collecting levy, as specified in  
7548 Section [59-2-1602](#); and
- 7549 (ii) the product of:
- 7550 (A) eligible new growth, as defined in Section [59-2-924](#); and
- 7551 (B) the multicounty assessing and collecting levy certified by the commission for the  
7552 previous year.
- 7553 (b) For purposes of this Subsection (9), "ad valorem property tax revenue" does not  
7554 include property tax revenue received by a taxing entity from personal property that is:
- 7555 (i) assessed by a county assessor in accordance with Part 3, County Assessment; and
- 7556 (ii) semiconductor manufacturing equipment.
- 7557 (c) For purposes of calculating the certified revenue levy described in this Subsection  
7558 (9), the commission shall use:
- 7559 (i) the taxable value of real property assessed by a county assessor contained on the  
7560 assessment roll;
- 7561 (ii) the taxable value of real and personal property assessed by the commission; and



7562 (iii) the taxable year end value of personal property assessed by a county assessor  
7563 contained on the prior year's assessment roll.

7564 (10) "County-assessed commercial vehicle" means:

7565 (a) any commercial vehicle, trailer, or semitrailer that is not apportioned under Section  
7566 41-1a-301 and is not operated interstate to transport the vehicle owner's goods or property in  
7567 furtherance of the owner's commercial enterprise;

7568 (b) any passenger vehicle owned by a business and used by its employees for  
7569 transportation as a company car or vanpool vehicle; and

7570 (c) vehicles that are:

7571 (i) especially constructed for towing or wrecking, and that are not otherwise used to  
7572 transport goods, merchandise, or people for compensation;

7573 (ii) used or licensed as taxicabs or limousines;

7574 (iii) used as rental passenger cars, travel trailers, or motor homes;

7575 (iv) used or licensed in this state for use as ambulances or hearses;

7576 (v) especially designed and used for garbage and rubbish collection; or

7577 (vi) used exclusively to transport students or their instructors to or from any private,  
7578 public, or religious school or school activities.

7579 (11) "Eligible judgment" means a final and unappealable judgment or order under  
7580 Section 59-2-1330:

7581 (a) that became a final and unappealable judgment or order no more than 14 months  
7582 before the day on which the notice described in Section 59-2-919.1 is required to be provided;  
7583 and

7584 (b) for which a taxing entity's share of the final and unappealable judgment or order is  
7585 greater than or equal to the lesser of:

7586 (i) \$5,000; or

7587 (ii) 2.5% of the total ad valorem property taxes collected by the taxing entity in the  
7588 previous fiscal year.

7589 (12) (a) "Escaped property" means any property, whether personal, land, or any  
7590 improvements to the property, that is subject to taxation and is:

7591 (i) inadvertently omitted from the tax rolls, assigned to the incorrect parcel, or assessed  
7592 to the wrong taxpayer by the assessing authority;

7593 (ii) undervalued or omitted from the tax rolls because of the failure of the taxpayer to  
7594 comply with the reporting requirements of this chapter; or

7595 (iii) undervalued because of errors made by the assessing authority based upon  
7596 incomplete or erroneous information furnished by the taxpayer.

7597 (b) "Escaped property" does not include property that is undervalued because of the use  
7598 of a different valuation methodology or because of a different application of the same valuation  
7599 methodology.

7600 (13) (a) "Fair market value" means the amount at which property would change hands  
7601 between a willing buyer and a willing seller, neither being under any compulsion to buy or sell  
7602 and both having reasonable knowledge of the relevant facts.

7603 (b) For purposes of taxation, "fair market value" shall be determined using the current  
7604 zoning laws applicable to the property in question, except in cases where there is a reasonable  
7605 probability of a change in the zoning laws affecting that property in the tax year in question and  
7606 the change would have an appreciable influence upon the value.

7607 (14) "Geothermal fluid" means water in any form at temperatures greater than 120  
7608 degrees centigrade naturally present in a geothermal system.

7609 (15) "Geothermal resource" means:

7610 (a) the natural heat of the earth at temperatures greater than 120 degrees centigrade;

7611 and

7612 (b) the energy, in whatever form, including pressure, present in, resulting from, created  
7613 by, or which may be extracted from that natural heat, directly or through a material medium.

7614 (16) (a) "Goodwill" means:

7615 (i) acquired goodwill that is reported as goodwill on the books and records that a

7616 taxpayer maintains for financial reporting purposes; or  
7617           (ii) the ability of a business to:  
7618           (A) generate income that exceeds a normal rate of return on assets and that results from  
7619 a factor described in Subsection (16)(b); or  
7620           (B) obtain an economic or competitive advantage resulting from a factor described in  
7621 Subsection (16)(b).  
7622           (b) The following factors apply to Subsection (16)(a)(ii):  
7623           (i) superior management skills;  
7624           (ii) reputation;  
7625           (iii) customer relationships;  
7626           (iv) patronage; or  
7627           (v) a factor similar to Subsections (16)(b)(i) through (iv).  
7628           (c) "Goodwill" does not include:  
7629           (i) the intangible property described in Subsection (19)(a) or (b);  
7630           (ii) locational attributes of real property, including:  
7631           (A) zoning;  
7632           (B) location;  
7633           (C) view;  
7634           (D) a geographic feature;  
7635           (E) an easement;  
7636           (F) a covenant;  
7637           (G) proximity to raw materials;  
7638           (H) the condition of surrounding property; or  
7639           (I) proximity to markets;  
7640           (iii) value attributable to the identification of an improvement to real property,  
7641 including:  
7642           (A) reputation of the designer, builder, or architect of the improvement;

7643 (B) a name given to, or associated with, the improvement; or  
7644 (C) the historic significance of an improvement; or  
7645 (iv) the enhancement or assemblage value specifically attributable to the interrelation  
7646 of the existing tangible property in place working together as a unit.

7647 (17) "Governing body" means:

7648 (a) for a county, city, or town, the legislative body of the county, city, or town;

7649 (b) for a ~~[local] special~~ district under ~~[Title 17B, Limited Purpose Local Government~~  
7650 ~~Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities - Special  
7651 Districts, the ~~[local] special~~ district's board of trustees;

7652 (c) for a school district, the local board of education;

7653 (d) for a special service district under Title 17D, Chapter 1, Special Service District  
7654 Act:

7655 (i) the legislative body of the county or municipality that created the special service  
7656 district, to the extent that the county or municipal legislative body has not delegated authority  
7657 to an administrative control board established under Section [17D-1-301](#); or

7658 (ii) the administrative control board, to the extent that the county or municipal  
7659 legislative body has delegated authority to an administrative control board established under  
7660 Section [17D-1-301](#); or

7661 (e) for a public infrastructure district under Title 17D, Chapter 4, Public Infrastructure  
7662 District Act, the public infrastructure district's board of trustees.

7663 (18) (a) Except as provided in Subsection (18)(c), "improvement" means a building,  
7664 structure, fixture, fence, or other item that is permanently attached to land, regardless of  
7665 whether the title has been acquired to the land, if:

7666 (i) (A) attachment to land is essential to the operation or use of the item; and

7667 (B) the manner of attachment to land suggests that the item will remain attached to the  
7668 land in the same place over the useful life of the item; or

7669 (ii) removal of the item would:

- 7670 (A) cause substantial damage to the item; or
- 7671 (B) require substantial alteration or repair of a structure to which the item is attached.
- 7672 (b) "Improvement" includes:
- 7673 (i) an accessory to an item described in Subsection (18)(a) if the accessory is:
- 7674 (A) essential to the operation of the item described in Subsection (18)(a); and
- 7675 (B) installed solely to serve the operation of the item described in Subsection (18)(a);
- 7676 and
- 7677 (ii) an item described in Subsection (18)(a) that is temporarily detached from the land
- 7678 for repairs and remains located on the land.
- 7679 (c) "Improvement" does not include:
- 7680 (i) an item considered to be personal property pursuant to rules made in accordance
- 7681 with Section [59-2-107](#);
- 7682 (ii) a moveable item that is attached to land for stability only or for an obvious
- 7683 temporary purpose;
- 7684 (iii) (A) manufacturing equipment and machinery; or
- 7685 (B) essential accessories to manufacturing equipment and machinery;
- 7686 (iv) an item attached to the land in a manner that facilitates removal without substantial
- 7687 damage to the land or the item; or
- 7688 (v) a transportable factory-built housing unit as defined in Section [59-2-1502](#) if that
- 7689 transportable factory-built housing unit is considered to be personal property under Section
- 7690 [59-2-1503](#).
- 7691 (19) "Intangible property" means:
- 7692 (a) property that is capable of private ownership separate from tangible property,
- 7693 including:
- 7694 (i) money;
- 7695 (ii) credits;
- 7696 (iii) bonds;

- 7697 (iv) stocks;
- 7698 (v) representative property;
- 7699 (vi) franchises;
- 7700 (vii) licenses;
- 7701 (viii) trade names;
- 7702 (ix) copyrights; and
- 7703 (x) patents;
- 7704 (b) a low-income housing tax credit;
- 7705 (c) goodwill; or
- 7706 (d) a renewable energy tax credit or incentive, including:
  - 7707 (i) a federal renewable energy production tax credit under Section 45, Internal Revenue
  - 7708 Code;
  - 7709 (ii) a federal energy credit for qualified renewable electricity production facilities under
  - 7710 Section 48, Internal Revenue Code;
  - 7711 (iii) a federal grant for a renewable energy property under American Recovery and
  - 7712 Reinvestment Act of 2009, Pub. L. No. 111-5, Section 1603; and
  - 7713 (iv) a tax credit under Subsection [59-7-614\(5\)](#).
- 7714 (20) "Livestock" means:
  - 7715 (a) a domestic animal;
  - 7716 (b) a fish;
  - 7717 (c) a fur-bearing animal;
  - 7718 (d) a honeybee; or
  - 7719 (e) poultry.
- 7720 (21) "Low-income housing tax credit" means:
  - 7721 (a) a federal low-income housing tax credit under Section 42, Internal Revenue Code;
  - 7722 or
  - 7723 (b) a low-income housing tax credit under Section [59-7-607](#) or Section [59-10-1010](#).

7724 (22) "Metalliferous minerals" includes gold, silver, copper, lead, zinc, and uranium.

7725 (23) "Mine" means a natural deposit of either metalliferous or nonmetalliferous  
7726 valuable mineral.

7727 (24) "Mining" means the process of producing, extracting, leaching, evaporating, or  
7728 otherwise removing a mineral from a mine.

7729 (25) (a) "Mobile flight equipment" means tangible personal property that is owned or  
7730 operated by an air charter service, air contract service, or airline and:

7731 (i) is capable of flight or is attached to an aircraft that is capable of flight; or

7732 (ii) is contained in an aircraft that is capable of flight if the tangible personal property  
7733 is intended to be used:

7734 (A) during multiple flights;

7735 (B) during a takeoff, flight, or landing; and

7736 (C) as a service provided by an air charter service, air contract service, or airline.

7737 (b) (i) "Mobile flight equipment" does not include a spare part other than a spare  
7738 engine that is rotated at regular intervals with an engine that is attached to the aircraft.

7739 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
7740 commission may make rules defining the term "regular intervals."

7741 (26) "Nonmetalliferous minerals" includes, but is not limited to, oil, gas, coal, salts,  
7742 sand, rock, gravel, and all carboniferous materials.

7743 (27) "Part-year residential property" means property that is not residential property on  
7744 January 1 of a calendar year but becomes residential property after January 1 of the calendar  
7745 year.

7746 (28) "Personal property" includes:

7747 (a) every class of property as defined in Subsection (29) that is the subject of  
7748 ownership and is not real estate or an improvement;

7749 (b) any pipe laid in or affixed to land whether or not the ownership of the pipe is  
7750 separate from the ownership of the underlying land, even if the pipe meets the definition of an

7751 improvement;

7752 (c) bridges and ferries;

7753 (d) livestock; and

7754 (e) outdoor advertising structures as defined in Section [72-7-502](#).

7755 (29) (a) "Property" means property that is subject to assessment and taxation according

7756 to its value.

7757 (b) "Property" does not include intangible property as defined in this section.

7758 (30) (a) "Public utility" means:

7759 (i) the operating property of a railroad, gas corporation, oil or gas transportation or

7760 pipeline company, coal slurry pipeline company, electrical corporation, sewerage corporation,

7761 or heat corporation where the company performs the service for, or delivers the commodity to,

7762 the public generally or companies serving the public generally, or in the case of a gas

7763 corporation or an electrical corporation, where the gas or electricity is sold or furnished to any

7764 member or consumers within the state for domestic, commercial, or industrial use; and

7765 (ii) the operating property of any entity or person defined under Section [54-2-1](#) except

7766 water corporations.

7767 (b) "Public utility" does not include the operating property of a telecommunications

7768 service provider.

7769 (31) (a) Subject to Subsection (31)(b), "qualifying exempt primary residential rental

7770 personal property" means household furnishings, furniture, and equipment that:

7771 (i) are used exclusively within a dwelling unit that is the primary residence of a tenant;

7772 (ii) are owned by the owner of the dwelling unit that is the primary residence of a

7773 tenant; and

7774 (iii) after applying the residential exemption described in Section [59-2-103](#), are exempt

7775 from taxation under this chapter in accordance with Subsection [59-2-1115\(2\)](#).

7776 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

7777 commission may by rule define the term "dwelling unit" for purposes of this Subsection (31)



7778 and Subsection (34).

7779 (32) "Real estate" or "real property" includes:

7780 (a) the possession of, claim to, ownership of, or right to the possession of land;

7781 (b) all mines, minerals, and quarries in and under the land, all timber belonging to  
7782 individuals or corporations growing or being on the lands of this state or the United States, and  
7783 all rights and privileges appertaining to these; and

7784 (c) improvements.

7785 (33) (a) "Relationship with an owner of the property's land surface rights" means a  
7786 relationship described in Subsection 267(b), Internal Revenue Code, except that the term 25%  
7787 shall be substituted for the term 50% in Subsection 267(b), Internal Revenue Code.

7788 (b) For purposes of determining if a relationship described in Subsection 267(b),  
7789 Internal Revenue Code, exists, the ownership of stock shall be determined using the ownership  
7790 rules in Subsection 267(c), Internal Revenue Code.

7791 (34) (a) "Residential property," for purposes of the reductions and adjustments under  
7792 this chapter, means any property used for residential purposes as a primary residence.

7793 (b) "Residential property" includes:

7794 (i) except as provided in Subsection (34)(b)(ii), includes household furnishings,  
7795 furniture, and equipment if the household furnishings, furniture, and equipment are:

7796 (A) used exclusively within a dwelling unit that is the primary residence of a tenant;

7797 and

7798 (B) owned by the owner of the dwelling unit that is the primary residence of a tenant;

7799 and

7800 (ii) if the county assessor determines that the property will be used for residential  
7801 purposes as a primary residence:

7802 (A) property under construction; or

7803 (B) unoccupied property.

7804 (c) "Residential property" does not include property used for transient residential use.

7805 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
7806 commission may by rule define the term "dwelling unit" for purposes of Subsection (31) and  
7807 this Subsection (34).

7808 (35) "Split estate mineral rights owner" means a person that:

7809 (a) has a legal right to extract a mineral from property;

7810 (b) does not hold more than a 25% interest in:

7811 (i) the land surface rights of the property where the wellhead is located; or

7812 (ii) an entity with an ownership interest in the land surface rights of the property where  
7813 the wellhead is located;

7814 (c) is not an entity in which the owner of the land surface rights of the property where  
7815 the wellhead is located holds more than a 25% interest; and

7816 (d) does not have a relationship with an owner of the land surface rights of the property  
7817 where the wellhead is located.

7818 (36) (a) "State-assessed commercial vehicle" means:

7819 (i) any commercial vehicle, trailer, or semitrailer that operates interstate or intrastate to  
7820 transport passengers, freight, merchandise, or other property for hire; or

7821 (ii) any commercial vehicle, trailer, or semitrailer that operates interstate and transports  
7822 the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.

7823 (b) "State-assessed commercial vehicle" does not include vehicles used for hire that are  
7824 specified in Subsection (10)(c) as county-assessed commercial vehicles.

7825 (37) "Subdivided lot" means a lot, parcel, or other division of land, that is a division of  
7826 a base parcel.

7827 (38) "Tax area" means a geographic area created by the overlapping boundaries of one  
7828 or more taxing entities.

7829 (39) "Taxable value" means fair market value less any applicable reduction allowed for  
7830 residential property under Section [59-2-103](#).

7831 (40) "Taxing entity" means any county, city, town, school district, special taxing

7832 district, [~~local~~] special district under [~~Title 17B, Limited Purpose Local Government Entities =~~  
7833 ~~Local Districts~~] Title 17B, Limited Purpose Local Government Entities - Special Districts, or  
7834 other political subdivision of the state with the authority to levy a tax on property.

7835 (41) (a) "Tax roll" means a permanent record of the taxes charged on property, as  
7836 extended on the assessment roll, and may be maintained on the same record or records as the  
7837 assessment roll or may be maintained on a separate record properly indexed to the assessment  
7838 roll.

7839 (b) "Tax roll" includes tax books, tax lists, and other similar materials.

7840 (42) "Telecommunications service provider" means the same as that term is defined in  
7841 Section 59-12-102.

7842 Section 102. Section **59-2-511** is amended to read:

7843 **59-2-511. Acquisition of land by governmental entity -- Requirements -- Rollback**  
7844 **tax -- One-time in lieu fee payment -- Passage of title.**

7845 (1) For purposes of this section, "governmental entity" means:

7846 (a) the United States;

7847 (b) the state;

7848 (c) a political subdivision of the state, including:

7849 (i) a county;

7850 (ii) a city;

7851 (iii) a town;

7852 (iv) a school district;

7853 (v) a [~~local~~] special district; or

7854 (vi) a special service district; or

7855 (d) an entity created by the state or the United States, including:

7856 (i) an agency;

7857 (ii) a board;

7858 (iii) a bureau;

7859 (iv) a commission;

7860 (v) a committee;

7861 (vi) a department;

7862 (vii) a division;

7863 (viii) an institution;

7864 (ix) an instrumentality; or

7865 (x) an office.

7866 (2) (a) Except as provided in Subsections (3) and (4), land acquired by a governmental  
7867 entity is subject to the rollback tax imposed by this part if:

7868 (i) prior to the governmental entity acquiring the land, the land is assessed under this  
7869 part; and

7870 (ii) after the governmental entity acquires the land, the land does not meet the  
7871 requirements of Section 59-2-503 for assessment under this part.

7872 (b) A person dedicating a public right-of-way to a governmental entity shall pay the  
7873 rollback tax imposed by this part if:

7874 (i) a portion of the public right-of-way is located within a subdivision as defined in  
7875 Section 10-9a-103; or

7876 (ii) in exchange for the dedication, the person dedicating the public right-of-way  
7877 receives:

7878 (A) money; or

7879 (B) other consideration.

7880 (3) (a) Except as provided in Subsection (4), land acquired by a governmental entity is  
7881 not subject to the rollback tax imposed by this part, but is subject to a one-time in lieu fee  
7882 payment as provided in Subsection (3)(b), if:

7883 (i) the governmental entity acquires the land by eminent domain;

7884 (ii) (A) the land is under the threat or imminence of eminent domain proceedings; and

7885 (B) the governmental entity provides written notice of the proceedings to the owner; or

7886 (iii) the land is donated to the governmental entity.

7887 (b) (i) If a governmental entity acquires land under Subsection (3)(a)(iii), the

7888 governmental entity shall make a one-time in lieu fee payment:

7889 (A) to the county treasurer of the county in which the land is located; and

7890 (B) in an amount equal to the amount of rollback tax calculated under Section

7891 59-2-506.

7892 (ii) If a governmental entity acquires land under Subsection (3)(a)(i) or (3)(a)(ii), the

7893 governmental entity shall make a one-time in lieu fee payment:

7894 (A) to the county treasurer of the county in which the land is located; and

7895 (B) (I) if the land remaining after the acquisition by the governmental entity meets the

7896 requirements of Section 59-2-503, in an amount equal to the rollback tax under Section

7897 59-2-506 on the land acquired by the governmental entity; or

7898 (II) if the land remaining after the acquisition by the governmental entity is less than

7899 five acres, in an amount equal to the rollback tax under Section 59-2-506 on the land acquired

7900 by the governmental entity and the land remaining after the acquisition by the governmental

7901 entity.

7902 (iii) For purposes of Subsection (3)(b)(ii), "land remaining after the acquisition by the

7903 governmental entity" includes other eligible acreage that is used in conjunction with the land

7904 remaining after the acquisition by the governmental entity.

7905 (c) A county receiving an in lieu fee payment under Subsection (3)(b) shall distribute

7906 the revenues generated by the payment:

7907 (i) to the taxing entities in which the land is located; and

7908 (ii) in the same proportion as the revenue from real property taxes is distributed.

7909 (4) Except as provided in Section 59-2-506.5, if land acquired by a governmental entity

7910 is made subject to a conservation easement in accordance with Section 59-2-506.5:

7911 (a) the land is not subject to the rollback tax imposed by this part; and

7912 (b) the governmental entity acquiring the land is not required to make an in lieu fee

7913 payment under Subsection (3)(b).

7914 (5) If a governmental entity acquires land subject to assessment under this part, title to  
7915 the land may not pass to the governmental entity until the following are paid to the county  
7916 treasurer:

7917 (a) any tax due under this part;

7918 (b) any one-time in lieu fee payment due under this part; and

7919 (c) any interest due under this part.

7920 Section 103. Section **59-2-919** is amended to read:

7921 **59-2-919. Notice and public hearing requirements for certain tax increases --**

7922 **Exceptions.**

7923 (1) As used in this section:

7924 (a) "Additional ad valorem tax revenue" means ad valorem property tax revenue  
7925 generated by the portion of the tax rate that exceeds the taxing entity's certified tax rate.

7926 (b) "Ad valorem tax revenue" means ad valorem property tax revenue not including  
7927 revenue from:

7928 (i) eligible new growth as defined in Section [59-2-924](#); or

7929 (ii) personal property that is:

7930 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and

7931 (B) semiconductor manufacturing equipment.

7932 (c) "Calendar year taxing entity" means a taxing entity that operates under a fiscal year  
7933 that begins on January 1 and ends on December 31.

7934 (d) "County executive calendar year taxing entity" means a calendar year taxing entity  
7935 that operates under the county executive-council form of government described in Section  
7936 [17-52a-203](#).

7937 (e) "Current calendar year" means the calendar year immediately preceding the  
7938 calendar year for which a calendar year taxing entity seeks to levy a tax rate that exceeds the  
7939 calendar year taxing entity's certified tax rate.

7940 (f) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year that  
7941 begins on July 1 and ends on June 30.

7942 (g) "Last year's property tax budgeted revenue" does not include revenue received by a  
7943 taxing entity from a debt service levy voted on by the public.

7944 (2) A taxing entity may not levy a tax rate that exceeds the taxing entity's certified tax  
7945 rate unless the taxing entity meets:

7946 (a) the requirements of this section that apply to the taxing entity; and

7947 (b) all other requirements as may be required by law.

7948 (3) (a) Subject to Subsection (3)(b) and except as provided in Subsection (5), a  
7949 calendar year taxing entity may levy a tax rate that exceeds the calendar year taxing entity's  
7950 certified tax rate if the calendar year taxing entity:

7951 (i) 14 or more days before the date of the regular general election or municipal general  
7952 election held in the current calendar year, states at a public meeting:

7953 (A) that the calendar year taxing entity intends to levy a tax rate that exceeds the  
7954 calendar year taxing entity's certified tax rate;

7955 (B) the dollar amount of and purpose for additional ad valorem tax revenue that would  
7956 be generated by the proposed increase in the certified tax rate; and

7957 (C) the approximate percentage increase in ad valorem tax revenue for the taxing entity  
7958 based on the proposed increase described in Subsection (3)(a)(i)(B);

7959 (ii) provides notice for the public meeting described in Subsection (3)(a)(i) in  
7960 accordance with Title 52, Chapter 4, Open and Public Meetings Act, including providing a  
7961 separate item on the meeting agenda that notifies the public that the calendar year taxing entity  
7962 intends to make the statement described in Subsection (3)(a)(i);

7963 (iii) meets the advertisement requirements of Subsections (6) and (7) before the  
7964 calendar year taxing entity conducts the public hearing required by Subsection (3)(a)(v);

7965 (iv) provides notice by mail:

7966 (A) seven or more days before the regular general election or municipal general

7967 election held in the current calendar year; and  
7968 (B) as provided in Subsection (3)(c); and  
7969 (v) conducts a public hearing that is held:  
7970 (A) in accordance with Subsections (8) and (9); and  
7971 (B) in conjunction with the public hearing required by Section [17-36-13](#) or [17B-1-610](#).  
7972 (b) (i) For a county executive calendar year taxing entity, the statement described in  
7973 Subsection (3)(a)(i) shall be made by the:  
7974 (A) county council;  
7975 (B) county executive; or  
7976 (C) both the county council and county executive.  
7977 (ii) If the county council makes the statement described in Subsection (3)(a)(i) or the  
7978 county council states a dollar amount of additional ad valorem tax revenue that is greater than  
7979 the amount of additional ad valorem tax revenue previously stated by the county executive in  
7980 accordance with Subsection (3)(a)(i), the county executive calendar year taxing entity shall:  
7981 (A) make the statement described in Subsection (3)(a)(i) 14 or more days before the  
7982 county executive calendar year taxing entity conducts the public hearing under Subsection  
7983 (3)(a)(v); and  
7984 (B) provide the notice required by Subsection (3)(a)(iv) 14 or more days before the  
7985 county executive calendar year taxing entity conducts the public hearing required by  
7986 Subsection (3)(a)(v).  
7987 (c) The notice described in Subsection (3)(a)(iv):  
7988 (i) shall be mailed to each owner of property:  
7989 (A) within the calendar year taxing entity; and  
7990 (B) listed on the assessment roll;  
7991 (ii) shall be printed on a separate form that:  
7992 (A) is developed by the commission;  
7993 (B) states at the top of the form, in bold upper-case type no smaller than 18 point



7994 "NOTICE OF PROPOSED TAX INCREASE"; and  
7995 (C) may be mailed with the notice required by Section 59-2-1317;  
7996 (iii) shall contain for each property described in Subsection (3)(c)(i):  
7997 (A) the value of the property for the current calendar year;  
7998 (B) the tax on the property for the current calendar year; and  
7999 (C) subject to Subsection (3)(d), for the calendar year for which the calendar year  
8000 taxing entity seeks to levy a tax rate that exceeds the calendar year taxing entity's certified tax  
8001 rate, the estimated tax on the property;  
8002 (iv) shall contain the following statement:  
8003 "[Insert name of taxing entity] is proposing a tax increase for [insert applicable calendar  
8004 year]. This notice contains estimates of the tax on your property and the proposed tax increase  
8005 on your property as a result of this tax increase. These estimates are calculated on the basis of  
8006 [insert previous applicable calendar year] data. The actual tax on your property and proposed  
8007 tax increase on your property may vary from this estimate.";  
8008 (v) shall state the date, time, and place of the public hearing described in Subsection  
8009 (3)(a)(v); and  
8010 (vi) may contain other property tax information approved by the commission.  
8011 (d) For purposes of Subsection (3)(c)(iii)(C), a calendar year taxing entity shall  
8012 calculate the estimated tax on property on the basis of:  
8013 (i) data for the current calendar year; and  
8014 (ii) the amount of additional ad valorem tax revenue stated in accordance with this  
8015 section.  
8016 (4) Except as provided in Subsection (5), a fiscal year taxing entity may levy a tax rate  
8017 that exceeds the fiscal year taxing entity's certified tax rate if the fiscal year taxing entity:  
8018 (a) provides notice by meeting the advertisement requirements of Subsections (6) and  
8019 (7) before the fiscal year taxing entity conducts the public meeting at which the fiscal year  
8020 taxing entity's annual budget is adopted; and

8021 (b) conducts a public hearing in accordance with Subsections (8) and (9) before the  
8022 fiscal year taxing entity's annual budget is adopted.

8023 (5) (a) A taxing entity is not required to meet the notice or public hearing requirements  
8024 of Subsection (3) or (4) if the taxing entity is expressly exempted by law from complying with  
8025 the requirements of this section.

8026 (b) A taxing entity is not required to meet the notice requirements of Subsection (3) or  
8027 (4) if:

8028 (i) Section 53F-8-301 allows the taxing entity to levy a tax rate that exceeds that  
8029 certified tax rate without having to comply with the notice provisions of this section; or

8030 (ii) the taxing entity:

8031 (A) budgeted less than \$20,000 in ad valorem tax revenue for the previous fiscal year;  
8032 and

8033 (B) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax  
8034 revenue.

8035 (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this  
8036 section shall be published:

8037 (i) subject to Section 45-1-101, in a newspaper or combination of newspapers of  
8038 general circulation in the taxing entity;

8039 (ii) electronically in accordance with Section 45-1-101; and

8040 (iii) on the Utah Public Notice Website created in Section 63A-16-601.

8041 (b) The advertisement described in Subsection (6)(a)(i) shall:

8042 (i) be no less than 1/4 page in size;

8043 (ii) use type no smaller than 18 point; and

8044 (iii) be surrounded by a 1/4-inch border.

8045 (c) The advertisement described in Subsection (6)(a)(i) may not be placed in that  
8046 portion of the newspaper where legal notices and classified advertisements appear.

8047 (d) It is the intent of the Legislature that:

8048 (i) whenever possible, the advertisement described in Subsection (6)(a)(i) appear in a  
8049 newspaper that is published at least one day per week; and

8050 (ii) the newspaper or combination of newspapers selected:

8051 (A) be of general interest and readership in the taxing entity; and

8052 (B) not be of limited subject matter.

8053 (e) (i) The advertisement described in Subsection (6)(a)(i) shall:

8054 (A) except as provided in Subsection (6)(f), be run once each week for the two weeks  
8055 before a taxing entity conducts a public hearing described under Subsection (3)(a)(v) or (4)(b);  
8056 and

8057 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the  
8058 advertisement, which shall be seven or more days after the day the first advertisement is  
8059 published, for the purpose of hearing comments regarding any proposed increase and to explain  
8060 the reasons for the proposed increase.

8061 (ii) The advertisement described in Subsection (6)(a)(ii) shall:

8062 (A) be published two weeks before a taxing entity conducts a public hearing described  
8063 in Subsection (3)(a)(v) or (4)(b); and

8064 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the  
8065 advertisement, which shall be seven or more days after the day the first advertisement is  
8066 published, for the purpose of hearing comments regarding any proposed increase and to explain  
8067 the reasons for the proposed increase.

8068 (f) If a fiscal year taxing entity's public hearing information is published by the county  
8069 auditor in accordance with Section [59-2-919.2](#), the fiscal year taxing entity is not subject to the  
8070 requirement to run the advertisement twice, as required by Subsection (6)(e)(i), but shall run  
8071 the advertisement once during the week before the fiscal year taxing entity conducts a public  
8072 hearing at which the taxing entity's annual budget is discussed.

8073 (g) For purposes of Subsection (3)(a)(iii) or (4)(a), the form and content of an  
8074 advertisement shall be substantially as follows:

8075 "NOTICE OF PROPOSED TAX INCREASE  
8076 (NAME OF TAXING ENTITY)

8077 The (name of the taxing entity) is proposing to increase its property tax revenue.

8078 • The (name of the taxing entity) tax on a (insert the average value of a residence  
8079 in the taxing entity rounded to the nearest thousand dollars) residence would  
8080 increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

8081 • The (name of the taxing entity) tax on a (insert the value of a business having  
8082 the same value as the average value of a residence in the taxing entity) business  
8083 would increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

8084 • If the proposed budget is approved, (name of the taxing entity) would increase  
8085 its property tax budgeted revenue by \_\_\_% above last year's property tax  
8086 budgeted revenue excluding eligible new growth.

8087 All concerned citizens are invited to a public hearing on the tax increase.

8088 PUBLIC HEARING

8089 Date/Time: (date) (time)

8090 Location: (name of meeting place and address of meeting place)

8091 To obtain more information regarding the tax increase, citizens may contact the (name  
8092 of the taxing entity) at (phone number of taxing entity)."

8093 (7) The commission:

8094 (a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative  
8095 Rulemaking Act, governing the joint use of one advertisement described in Subsection (6) by  
8096 two or more taxing entities; and

8097 (b) subject to Section 45-1-101, may authorize:

8098 (i) the use of a weekly newspaper:

8099 (A) in a county having both daily and weekly newspapers if the weekly newspaper  
8100 would provide equal or greater notice to the taxpayer; and

8101 (B) if the county petitions the commission for the use of the weekly newspaper; or

8102 (ii) the use by a taxing entity of a commission approved direct notice to each taxpayer

8103 if:

8104 (A) the cost of the advertisement would cause undue hardship;

8105 (B) the direct notice is different and separate from that provided for in Section

8106 59-2-919.1; and

8107 (C) the taxing entity petitions the commission for the use of a commission approved

8108 direct notice.

8109 (8) (a) (i) (A) A fiscal year taxing entity shall, on or before March 1, notify the county

8110 legislative body in which the fiscal year taxing entity is located of the date, time, and place of

8111 the first public hearing at which the fiscal year taxing entity's annual budget will be discussed.

8112 (B) A county that receives notice from a fiscal year taxing entity under Subsection

8113 (8)(a)(i)(A) shall include on the notice required by Section 59-2-919.1 the date, time, and place

8114 of the public hearing described in Subsection (8)(a)(i)(A).

8115 (ii) A calendar year taxing entity shall, on or before October 1 of the current calendar

8116 year, notify the county legislative body in which the calendar year taxing entity is located of the

8117 date, time, and place of the first public hearing at which the calendar year taxing entity's annual

8118 budget will be discussed.

8119 (b) (i) A public hearing described in Subsection (3)(a)(v) or (4)(b) shall be:

8120 (A) open to the public; and

8121 (B) held at a meeting of the taxing entity with no items on the agenda other than

8122 discussion and action on the taxing entity's intent to levy a tax rate that exceeds the taxing

8123 entity's certified tax rate, the taxing entity's budget, a ~~local~~ special district's or special service

8124 district's fee implementation or increase, or a combination of these items.

8125 (ii) The governing body of a taxing entity conducting a public hearing described in

8126 Subsection (3)(a)(v) or (4)(b) shall provide an interested party desiring to be heard an

8127 opportunity to present oral testimony:

8128 (A) within reasonable time limits; and

8129 (B) without unreasonable restriction on the number of individuals allowed to make  
8130 public comment.

8131 (c) (i) Except as provided in Subsection (8)(c)(ii), a taxing entity may not schedule a  
8132 public hearing described in Subsection (3)(a)(v) or (4)(b) at the same time as the public hearing  
8133 of another overlapping taxing entity in the same county.

8134 (ii) The taxing entities in which the power to set tax levies is vested in the same  
8135 governing board or authority may consolidate the public hearings described in Subsection  
8136 (3)(a)(v) or (4)(b) into one public hearing.

8137 (d) A county legislative body shall resolve any conflict in public hearing dates and  
8138 times after consultation with each affected taxing entity.

8139 (e) (i) A taxing entity shall hold a public hearing described in Subsection (3)(a)(v) or  
8140 (4)(b) beginning at or after 6 p.m.

8141 (ii) If a taxing entity holds a public meeting for the purpose of addressing general  
8142 business of the taxing entity on the same date as a public hearing described in Subsection  
8143 (3)(a)(v) or (4)(b), the public meeting addressing general business items shall conclude before  
8144 the beginning of the public hearing described in Subsection (3)(a)(v) or (4)(b).

8145 (f) (i) Except as provided in Subsection (8)(f)(ii), a taxing entity may not hold the  
8146 public hearing described in Subsection (3)(a)(v) or (4)(b) on the same date as another public  
8147 hearing of the taxing entity.

8148 (ii) A taxing entity may hold the following hearings on the same date as a public  
8149 hearing described in Subsection (3)(a)(v) or (4)(b):

8150 (A) a budget hearing;

8151 (B) if the taxing entity is a ~~local~~ special district or a special service district, a fee  
8152 hearing described in Section [17B-1-643](#);

8153 (C) if the taxing entity is a town, an enterprise fund hearing described in Section  
8154 [10-5-107.5](#); or

8155 (D) if the taxing entity is a city, an enterprise fund hearing described in Section

8156 10-6-135.5.

8157 (9) (a) If a taxing entity does not make a final decision on budgeting additional ad  
8158 valorem tax revenue at a public hearing described in Subsection (3)(a)(v) or (4)(b), the taxing  
8159 entity shall:

8160 (i) announce at that public hearing the scheduled time and place of the next public  
8161 meeting at which the taxing entity will consider budgeting the additional ad valorem tax  
8162 revenue; and

8163 (ii) if the taxing entity is a fiscal year taxing entity, hold the public meeting described  
8164 in Subsection (9)(a)(i) before September 1.

8165 (b) A calendar year taxing entity may not adopt a final budget that budgets an amount  
8166 of additional ad valorem tax revenue that exceeds the largest amount of additional ad valorem  
8167 tax revenue stated at a public meeting under Subsection (3)(a)(i).

8168 (c) A public hearing on levying a tax rate that exceeds a fiscal year taxing entity's  
8169 certified tax rate may coincide with a public hearing on the fiscal year taxing entity's proposed  
8170 annual budget.

8171 Section 104. Section **59-2-924.2** is amended to read:

8172 **59-2-924.2. Adjustments to the calculation of a taxing entity's certified tax rate.**

8173 (1) For purposes of this section, "certified tax rate" means a certified tax rate calculated  
8174 in accordance with Section 59-2-924.

8175 (2) Beginning January 1, 1997, if a taxing entity receives increased revenues from  
8176 uniform fees on tangible personal property under Section 59-2-405, 59-2-405.1, 59-2-405.2,  
8177 59-2-405.3, or 72-10-110.5 as a result of any county imposing a sales and use tax under  
8178 Chapter 12, Part 11, County Option Sales and Use Tax, the taxing entity shall decrease its  
8179 certified tax rate to offset the increased revenues.

8180 (3) (a) Beginning July 1, 1997, if a county has imposed a sales and use tax under  
8181 Chapter 12, Part 11, County Option Sales and Use Tax, the county's certified tax rate shall be:

8182 (i) decreased on a one-time basis by the amount of the estimated sales and use tax

8183 revenue to be distributed to the county under Subsection 59-12-1102(3); and  
8184 (ii) increased by the amount necessary to offset the county's reduction in revenue from  
8185 uniform fees on tangible personal property under Section 59-2-405, 59-2-405.1, 59-2-405.2,  
8186 59-2-405.3, or 72-10-110.5 as a result of the decrease in the certified tax rate under Subsection  
8187 (3)(a)(i).

8188 (b) The commission shall determine estimates of sales and use tax distributions for  
8189 purposes of Subsection (3)(a).

8190 (4) Beginning January 1, 1998, if a municipality has imposed an additional resort  
8191 communities sales and use tax under Section 59-12-402, the municipality's certified tax rate  
8192 shall be decreased on a one-time basis by the amount necessary to offset the first 12 months of  
8193 estimated revenue from the additional resort communities sales and use tax imposed under  
8194 Section 59-12-402.

8195 (5) (a) This Subsection (5) applies to each county that:

8196 (i) establishes a countywide special service district under Title 17D, Chapter 1, Special  
8197 Service District Act, to provide jail service, as provided in Subsection 17D-1-201(10); and

8198 (ii) levies a property tax on behalf of the special service district under Section  
8199 17D-1-105.

8200 (b) (i) The certified tax rate of each county to which this Subsection (5) applies shall be  
8201 decreased by the amount necessary to reduce county revenues by the same amount of revenues  
8202 that will be generated by the property tax imposed on behalf of the special service district.

8203 (ii) Each decrease under Subsection (5)(b)(i) shall occur contemporaneously with the  
8204 levy on behalf of the special service district under Section 17D-1-105.

8205 (6) (a) As used in this Subsection (6):

8206 (i) "Annexing county" means a county whose unincorporated area is included within a  
8207 public safety district by annexation.

8208 (ii) "Annexing municipality" means a municipality whose area is included within a  
8209 public safety district by annexation.



8210 (iii) "Equalized public safety protection tax rate" means the tax rate that results from:

8211 (A) calculating, for each participating county and each participating municipality, the  
8212 property tax revenue necessary:

8213 (I) in the case of a fire district, to cover all of the costs associated with providing fire  
8214 protection, paramedic, and emergency services:

8215 (Aa) for a participating county, in the unincorporated area of the county; and

8216 (Bb) for a participating municipality, in the municipality; or

8217 (II) in the case of a police district, to cover all the costs:

8218 (Aa) associated with providing law enforcement service:

8219 (Ii) for a participating county, in the unincorporated area of the county; and

8220 (IIii) for a participating municipality, in the municipality; and

8221 (Bb) that the police district board designates as the costs to be funded by a property  
8222 tax; and

8223 (B) adding all the amounts calculated under Subsection (6)(a)(iii)(A) for all  
8224 participating counties and all participating municipalities and then dividing that sum by the  
8225 aggregate taxable value of the property, as adjusted in accordance with Section 59-2-913:

8226 (I) for participating counties, in the unincorporated area of all participating counties;  
8227 and

8228 (II) for participating municipalities, in all the participating municipalities.

8229 (iv) "Fire district" means a service area under Title 17B, Chapter 2a, Part 9, Service  
8230 Area Act:

8231 (A) created to provide fire protection, paramedic, and emergency services; and

8232 (B) in the creation of which an election was not required under Subsection  
8233 17B-1-214(3)(d).

8234 (v) "Participating county" means a county whose unincorporated area is included  
8235 within a public safety district at the time of the creation of the public safety district.

8236 (vi) "Participating municipality" means a municipality whose area is included within a

8237 public safety district at the time of the creation of the public safety district.

8238 (vii) "Police district" means a service area under Title 17B, Chapter 2a, Part 9, Service  
8239 Area Act, within a county of the first class:

8240 (A) created to provide law enforcement service; and

8241 (B) in the creation of which an election was not required under Subsection  
8242 [17B-1-214\(3\)\(d\)](#).

8243 (viii) "Public safety district" means a fire district or a police district.

8244 (ix) "Public safety service" means:

8245 (A) in the case of a public safety district that is a fire district, fire protection,  
8246 paramedic, and emergency services; and

8247 (B) in the case of a public safety district that is a police district, law enforcement  
8248 service.

8249 (b) In the first year following creation of a public safety district, the certified tax rate of  
8250 each participating county and each participating municipality shall be decreased by the amount  
8251 of the equalized public safety tax rate.

8252 (c) In the first budget year following annexation to a public safety district, the certified  
8253 tax rate of each annexing county and each annexing municipality shall be decreased by an  
8254 amount equal to the amount of revenue budgeted by the annexing county or annexing  
8255 municipality:

8256 (i) for public safety service; and

8257 (ii) in:

8258 (A) for a taxing entity operating under a January 1 through December 31 fiscal year,  
8259 the prior calendar year; or

8260 (B) for a taxing entity operating under a July 1 through June 30 fiscal year, the prior  
8261 fiscal year.

8262 (d) Each tax levied under this section by a public safety district shall be considered to  
8263 be levied by:

8264 (i) each participating county and each annexing county for purposes of the county's tax  
8265 limitation under Section 59-2-908; and

8266 (ii) each participating municipality and each annexing municipality for purposes of the  
8267 municipality's tax limitation under Section 10-5-112, for a town, or Section 10-6-133, for a  
8268 city.

8269 (e) The calculation of a public safety district's certified tax rate for the year of  
8270 annexation shall be adjusted to include an amount of revenue equal to one half of the amount  
8271 of revenue budgeted by the annexing entity for public safety service in the annexing entity's  
8272 prior fiscal year if:

8273 (i) the public safety district operates on a January 1 through December 31 fiscal year;

8274 (ii) the public safety district approves an annexation of an entity operating on a July 1  
8275 through June 30 fiscal year; and

8276 (iii) the annexation described in Subsection (6)(e)(ii) takes effect on July 1.

8277 (7) (a) The base taxable value as defined in Section 17C-1-102 shall be reduced for any  
8278 year to the extent necessary to provide a community reinvestment agency established under  
8279 Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency  
8280 Act, with approximately the same amount of money the agency would have received without a  
8281 reduction in the county's certified tax rate, calculated in accordance with Section 59-2-924, if:

8282 (i) in that year there is a decrease in the certified tax rate under Subsection (2) or (3)(a);

8283 (ii) the amount of the decrease is more than 20% of the county's certified tax rate of the  
8284 previous year; and

8285 (iii) the decrease results in a reduction of the amount to be paid to the agency under  
8286 Section 17C-1-403 or 17C-1-404.

8287 (b) The base taxable value as defined in Section 17C-1-102 shall be increased in any  
8288 year to the extent necessary to provide a community reinvestment agency with approximately  
8289 the same amount of money as the agency would have received without an increase in the  
8290 certified tax rate that year if:

8291 (i) in that year the base taxable value as defined in Section 17C-1-102 is reduced due to  
8292 a decrease in the certified tax rate under Subsection (2) or (3)(a); and

8293 (ii) the certified tax rate of a city, school district, ~~local~~ special district, or special  
8294 service district increases independent of the adjustment to the taxable value of the base year.

8295 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2) or (3)(a),  
8296 the amount of money allocated and, when collected, paid each year to a community  
8297 reinvestment agency established under Title 17C, Limited Purpose Local Government Entities -  
8298 Community Reinvestment Agency Act, for the payment of bonds or other contract  
8299 indebtedness, but not for administrative costs, may not be less than that amount would have  
8300 been without a decrease in the certified tax rate under Subsection (2) or (3)(a).

8301 (8) (a) For the calendar year beginning on January 1, 2014, the calculation of a county  
8302 assessing and collecting levy shall be adjusted by the amount necessary to offset:

8303 (i) any change in the certified tax rate that may result from amendments to Part 16,  
8304 Multicounty Assessing and Collecting Levy, in Laws of Utah 2014, Chapter 270, Section 3;  
8305 and

8306 (ii) the difference in the amount of revenue a taxing entity receives from or contributes  
8307 to the Property Tax Valuation Fund, created in Section 59-2-1602, that may result from  
8308 amendments to Part 16, Multicounty Assessing and Collecting Levy, in Laws of Utah 2014,  
8309 Chapter 270, Section 3.

8310 (b) A taxing entity is not required to comply with the notice and public hearing  
8311 requirements in Section 59-2-919 for an adjustment to the county assessing and collecting levy  
8312 described in Subsection (8)(a).

8313 Section 105. Section 59-2-1101 is amended to read:

8314 **59-2-1101. Definitions -- Exemption of certain property -- Proportional payments**  
8315 **for certain property -- Exception -- County legislative body authority to adopt rules or**  
8316 **ordinances.**

8317 (1) As used in this section:

8318           (a) "Charitable purposes" means:  
8319           (i) for property used as a nonprofit hospital or a nursing home, the standards outlined in  
8320 Howell v. County Board of Cache County ex rel. IHC Hospitals, Inc., 881 P.2d 880 (Utah  
8321 1994); and  
8322           (ii) for property other than property described in Subsection (1)(a)(i), providing a gift  
8323 to the community.  
8324           (b) (i) "Educational purposes" means purposes carried on by an educational  
8325 organization that normally:  
8326           (A) maintains a regular faculty and curriculum; and  
8327           (B) has a regularly enrolled body of pupils and students.  
8328           (ii) "Educational purposes" includes:  
8329           (A) the physical or mental teaching, training, or conditioning of competitive athletes by  
8330 a national governing body of sport recognized by the United States Olympic Committee that  
8331 qualifies as being tax exempt under Section 501(c)(3), Internal Revenue Code; and  
8332           (B) an activity in support of or incidental to the teaching, training, or conditioning  
8333 described in this Subsection (1)(b)(ii).  
8334           (c) "Exclusive use exemption" means a property tax exemption under Subsection  
8335 (3)(a)(iv), for property owned by a nonprofit entity used exclusively for one or more of the  
8336 following purposes:  
8337           (i) religious purposes;  
8338           (ii) charitable purposes; or  
8339           (iii) educational purposes.  
8340           (d) (i) "Farm machinery and equipment" means tractors, milking equipment and  
8341 storage and cooling facilities, feed handling equipment, irrigation equipment, harvesters,  
8342 choppers, grain drills and planters, tillage tools, scales, combines, spreaders, sprayers, haying  
8343 equipment, including balers and cubers, and any other machinery or equipment used primarily  
8344 for agricultural purposes.

8345 (ii) "Farm machinery and equipment" does not include vehicles required to be  
8346 registered with the Motor Vehicle Division or vehicles or other equipment used for business  
8347 purposes other than farming.

8348 (e) "Gift to the community" means:

8349 (i) the lessening of a government burden; or

8350 (ii) (A) the provision of a significant service to others without immediate expectation  
8351 of material reward;

8352 (B) the use of the property is supported to a material degree by donations and gifts  
8353 including volunteer service;

8354 (C) the recipients of the charitable activities provided on the property are not required  
8355 to pay for the assistance received, in whole or in part, except that if in part, to a material  
8356 degree;

8357 (D) the beneficiaries of the charitable activities provided on the property are  
8358 unrestricted or, if restricted, the restriction bears a reasonable relationship to the charitable  
8359 objectives of the nonprofit entity that owns the property; and

8360 (E) any commercial activities provided on the property are subordinate or incidental to  
8361 charitable activities provided on the property.

8362 (f) "Government exemption" means a property tax exemption provided under  
8363 Subsection (3)(a)(i), (ii), or (iii).

8364 (g) (i) "Nonprofit entity" means an entity:

8365 (A) that is organized on a nonprofit basis, that dedicates the entity's property to the  
8366 entity's nonprofit purpose, and that makes no dividend or other form of financial benefit  
8367 available to a private interest;

8368 (B) for which, upon dissolution, the entity's assets are distributable only for exempt  
8369 purposes under state law or to the government for a public purpose; and

8370 (C) for which none of the net earnings or donations made to the entity inure to the  
8371 benefit of private shareholders or other individuals, as the private inurement standard has been

8372 interpreted under Section 501(c)(3), Internal Revenue Code.

8373 (ii) "Nonprofit entity" includes an entity:

8374 (A) if the entity is treated as a disregarded entity for federal income tax purposes and  
8375 wholly owned by, and controlled under the direction of, a nonprofit entity; and

8376 (B) for which none of the net earnings and profits of the entity inure to the benefit of  
8377 any person other than a nonprofit entity.

8378 (h) "Tax relief" means an exemption, deferral, or abatement that is authorized by this  
8379 part, Part 18, Tax Deferral and Tax Abatement, or Part 19, Armed Forces Exemptions.

8380 (2) (a) Except as provided in Subsection (2)(b) or (c), tax relief may be allowed only if  
8381 the claimant is the owner of the property as of January 1 of the year the exemption is claimed.

8382 (b) Notwithstanding Subsection (2)(a), a claimant shall collect and pay a proportional  
8383 tax based upon the length of time that the property was not owned by the claimant if:

8384 (i) the claimant is a federal, state, or political subdivision entity described in  
8385 Subsection (3)(a)(i), (ii), or (iii); or

8386 (ii) pursuant to Subsection (3)(a)(iv):

8387 (A) the claimant is a nonprofit entity; and

8388 (B) the property is used exclusively for religious, charitable, or educational purposes.

8389 (c) Subsection (2)(a) does not apply to an exemption described in Part 19, Armed  
8390 Forces Exemptions .

8391 (3) (a) The following property is exempt from taxation:

8392 (i) property exempt under the laws of the United States;

8393 (ii) property of:

8394 (A) the state;

8395 (B) school districts; and

8396 (C) public libraries;

8397 (iii) except as provided in Title 11, Chapter 13, Interlocal Cooperation Act, property of:

8398 (A) counties;

- 8399 (B) cities;
- 8400 (C) towns;
- 8401 (D) [~~local~~] special districts;
- 8402 (E) special service districts; and
- 8403 (F) all other political subdivisions of the state;
- 8404 (iv) except as provided in Subsection (6) or (7), property owned by a nonprofit entity
- 8405 used exclusively for one or more of the following purposes:
- 8406 (A) religious purposes;
- 8407 (B) charitable purposes; or
- 8408 (C) educational purposes;
- 8409 (v) places of burial not held or used for private or corporate benefit;
- 8410 (vi) farm machinery and equipment;
- 8411 (vii) a high tunnel, as defined in Section 10-9a-525;
- 8412 (viii) intangible property; and
- 8413 (ix) the ownership interest of an out-of-state public agency, as defined in Section
- 8414 11-13-103:
- 8415 (A) if that ownership interest is in property providing additional project capacity, as
- 8416 defined in Section 11-13-103; and
- 8417 (B) on which a fee in lieu of ad valorem property tax is payable under Section
- 8418 11-13-302.
- 8419 (b) For purposes of a property tax exemption for property of school districts under
- 8420 Subsection (3)(a)(ii)(B), a charter school under Title 53G, Chapter 5, Charter Schools, is
- 8421 considered to be a school district.
- 8422 (4) Subject to Subsection (5), if property that is allowed an exclusive use exemption or
- 8423 a government exemption ceases to qualify for the exemption because of a change in the
- 8424 ownership of the property:
- 8425 (a) the new owner of the property shall pay a proportional tax based upon the period of



8426 time:

8427 (i) beginning on the day that the new owner acquired the property; and

8428 (ii) ending on the last day of the calendar year during which the new owner acquired  
8429 the property; and

8430 (b) the new owner of the property and the person from whom the new owner acquires  
8431 the property shall notify the county assessor, in writing, of the change in ownership of the  
8432 property within 30 days from the day that the new owner acquires the property.

8433 (5) Notwithstanding Subsection (4)(a), the proportional tax described in Subsection  
8434 (4)(a):

8435 (a) is subject to any exclusive use exemption or government exemption that the  
8436 property is entitled to under the new ownership of the property; and

8437 (b) applies only to property that is acquired after December 31, 2005.

8438 (6) (a) A property may not receive an exemption under Subsection (3)(a)(iv) if:

8439 (i) the nonprofit entity that owns the property participates in or intervenes in any  
8440 political campaign on behalf of or in opposition to any candidate for public office, including  
8441 the publishing or distribution of statements; or

8442 (ii) a substantial part of the activities of the nonprofit entity that owns the property  
8443 consists of carrying on propaganda or otherwise attempting to influence legislation, except as  
8444 provided under Subsection 501(h), Internal Revenue Code.

8445 (b) Whether a nonprofit entity is engaged in an activity described in Subsection (6)(a)  
8446 shall be determined using the standards described in Section 501, Internal Revenue Code.

8447 (7) A property may not receive an exemption under Subsection (3)(a)(iv) if:

8448 (a) the property is used for a purpose that is not religious, charitable, or educational;  
8449 and

8450 (b) the use for a purpose that is not religious, charitable, or educational is more than de  
8451 minimis.

8452 (8) A county legislative body may adopt rules or ordinances to:

8453 (a) effectuate the exemptions, deferrals, abatements, or other relief from taxation  
8454 provided in this part, Part 18, Tax Deferral and Tax Abatement, or Part 19, Armed Forces  
8455 Exemptions; and

8456 (b) designate one or more persons to perform the functions given the county under this  
8457 part, Part 18, Tax Deferral and Tax Abatement, or Part 19, Armed Forces Exemptions.

8458 (9) If a person is dissatisfied with a tax relief decision made under designated  
8459 decision-making authority as described in Subsection (8)(b), that person may appeal the  
8460 decision to the commission under Section [59-2-1006](#).

8461 Section 106. Section **59-2-1317** is amended to read:

8462 **59-2-1317. Tax notice -- Contents of notice -- Procedures and requirements for**  
8463 **providing notice.**

8464 (1) As used in this section, "political subdivision lien" means the same as that term is  
8465 defined in Section [11-60-102](#).

8466 (2) Subject to the other provisions of this section, the county treasurer shall:

8467 (a) collect the taxes and tax notice charges; and

8468 (b) provide a notice to each taxpayer that contains the following:

8469 (i) the kind and value of property assessed to the taxpayer;

8470 (ii) the street address of the property, if available to the county;

8471 (iii) that the property may be subject to a detailed review in the next year under Section  
8472 [59-2-303.1](#);

8473 (iv) the amount of taxes levied;

8474 (v) a separate statement of the taxes levied only on a certain kind or class of property  
8475 for a special purpose;

8476 (vi) property tax information pertaining to taxpayer relief, options for payment of  
8477 taxes, and collection procedures;

8478 (vii) any tax notice charges applicable to the property, including:

8479 (A) if applicable, a political subdivision lien for road damage that a railroad company

8480 causes, as described in Section 10-7-30;

8481 (B) if applicable, a political subdivision lien for municipal water distribution, as  
8482 described in Section 10-8-17, or a political subdivision lien for an increase in supply from a  
8483 municipal water distribution, as described in Section 10-8-19;

8484 (C) if applicable, a political subdivision lien for unpaid abatement fees as described in  
8485 Section 10-11-4;

8486 (D) if applicable, a political subdivision lien for the unpaid portion of an assessment  
8487 assessed in accordance with Title 11, Chapter 42, Assessment Area Act, or Title 11, Chapter  
8488 42a, Commercial Property Assessed Clean Energy Act, including unpaid costs, charges, and  
8489 interest as of the date the local entity certifies the unpaid amount to the county treasurer;

8490 (E) if applicable, for a ~~local~~ special district in accordance with Section 17B-1-902, a  
8491 political subdivision lien for an unpaid fee, administrative cost, or interest;

8492 (F) if applicable, a political subdivision lien for an unpaid irrigation district use charge  
8493 as described in Section 17B-2a-506;

8494 (G) if applicable, a political subdivision lien for a contract assessment under a water  
8495 contract, as described in Section 17B-2a-1007;

8496 (H) if applicable, a property tax penalty that a public infrastructure district imposes, as  
8497 described in Section 17D-4-304; and

8498 (I) if applicable, an annual payment to the Military Installation Development Authority  
8499 or an entity designated by the authority in accordance with Section 63H-1-501;

8500 (viii) if a county's tax notice includes an assessment area charge, a statement that, due  
8501 to potentially ongoing assessment area charges, costs, penalties, and interest, payment of a tax  
8502 notice charge may not:

8503 (A) pay off the full amount the property owner owes to the tax notice entity; or

8504 (B) cause a release of the lien underlying the tax notice charge;

8505 (ix) the date the taxes and tax notice charges are due;

8506 (x) the street address at which the taxes and tax notice charges may be paid;

- 8507 (xi) the date on which the taxes and tax notice charges are delinquent;
- 8508 (xii) the penalty imposed on delinquent taxes and tax notice charges;
- 8509 (xiii) a statement that explains the taxpayer's right to direct allocation of a partial
- 8510 payment in accordance with Subsection (9);
- 8511 (xiv) other information specifically authorized to be included on the notice under this
- 8512 chapter; and
- 8513 (xv) other property tax information approved by the commission.

8514 (3) (a) Unless expressly allowed under this section or another statutory provision, the

8515 treasurer may not add an amount to be collected to the property tax notice.

8516 (b) If the county treasurer adds an amount to be collected to the property tax notice

8517 under this section or another statutory provision that expressly authorizes the item's inclusion

8518 on the property tax notice:

- 8519 (i) the amount constitutes a tax notice charge; and
- 8520 (ii) (A) the tax notice charge has the same priority as property tax; and
- 8521 (B) a delinquency of the tax notice charge triggers a tax sale, in accordance with
- 8522 Section [59-2-1343](#).

8523 (4) For any property for which property taxes or tax notice charges are delinquent, the

8524 notice described in Subsection (2) shall state, "Prior taxes or tax notice charges are delinquent

8525 on this parcel."

8526 (5) Except as provided in Subsection (6), the county treasurer shall:

- 8527 (a) mail the notice required by this section, postage prepaid; or
- 8528 (b) leave the notice required by this section at the taxpayer's residence or usual place of
- 8529 business, if known.

8530 (6) (a) Subject to the other provisions of this Subsection (6), a county treasurer may, at

8531 the county treasurer's discretion, provide the notice required by this section by electronic mail if

8532 a taxpayer makes an election, according to procedures determined by the county treasurer, to

8533 receive the notice by electronic mail.

8534 (b) A taxpayer may revoke an election to receive the notice required by this section by  
8535 electronic mail if the taxpayer provides written notice to the treasurer on or before October 1.

8536 (c) A revocation of an election under this section does not relieve a taxpayer of the  
8537 duty to pay a tax or tax notice charge due under this chapter on or before the due date for  
8538 paying the tax or tax notice charge.

8539 (d) A county treasurer shall provide the notice required by this section using a method  
8540 described in Subsection (5), until a taxpayer makes a new election in accordance with this  
8541 Subsection (6), if:

8542 (i) the taxpayer revokes an election in accordance with Subsection (6)(b) to receive the  
8543 notice required by this section by electronic mail; or

8544 (ii) the county treasurer finds that the taxpayer's electronic mail address is invalid.

8545 (e) A person is considered to be a taxpayer for purposes of this Subsection (6)  
8546 regardless of whether the property that is the subject of the notice required by this section is  
8547 exempt from taxation.

8548 (7) (a) The county treasurer shall provide the notice required by this section to a  
8549 taxpayer on or before November 1.

8550 (b) The county treasurer shall keep on file in the county treasurer's office the  
8551 information set forth in the notice.

8552 (c) The county treasurer is not required to mail a tax receipt acknowledging payment.

8553 (8) This section does not apply to property taxed under Section 59-2-1302 or  
8554 59-2-1307.

8555 (9) (a) A taxpayer who pays less than the full amount due on the taxpayer's property tax  
8556 notice may, on a form provided by the county treasurer, direct how the county treasurer  
8557 allocates the partial payment between:

8558 (i) the total amount due for property tax;

8559 (ii) the amount due for assessments, past due ~~local~~ special district fees, and other tax  
8560 notice charges; and

8561 (iii) any other amounts due on the property tax notice.

8562 (b) The county treasurer shall comply with a direction submitted to the county treasurer  
8563 in accordance with Subsection (9)(a).

8564 (c) The provisions of this Subsection (9) do not:

8565 (i) affect the right or ability of a local entity to pursue any available remedy for  
8566 non-payment of any item listed on a taxpayer's property tax notice; or

8567 (ii) toll or otherwise change any time period related to a remedy described in  
8568 Subsection (9)(c)(i).

8569 Section 107. Section **59-2-1710** is amended to read:

8570 **59-2-1710. Acquisition of land by governmental entity -- Requirements --**

8571 **Rollback tax -- One-time in lieu fee payment -- Passage of title.**

8572 (1) For purposes of this section, "governmental entity" means:

8573 (a) the United States;

8574 (b) the state;

8575 (c) a political subdivision of the state, including a county, city, town, school district,  
8576 [~~local~~] special district, or special service district; or

8577 (d) an entity created by the state or the United States, including an agency, board,  
8578 bureau, commission, committee, department, division, institution, instrumentality, or office.

8579 (2) (a) Except as provided in Subsections (3) and (4), land acquired by a governmental  
8580 entity is subject to the rollback tax imposed by this part if:

8581 (i) before the governmental entity acquires the land, the land is assessed under this  
8582 part; and

8583 (ii) after the governmental entity acquires the land, the land does not meet the  
8584 requirements of Section **59-2-1703** for assessment under this part.

8585 (b) A person dedicating a public right-of-way to a governmental entity shall pay the  
8586 rollback tax imposed by this part if:

8587 (i) a portion of the public right-of-way is located within a subdivision as defined in

8588 Section 10-9a-103; or

8589 (ii) in exchange for the dedication, the person dedicating the public right-of-way  
8590 receives money or other consideration.

8591 (3) (a) Land acquired by a governmental entity is not subject to the rollback tax  
8592 imposed by this part, but is subject to a one-time in lieu fee payment as provided in Subsection  
8593 (3)(b), if:

8594 (i) the governmental entity acquires the land by eminent domain;

8595 (ii) (A) the land is under the threat or imminence of eminent domain proceedings; and

8596 (B) the governmental entity provides written notice of the proceedings to the owner; or

8597 (iii) the land is donated to the governmental entity.

8598 (b) (i) If a governmental entity acquires land under Subsection (3)(a)(iii), the  
8599 governmental entity shall make a one-time in lieu fee payment:

8600 (A) to the county treasurer of the county in which the land is located; and

8601 (B) in an amount equal to the amount of rollback tax calculated under Section  
8602 59-2-1705.

8603 (ii) A governmental entity that acquires land under Subsection (3)(a)(i) or (ii) shall  
8604 make a one-time in lieu fee payment to the county treasurer of the county in which the land is  
8605 located:

8606 (A) if the land remaining after the acquisition by the governmental entity meets the  
8607 requirements of Section 59-2-1703, in an amount equal to the rollback tax under Section  
8608 59-2-1705 on the land acquired by the governmental entity; or

8609 (B) if the land remaining after the acquisition by the governmental entity is less than  
8610 two acres, in an amount equal to the rollback tax under Section 59-2-1705 on the land acquired  
8611 by the governmental entity and the land remaining after the acquisition by the governmental  
8612 entity.

8613 (c) A county receiving an in lieu fee payment under Subsection (3)(b) shall distribute  
8614 the revenues collected from the payment:

- 8615 (i) to the taxing entities in which the land is located; and
- 8616 (ii) in the same proportion as the revenue from real property taxes is distributed.
- 8617 (4) If a governmental entity acquires land subject to assessment under this part, title to
- 8618 the land may not pass to the governmental entity until any tax, one-time in lieu fee payment,
- 8619 and applicable interest due under this part are paid to the county treasurer.

8620 Section 108. Section **63A-5b-901** is amended to read:

8621 **63A-5b-901. Definitions.**

8622 As used in this part:

- 8623 (1) "Applicant" means a person who submits a timely, qualified proposal to the
- 8624 division.
- 8625 (2) "Condemnee" means the same as that term is defined in Section [78B-6-520.3](#).
- 8626 (3) "Division-owned property" means real property, including an interest in real
- 8627 property, to which the division holds title, regardless of who occupies or uses the real property.
- 8628 (4) "Local government entity" means a county, city, town, metro township, [~~local~~]
- 8629 special district, special service district, community development and renewal agency,
- 8630 conservation district, school district, or other political subdivision of the state.
- 8631 (5) "Primary state agency" means a state agency for which the division holds title to
- 8632 real property that the state agency occupies or uses, as provided in Subsection
- 8633 [63A-5b-303\(1\)\(a\)\(iv\)](#).
- 8634 (6) "Private party" means a person who is not a state agency, local government entity,
- 8635 or public purpose nonprofit entity.
- 8636 (7) "Public purpose nonprofit entity" means a corporation, association, organization, or
- 8637 entity that:
  - 8638 (a) is located within the state;
  - 8639 (b) is not a state agency or local government entity;
  - 8640 (c) is exempt from federal income taxation under Section 501(c)(3), Internal Revenue
  - 8641 Code; and



- 8642 (d) operates to fulfill a public purpose.
- 8643 (8) "Qualified proposal" means a written proposal that:
- 8644 (a) meets the criteria established by the division by rule under Section [63A-5b-903](#);
- 8645 (b) if submitted by a local government entity or public purpose nonprofit entity,
- 8646 explains the public purpose for which the local government entity or public purpose nonprofit
- 8647 entity seeks a transfer of ownership or lease of the vacant division-owned property; and
- 8648 (c) the director determines will, if accepted and implemented, provide a material
- 8649 benefit to the state.
- 8650 (9) "Secondary state agency" means a state agency:
- 8651 (a) that is authorized to hold title to real property that the state agency occupies or uses,
- 8652 as provided in Section [63A-5b-304](#); and
- 8653 (b) for which the division does not hold title to real property that the state agency
- 8654 occupies or uses.
- 8655 (10) "State agency" means a department, division, office, entity, agency, or other unit
- 8656 of state government.
- 8657 (11) "Transfer of ownership" includes a transfer of the ownership of vacant
- 8658 division-owned property that occurs as part of an exchange of the vacant division-owned
- 8659 property for another property.
- 8660 (12) "Vacant division-owned property" means division-owned property that:
- 8661 (a) a primary state agency is not occupying or using; and
- 8662 (b) the director has determined should be made available for:
- 8663 (i) use or occupancy by a primary state agency; or
- 8664 (ii) a transfer of ownership or lease to a secondary state agency, local government
- 8665 entity, public purpose nonprofit entity, or private party.
- 8666 (13) "Written proposal" means a brief statement in writing that explains:
- 8667 (a) the proposed use or occupancy, transfer of ownership, or lease of vacant
- 8668 division-owned property; and

8669 (b) how the state will benefit from the proposed use or occupancy, transfer of  
8670 ownership, or lease.

8671 Section 109. Section **63A-5b-1102** is amended to read:

8672 **63A-5b-1102. Memorials by the state or state agencies.**

8673 (1) As used in this section:

8674 (a) "Authorizing agency" means an agency that holds title to state land.

8675 (b) "Authorizing agency" does not mean a ~~[local]~~ special district under ~~[Title 17B,~~  
8676 ~~Limited Purpose Local Government Entities - Local Districts]~~ Title 17B, Limited Purpose  
8677 Local Government Entities - Special Districts, or a special service district under Title 17D,  
8678 Chapter 1, Special Service District Act.

8679 (2) The Legislature, the governor, or an authorizing agency may authorize the use or  
8680 donation of state land for the purpose of maintaining, erecting, or contributing to the erection or  
8681 maintenance of a memorial to commemorate individuals who have:

8682 (a) participated in or have given their lives in any of the one or more wars or military  
8683 conflicts in which the United States of America has been a participant; or

8684 (b) given their lives in association with public service on behalf of the state, including  
8685 firefighters, peace officers, highway patrol officers, or other public servants.

8686 (3) The use or donation of state land in relation to a memorial described in Subsection  
8687 (2) may include:

8688 (a) using or appropriating public funds for the purchase, development, improvement, or  
8689 maintenance of state land on which a memorial is located or established;

8690 (b) using or appropriating public funds for the erection, improvement, or maintenance  
8691 of a memorial;

8692 (c) donating or selling state land for use in relation to a memorial; or

8693 (d) authorizing the use of state land for a memorial that is funded or maintained in part  
8694 or in full by another public or private entity.

8695 (4) The Legislature, the governor, or an authorizing agency may specify the form,

8696 placement, and design of a memorial that is subject to this section if the Legislature, the  
8697 governor, or the authorizing agency holds title to, has authority over, or donates the land on  
8698 which a memorial is established.

8699 (5) A memorial within the definition of a capital development project, as defined in  
8700 Section 63A-5b-401, is required to be approved as provided for in Section 63A-5b-402.

8701 (6) Nothing in this section may be construed as a prohibition of a memorial, including  
8702 a memorial for a purpose not covered by this section, that:

8703 (a) is erected within the approval requirements in effect at the time of the memorial's  
8704 erection; or

8705 (b) may be duly authorized through other legal means.

8706 Section 110. Section 63A-9-101 is amended to read:

8707 **63A-9-101. Definitions.**

8708 As used in this part:

8709 (1) (a) "Agency" means each department, commission, board, council, agency,  
8710 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,  
8711 unit, bureau, panel, or other administrative unit of the state.

8712 (b) "Agency" includes the State Board of Education and each higher education  
8713 institution described in Section 53B-1-102.

8714 (c) "Agency" includes the legislative and judicial branches.

8715 (2) "Committee" means the Motor Vehicle Review Committee created by this chapter.

8716 (3) "Director" means the director of the division.

8717 (4) "Division" means the Division of Fleet Operations created by this chapter.

8718 (5) "Executive director" means the executive director of the Department of  
8719 Government Operations.

8720 (6) "Local agency" means:

8721 (a) a county;

8722 (b) a municipality;

- 8723 (c) a school district;
- 8724 (d) a ~~local~~ special district;
- 8725 (e) a special service district;
- 8726 (f) an interlocal entity as defined under Section 11-13-103; or
- 8727 (g) any other political subdivision of the state, including a local commission, board, or
- 8728 other governmental entity that is vested with the authority to make decisions regarding the
- 8729 public's business.

8730 (7) (a) "Motor vehicle" means a self-propelled vehicle capable of carrying passengers.

8731 (b) "Motor vehicle" includes vehicles used for construction and other nontransportation

8732 purposes.

8733 (8) "State vehicle" means each motor vehicle owned, operated, or in the possession of

8734 an agency.

8735 Section 111. Section 63A-9-401 is amended to read:

8736 **63A-9-401. Division -- Duties.**

8737 (1) The division shall:

8738 (a) perform all administrative duties and functions related to management of state

8739 vehicles;

8740 (b) coordinate all purchases of state vehicles;

8741 (c) establish one or more fleet automation and information systems for state vehicles;

8742 (d) make rules establishing requirements for:

8743 (i) maintenance operations for state vehicles;

8744 (ii) use requirements for state vehicles;

8745 (iii) fleet safety and loss prevention programs;

8746 (iv) preventative maintenance programs;

8747 (v) procurement of state vehicles, including:

8748 (A) vehicle standards;

8749 (B) alternative fuel vehicle requirements;

- 8750 (C) short-term lease programs;
- 8751 (D) equipment installation; and
- 8752 (E) warranty recovery programs;
- 8753 (vi) fuel management programs;
- 8754 (vii) cost management programs;
- 8755 (viii) business and personal use practices, including commute standards;
- 8756 (ix) cost recovery and billing procedures;
- 8757 (x) disposal of state vehicles;
- 8758 (xi) reassignment of state vehicles and reallocation of vehicles throughout the fleet;
- 8759 (xii) standard use and rate structures for state vehicles; and
- 8760 (xiii) insurance and risk management requirements;
- 8761 (e) establish a parts inventory;
- 8762 (f) create and administer a fuel dispensing services program that meets the
- 8763 requirements of Subsection (2);
- 8764 (g) emphasize customer service when dealing with agencies and agency employees;
- 8765 (h) conduct an annual audit of all state vehicles for compliance with division
- 8766 requirements;
- 8767 (i) before charging a rate, fee, or other amount to an executive branch agency, or to a
- 8768 subscriber of services other than an executive branch agency:
- 8769 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established
- 8770 in Section [63A-1-114](#); and
- 8771 (ii) obtain the approval of the Legislature as required by Section [63J-1-410](#) or
- 8772 [63J-1-504](#); and
- 8773 (j) conduct an annual market analysis of proposed rates and fees, which analysis shall
- 8774 include a comparison of the division's rates and fees with the fees of other public or private
- 8775 sector providers where comparable services and rates are reasonably available.
- 8776 (2) The division shall operate a fuel dispensing services program in a manner that:

- 8777 (a) reduces the risk of environmental damage and subsequent liability for leaks  
8778 involving state-owned underground storage tanks;
- 8779 (b) eliminates fuel site duplication and reduces overall costs associated with fuel  
8780 dispensing;
- 8781 (c) provides efficient fuel management and efficient and accurate accounting of  
8782 fuel-related expenses;
- 8783 (d) where practicable, privatizes portions of the state's fuel dispensing system;
- 8784 (e) provides central planning for fuel contingencies;
- 8785 (f) establishes fuel dispensing sites that meet geographical distribution needs and that  
8786 reflect usage patterns;
- 8787 (g) where practicable, uses alternative sources of energy; and
- 8788 (h) provides safe, accessible fuel supplies in an emergency.
- 8789 (3) The division shall:
- 8790 (a) ensure that the state and each of its agencies comply with state and federal law and  
8791 state and federal rules and regulations governing underground storage tanks;
- 8792 (b) coordinate the installation of new state-owned underground storage tanks and the  
8793 upgrading or retrofitting of existing underground storage tanks;
- 8794 (c) by no later than June 30, 2025, ensure that an underground storage tank qualifies for  
8795 a rebate, provided under Subsection 19-6-410.5(5)(d), of a portion of the environmental  
8796 assurance fee described in Subsection 19-6-410.5(4), if the underground storage tank is owned  
8797 by:
- 8798 (i) the state;
- 8799 (ii) a state agency; or
- 8800 (iii) a county, municipality, school district, ~~local~~ special district, special service  
8801 district, or federal agency that has subscribed to the fuel dispensing service provided by the  
8802 division under Subsection (6)(b);
- 8803 (d) report to the Natural Resources, Agriculture, and Environmental Quality

8804 Appropriations Subcommittee by no later than:

8805 (i) November 30, 2020, on the status of the requirements of Subsection (3)(c); and

8806 (ii) November 30, 2024, on whether:

8807 (A) the requirements of Subsection (3)(c) have been met; and

8808 (B) additional funding is needed to accomplish the requirements of Subsection (3)(c);

8809 and

8810 (e) ensure that counties, municipalities, school districts, ~~local~~ special districts, and

8811 special service districts subscribing to services provided by the division sign a contract that:

8812 (i) establishes the duties and responsibilities of the parties;

8813 (ii) establishes the cost for the services; and

8814 (iii) defines the liability of the parties.

8815 (4) In fulfilling the requirements of Subsection (3)(c), the division may give priority to

8816 underground storage tanks owned by the state or a state agency under Subsections (3)(c)(i) and

8817 (ii).

8818 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

8819 the director of the Division of Fleet Operations:

8820 (i) may make rules governing fuel dispensing; and

8821 (ii) shall make rules establishing standards and procedures for purchasing the most

8822 economically appropriate size and type of vehicle for the purposes and driving conditions for

8823 which the vehicle will be used, including procedures for granting exceptions to the standards

8824 by the executive director of the Department of Government Operations.

8825 (b) Rules made under Subsection (5)(a)(ii):

8826 (i) shall designate a standard vehicle size and type that shall be designated as the

8827 statewide standard vehicle for fleet expansion and vehicle replacement;

8828 (ii) may designate different standard vehicle size and types based on defined categories

8829 of vehicle use;

8830 (iii) may, when determining a standard vehicle size and type for a specific category of

8831 vehicle use, consider the following factors affecting the vehicle class:

- 8832 (A) size requirements;
- 8833 (B) economic savings;
- 8834 (C) fuel efficiency;
- 8835 (D) driving and use requirements;
- 8836 (E) safety;
- 8837 (F) maintenance requirements;
- 8838 (G) resale value; and
- 8839 (H) the requirements of Section 63A-9-403; and

8840 (iv) shall require agencies that request a vehicle size and type that is different from the  
8841 standard vehicle size and type to:

8842 (A) submit a written request for a nonstandard vehicle to the division that contains the  
8843 following:

- 8844 (I) the make and model of the vehicle requested, including acceptable alternate vehicle  
8845 makes and models as applicable;
- 8846 (II) the reasons justifying the need for a nonstandard vehicle size or type;
- 8847 (III) the date of the request; and
- 8848 (IV) the name and signature of the person making the request; and

8849 (B) obtain the division's written approval for the nonstandard vehicle.

8850 (6) (a) (i) Each state agency and each higher education institution shall subscribe to the  
8851 fuel dispensing services provided by the division.

8852 (ii) A state agency may not provide or subscribe to any other fuel dispensing services,  
8853 systems, or products other than those provided by the division.

8854 (b) Counties, municipalities, school districts, [~~local~~] special districts, special service  
8855 districts, and federal agencies may subscribe to the fuel dispensing services provided by the  
8856 division if:

8857 (i) the county or municipal legislative body, the school district, or the [~~local~~] special



8858 district or special service district board recommends that the county, municipality, school  
8859 district, [local] special district, or special service district subscribe to the fuel dispensing  
8860 services of the division; and

8861 (ii) the division approves participation in the program by that government unit.

8862 (7) The director, with the approval of the executive director, may delegate functions to  
8863 institutions of higher education, by contract or other means authorized by law, if:

8864 (a) the agency or institution of higher education has requested the authority;

8865 (b) in the judgment of the director, the state agency or institution has the necessary  
8866 resources and skills to perform the delegated responsibilities; and

8867 (c) the delegation of authority is in the best interest of the state and the function  
8868 delegated is accomplished according to provisions contained in law or rule.

8869 Section 112. Section **63A-15-102** is amended to read:

8870 **63A-15-102. Definitions.**

8871 (1) "Commission" means the Political Subdivisions Ethics Review Commission  
8872 established in Section [63A-15-201](#).

8873 (2) "Complainant" means a person who files a complaint in accordance with Section  
8874 [63A-15-501](#).

8875 (3) "Ethics violation" means a violation of:

8876 (a) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;

8877 (b) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or

8878 (c) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

8879 (4) "Local political subdivision ethics commission" means an ethics commission  
8880 established by a political subdivision within the political subdivision or with another political  
8881 subdivision by interlocal agreement in accordance with Section [63A-15-103](#).

8882 (5) "Political subdivision" means a county, municipality, school district, community  
8883 reinvestment agency, [local] special district, special service district, an entity created by an  
8884 interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, a local

8885 building authority, or any other governmental subdivision or public corporation.

8886 (6) (a) "Political subdivision employee" means a person who is:

8887 (i) (A) in a municipality, employed as a city manager or non-elected chief executive on  
8888 a full or part-time basis; or

8889 (B) employed as the non-elected chief executive by a political subdivision other than a  
8890 municipality on a full or part-time basis; and

8891 (ii) subject to:

8892 (A) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;

8893 (B) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or

8894 (C) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

8895 (b) "Political subdivision employee" does not include:

8896 (i) a person who is a political subdivision officer;

8897 (ii) an employee of a state entity; or

8898 (iii) a legislative employee as defined in Section 67-16-3.

8899 (7) "Political subdivision governing body" means:

8900 (a) for a county, the county legislative body as defined in Section 68-3-12.5;

8901 (b) for a municipality, the council of the city or town;

8902 (c) for a school district, the local board of education described in Section 53G-4-201;

8903 (d) for a community reinvestment agency, the agency board described in Section  
8904 17C-1-203;

8905 (e) for a ~~local~~ special district, the board of trustees described in Section 17B-1-301;

8906 (f) for a special service district:

8907 (i) the legislative body of the county, city, or town that established the special service  
8908 district, if no administrative control board has been appointed under Section 17D-1-301; or

8909 (ii) the administrative control board of the special service district, if an administrative  
8910 control board has been appointed under Section 17D-1-301;

8911 (g) for an entity created by an interlocal agreement, the governing body of an interlocal

8912 entity, as defined in Section 11-13-103;

8913 (h) for a local building authority, the governing body, as defined in Section 17D-2-102,  
8914 that creates the local building authority; or

8915 (i) for any other governmental subdivision or public corporation, the board or other  
8916 body authorized to make executive and management decisions for the subdivision or public  
8917 corporation.

8918 (8) (a) "Political subdivision officer" means a person elected in a political subdivision  
8919 who is subject to:

8920 (i) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;

8921 (ii) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or

8922 (iii) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

8923 (b) "Political subdivision officer" does not include:

8924 (i) a person elected or appointed to a state entity;

8925 (ii) the governor;

8926 (iii) the lieutenant governor;

8927 (iv) a member or member-elect of either house of the Legislature; or

8928 (v) a member of Utah's congressional delegation.

8929 (9) "Respondent" means a person who files a response in accordance with Section  
8930 63A-15-604.

8931 Section 113. Section 63A-15-201 is amended to read:

8932 **63A-15-201. Commission established -- Membership.**

8933 (1) There is established a Political Subdivisions Ethics Review Commission.

8934 (2) The commission is composed of seven individuals, each of whom is registered to  
8935 vote in this state and appointed by the governor with the advice and consent of the Senate, as  
8936 follows:

8937 (a) one member who has served, but no longer serves, as a judge of a court of record in  
8938 this state;

- 8939 (b) one member who has served as a mayor or municipal council member no more  
8940 recently than four years before the date of appointment;
- 8941 (c) one member who has served as a member of a local board of education no more  
8942 recently than four years before the date of appointment;
- 8943 (d) two members who are lay persons; and
- 8944 (e) two members, each of whom is one of the following:
- 8945 (i) a municipal mayor no more recently than four years before the date of appointment;
- 8946 (ii) a municipal council member no more recently than four years before the date of  
8947 appointment;
- 8948 (iii) a county mayor no more recently than four years before the date of appointment;
- 8949 (iv) a county commissioner no more recently than four years before the date of  
8950 appointment;
- 8951 (v) a special service district administrative control board member no more recently  
8952 than four years before the date of appointment;
- 8953 (vi) a ~~local~~ special district board of trustees member no more recently than four years  
8954 before the date of appointment; or
- 8955 (vii) a judge who has served, but no longer serves, as a judge of a court of record in  
8956 this state.
- 8957 (3) (a) A member of the commission may not, during the member's term of office on  
8958 the commission, act or serve as:
- 8959 (i) a political subdivision officer;
- 8960 (ii) a political subdivision employee;
- 8961 (iii) an agency head as defined in Section 67-16-3;
- 8962 (iv) a lobbyist as defined in Section 36-11-102; or
- 8963 (v) a principal as defined in Section 36-11-102.
- 8964 (b) In addition to the seven members described in Subsection (2), the governor shall,  
8965 with the advice and consent of the Senate, appoint one individual as an alternate member of the

8966 commission who:

8967 (i) may be a lay person;

8968 (ii) shall be registered to vote in the state; and

8969 (iii) complies with the requirements described in Subsection (3)(a).

8970 (c) The alternate member described in Subsection (3)(b):

8971 (i) shall serve as a member of the commission in the place of one of the seven members  
8972 described in Subsection (2) if that member is temporarily unable or unavailable to participate in  
8973 a commission function or is disqualified under Section 63A-15-303; and

8974 (ii) may not cast a vote on the commission unless the alternate member is serving in  
8975 the capacity described in Subsection (3)(c)(i).

8976 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each member of the commission  
8977 shall serve a four-year term.

8978 (ii) When appointing the initial members upon formation of the commission, a member  
8979 described in Subsections (2)(b) through (d) shall be appointed to a two-year term so that  
8980 approximately half of the commission is appointed every two years.

8981 (b) (i) When a vacancy occurs in the commission's membership for any reason, a  
8982 replacement member shall be appointed for the unexpired term of the vacating member using  
8983 the procedures and requirements of Subsection (2).

8984 (ii) For the purposes of this section, an appointment for an unexpired term of a  
8985 vacating member is not considered a full term.

8986 (c) A member may not be appointed to serve for more than two full terms, whether  
8987 those terms are two or four years.

8988 (d) A member of the commission may resign from the commission by giving one  
8989 month's written notice of the resignation to the governor.

8990 (e) The governor shall remove a member from the commission if the member:

8991 (i) is convicted of, or enters a plea of guilty to, a crime involving moral turpitude;

8992 (ii) enters a plea of no contest or a plea in abeyance to a crime involving moral

8993 turpitude; or

8994 (iii) fails to meet the qualifications of office as provided in this section.

8995 (f) (i) If a commission member is accused of wrongdoing in a complaint, or if a  
8996 commission member has a conflict of interest in relation to a matter before the commission:

8997 (A) the alternate member described in Subsection (3)(b) shall serve in the member's  
8998 place for the purposes of reviewing the complaint; or

8999 (B) if the alternate member has already taken the place of another commission member  
9000 or is otherwise not available, the commission shall appoint another individual to temporarily  
9001 serve in the member's place for the purposes of reviewing the complaint.

9002 (ii) An individual appointed by the commission under Subsection (4)(f)(i)(B):

9003 (A) is not required to be confirmed by the Senate;

9004 (B) may be a lay person;

9005 (C) shall be registered to vote in the state; and

9006 (D) shall comply with Subsection (3)(a).

9007 (5) (a) Except as provided in Subsection (5)(b)(i), a member of the commission may  
9008 not receive compensation or benefits for the member's service.

9009 (b) (i) A member may receive per diem and expenses incurred in the performance of  
9010 the member's official duties at the rates established by the Division of Finance under Sections  
9011 [63A-3-106](#) and [63A-3-107](#).

9012 (ii) A member may decline to receive per diem and expenses for the member's service.

9013 (6) The commission members shall, by a majority vote, elect a commission chair from  
9014 among the commission members.

9015 Section 114. Section **63C-24-102** is amended to read:

9016 **63C-24-102. Definitions.**

9017 As used in this chapter:

9018 (1) "Commission" means the Personal Privacy Oversight Commission created in  
9019 Section [63C-24-201](#).

9020 (2) (a) "Government entity" means the state, a county, a municipality, a higher  
9021 education institution, a ~~local~~ special district, a special service district, a school district, an  
9022 independent entity, or any other political subdivision of the state or an administrative subunit of  
9023 any political subdivision, including a law enforcement entity.

9024 (b) "Government entity" includes an agent of an entity described in Subsection (2)(a).

9025 (3) "Independent entity" means the same as that term is defined in Section [63E-1-102](#).

9026 (4) (a) "Personal data" means any information relating to an identified or identifiable  
9027 individual.

9028 (b) "Personal data" includes personally identifying information.

9029 (5) (a) "Privacy practice" means the acquisition, use, storage, or disposal of personal  
9030 data.

9031 (b) "Privacy practice" includes:

9032 (i) a technology use related to personal data; and

9033 (ii) policies related to the protection, storage, sharing, and retention of personal data.

9034 Section 115. Section **63E-1-102** is amended to read:

9035 **63E-1-102. Definitions -- List of independent entities.**

9036 As used in this title:

9037 (1) "Authorizing statute" means the statute creating an entity as an independent entity.

9038 (2) "Committee" means the Retirement and Independent Entities Committee created by  
9039 Section [63E-1-201](#).

9040 (3) "Independent corporation" means a corporation incorporated in accordance with  
9041 Chapter 2, Independent Corporations Act.

9042 (4) (a) "Independent entity" means an entity having a public purpose relating to the  
9043 state or its citizens that is individually created by the state or is given by the state the right to  
9044 exist and conduct its affairs as an:

9045 (i) independent state agency; or

9046 (ii) independent corporation.

- 9047 (b) "Independent entity" includes the:
- 9048 (i) Utah Beef Council, created by Section 4-21-103;
- 9049 (ii) Utah Dairy Commission created by Section 4-22-103;
- 9050 (iii) Heber Valley Historic Railroad Authority created by Section 63H-4-102;
- 9051 (iv) Utah Housing Corporation created by Section 63H-8-201;
- 9052 (v) Utah State Fair Corporation created by Section 63H-6-103;
- 9053 (vi) Utah State Retirement Office created by Section 49-11-201;
- 9054 (vii) School and Institutional Trust Lands Administration created by Section
- 9055 53C-1-201;
- 9056 (viii) School and Institutional Trust Fund Office created by Section 53D-1-201;
- 9057 (ix) Utah Communications Authority created by Section 63H-7a-201;
- 9058 (x) Utah Capital Investment Corporation created by Section 63N-6-301; and
- 9059 (xi) Military Installation Development Authority created by Section 63H-1-201.
- 9060 (c) Notwithstanding this Subsection (4), "independent entity" does not include:
- 9061 (i) the Public Service Commission of Utah created by Section 54-1-1;
- 9062 (ii) an institution within the state system of higher education;
- 9063 (iii) a city, county, or town;
- 9064 (iv) a local school district;
- 9065 (v) a ~~[local] special~~ district under ~~[Title 17B, Limited Purpose Local Government~~
- 9066 ~~Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities - Special
- 9067 Districts; or
- 9068 (vi) a special service district under Title 17D, Chapter 1, Special Service District Act.
- 9069 (5) "Independent state agency" means an entity that is created by the state, but is
- 9070 independent of the governor's direct supervisory control.
- 9071 (6) "Money held in trust" means money maintained for the benefit of:
- 9072 (a) one or more private individuals, including public employees;
- 9073 (b) one or more public or private entities; or



9074 (c) the owners of a quasi-public corporation.

9075 (7) "Public corporation" means an artificial person, public in ownership, individually  
9076 created by the state as a body politic and corporate for the administration of a public purpose  
9077 relating to the state or its citizens.

9078 (8) "Quasi-public corporation" means an artificial person, private in ownership,  
9079 individually created as a corporation by the state, which has accepted from the state the grant of  
9080 a franchise or contract involving the performance of a public purpose relating to the state or its  
9081 citizens.

9082 Section 116. Section **63G-2-103** is amended to read:

9083 **63G-2-103. Definitions.**

9084 As used in this chapter:

9085 (1) "Audit" means:

9086 (a) a systematic examination of financial, management, program, and related records  
9087 for the purpose of determining the fair presentation of financial statements, adequacy of  
9088 internal controls, or compliance with laws and regulations; or

9089 (b) a systematic examination of program procedures and operations for the purpose of  
9090 determining their effectiveness, economy, efficiency, and compliance with statutes and  
9091 regulations.

9092 (2) "Chronological logs" mean the regular and customary summary records of law  
9093 enforcement agencies and other public safety agencies that show:

9094 (a) the time and general nature of police, fire, and paramedic calls made to the agency;  
9095 and

9096 (b) any arrests or jail bookings made by the agency.

9097 (3) "Classification," "classify," and their derivative forms mean determining whether a  
9098 record series, record, or information within a record is public, private, controlled, protected, or  
9099 exempt from disclosure under Subsection [63G-2-201\(3\)\(b\)](#).

9100 (4) (a) "Computer program" means:

9101 (i) a series of instructions or statements that permit the functioning of a computer  
9102 system in a manner designed to provide storage, retrieval, and manipulation of data from the  
9103 computer system; and

9104 (ii) any associated documentation and source material that explain how to operate the  
9105 computer program.

9106 (b) "Computer program" does not mean:

9107 (i) the original data, including numbers, text, voice, graphics, and images;

9108 (ii) analysis, compilation, and other manipulated forms of the original data produced by  
9109 use of the program; or

9110 (iii) the mathematical or statistical formulas, excluding the underlying mathematical  
9111 algorithms contained in the program, that would be used if the manipulated forms of the  
9112 original data were to be produced manually.

9113 (5) (a) "Contractor" means:

9114 (i) any person who contracts with a governmental entity to provide goods or services  
9115 directly to a governmental entity; or

9116 (ii) any private, nonprofit organization that receives funds from a governmental entity.

9117 (b) "Contractor" does not mean a private provider.

9118 (6) "Controlled record" means a record containing data on individuals that is controlled  
9119 as provided by Section [63G-2-304](#).

9120 (7) "Designation," "designate," and their derivative forms mean indicating, based on a  
9121 governmental entity's familiarity with a record series or based on a governmental entity's  
9122 review of a reasonable sample of a record series, the primary classification that a majority of  
9123 records in a record series would be given if classified and the classification that other records  
9124 typically present in the record series would be given if classified.

9125 (8) "Elected official" means each person elected to a state office, county office,  
9126 municipal office, school board or school district office, ~~local~~ special district office, or special  
9127 service district office, but does not include judges.

- 9128 (9) "Explosive" means a chemical compound, device, or mixture:
- 9129 (a) commonly used or intended for the purpose of producing an explosion; and
- 9130 (b) that contains oxidizing or combustive units or other ingredients in proportions,
- 9131 quantities, or packing so that:
  - 9132 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the
  - 9133 compound or mixture may cause a sudden generation of highly heated gases; and
  - 9134 (ii) the resultant gaseous pressures are capable of:
    - 9135 (A) producing destructive effects on contiguous objects; or
    - 9136 (B) causing death or serious bodily injury.
- 9137 (10) "Government audit agency" means any governmental entity that conducts an audit.
- 9138 (11) (a) "Governmental entity" means:
  - 9139 (i) executive department agencies of the state, the offices of the governor, lieutenant
  - 9140 governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole,
  - 9141 the Board of Examiners, the National Guard, the Career Service Review Office, the State
  - 9142 Board of Education, the Utah Board of Higher Education, and the State Archives;
  - 9143 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal
  - 9144 Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative
  - 9145 committees, except any political party, group, caucus, or rules or sifting committee of the
  - 9146 Legislature;
  - 9147 (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar
  - 9148 administrative units in the judicial branch;
  - 9149 (iv) any state-funded institution of higher education or public education; or
  - 9150 (v) any political subdivision of the state, but, if a political subdivision has adopted an
  - 9151 ordinance or a policy relating to information practices pursuant to Section [63G-2-701](#), this
  - 9152 chapter shall apply to the political subdivision to the extent specified in Section [63G-2-701](#) or
  - 9153 as specified in any other section of this chapter that specifically refers to political subdivisions.
  - 9154 (b) "Governmental entity" also means:

9155 (i) every office, agency, board, bureau, committee, department, advisory board, or  
9156 commission of an entity listed in Subsection (11)(a) that is funded or established by the  
9157 government to carry out the public's business;

9158 (ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative  
9159 undertaking;

9160 (iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;

9161 (iv) an association as defined in Section 53G-7-1101;

9162 (v) the Utah Independent Redistricting Commission; and

9163 (vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or  
9164 more law enforcement officers, as defined in Section 53-13-103.

9165 (c) "Governmental entity" does not include the Utah Educational Savings Plan created  
9166 in Section 53B-8a-103.

9167 (12) "Gross compensation" means every form of remuneration payable for a given  
9168 period to an individual for services provided including salaries, commissions, vacation pay,  
9169 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any  
9170 similar benefit received from the individual's employer.

9171 (13) "Individual" means a human being.

9172 (14) (a) "Initial contact report" means an initial written or recorded report, however  
9173 titled, prepared by peace officers engaged in public patrol or response duties describing official  
9174 actions initially taken in response to either a public complaint about or the discovery of an  
9175 apparent violation of law, which report may describe:

9176 (i) the date, time, location, and nature of the complaint, the incident, or offense;

9177 (ii) names of victims;

9178 (iii) the nature or general scope of the agency's initial actions taken in response to the  
9179 incident;

9180 (iv) the general nature of any injuries or estimate of damages sustained in the incident;

9181 (v) the name, address, and other identifying information about any person arrested or

9182 charged in connection with the incident; or

9183 (vi) the identity of the public safety personnel, except undercover personnel, or  
9184 prosecuting attorney involved in responding to the initial incident.

9185 (b) Initial contact reports do not include follow-up or investigative reports prepared  
9186 after the initial contact report. However, if the information specified in Subsection (14)(a)  
9187 appears in follow-up or investigative reports, it may only be treated confidentially if it is  
9188 private, controlled, protected, or exempt from disclosure under Subsection [63G-2-201](#)(3)(b).

9189 (c) Initial contact reports do not include accident reports, as that term is described in  
9190 Title 41, Chapter 6a, Part 4, Accident Responsibilities.

9191 (15) "Legislative body" means the Legislature.

9192 (16) "Notice of compliance" means a statement confirming that a governmental entity  
9193 has complied with an order of the State Records Committee.

9194 (17) "Person" means:

9195 (a) an individual;

9196 (b) a nonprofit or profit corporation;

9197 (c) a partnership;

9198 (d) a sole proprietorship;

9199 (e) other type of business organization; or

9200 (f) any combination acting in concert with one another.

9201 (18) "Private provider" means any person who contracts with a governmental entity to  
9202 provide services directly to the public.

9203 (19) "Private record" means a record containing data on individuals that is private as  
9204 provided by Section [63G-2-302](#).

9205 (20) "Protected record" means a record that is classified protected as provided by  
9206 Section [63G-2-305](#).

9207 (21) "Public record" means a record that is not private, controlled, or protected and that  
9208 is not exempt from disclosure as provided in Subsection [63G-2-201](#)(3)(b).

9209 (22) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film,  
9210 card, tape, recording, electronic data, or other documentary material regardless of physical form  
9211 or characteristics:

9212 (i) that is prepared, owned, received, or retained by a governmental entity or political  
9213 subdivision; and

9214 (ii) where all of the information in the original is reproducible by photocopy or other  
9215 mechanical or electronic means.

9216 (b) "Record" does not mean:

9217 (i) a personal note or personal communication prepared or received by an employee or  
9218 officer of a governmental entity:

9219 (A) in a capacity other than the employee's or officer's governmental capacity; or

9220 (B) that is unrelated to the conduct of the public's business;

9221 (ii) a temporary draft or similar material prepared for the originator's personal use or  
9222 prepared by the originator for the personal use of an individual for whom the originator is  
9223 working;

9224 (iii) material that is legally owned by an individual in the individual's private capacity;

9225 (iv) material to which access is limited by the laws of copyright or patent unless the  
9226 copyright or patent is owned by a governmental entity or political subdivision;

9227 (v) proprietary software;

9228 (vi) junk mail or a commercial publication received by a governmental entity or an  
9229 official or employee of a governmental entity;

9230 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections  
9231 of a library open to the public;

9232 (viii) material that is cataloged, indexed, or inventoried and contained in the collections  
9233 of a library open to the public, regardless of physical form or characteristics of the material;

9234 (ix) a daily calendar or other personal note prepared by the originator for the  
9235 originator's personal use or for the personal use of an individual for whom the originator is

- 9236 working;
- 9237 (x) a computer program that is developed or purchased by or for any governmental  
9238 entity for its own use;
- 9239 (xi) a note or internal memorandum prepared as part of the deliberative process by:
- 9240 (A) a member of the judiciary;
- 9241 (B) an administrative law judge;
- 9242 (C) a member of the Board of Pardons and Parole; or
- 9243 (D) a member of any other body, other than an association or appeals panel as defined  
9244 in Section [53G-7-1101](#), charged by law with performing a quasi-judicial function;
- 9245 (xii) a telephone number or similar code used to access a mobile communication  
9246 device that is used by an employee or officer of a governmental entity, provided that the  
9247 employee or officer of the governmental entity has designated at least one business telephone  
9248 number that is a public record as provided in Section [63G-2-301](#);
- 9249 (xiii) information provided by the Public Employees' Benefit and Insurance Program,  
9250 created in Section [49-20-103](#), to a county to enable the county to calculate the amount to be  
9251 paid to a health care provider under Subsection [17-50-319\(2\)\(e\)\(ii\)](#);
- 9252 (xiv) information that an owner of unimproved property provides to a local entity as  
9253 provided in Section [11-42-205](#);
- 9254 (xv) a video or audio recording of an interview, or a transcript of the video or audio  
9255 recording, that is conducted at a Children's Justice Center established under Section [67-5b-102](#);
- 9256 (xvi) child pornography, as defined by Section [76-5b-103](#);
- 9257 (xvii) before final disposition of an ethics complaint occurs, a video or audio recording  
9258 of the closed portion of a meeting or hearing of:
- 9259 (A) a Senate or House Ethics Committee;
- 9260 (B) the Independent Legislative Ethics Commission;
- 9261 (C) the Independent Executive Branch Ethics Commission, created in Section  
9262 [63A-14-202](#); or

9263 (D) the Political Subdivisions Ethics Review Commission established in Section  
9264 [63A-15-201](#); or

9265 (xviii) confidential communication described in Section [58-60-102](#), [58-61-102](#), or  
9266 [58-61-702](#).

9267 (23) "Record series" means a group of records that may be treated as a unit for  
9268 purposes of designation, description, management, or disposition.

9269 (24) "Records officer" means the individual appointed by the chief administrative  
9270 officer of each governmental entity, or the political subdivision to work with state archives in  
9271 the care, maintenance, scheduling, designation, classification, disposal, and preservation of  
9272 records.

9273 (25) "Schedule," "scheduling," and their derivative forms mean the process of  
9274 specifying the length of time each record series should be retained by a governmental entity for  
9275 administrative, legal, fiscal, or historical purposes and when each record series should be  
9276 transferred to the state archives or destroyed.

9277 (26) "Sponsored research" means research, training, and other sponsored activities as  
9278 defined by the federal Executive Office of the President, Office of Management and Budget:

9279 (a) conducted:

9280 (i) by an institution within the state system of higher education defined in Section  
9281 [53B-1-102](#); and

9282 (ii) through an office responsible for sponsored projects or programs; and

9283 (b) funded or otherwise supported by an external:

9284 (i) person that is not created or controlled by the institution within the state system of  
9285 higher education; or

9286 (ii) federal, state, or local governmental entity.

9287 (27) "State archives" means the Division of Archives and Records Service created in  
9288 Section [63A-12-101](#).

9289 (28) "State archivist" means the director of the state archives.



9290 (29) "State Records Committee" means the State Records Committee created in  
9291 Section [63G-2-501](#).

9292 (30) "Summary data" means statistical records and compilations that contain data  
9293 derived from private, controlled, or protected information but that do not disclose private,  
9294 controlled, or protected information.

9295 Section 117. Section **63G-2-305** is amended to read:

9296 **63G-2-305. Protected records.**

9297 The following records are protected if properly classified by a governmental entity:

9298 (1) trade secrets as defined in Section [13-24-2](#) if the person submitting the trade secret  
9299 has provided the governmental entity with the information specified in Section [63G-2-309](#);

9300 (2) commercial information or nonindividual financial information obtained from a  
9301 person if:

9302 (a) disclosure of the information could reasonably be expected to result in unfair  
9303 competitive injury to the person submitting the information or would impair the ability of the  
9304 governmental entity to obtain necessary information in the future;

9305 (b) the person submitting the information has a greater interest in prohibiting access  
9306 than the public in obtaining access; and

9307 (c) the person submitting the information has provided the governmental entity with  
9308 the information specified in Section [63G-2-309](#);

9309 (3) commercial or financial information acquired or prepared by a governmental entity  
9310 to the extent that disclosure would lead to financial speculations in currencies, securities, or  
9311 commodities that will interfere with a planned transaction by the governmental entity or cause  
9312 substantial financial injury to the governmental entity or state economy;

9313 (4) records, the disclosure of which could cause commercial injury to, or confer a  
9314 competitive advantage upon a potential or actual competitor of, a commercial project entity as  
9315 defined in Subsection [11-13-103\(4\)](#);

9316 (5) test questions and answers to be used in future license, certification, registration,

9317 employment, or academic examinations;

9318           (6) records, the disclosure of which would impair governmental procurement  
9319 proceedings or give an unfair advantage to any person proposing to enter into a contract or  
9320 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this  
9321 Subsection (6) does not restrict the right of a person to have access to, after the contract or  
9322 grant has been awarded and signed by all parties:

9323           (a) a bid, proposal, application, or other information submitted to or by a governmental  
9324 entity in response to:

9325           (i) an invitation for bids;

9326           (ii) a request for proposals;

9327           (iii) a request for quotes;

9328           (iv) a grant; or

9329           (v) other similar document; or

9330           (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);

9331           (7) information submitted to or by a governmental entity in response to a request for  
9332 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict  
9333 the right of a person to have access to the information, after:

9334           (a) a contract directly relating to the subject of the request for information has been  
9335 awarded and signed by all parties; or

9336           (b) (i) a final determination is made not to enter into a contract that relates to the  
9337 subject of the request for information; and

9338           (ii) at least two years have passed after the day on which the request for information is  
9339 issued;

9340           (8) records that would identify real property or the appraisal or estimated value of real  
9341 or personal property, including intellectual property, under consideration for public acquisition  
9342 before any rights to the property are acquired unless:

9343           (a) public interest in obtaining access to the information is greater than or equal to the

- 9344 governmental entity's need to acquire the property on the best terms possible;
- 9345 (b) the information has already been disclosed to persons not employed by or under a  
9346 duty of confidentiality to the entity;
- 9347 (c) in the case of records that would identify property, potential sellers of the described  
9348 property have already learned of the governmental entity's plans to acquire the property;
- 9349 (d) in the case of records that would identify the appraisal or estimated value of  
9350 property, the potential sellers have already learned of the governmental entity's estimated value  
9351 of the property; or
- 9352 (e) the property under consideration for public acquisition is a single family residence  
9353 and the governmental entity seeking to acquire the property has initiated negotiations to acquire  
9354 the property as required under Section [78B-6-505](#);
- 9355 (9) records prepared in contemplation of sale, exchange, lease, rental, or other  
9356 compensated transaction of real or personal property including intellectual property, which, if  
9357 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value  
9358 of the subject property, unless:
- 9359 (a) the public interest in access is greater than or equal to the interests in restricting  
9360 access, including the governmental entity's interest in maximizing the financial benefit of the  
9361 transaction; or
- 9362 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of  
9363 the value of the subject property have already been disclosed to persons not employed by or  
9364 under a duty of confidentiality to the entity;
- 9365 (10) records created or maintained for civil, criminal, or administrative enforcement  
9366 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if  
9367 release of the records:
- 9368 (a) reasonably could be expected to interfere with investigations undertaken for  
9369 enforcement, discipline, licensing, certification, or registration purposes;
- 9370 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement

9371 proceedings;

9372 (c) would create a danger of depriving a person of a right to a fair trial or impartial  
9373 hearing;

9374 (d) reasonably could be expected to disclose the identity of a source who is not  
9375 generally known outside of government and, in the case of a record compiled in the course of  
9376 an investigation, disclose information furnished by a source not generally known outside of  
9377 government if disclosure would compromise the source; or

9378 (e) reasonably could be expected to disclose investigative or audit techniques,  
9379 procedures, policies, or orders not generally known outside of government if disclosure would  
9380 interfere with enforcement or audit efforts;

9381 (11) records the disclosure of which would jeopardize the life or safety of an  
9382 individual;

9383 (12) records the disclosure of which would jeopardize the security of governmental  
9384 property, governmental programs, or governmental recordkeeping systems from damage, theft,  
9385 or other appropriation or use contrary to law or public policy;

9386 (13) records that, if disclosed, would jeopardize the security or safety of a correctional  
9387 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere  
9388 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

9389 (14) records that, if disclosed, would reveal recommendations made to the Board of  
9390 Pardons and Parole by an employee of or contractor for the Department of Corrections, the  
9391 Board of Pardons and Parole, or the Department of Human Services that are based on the  
9392 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's  
9393 jurisdiction;

9394 (15) records and audit workpapers that identify audit, collection, and operational  
9395 procedures and methods used by the State Tax Commission, if disclosure would interfere with  
9396 audits or collections;

9397 (16) records of a governmental audit agency relating to an ongoing or planned audit

9398 until the final audit is released;

9399 (17) records that are subject to the attorney client privilege;

9400 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,

9401 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,

9402 quasi-judicial, or administrative proceeding;

9403 (19) (a) (i) personal files of a state legislator, including personal correspondence to or

9404 from a member of the Legislature; and

9405 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of

9406 legislative action or policy may not be classified as protected under this section; and

9407 (b) (i) an internal communication that is part of the deliberative process in connection

9408 with the preparation of legislation between:

9409 (A) members of a legislative body;

9410 (B) a member of a legislative body and a member of the legislative body's staff; or

9411 (C) members of a legislative body's staff; and

9412 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of

9413 legislative action or policy may not be classified as protected under this section;

9414 (20) (a) records in the custody or control of the Office of Legislative Research and

9415 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated

9416 legislation or contemplated course of action before the legislator has elected to support the

9417 legislation or course of action, or made the legislation or course of action public; and

9418 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the

9419 Office of Legislative Research and General Counsel is a public document unless a legislator

9420 asks that the records requesting the legislation be maintained as protected records until such

9421 time as the legislator elects to make the legislation or course of action public;

9422 (21) research requests from legislators to the Office of Legislative Research and

9423 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared

9424 in response to these requests;

- 9425 (22) drafts, unless otherwise classified as public;
- 9426 (23) records concerning a governmental entity's strategy about:
- 9427 (a) collective bargaining; or
- 9428 (b) imminent or pending litigation;
- 9429 (24) records of investigations of loss occurrences and analyses of loss occurrences that
- 9430 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
- 9431 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 9432 (25) records, other than personnel evaluations, that contain a personal recommendation
- 9433 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
- 9434 personal privacy, or disclosure is not in the public interest;
- 9435 (26) records that reveal the location of historic, prehistoric, paleontological, or
- 9436 biological resources that if known would jeopardize the security of those resources or of
- 9437 valuable historic, scientific, educational, or cultural information;
- 9438 (27) records of independent state agencies if the disclosure of the records would
- 9439 conflict with the fiduciary obligations of the agency;
- 9440 (28) records of an institution within the state system of higher education defined in
- 9441 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,
- 9442 retention decisions, and promotions, which could be properly discussed in a meeting closed in
- 9443 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
- 9444 the final decisions about tenure, appointments, retention, promotions, or those students
- 9445 admitted, may not be classified as protected under this section;
- 9446 (29) records of the governor's office, including budget recommendations, legislative
- 9447 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
- 9448 policies or contemplated courses of action before the governor has implemented or rejected
- 9449 those policies or courses of action or made them public;
- 9450 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
- 9451 revenue estimates, and fiscal notes of proposed legislation before issuance of the final

9452 recommendations in these areas;

9453           (31) records provided by the United States or by a government entity outside the state  
9454 that are given to the governmental entity with a requirement that they be managed as protected  
9455 records if the providing entity certifies that the record would not be subject to public disclosure  
9456 if retained by it;

9457           (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a  
9458 public body except as provided in Section 52-4-206;

9459           (33) records that would reveal the contents of settlement negotiations but not including  
9460 final settlements or empirical data to the extent that they are not otherwise exempt from  
9461 disclosure;

9462           (34) memoranda prepared by staff and used in the decision-making process by an  
9463 administrative law judge, a member of the Board of Pardons and Parole, or a member of any  
9464 other body charged by law with performing a quasi-judicial function;

9465           (35) records that would reveal negotiations regarding assistance or incentives offered  
9466 by or requested from a governmental entity for the purpose of encouraging a person to expand  
9467 or locate a business in Utah, but only if disclosure would result in actual economic harm to the  
9468 person or place the governmental entity at a competitive disadvantage, but this section may not  
9469 be used to restrict access to a record evidencing a final contract;

9470           (36) materials to which access must be limited for purposes of securing or maintaining  
9471 the governmental entity's proprietary protection of intellectual property rights including patents,  
9472 copyrights, and trade secrets;

9473           (37) the name of a donor or a prospective donor to a governmental entity, including an  
9474 institution within the state system of higher education defined in Section 53B-1-102, and other  
9475 information concerning the donation that could reasonably be expected to reveal the identity of  
9476 the donor, provided that:

9477           (a) the donor requests anonymity in writing;

9478           (b) any terms, conditions, restrictions, or privileges relating to the donation may not be

9479 classified protected by the governmental entity under this Subsection (37); and  
9480 (c) except for an institution within the state system of higher education defined in  
9481 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged  
9482 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority  
9483 over the donor, a member of the donor's immediate family, or any entity owned or controlled  
9484 by the donor or the donor's immediate family;

9485 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and  
9486 73-18-13;

9487 (39) a notification of workers' compensation insurance coverage described in Section  
9488 34A-2-205;

9489 (40) (a) the following records of an institution within the state system of higher  
9490 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,  
9491 or received by or on behalf of faculty, staff, employees, or students of the institution:

- 9492 (i) unpublished lecture notes;
- 9493 (ii) unpublished notes, data, and information:
  - 9494 (A) relating to research; and
  - 9495 (B) of:
    - 9496 (I) the institution within the state system of higher education defined in Section  
9497 53B-1-102; or
    - 9498 (II) a sponsor of sponsored research;
  - 9499 (iii) unpublished manuscripts;
  - 9500 (iv) creative works in process;
  - 9501 (v) scholarly correspondence; and
  - 9502 (vi) confidential information contained in research proposals;
- 9503 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public  
9504 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and
- 9505 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;



9506 (41) (a) records in the custody or control of the Office of the Legislative Auditor  
9507 General that would reveal the name of a particular legislator who requests a legislative audit  
9508 prior to the date that audit is completed and made public; and

9509 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the  
9510 Office of the Legislative Auditor General is a public document unless the legislator asks that  
9511 the records in the custody or control of the Office of the Legislative Auditor General that would  
9512 reveal the name of a particular legislator who requests a legislative audit be maintained as  
9513 protected records until the audit is completed and made public;

9514 (42) records that provide detail as to the location of an explosive, including a map or  
9515 other document that indicates the location of:

9516 (a) a production facility; or

9517 (b) a magazine;

9518 (43) information contained in the statewide database of the Division of Aging and  
9519 Adult Services created by Section [62A-3-311.1](#);

9520 (44) information contained in the Licensing Information System described in Title 80,  
9521 Chapter 2, Child Welfare Services;

9522 (45) information regarding National Guard operations or activities in support of the  
9523 National Guard's federal mission;

9524 (46) records provided by any pawn or secondhand business to a law enforcement  
9525 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop,  
9526 Secondhand Merchandise, and Catalytic Converter Transaction Information Act;

9527 (47) information regarding food security, risk, and vulnerability assessments performed  
9528 by the Department of Agriculture and Food;

9529 (48) except to the extent that the record is exempt from this chapter pursuant to Section  
9530 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or  
9531 prepared or maintained by the Division of Emergency Management, and the disclosure of  
9532 which would jeopardize:

- 9533 (a) the safety of the general public; or  
9534 (b) the security of:  
9535 (i) governmental property;  
9536 (ii) governmental programs; or  
9537 (iii) the property of a private person who provides the Division of Emergency  
9538 Management information;  
9539 (49) records of the Department of Agriculture and Food that provides for the  
9540 identification, tracing, or control of livestock diseases, including any program established under  
9541 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control  
9542 of Animal Disease;  
9543 (50) as provided in Section [26-39-501](#):  
9544 (a) information or records held by the Department of Health related to a complaint  
9545 regarding a child care program or residential child care which the department is unable to  
9546 substantiate; and  
9547 (b) information or records related to a complaint received by the Department of Health  
9548 from an anonymous complainant regarding a child care program or residential child care;  
9549 (51) unless otherwise classified as public under Section [63G-2-301](#) and except as  
9550 provided under Section [41-1a-116](#), an individual's home address, home telephone number, or  
9551 personal mobile phone number, if:  
9552 (a) the individual is required to provide the information in order to comply with a law,  
9553 ordinance, rule, or order of a government entity; and  
9554 (b) the subject of the record has a reasonable expectation that this information will be  
9555 kept confidential due to:  
9556 (i) the nature of the law, ordinance, rule, or order; and  
9557 (ii) the individual complying with the law, ordinance, rule, or order;  
9558 (52) the portion of the following documents that contains a candidate's residential or  
9559 mailing address, if the candidate provides to the filing officer another address or phone number

9560 where the candidate may be contacted:

9561 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,  
9562 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,  
9563 20A-9-408.5, 20A-9-502, or 20A-9-601;

9564 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

9565 (c) a notice of intent to gather signatures for candidacy, described in Section  
9566 20A-9-408;

9567 (53) the name, home address, work addresses, and telephone numbers of an individual  
9568 that is engaged in, or that provides goods or services for, medical or scientific research that is:

9569 (a) conducted within the state system of higher education, as defined in Section  
9570 53B-1-102; and

9571 (b) conducted using animals;

9572 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance  
9573 Evaluation Commission concerning an individual commissioner's vote, in relation to whether a  
9574 judge meets or exceeds minimum performance standards under Subsection 78A-12-203(4), and  
9575 information disclosed under Subsection 78A-12-203(5)(e);

9576 (55) information collected and a report prepared by the Judicial Performance  
9577 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter  
9578 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,  
9579 the information or report;

9580 (56) records provided or received by the Public Lands Policy Coordinating Office in  
9581 furtherance of any contract or other agreement made in accordance with Section 63L-11-202;

9582 (57) information requested by and provided to the 911 Division under Section  
9583 63H-7a-302;

9584 (58) in accordance with Section 73-10-33:

9585 (a) a management plan for a water conveyance facility in the possession of the Division  
9586 of Water Resources or the Board of Water Resources; or

9587 (b) an outline of an emergency response plan in possession of the state or a county or  
9588 municipality;

9589 (59) the following records in the custody or control of the Office of Inspector General  
9590 of Medicaid Services, created in Section 63A-13-201:

9591 (a) records that would disclose information relating to allegations of personal  
9592 misconduct, gross mismanagement, or illegal activity of a person if the information or  
9593 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services  
9594 through other documents or evidence, and the records relating to the allegation are not relied  
9595 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation  
9596 report or final audit report;

9597 (b) records and audit workpapers to the extent they would disclose the identity of a  
9598 person who, during the course of an investigation or audit, communicated the existence of any  
9599 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or  
9600 regulation adopted under the laws of this state, a political subdivision of the state, or any  
9601 recognized entity of the United States, if the information was disclosed on the condition that  
9602 the identity of the person be protected;

9603 (c) before the time that an investigation or audit is completed and the final  
9604 investigation or final audit report is released, records or drafts circulated to a person who is not  
9605 an employee or head of a governmental entity for the person's response or information;

9606 (d) records that would disclose an outline or part of any investigation, audit survey  
9607 plan, or audit program; or

9608 (e) requests for an investigation or audit, if disclosure would risk circumvention of an  
9609 investigation or audit;

9610 (60) records that reveal methods used by the Office of Inspector General of Medicaid  
9611 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or  
9612 abuse;

9613 (61) information provided to the Department of Health or the Division of Professional

9614 Licensing under Subsections 58-67-304(3) and (4) and Subsections 58-68-304(3) and (4);  
9615 (62) a record described in Section 63G-12-210;  
9616 (63) captured plate data that is obtained through an automatic license plate reader  
9617 system used by a governmental entity as authorized in Section 41-6a-2003;  
9618 (64) any record in the custody of the Utah Office for Victims of Crime relating to a  
9619 victim, including:  
9620 (a) a victim's application or request for benefits;  
9621 (b) a victim's receipt or denial of benefits; and  
9622 (c) any administrative notes or records made or created for the purpose of, or used to,  
9623 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim  
9624 Reparations Fund;  
9625 (65) an audio or video recording created by a body-worn camera, as that term is  
9626 defined in Section 77-7a-103, that records sound or images inside a hospital or health care  
9627 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care  
9628 provider, as that term is defined in Section 78B-3-403, or inside a human service program as  
9629 that term is defined in Section 62A-2-101, except for recordings that:  
9630 (a) depict the commission of an alleged crime;  
9631 (b) record any encounter between a law enforcement officer and a person that results in  
9632 death or bodily injury, or includes an instance when an officer fires a weapon;  
9633 (c) record any encounter that is the subject of a complaint or a legal proceeding against  
9634 a law enforcement officer or law enforcement agency;  
9635 (d) contain an officer involved critical incident as defined in Subsection  
9636 76-2-408(1)(f); or  
9637 (e) have been requested for reclassification as a public record by a subject or  
9638 authorized agent of a subject featured in the recording;  
9639 (66) a record pertaining to the search process for a president of an institution of higher  
9640 education described in Section 53B-2-102, except for application materials for a publicly

9641 announced finalist;

9642           (67) an audio recording that is:

9643           (a) produced by an audio recording device that is used in conjunction with a device or

9644 piece of equipment designed or intended for resuscitating an individual or for treating an

9645 individual with a life-threatening condition;

9646           (b) produced during an emergency event when an individual employed to provide law

9647 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

9648           (i) is responding to an individual needing resuscitation or with a life-threatening

9649 condition; and

9650           (ii) uses a device or piece of equipment designed or intended for resuscitating an

9651 individual or for treating an individual with a life-threatening condition; and

9652           (c) intended and used for purposes of training emergency responders how to improve

9653 their response to an emergency situation;

9654           (68) records submitted by or prepared in relation to an applicant seeking a

9655 recommendation by the Research and General Counsel Subcommittee, the Budget

9656 Subcommittee, or the Audit Subcommittee, established under Section [36-12-8](#), for an

9657 employment position with the Legislature;

9658           (69) work papers as defined in Section [31A-2-204](#);

9659           (70) a record made available to Adult Protective Services or a law enforcement agency

9660 under Section [61-1-206](#);

9661           (71) a record submitted to the Insurance Department in accordance with Section

9662 [31A-37-201](#);

9663           (72) a record described in Section [31A-37-503](#);

9664           (73) any record created by the Division of Professional Licensing as a result of

9665 Subsection [58-37f-304\(5\)](#) or [58-37f-702\(2\)\(a\)\(ii\)](#);

9666           (74) a record described in Section [72-16-306](#) that relates to the reporting of an injury

9667 involving an amusement ride;

9668 (75) except as provided in Subsection 63G-2-305.5(1), the signature of an individual  
9669 on a political petition, or on a request to withdraw a signature from a political petition,  
9670 including a petition or request described in the following titles:

9671 (a) Title 10, Utah Municipal Code;

9672 (b) Title 17, Counties;

9673 (c) [~~Title 17B, Limited Purpose Local Government Entities - Local Districts~~] Title  
9674 17B, Limited Purpose Local Government Entities - Special Districts;

9675 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and

9676 (e) Title 20A, Election Code;

9677 (76) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in  
9678 a voter registration record;

9679 (77) except as provided in Subsection 63G-2-305.5(3), any signature, other than a  
9680 signature described in Subsection (75) or (76), in the custody of the lieutenant governor or a  
9681 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;

9682 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part  
9683 5, Victims Guidelines for Prosecutors Act;

9684 (79) a record submitted to the Insurance Department under Section 31A-48-103;

9685 (80) personal information, as defined in Section 63G-26-102, to the extent disclosure is  
9686 prohibited under Section 63G-26-103;

9687 (81) an image taken of an individual during the process of booking the individual into  
9688 jail, unless:

9689 (a) the individual is convicted of a criminal offense based upon the conduct for which  
9690 the individual was incarcerated at the time the image was taken;

9691 (b) a law enforcement agency releases or disseminates the image:

9692 (i) after determining that the individual is a fugitive or an imminent threat to an  
9693 individual or to public safety and releasing or disseminating the image will assist in  
9694 apprehending the individual or reducing or eliminating the threat; or

9695 (ii) to a potential witness or other individual with direct knowledge of events relevant  
9696 to a criminal investigation or criminal proceeding for the purpose of identifying or locating an  
9697 individual in connection with the criminal investigation or criminal proceeding; or

9698 (c) a judge orders the release or dissemination of the image based on a finding that the  
9699 release or dissemination is in furtherance of a legitimate law enforcement interest;

9700 (82) a record:

9701 (a) concerning an interstate claim to the use of waters in the Colorado River system;

9702 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a  
9703 representative from another state or the federal government as provided in Section

9704 [63M-14-205](#); and

9705 (c) the disclosure of which would:

9706 (i) reveal a legal strategy relating to the state's claim to the use of the water in the  
9707 Colorado River system;

9708 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to  
9709 negotiate the best terms and conditions regarding the use of water in the Colorado River  
9710 system; or

9711 (iii) give an advantage to another state or to the federal government in negotiations  
9712 regarding the use of water in the Colorado River system;

9713 (83) any part of an application described in Section [63N-16-201](#) that the Governor's  
9714 Office of Economic Opportunity determines is nonpublic, confidential information that if  
9715 disclosed would result in actual economic harm to the applicant, but this Subsection (83) may  
9716 not be used to restrict access to a record evidencing a final contract or approval decision;

9717 (84) the following records of a drinking water or wastewater facility:

9718 (a) an engineering or architectural drawing of the drinking water or wastewater facility;

9719 and

9720 (b) except as provided in Section [63G-2-106](#), a record detailing tools or processes the

9721 drinking water or wastewater facility uses to secure, or prohibit access to, the records described



9722 in Subsection (84)(a); and

9723 (85) a statement that an employee of a governmental entity provides to the  
9724 governmental entity as part of the governmental entity's personnel or administrative  
9725 investigation into potential misconduct involving the employee if the governmental entity:

9726 (a) requires the statement under threat of employment disciplinary action, including  
9727 possible termination of employment, for the employee's refusal to provide the statement; and

9728 (b) provides the employee assurance that the statement cannot be used against the  
9729 employee in any criminal proceeding.

9730 Section 118. Section **63G-6a-103** is amended to read:

9731 **63G-6a-103. Definitions.**

9732 As used in this chapter:

9733 (1) "Approved vendor" means a person who has been approved for inclusion on an  
9734 approved vendor list through the approved vendor list process.

9735 (2) "Approved vendor list" means a list of approved vendors established under Section  
9736 [63G-6a-507](#).

9737 (3) "Approved vendor list process" means the procurement process described in  
9738 Section [63G-6a-507](#).

9739 (4) "Bidder" means a person who submits a bid or price quote in response to an  
9740 invitation for bids.

9741 (5) "Bidding process" means the procurement process described in Part 6, Bidding.

9742 (6) "Board" means the Utah State Procurement Policy Board, created in Section  
9743 [63G-6a-202](#).

9744 (7) "Change directive" means a written order signed by the procurement officer that  
9745 directs the contractor to suspend work or make changes, as authorized by contract, without the  
9746 consent of the contractor.

9747 (8) "Change order" means a written alteration in specifications, delivery point, rate of  
9748 delivery, period of performance, price, quantity, or other provisions of a contract, upon mutual

9749 agreement of the parties to the contract.

9750 (9) "Chief procurement officer" means the individual appointed under Section  
9751 [63A-2-102](#).

9752 (10) "Conducting procurement unit" means a procurement unit that conducts all  
9753 aspects of a procurement:

9754 (a) except:

9755 (i) reviewing a solicitation to verify that it is in proper form; and

9756 (ii) causing the publication of a notice of a solicitation; and

9757 (b) including:

9758 (i) preparing any solicitation document;

9759 (ii) appointing an evaluation committee;

9760 (iii) conducting the evaluation process, except the process relating to scores calculated  
9761 for costs of proposals;

9762 (iv) selecting and recommending the person to be awarded a contract;

9763 (v) negotiating the terms and conditions of a contract, subject to the issuing  
9764 procurement unit's approval; and

9765 (vi) contract administration.

9766 (11) "Conservation district" means the same as that term is defined in Section  
9767 [17D-3-102](#).

9768 (12) "Construction project":

9769 (a) means a project for the construction, renovation, alteration, improvement, or repair  
9770 of a public facility on real property, including all services, labor, supplies, and materials for the  
9771 project; and

9772 (b) does not include services and supplies for the routine, day-to-day operation, repair,  
9773 or maintenance of an existing public facility.

9774 (13) "Construction manager/general contractor":

9775 (a) means a contractor who enters into a contract:

- 9776 (i) for the management of a construction project; and  
9777 (ii) that allows the contractor to subcontract for additional labor and materials that are  
9778 not included in the contractor's cost proposal submitted at the time of the procurement of the  
9779 contractor's services; and
- 9780 (b) does not include a contractor whose only subcontract work not included in the  
9781 contractor's cost proposal submitted as part of the procurement of the contractor's services is to  
9782 meet subcontracted portions of change orders approved within the scope of the project.
- 9783 (14) "Construction subcontractor":
- 9784 (a) means a person under contract with a contractor or another subcontractor to provide  
9785 services or labor for the design or construction of a construction project;
- 9786 (b) includes a general contractor or specialty contractor licensed or exempt from  
9787 licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and
- 9788 (c) does not include a supplier who provides only materials, equipment, or supplies to a  
9789 contractor or subcontractor for a construction project.
- 9790 (15) "Contract" means an agreement for a procurement.
- 9791 (16) "Contract administration" means all functions, duties, and responsibilities  
9792 associated with managing, overseeing, and carrying out a contract between a procurement unit  
9793 and a contractor, including:
- 9794 (a) implementing the contract;
- 9795 (b) ensuring compliance with the contract terms and conditions by the conducting  
9796 procurement unit and the contractor;
- 9797 (c) executing change orders;
- 9798 (d) processing contract amendments;
- 9799 (e) resolving, to the extent practicable, contract disputes;
- 9800 (f) curing contract errors and deficiencies;
- 9801 (g) terminating a contract;
- 9802 (h) measuring or evaluating completed work and contractor performance;

- 9803 (i) computing payments under the contract; and  
9804 (j) closing out a contract.
- 9805 (17) "Contractor" means a person who is awarded a contract with a procurement unit.  
9806 (18) "Cooperative procurement" means procurement conducted by, or on behalf of:  
9807 (a) more than one procurement unit; or  
9808 (b) a procurement unit and a cooperative purchasing organization.
- 9809 (19) "Cooperative purchasing organization" means an organization, association, or  
9810 alliance of purchasers established to combine purchasing power in order to obtain the best  
9811 value for the purchasers by engaging in procurements in accordance with Section [63G-6a-2105](#).  
9812 (20) "Cost-plus-a-percentage-of-cost contract" means a contract under which the  
9813 contractor is paid a percentage of the total actual expenses or costs in addition to the  
9814 contractor's actual expenses or costs.
- 9815 (21) "Cost-reimbursement contract" means a contract under which a contractor is  
9816 reimbursed for costs which are allowed and allocated in accordance with the contract terms and  
9817 the provisions of this chapter, and a fee, if any.
- 9818 (22) "Days" means calendar days, unless expressly provided otherwise.
- 9819 (23) "Definite quantity contract" means a fixed price contract that provides for a  
9820 specified amount of supplies over a specified period, with deliveries scheduled according to a  
9821 specified schedule.
- 9822 (24) "Design professional" means:  
9823 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects  
9824 Licensing Act;  
9825 (b) an individual licensed as a professional engineer or professional land surveyor  
9826 under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing  
9827 Act; or  
9828 (c) an individual certified as a commercial interior designer under Title 58, Chapter 86,  
9829 State Certification of Commercial Interior Designers Act.

- 9830 (25) "Design professional procurement process" means the procurement process  
9831 described in Part 15, Design Professional Services.
- 9832 (26) "Design professional services" means:
- 9833 (a) professional services within the scope of the practice of architecture as defined in  
9834 Section 58-3a-102;
- 9835 (b) professional engineering as defined in Section 58-22-102;
- 9836 (c) master planning and programming services; or
- 9837 (d) services within the scope of the practice of commercial interior design, as defined  
9838 in Section 58-86-102.
- 9839 (27) "Design-build" means the procurement of design professional services and  
9840 construction by the use of a single contract.
- 9841 (28) "Division" means the Division of Purchasing and General Services, created in  
9842 Section 63A-2-101.
- 9843 (29) "Educational procurement unit" means:
- 9844 (a) a school district;
- 9845 (b) a public school, including a local school board or a charter school;
- 9846 (c) the Utah Schools for the Deaf and the Blind;
- 9847 (d) the Utah Education and Telehealth Network;
- 9848 (e) an institution of higher education of the state described in Section 53B-1-102; or
- 9849 (f) the State Board of Education.
- 9850 (30) "Established catalogue price" means the price included in a catalogue, price list,  
9851 schedule, or other form that:
- 9852 (a) is regularly maintained by a manufacturer or contractor;
- 9853 (b) is published or otherwise available for inspection by customers; and
- 9854 (c) states prices at which sales are currently or were last made to a significant number  
9855 of any category of buyers or buyers constituting the general buying public for the supplies or  
9856 services involved.

9857 (31) (a) "Executive branch procurement unit" means a department, division, office,  
9858 bureau, agency, or other organization within the state executive branch.

9859 (b) "Executive branch procurement unit" does not include the Colorado River  
9860 Authority of Utah as provided in Section [63M-14-210](#).

9861 (32) "Facilities division" means the Division of Facilities Construction and  
9862 Management, created in Section [63A-5b-301](#).

9863 (33) "Fixed price contract" means a contract that provides a price, for each  
9864 procurement item obtained under the contract, that is not subject to adjustment except to the  
9865 extent that:

9866 (a) the contract provides, under circumstances specified in the contract, for an  
9867 adjustment in price that is not based on cost to the contractor; or

9868 (b) an adjustment is required by law.

9869 (34) "Fixed price contract with price adjustment" means a fixed price contract that  
9870 provides for an upward or downward revision of price, precisely described in the contract, that:

9871 (a) is based on the consumer price index or another commercially acceptable index,  
9872 source, or formula; and

9873 (b) is not based on a percentage of the cost to the contractor.

9874 (35) "Grant" means an expenditure of public funds or other assistance, or an agreement  
9875 to expend public funds or other assistance, for a public purpose authorized by law, without  
9876 acquiring a procurement item in exchange.

9877 (36) "Immaterial error":

9878 (a) means an irregularity or abnormality that is:

9879 (i) a matter of form that does not affect substance; or

9880 (ii) an inconsequential variation from a requirement of a solicitation that has no, little,  
9881 or a trivial effect on the procurement process and that is not prejudicial to other vendors; and

9882 (b) includes:

9883 (i) a missing signature, missing acknowledgment of an addendum, or missing copy of a

- 9884 professional license, bond, or insurance certificate;
- 9885 (ii) a typographical error;
- 9886 (iii) an error resulting from an inaccuracy or omission in the solicitation; and
- 9887 (iv) any other error that the procurement official reasonably considers to be immaterial.
- 9888 (37) "Indefinite quantity contract" means a fixed price contract that:
- 9889 (a) is for an indefinite amount of procurement items to be supplied as ordered by a
- 9890 procurement unit; and
- 9891 (b) (i) does not require a minimum purchase amount; or
- 9892 (ii) provides a maximum purchase limit.
- 9893 (38) "Independent procurement unit" means:
- 9894 (a) (i) a legislative procurement unit;
- 9895 (ii) a judicial branch procurement unit;
- 9896 (iii) an educational procurement unit;
- 9897 (iv) a local government procurement unit;
- 9898 (v) a conservation district;
- 9899 (vi) a local building authority;
- 9900 (vii) a ~~local~~ special district;
- 9901 (viii) a public corporation;
- 9902 (ix) a special service district; or
- 9903 (x) the Utah Communications Authority, established in Section [63H-7a-201](#);
- 9904 (b) the facilities division, but only to the extent of the procurement authority provided
- 9905 under Title 63A, Chapter 5b, Administration of State Facilities;
- 9906 (c) the attorney general, but only to the extent of the procurement authority provided
- 9907 under Title 67, Chapter 5, Attorney General;
- 9908 (d) the Department of Transportation, but only to the extent of the procurement
- 9909 authority provided under Title 72, Transportation Code; or
- 9910 (e) any other executive branch department, division, office, or entity that has statutory

9911 procurement authority outside this chapter, but only to the extent of that statutory procurement  
9912 authority.

9913 (39) "Invitation for bids":

9914 (a) means a document used to solicit:

9915 (i) bids to provide a procurement item to a procurement unit; or

9916 (ii) quotes for a price of a procurement item to be provided to a procurement unit; and

9917 (b) includes all documents attached to or incorporated by reference in a document

9918 described in Subsection (39)(a).

9919 (40) "Issuing procurement unit" means a procurement unit that:

9920 (a) reviews a solicitation to verify that it is in proper form;

9921 (b) causes the notice of a solicitation to be published; and

9922 (c) negotiates and approves the terms and conditions of a contract.

9923 (41) "Judicial procurement unit" means:

9924 (a) the Utah Supreme Court;

9925 (b) the Utah Court of Appeals;

9926 (c) the Judicial Council;

9927 (d) a state judicial district; or

9928 (e) an office, committee, subcommittee, or other organization within the state judicial

9929 branch.

9930 (42) "Labor hour contract" is a contract under which:

9931 (a) the supplies and materials are not provided by, or through, the contractor; and

9932 (b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and

9933 profit for a specified number of labor hours or days.

9934 (43) "Legislative procurement unit" means:

9935 (a) the Legislature;

9936 (b) the Senate;

9937 (c) the House of Representatives;



9938 (d) a staff office of the Legislature, the Senate, or the House of Representatives; or  
9939 (e) a committee, subcommittee, commission, or other organization:  
9940 (i) within the state legislative branch; or  
9941 (ii) (A) that is created by statute to advise or make recommendations to the Legislature;  
9942 (B) the membership of which includes legislators; and  
9943 (C) for which the Office of Legislative Research and General Counsel provides staff  
9944 support.

9945 (44) "Local building authority" means the same as that term is defined in Section  
9946 17D-2-102.

9947 [~~(45)~~] "Local district" means the same as that term is defined in Section 17B-1-102.]

9948 [~~(46)~~] (45) "Local government procurement unit" means:

9949 (a) a county, municipality, or project entity, and each office of the county, municipality,  
9950 or project entity, unless:

9951 (i) the county or municipality adopts a procurement code by ordinance; or  
9952 (ii) the project entity adopts a procurement code through the process described in  
9953 Section 11-13-316;

9954 (b) (i) a county or municipality that has adopted this entire chapter by ordinance, and  
9955 each office or agency of that county or municipality; and

9956 (ii) a project entity that has adopted this entire chapter through the process described in  
9957 Subsection 11-13-316; or

9958 (c) a county, municipality, or project entity, and each office of the county, municipality,  
9959 or project entity that has adopted a portion of this chapter to the extent that:

9960 (i) a term in the ordinance is used in the adopted chapter; or  
9961 (ii) a term in the ordinance is used in the language a project entity adopts in its  
9962 procurement code through the process described in Section 11-13-316.

9963 [~~(47)~~] (46) "Multiple award contracts" means the award of a contract for an indefinite  
9964 quantity of a procurement item to more than one person.

9965            [~~(48)~~] (47) "Multiyear contract" means a contract that extends beyond a one-year  
9966 period, including a contract that permits renewal of the contract, without competition, beyond  
9967 the first year of the contract.

9968            [~~(49)~~] (48) "Municipality" means a city, town, or metro township.

9969            [~~(50)~~] (49) "Nonadopting local government procurement unit" means:

9970            (a) a county or municipality that has not adopted Part 16, Protests, Part 17,  
9971 Procurement Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19,  
9972 General Provisions Related to Protest or Appeal; and

9973            (b) each office or agency of a county or municipality described in Subsection (50)(a).

9974            [~~(51)~~] (50) "Offeror" means a person who submits a proposal in response to a request  
9975 for proposals.

9976            [~~(52)~~] (51) "Preferred bidder" means a bidder that is entitled to receive a reciprocal  
9977 preference under the requirements of this chapter.

9978            [~~(53)~~] (52) "Procure" means to acquire a procurement item through a procurement.

9979            [~~(54)~~] (53) "Procurement" means the acquisition of a procurement item through an  
9980 expenditure of public funds, or an agreement to expend public funds, including an acquisition  
9981 through a public-private partnership.

9982            [~~(55)~~] (54) "Procurement item" means an item of personal property, a technology, a  
9983 service, or a construction project.

9984            [~~(56)~~] (55) "Procurement official" means:

9985            (a) for a procurement unit other than an independent procurement unit, the chief  
9986 procurement officer;

9987            (b) for a legislative procurement unit, the individual, individuals, or body designated in  
9988 a policy adopted by the Legislative Management Committee;

9989            (c) for a judicial procurement unit, the Judicial Council or an individual or body  
9990 designated by the Judicial Council by rule;

9991            (d) for a local government procurement unit:

- 9992 (i) the legislative body of the local government procurement unit; or
- 9993 (ii) an individual or body designated by the local government procurement unit;
- 9994 (e) for a ~~[local]~~ special district, the board of trustees of the ~~[local]~~ special district or the
- 9995 board of trustees' designee;
- 9996 (f) for a special service district, the governing body of the special service district or the
- 9997 governing body's designee;
- 9998 (g) for a local building authority, the board of directors of the local building authority
- 9999 or the board of directors' designee;
- 10000 (h) for a conservation district, the board of supervisors of the conservation district or
- 10001 the board of supervisors' designee;
- 10002 (i) for a public corporation, the board of directors of the public corporation or the board
- 10003 of directors' designee;
- 10004 (j) for a school district or any school or entity within a school district, the board of the
- 10005 school district or the board's designee;
- 10006 (k) for a charter school, the individual or body with executive authority over the charter
- 10007 school or the designee of the individual or body;
- 10008 (l) for an institution of higher education described in Section [53B-2-101](#), the president
- 10009 of the institution of higher education or the president's designee;
- 10010 (m) for the State Board of Education, the State Board of Education or the State Board
- 10011 of Education's designee;
- 10012 (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or
- 10013 the designee of the Commissioner of Higher Education;
- 10014 (o) for the Utah Communications Authority, established in Section [63H-7a-201](#), the
- 10015 executive director of the Utah Communications Authority or the executive director's designee;
- 10016 or
- 10017 (p) (i) for the facilities division, and only to the extent of procurement activities of the
- 10018 facilities division as an independent procurement unit under the procurement authority

10019 provided under Title 63A, Chapter 5b, Administration of State Facilities, the director of the  
10020 facilities division or the director's designee;

10021 (ii) for the attorney general, and only to the extent of procurement activities of the  
10022 attorney general as an independent procurement unit under the procurement authority provided  
10023 under Title 67, Chapter 5, Attorney General, the attorney general or the attorney general's  
10024 designee;

10025 (iii) for the Department of Transportation created in Section 72-1-201, and only to the  
10026 extent of procurement activities of the Department of Transportation as an independent  
10027 procurement unit under the procurement authority provided under Title 72, Transportation  
10028 Code, the executive director of the Department of Transportation or the executive director's  
10029 designee; or

10030 (iv) for any other executive branch department, division, office, or entity that has  
10031 statutory procurement authority outside this chapter, and only to the extent of the procurement  
10032 activities of the department, division, office, or entity as an independent procurement unit  
10033 under the procurement authority provided outside this chapter for the department, division,  
10034 office, or entity, the chief executive officer of the department, division, office, or entity or the  
10035 chief executive officer's designee.

10036 [~~57~~] (56) "Procurement unit":

10037 (a) means:

10038 (i) a legislative procurement unit;

10039 (ii) an executive branch procurement unit;

10040 (iii) a judicial procurement unit;

10041 (iv) an educational procurement unit;

10042 (v) the Utah Communications Authority, established in Section 63H-7a-201;

10043 (vi) a local government procurement unit;

10044 (vii) a [~~local~~] special district;

10045 (viii) a special service district;

10046 (ix) a local building authority;  
10047 (x) a conservation district; and  
10048 (xi) a public corporation; and  
10049 (b) except for a project entity, to the extent that a project entity is subject to this chapter  
10050 as described in Section 11-13-316, does not include a political subdivision created under Title  
10051 11, Chapter 13, Interlocal Cooperation Act.

10052 [~~58~~] (57) "Professional service" means labor, effort, or work that requires specialized  
10053 knowledge, expertise, and discretion, including labor, effort, or work in the field of:

- 10054 (a) accounting;
- 10055 (b) administrative law judge service;
- 10056 (c) architecture;
- 10057 (d) construction design and management;
- 10058 (e) engineering;
- 10059 (f) financial services;
- 10060 (g) information technology;
- 10061 (h) the law;
- 10062 (i) medicine;
- 10063 (j) psychiatry; or
- 10064 (k) underwriting.

10065 [~~59~~] (58) "Protest officer" means:

- 10066 (a) for the division or an independent procurement unit:
  - 10067 (i) the procurement official;
  - 10068 (ii) the procurement official's designee who is an employee of the procurement unit; or
  - 10069 (iii) a person designated by rule made by the rulemaking authority; or
- 10070 (b) for a procurement unit other than an independent procurement unit, the chief  
10071 procurement officer or the chief procurement officer's designee who is an employee of the  
10072 division .

10073            [~~(60)~~] (59) "Public corporation" means the same as that term is defined in Section  
10074 [63E-1-102](#).

10075            [~~(61)~~] (60) "Project entity" means the same as that term is defined in Section  
10076 [11-13-103](#).

10077            [~~(62)~~] (61) "Public entity" means the state or any other government entity within the  
10078 state that expends public funds.

10079            [~~(63)~~] (62) "Public facility" means a building, structure, infrastructure, improvement,  
10080 or other facility of a public entity.

10081            [~~(64)~~] (63) "Public funds" means money, regardless of its source, including from the  
10082 federal government, that is owned or held by a procurement unit.

10083            [~~(65)~~] (64) "Public transit district" means a public transit district organized under Title  
10084 17B, Chapter 2a, Part 8, Public Transit District Act.

10085            [~~(66)~~] (65) "Public-private partnership" means an arrangement or agreement, occurring  
10086 on or after January 1, 2017, between a procurement unit and one or more contractors to provide  
10087 for a public need through the development or operation of a project in which the contractor or  
10088 contractors share with the procurement unit the responsibility or risk of developing, owning,  
10089 maintaining, financing, or operating the project.

10090            [~~(67)~~] (66) "Qualified vendor" means a vendor who:

10091            (a) is responsible; and

10092            (b) submits a responsive statement of qualifications under Section [63G-6a-410](#) that  
10093 meets the minimum mandatory requirements, evaluation criteria, and any applicable score  
10094 thresholds set forth in the request for statement of qualifications.

10095            [~~(68)~~] (67) "Real property" means land and any building, fixture, improvement,  
10096 appurtenance, structure, or other development that is permanently affixed to land.

10097            [~~(69)~~] (68) "Request for information" means a nonbinding process through which a  
10098 procurement unit requests information relating to a procurement item.

10099            [~~(70)~~] (69) "Request for proposals" means a document used to solicit proposals to

10100 provide a procurement item to a procurement unit, including all other documents that are  
10101 attached to that document or incorporated in that document by reference.

10102 ~~[(71)]~~ (70) "Request for proposals process" means the procurement process described  
10103 in Part 7, Request for Proposals.

10104 ~~[(72)]~~ (71) "Request for statement of qualifications" means a document used to solicit  
10105 information about the qualifications of a person interested in responding to a potential  
10106 procurement, including all other documents attached to that document or incorporated in that  
10107 document by reference.

10108 ~~[(73)]~~ (72) "Requirements contract" means a contract:

10109 (a) under which a contractor agrees to provide a procurement unit's entire requirements  
10110 for certain procurement items at prices specified in the contract during the contract period; and

10111 (b) that:

10112 (i) does not require a minimum purchase amount; or

10113 (ii) provides a maximum purchase limit.

10114 ~~[(74)]~~ (73) "Responsible" means being capable, in all respects, of:

10115 (a) meeting all the requirements of a solicitation; and

10116 (b) fully performing all the requirements of the contract resulting from the solicitation,  
10117 including being financially solvent with sufficient financial resources to perform the contract.

10118 ~~[(75)]~~ (74) "Responsive" means conforming in all material respects to the requirements  
10119 of a solicitation.

10120 ~~[(76)]~~ (75) "Rule" includes a policy or regulation adopted by the rulemaking authority,  
10121 if adopting a policy or regulation is the method the rulemaking authority uses to adopt  
10122 provisions that govern the applicable procurement unit.

10123 ~~[(77)]~~ (76) "Rulemaking authority" means:

10124 (a) for a legislative procurement unit, the Legislative Management Committee;

10125 (b) for a judicial procurement unit, the Judicial Council;

10126 (c) (i) only to the extent of the procurement authority expressly granted to the

10127 procurement unit by statute:

10128           (A) for the facilities division, the facilities division;

10129           (B) for the Office of the Attorney General, the attorney general;

10130           (C) for the Department of Transportation created in Section [72-1-201](#), the executive

10131 director of the Department of Transportation; and

10132           (D) for any other executive branch department, division, office, or entity that has

10133 statutory procurement authority outside this chapter, the governing authority of the department,

10134 division, office, or entity; and

10135           (ii) for each other executive branch procurement unit, the board;

10136           (d) for a local government procurement unit:

10137           (i) the governing body of the local government unit; or

10138           (ii) an individual or body designated by the local government procurement unit;

10139           (e) for a school district or a public school, the board, except to the extent of a school

10140 district's own nonadministrative rules that do not conflict with the provisions of this chapter;

10141           (f) for a state institution of higher education, the Utah Board of Higher Education;

10142           (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the

10143 State Board of Education;

10144           (h) for a public transit district, the chief executive of the public transit district;

10145           (i) for a [~~local~~] special district other than a public transit district or for a special service

10146 district, the board, except to the extent that the board of trustees of the [~~local~~] special district or

10147 the governing body of the special service district makes its own rules:

10148           (i) with respect to a subject addressed by board rules; or

10149           (ii) that are in addition to board rules;

10150           (j) for the Utah Educational Savings Plan, created in Section [53B-8a-103](#), the Utah

10151 Board of Higher Education;

10152           (k) for the School and Institutional Trust Lands Administration, created in Section

10153 [53C-1-201](#), the School and Institutional Trust Lands Board of Trustees;



10154 (l) for the School and Institutional Trust Fund Office, created in Section [53D-1-201](#),  
10155 the School and Institutional Trust Fund Board of Trustees;

10156 (m) for the Utah Communications Authority, established in Section [63H-7a-201](#), the  
10157 Utah Communications Authority board, created in Section [63H-7a-203](#); or

10158 (n) for any other procurement unit, the board.

10159 ~~[(78)]~~ (77) "Service":

10160 (a) means labor, effort, or work to produce a result that is beneficial to a procurement  
10161 unit;

10162 (b) includes a professional service; and

10163 (c) does not include labor, effort, or work provided under an employment agreement or  
10164 a collective bargaining agreement.

10165 ~~[(79)]~~ (78) "Small purchase process" means the procurement process described in  
10166 Section [63G-6a-506](#).

10167 ~~[(80)]~~ (79) "Sole source contract" means a contract resulting from a sole source  
10168 procurement.

10169 ~~[(81)]~~ (80) "Sole source procurement" means a procurement without competition  
10170 pursuant to a determination under Subsection [63G-6a-802\(1\)\(a\)](#) that there is only one source  
10171 for the procurement item.

10172 ~~[(82)]~~ (81) "Solicitation" means an invitation for bids, request for proposals, or request  
10173 for statement of qualifications.

10174 ~~[(83)]~~ (82) "Solicitation response" means:

10175 (a) a bid submitted in response to an invitation for bids;

10176 (b) a proposal submitted in response to a request for proposals; or

10177 (c) a statement of qualifications submitted in response to a request for statement of  
10178 qualifications.

10179 (83) "Special district" means the same as that term is defined in Section [17B-1-102](#).

10180 (84) "Special service district" means the same as that term is defined in Section

10181 [17D-1-102.](#)

10182 (85) "Specification" means any description of the physical or functional characteristics  
10183 or of the nature of a procurement item included in an invitation for bids or a request for  
10184 proposals, or otherwise specified or agreed to by a procurement unit, including a description of:

10185 (a) a requirement for inspecting or testing a procurement item; or

10186 (b) preparing a procurement item for delivery.

10187 (86) "Standard procurement process" means:

10188 (a) the bidding process;

10189 (b) the request for proposals process;

10190 (c) the approved vendor list process;

10191 (d) the small purchase process; or

10192 (e) the design professional procurement process.

10193 (87) "State cooperative contract" means a contract awarded by the division for and in  
10194 behalf of all public entities.

10195 (88) "Statement of qualifications" means a written statement submitted to a  
10196 procurement unit in response to a request for statement of qualifications.

10197 (89) "Subcontractor":

10198 (a) means a person under contract to perform part of a contractual obligation under the  
10199 control of the contractor, whether the person's contract is with the contractor directly or with  
10200 another person who is under contract to perform part of a contractual obligation under the  
10201 control of the contractor; and

10202 (b) includes a supplier, distributor, or other vendor that furnishes supplies or services  
10203 to a contractor.

10204 (90) "Technology" means the same as "information technology," as defined in Section  
10205 [63A-16-102.](#)

10206 (91) "Tie bid" means that the lowest responsive bids of responsible bidders are  
10207 identical in price.

- 10208 (92) "Time and materials contract" means a contract under which the contractor is paid:
- 10209 (a) the actual cost of direct labor at specified hourly rates;
- 10210 (b) the actual cost of materials and equipment usage; and
- 10211 (c) an additional amount, expressly described in the contract, to cover overhead and
- 10212 profit, that is not based on a percentage of the cost to the contractor.
- 10213 (93) "Transitional costs":
- 10214 (a) means the costs of changing:
- 10215 (i) from an existing provider of a procurement item to another provider of that
- 10216 procurement item; or
- 10217 (ii) from an existing type of procurement item to another type;
- 10218 (b) includes:
- 10219 (i) training costs;
- 10220 (ii) conversion costs;
- 10221 (iii) compatibility costs;
- 10222 (iv) costs associated with system downtime;
- 10223 (v) disruption of service costs;
- 10224 (vi) staff time necessary to implement the change;
- 10225 (vii) installation costs; and
- 10226 (viii) ancillary software, hardware, equipment, or construction costs; and
- 10227 (c) does not include:
- 10228 (i) the costs of preparing for or engaging in a procurement process; or
- 10229 (ii) contract negotiation or drafting costs.
- 10230 (94) "Vendor":
- 10231 (a) means a person who is seeking to enter into a contract with a procurement unit to
- 10232 provide a procurement item; and
- 10233 (b) includes:
- 10234 (i) a bidder;

- 10235 (ii) an offeror;
- 10236 (iii) an approved vendor;
- 10237 (iv) a design professional; and
- 10238 (v) a person who submits an unsolicited proposal under Section [63G-6a-712](#).

10239 Section 119. Section **63G-6a-118** is amended to read:

10240 **63G-6a-118. Adoption of rule relating to the procurement of design professional**  
10241 **services.**

10242 Each of the following shall adopt a rule relating to the procurement of design  
10243 professional services, not inconsistent with the provisions of Part 15, Design Professional  
10244 Services:

- 10245 (1) an educational procurement unit;
- 10246 (2) a conservation district;
- 10247 (3) a local building authority;
- 10248 (4) a ~~local~~ special district;
- 10249 (5) a special service district; and
- 10250 (6) a public corporation.

10251 Section 120. Section **63G-6a-202** is amended to read:

10252 **63G-6a-202. Creation of Utah State Procurement Policy Board.**

- 10253 (1) There is created the Utah State Procurement Policy Board.
- 10254 (2) The board consists of up to 15 members as follows:
  - 10255 (a) two representatives of state institutions of higher education, appointed by the Utah  
10256 Board of Higher Education;
  - 10257 (b) a representative of the Department of Human Services, appointed by the executive  
10258 director of that department;
  - 10259 (c) a representative of the Department of Transportation, appointed by the executive  
10260 director of that department;
  - 10261 (d) two representatives of school districts, appointed by the State Board of Education;

- 10262 (e) a representative of the Division of Facilities Construction and Management,  
10263 appointed by the director of that division;
- 10264 (f) one representative of a county, appointed by the Utah Association of Counties;
- 10265 (g) one representative of a city or town, appointed by the Utah League of Cities and  
10266 Towns;
- 10267 (h) two representatives of [~~local~~] special districts or special service districts, appointed  
10268 by the Utah Association of Special Districts;
- 10269 (i) the director of the Division of Technology Services or the executive director's  
10270 designee;
- 10271 (j) the chief procurement officer or the chief procurement officer's designee; and
- 10272 (k) two representatives of state agencies, other than a state agency already represented  
10273 on the board, appointed by the executive director of the Department of Government  
10274 Operations, with the approval of the executive director of the state agency that employs the  
10275 employee.
- 10276 (3) Members of the board shall be knowledgeable and experienced in, and have  
10277 supervisory responsibility for, procurement in their official positions.
- 10278 (4) A board member may serve as long as the member meets the description in  
10279 Subsection (2) unless removed by the person or entity with the authority to appoint the board  
10280 member.
- 10281 (5) (a) The board shall:
- 10282 (i) adopt rules of procedure for conducting its business; and
- 10283 (ii) elect a chair to serve for one year.
- 10284 (b) The chair of the board shall be selected by a majority of the members of the board  
10285 and may be elected to succeeding terms.
- 10286 (c) The chief procurement officer shall designate an employee of the division to serve  
10287 as the nonvoting secretary to the policy board.
- 10288 (6) A member of the board may not receive compensation or benefits for the member's

10289 service, but may receive per diem and travel expenses in accordance with:

10290 (a) Section 63A-3-106;

10291 (b) Section 63A-3-107; and

10292 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

10293 63A-3-107.

10294 Section 121. Section 63G-6a-2402 is amended to read:

10295 **63G-6a-2402. Definitions.**

10296 As used in this part:

10297 (1) "Contract administration professional":

10298 (a) means an individual who:

10299 (i) is:

10300 (A) directly under contract with a procurement unit; or

10301 (B) employed by a person under contract with a procurement unit; and

10302 (ii) has responsibility in:

10303 (A) developing a solicitation or grant, or conducting the procurement process; or

10304 (B) supervising or overseeing the administration or management of a contract or grant;

10305 and

10306 (b) does not include an employee of the procurement unit.

10307 (2) "Contribution":

10308 (a) means a voluntary gift or donation of money, service, or anything else of value, to a

10309 public entity for the public entity's use and not for the primary use of an individual employed

10310 by the public entity; and

10311 (b) includes:

10312 (i) a philanthropic donation;

10313 (ii) admission to a seminar, vendor fair, charitable event, fundraising event, or similar

10314 event that relates to the function of the public entity;

10315 (iii) the purchase of a booth or other display space at an event sponsored by the public

- 10316 entity or a group of which the public entity is a member; and
- 10317 (iv) the sponsorship of an event that is organized by the public entity.
- 10318 (3) "Family member" means a father, mother, husband, wife, son, daughter, sister,
- 10319 brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
- 10320 sister-in-law, son-in-law, or daughter-in-law.
- 10321 (4) "Governing body" means an administrative, advisory, executive, or legislative body
- 10322 of a public entity.
- 10323 (5) "Gratuity":
- 10324 (a) means anything of value given:
- 10325 (i) without anything provided in exchange; or
- 10326 (ii) in excess of the market value of that which is provided in exchange;
- 10327 (b) includes:
- 10328 (i) a gift or favor;
- 10329 (ii) money;
- 10330 (iii) a loan at an interest rate below the market rate or with terms that are more
- 10331 advantageous to the borrower than terms offered generally on the market;
- 10332 (iv) anything of value provided with an award, other than a certificate, plaque, or
- 10333 trophy;
- 10334 (v) employment;
- 10335 (vi) admission to an event;
- 10336 (vii) a meal, lodging, or travel;
- 10337 (viii) entertainment for which a charge is normally made; and
- 10338 (ix) a raffle, drawing for a prize, or lottery; and
- 10339 (c) does not include:
- 10340 (i) an item, including a meal in association with a training seminar, that is:
- 10341 (A) included in a contract or grant; or
- 10342 (B) provided in the proper performance of a requirement of a contract or grant;

- 10343 (ii) an item requested to evaluate properly the award of a contract or grant;
- 10344 (iii) a rebate, coupon, discount, airline travel award, dividend, or other offering
- 10345 included in the price of a procurement item;
- 10346 (iv) a meal provided by an organization or association, including a professional or
- 10347 educational association, an association of vendors, or an association composed of public
- 10348 agencies or public entities, that does not, as an organization or association, respond to
- 10349 solicitations;
- 10350 (v) a product sample submitted to a public entity to assist the public entity to evaluate a
- 10351 solicitation;
- 10352 (vi) a political campaign contribution;
- 10353 (vii) an item generally available to the public; or
- 10354 (viii) anything of value that one public agency provides to another public agency.
- 10355 (6) "Hospitality gift":
- 10356 (a) means a token gift of minimal value, including a pen, pencil, stationery, toy, pin,
- 10357 trinket, snack, beverage, or appetizer, given for promotional or hospitality purposes; and
- 10358 (b) does not include money, a meal, admission to an event for which a charge is
- 10359 normally made, entertainment for which a charge is normally made, travel, or lodging.
- 10360 (7) "Kickback":
- 10361 (a) means a negotiated bribe provided in connection with a procurement or the
- 10362 administration of a contract or grant; and
- 10363 (b) does not include anything listed in Subsection (5)(c).
- 10364 (8) "Procurement" has the same meaning as defined in Section [63G-6a-103](#), but also
- 10365 includes the awarding of a grant.
- 10366 (9) "Procurement professional":
- 10367 (a) means an individual who is an employee, and not an independent contractor, of a
- 10368 procurement unit, and who, by title or primary responsibility:
- 10369 (i) has procurement decision making authority; and



- 10370 (ii) is assigned to be engaged in, or is engaged in:
- 10371 (A) the procurement process; or
- 10372 (B) the process of administering a contract or grant, including enforcing contract or
- 10373 grant compliance, approving contract or grant payments, or approving contract or grant change
- 10374 orders or amendments; and
- 10375 (b) excludes:
- 10376 (i) any individual who, by title or primary responsibility, does not have procurement
- 10377 decision making authority;
- 10378 (ii) an individual holding an elective office;
- 10379 (iii) a member of a governing body;
- 10380 (iv) a chief executive of a public entity or a chief assistant or deputy of the chief
- 10381 executive, if the chief executive, chief assistant, or deputy, respectively, has a variety of duties
- 10382 and responsibilities beyond the management of the procurement process or the contract or grant
- 10383 administration process;
- 10384 (v) the superintendent, business administrator, principal, or vice principal of a school
- 10385 district or charter school, or the chief assistant or deputy of the superintendent, business
- 10386 administrator, principal, or vice principal;
- 10387 (vi) a university or college president, vice president, business administrator, or dean;
- 10388 (vii) a chief executive of a ~~local~~ special district, as defined in Section [17B-1-102](#), a
- 10389 special service district, as defined in Section [17D-1-102](#), or a political subdivision created
- 10390 under Title 11, Chapter 13, Interlocal Cooperation Act;
- 10391 (viii) an employee of a public entity with:
- 10392 (A) an annual budget of \$1,000,000 or less; or
- 10393 (B) no more than four full-time employees; and
- 10394 (ix) an executive director or director of an executive branch procurement unit who:
- 10395 (A) by title or primary responsibility, does not have procurement decision making
- 10396 authority; and

10397 (B) is not assigned to engage in, and is not engaged in, the procurement process.

10398 (10) "Public agency" has the same meaning as defined in Section 11-13-103, but also  
10399 includes all officials, employees, and official representatives of a public agency, as defined in  
10400 Section 11-13-103.

10401 Section 122. Section 63G-7-102 is amended to read:

10402 **63G-7-102. Definitions.**

10403 As used in this chapter:

10404 (1) "Arises out of or in connection with, or results from," when used to describe the  
10405 relationship between conduct or a condition and an injury, means that:

10406 (a) there is some causal relationship between the conduct or condition and the injury;

10407 (b) the causal relationship is more than any causal connection but less than proximate  
10408 cause; and

10409 (c) the causal relationship is sufficient to conclude that the injury originates with, flows  
10410 from, or is incident to the conduct or condition.

10411 (2) "Claim" means any asserted demand for or cause of action for money or damages,  
10412 whether arising under the common law, under state constitutional provisions, or under state  
10413 statutes, against a governmental entity or against an employee in the employee's personal  
10414 capacity.

10415 (3) (a) "Employee" includes:

10416 (i) a governmental entity's officers, employees, servants, trustees, or commissioners;

10417 (ii) a member of a governing body;

10418 (iii) a member of a government entity board;

10419 (iv) a member of a government entity commission;

10420 (v) members of an advisory body, officers, and employees of a Children's Justice  
10421 Center created in accordance with Section 67-5b-102;

10422 (vi) a student holding a license issued by the State Board of Education;

10423 (vii) an educational aide;

- 10424 (viii) a student engaged in an internship under Section 53B-16-402 or 53G-7-902;
- 10425 (ix) a volunteer, as defined in Section 67-20-2; and
- 10426 (x) a tutor.
- 10427 (b) "Employee" includes all of the positions identified in Subsection (3)(a), whether or
- 10428 not the individual holding that position receives compensation.
- 10429 (c) "Employee" does not include an independent contractor.
- 10430 (4) "Governmental entity" means:
- 10431 (a) the state and its political subdivisions; and
- 10432 (b) a law enforcement agency, as defined in Section 53-1-102, that employs one or
- 10433 more law enforcement officers, as defined in Section 53-13-103.
- 10434 (5) (a) "Governmental function" means each activity, undertaking, or operation of a
- 10435 governmental entity.
- 10436 (b) "Governmental function" includes each activity, undertaking, or operation
- 10437 performed by a department, agency, employee, agent, or officer of a governmental entity.
- 10438 (c) "Governmental function" includes a governmental entity's failure to act.
- 10439 (6) "Injury" means death, injury to a person, damage to or loss of property, or any other
- 10440 injury that a person may suffer to the person or estate, that would be actionable if inflicted by a
- 10441 private person or the private person's agent.
- 10442 (7) "Personal injury" means an injury of any kind other than property damage.
- 10443 (8) "Political subdivision" means any county, city, town, school district, community
- 10444 reinvestment agency, special improvement or taxing district, ~~[local]~~ special district, special
- 10445 service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13,
- 10446 Interlocal Cooperation Act, or other governmental subdivision or public corporation.
- 10447 (9) "Property damage" means injury to, or loss of, any right, title, estate, or interest in
- 10448 real or personal property.
- 10449 (10) "State" means the state of Utah, and includes each office, department, division,
- 10450 agency, authority, commission, board, institution, hospital, college, university, Children's

10451 Justice Center, or other instrumentality of the state.

10452 (11) "Willful misconduct" means the intentional doing of a wrongful act, or the  
10453 wrongful failure to act, without just cause or excuse, where the actor is aware that the actor's  
10454 conduct will probably result in injury.

10455 Section 123. Section **63G-7-401** is amended to read:

10456 **63G-7-401. When a claim arises -- Notice of claim requirements -- Governmental**  
10457 **entity statement -- Limits on challenging validity or timeliness of notice of claim.**

10458 (1) (a) Except as provided in Subsection (1)(b), a claim arises when the statute of  
10459 limitations that would apply if the claim were against a private person begins to run.

10460 (b) The statute of limitations does not begin to run until a claimant knew, or with the  
10461 exercise of reasonable diligence should have known:

10462 (i) that the claimant had a claim against the governmental entity or the governmental  
10463 entity's employee; and

10464 (ii) the identity of the governmental entity or the name of the employee.

10465 (c) The burden to prove the exercise of reasonable diligence is upon the claimant.

10466 (2) Any person having a claim against a governmental entity, or against the  
10467 governmental entity's employee for an act or omission occurring during the performance of the  
10468 employee's duties, within the scope of employment, or under color of authority shall file a  
10469 written notice of claim with the entity before maintaining an action, regardless of whether or  
10470 not the function giving rise to the claim is characterized as governmental.

10471 (3) (a) The notice of claim shall set forth:

10472 (i) a brief statement of the facts;

10473 (ii) the nature of the claim asserted;

10474 (iii) the damages incurred by the claimant so far as the damages are known; and

10475 (iv) if the claim is being pursued against a governmental employee individually as  
10476 provided in Subsection **63G-7-202(3)(c)**, the name of the employee.

10477 (b) The notice of claim shall be:

10478 (i) signed by the person making the claim or that person's agent, attorney, parent, or  
10479 legal guardian, using any form of signature recognized by law as binding; and  
10480 (ii) delivered, transmitted, or sent, as provided in Subsection (3)(c), to the office of:  
10481 (A) the city or town clerk, when the claim is against an incorporated city or town;  
10482 (B) the county clerk, when the claim is against a county;  
10483 (C) the superintendent or business administrator of the board, when the claim is against  
10484 a school district or board of education;  
10485 (D) the presiding officer or secretary or clerk of the board, when the claim is against a  
10486 ~~local~~ special district or special service district;  
10487 (E) the attorney general, when the claim is against the state;  
10488 (F) a member of the governing board, the executive director, or executive secretary,  
10489 when the claim is against any other public board, commission, or body; or  
10490 (G) the agent authorized by a governmental entity to receive the notice of claim by the  
10491 governmental entity under Subsection (5)(e).  
10492 (c) A notice of claim shall be:  
10493 (i) delivered by hand to the physical address provided under Subsection (5)(a)(iii)(A);  
10494 (ii) transmitted by mail to the physical address provided under Subsection  
10495 (5)(a)(iii)(A), according to the requirements of Section 68-3-8.5; or  
10496 (iii) sent by electronic mail to the email address provided under Subsection  
10497 (5)(a)(iii)(B).  
10498 (d) A claimant who submits a notice of claim by electronic mail under Subsection  
10499 (3)(c)(iii) shall contemporaneously send a copy of the notice of claim by electronic mail to the  
10500 city attorney, district attorney, county attorney, attorney general, or other attorney, as the case  
10501 may be, who represents the governmental entity.  
10502 (4) (a) If an injury that may reasonably be expected to result in a claim against a  
10503 governmental entity is sustained by a claimant who is under the age of majority or mentally  
10504 incompetent, that governmental entity may file a request with the court for the appointment of a

10505 guardian ad litem for the potential claimant.

10506 (b) If a guardian ad litem is appointed, the time for filing a claim under Section  
10507 63G-7-402 begins when the order appointing the guardian ad litem is issued.

10508 (5) (a) A governmental entity subject to suit under this chapter shall file a statement  
10509 with the Division of Corporations and Commercial Code within the Department of Commerce  
10510 containing:

10511 (i) the name and address of the governmental entity;

10512 (ii) the office or agent designated to receive a notice of claim; and

10513 (iii) (A) the physical address to which a notice of claim is to be delivered by hand or  
10514 transmitted by mail, for a notice of claim that a claimant chooses to hand deliver or transmit by  
10515 mail; and

10516 (B) the email address to which a notice of claim is to be sent, for a notice of claim that  
10517 a claimant chooses to send by email, and the email address of the city attorney, district  
10518 attorney, county attorney, attorney general, or other attorney, as the case may be, who  
10519 represents the governmental entity.

10520 (b) A governmental entity shall update the governmental entity's statement as necessary  
10521 to ensure that the information is accurate.

10522 (c) The Division of Corporations and Commercial Code shall develop a form for  
10523 governmental entities to complete that provides the information required by Subsection (5)(a).

10524 (d) (i) A newly incorporated municipality shall file the statement required by  
10525 Subsection (5)(a) promptly after the lieutenant governor issues a certificate of incorporation  
10526 under Section 67-1a-6.5.

10527 (ii) A newly incorporated [~~local~~] special district shall file the statement required by  
10528 Subsection (5)(a) at the time that the written notice is filed with the lieutenant governor under  
10529 Section 17B-1-215.

10530 (e) A governmental entity may, in the governmental entity's statement, identify an  
10531 agent authorized to accept notices of claim on behalf of the governmental entity.

- 10532 (6) The Division of Corporations and Commercial Code shall:
- 10533 (a) maintain an index of the statements required by this section arranged both
- 10534 alphabetically by entity and by county of operation; and
- 10535 (b) make the indices available to the public both electronically and via hard copy.
- 10536 (7) A governmental entity may not challenge the validity of a notice of claim on the
- 10537 grounds that it was not directed and delivered to the proper office or agent if the error is caused
- 10538 by the governmental entity's failure to file or update the statement required by Subsection (5).
- 10539 (8) A governmental entity may not challenge the timeliness, under Section 63G-7-402,
- 10540 of a notice of claim if:
- 10541 (a) (i) the claimant files a notice of claim with the governmental entity:
- 10542 (A) in accordance with the requirements of this section; and
- 10543 (B) within 30 days after the expiration of the time for filing a notice of claim under
- 10544 Section 63G-7-402;
- 10545 (ii) the claimant demonstrates that the claimant previously filed a notice of claim:
- 10546 (A) in accordance with the requirements of this section;
- 10547 (B) with an incorrect governmental entity;
- 10548 (C) in the good faith belief that the claimant was filing the notice of claim with the
- 10549 correct governmental entity;
- 10550 (D) within the time for filing a notice of claim under Section 63G-7-402; and
- 10551 (E) no earlier than 30 days before the expiration of the time for filing a notice of claim
- 10552 under Section 63G-7-402; and
- 10553 (iii) the claimant submits with the notice of claim:
- 10554 (A) a copy of the previous notice of claim that was filed with a governmental entity
- 10555 other than the correct governmental entity; and
- 10556 (B) proof of the date the previous notice of claim was filed; or
- 10557 (b) (i) the claimant delivers by hand, transmits by mail, or sends by email a notice of
- 10558 claim:

10559 (A) to an elected official or executive officer of the correct governmental entity but not  
10560 to the correct office under Subsection (3)(b)(ii); and

10561 (B) that otherwise meets the requirements of Subsection (3); and

10562 (ii) (A) the claimant contemporaneously sends a hard copy or electronic copy of the  
10563 notice of claim to the office of the city attorney, district attorney, county attorney, attorney  
10564 general, or other attorney, as the case may be, representing the correct governmental entity; or

10565 (B) the governmental entity does not, within 60 days after the claimant delivers the  
10566 notice of claim under Subsection (8)(b)(i), provide written notification to the claimant of the  
10567 delivery defect and of the identity of the correct office to which the claimant is required to  
10568 deliver the notice of claim.

10569 Section 124. Section **63G-9-201** is amended to read:

10570 **63G-9-201. Members -- Functions.**

10571 (1) As used in this chapter:

10572 (a) "Political subdivision" means any county, city, town, school district, community  
10573 reinvestment agency, special improvement or taxing district, ~~[local]~~ special district, special  
10574 service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13,  
10575 Interlocal Cooperation Act, or other governmental subdivision or public corporation.

10576 (b) "State" means the state of Utah, and includes each office, department, division,  
10577 agency, authority, commission, board, institution, college, university, Children's Justice Center,  
10578 or other instrumentality of the state.

10579 (2) The governor, the state auditor, and the attorney general shall constitute a Board of  
10580 Examiners, with power to examine all claims against the state or a political subdivision, for the  
10581 payment of which funds appropriated by the Legislature or derived from any other source are  
10582 not available.

10583 (3) No claim against the state or a political subdivision, for the payment of which  
10584 specifically designated funds are required to be appropriated by the Legislature shall be passed  
10585 upon by the Legislature without having been considered and acted upon by the Board of



10586 Examiners.

10587 (4) The governor shall be the president, and the state auditor shall be the secretary of  
10588 the board, and in the absence of either an officer pro tempore may be elected from among the  
10589 members of the board.

10590 Section 125. Section **63G-12-102** is amended to read:

10591 **63G-12-102. Definitions.**

10592 As used in this chapter:

10593 (1) "Basic health insurance plan" means a health plan that is actuarially equivalent to a  
10594 federally qualified high deductible health plan.

10595 (2) "Department" means the Department of Public Safety created in Section [53-1-103](#).

10596 (3) "Employee" means an individual employed by an employer under a contract for  
10597 hire.

10598 (4) "Employer" means a person who has one or more employees employed in the same  
10599 business, or in or about the same establishment, under any contract of hire, express or implied,  
10600 oral or written.

10601 (5) "E-verify program" means the electronic verification of the work authorization  
10602 program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, 8  
10603 U.S.C. Sec. 1324a, known as the e-verify program.

10604 (6) "Family member" means for an undocumented individual:

10605 (a) a member of the undocumented individual's immediate family;

10606 (b) the undocumented individual's grandparent;

10607 (c) the undocumented individual's sibling;

10608 (d) the undocumented individual's grandchild;

10609 (e) the undocumented individual's nephew;

10610 (f) the undocumented individual's niece;

10611 (g) a spouse of an individual described in this Subsection (6); or

10612 (h) an individual who is similar to one listed in this Subsection (6).

10613 (7) "Federal SAVE program" means the Systematic Alien Verification for Entitlements  
10614 Program operated by the United States Department of Homeland Security or an equivalent  
10615 program designated by the Department of Homeland Security.

10616 (8) "Guest worker" means an undocumented individual who holds a guest worker  
10617 permit.

10618 (9) "Guest worker permit" means a permit issued in accordance with Section  
10619 [63G-12-207](#) to an undocumented individual who meets the eligibility criteria of Section  
10620 [63G-12-205](#).

10621 (10) "Immediate family" means for an undocumented individual:

10622 (a) the undocumented individual's spouse; or

10623 (b) a child of the undocumented individual if the child is:

10624 (i) under 21 years old; and

10625 (ii) unmarried.

10626 (11) "Immediate family permit" means a permit issued in accordance with Section  
10627 [63G-12-207](#) to an undocumented individual who meets the eligibility criteria of Section  
10628 [63G-12-206](#).

10629 (12) "Permit" means a permit issued under Part 2, Guest Worker Program, and  
10630 includes:

10631 (a) a guest worker permit; and

10632 (b) an immediate family permit.

10633 (13) "Permit holder" means an undocumented individual who holds a permit.

10634 (14) "Private employer" means an employer who is not the federal government or a  
10635 public employer.

10636 (15) "Program" means the Guest Worker Program described in Section [63G-12-201](#).

10637 (16) "Program start date" means the day on which the department is required to  
10638 implement the program under Subsection [63G-12-202](#)(3).

10639 (17) "Public employer" means an employer that is:

- 10640 (a) the state of Utah or any administrative subunit of the state;
  - 10641 (b) a state institution of higher education, as defined in Section [53B-3-102](#);
  - 10642 (c) a political subdivision of the state including a county, city, town, school district,
  - 10643 ~~[local]~~ special district, or special service district; or
  - 10644 (d) an administrative subunit of a political subdivision.
- 10645 (18) "Relevant contact information" means the following for an undocumented
- 10646 individual:
- 10647 (a) the undocumented individual's name;
  - 10648 (b) the undocumented individual's residential address;
  - 10649 (c) the undocumented individual's residential telephone number;
  - 10650 (d) the undocumented individual's personal email address;
  - 10651 (e) the name of the person with whom the undocumented individual has a contract for
  - 10652 hire;
  - 10653 (f) the name of the contact person for the person listed in Subsection (18)(e);
  - 10654 (g) the address of the person listed in Subsection (18)(e);
  - 10655 (h) the telephone number for the person listed in Subsection (18)(e);
  - 10656 (i) the names of the undocumented individual's immediate family members;
  - 10657 (j) the names of the family members who reside with the undocumented individual;
  - 10658 and
  - 10659 (k) any other information required by the department by rule made in accordance with
  - 10660 Chapter 3, Utah Administrative Rulemaking Act.
- 10661 (19) "Restricted account" means the Immigration Act Restricted Account created in
- 10662 Section [63G-12-103](#).
- 10663 (20) "Serious felony" means a felony under:
- 10664 (a) Title 76, Chapter 5, Offenses Against the Individual;
  - 10665 (b) Title 76, Chapter 5b, Sexual Exploitation Act;
  - 10666 (c) Title 76, Chapter 6, Offenses Against Property;

- 10667 (d) Title 76, Chapter 7, Offenses Against the Family;
- 10668 (e) Title 76, Chapter 8, Offenses Against the Administration of Government;
- 10669 (f) Title 76, Chapter 9, Offenses Against Public Order and Decency; and
- 10670 (g) Title 76, Chapter 10, Offenses Against Public Health, Safety, Welfare, and Morals.

10671 (21) (a) "Status verification system" means an electronic system operated by the federal  
10672 government, through which an authorized official of a state agency or a political subdivision of  
10673 the state may inquire by exercise of authority delegated pursuant to 8 U.S.C. Sec. 1373, to  
10674 verify the citizenship or immigration status of an individual within the jurisdiction of the  
10675 agency or political subdivision for a purpose authorized under this section.

10676 (b) "Status verification system" includes:

10677 (i) the e-verify program;

10678 (ii) an equivalent federal program designated by the United States Department of  
10679 Homeland Security or other federal agency authorized to verify the work eligibility status of a  
10680 newly hired employee pursuant to the Immigration Reform and Control Act of 1986;

10681 (iii) the Social Security Number Verification Service or similar online verification  
10682 process implemented by the United States Social Security Administration; or

10683 (iv) an independent third-party system with an equal or higher degree of reliability as  
10684 the programs, systems, or processes described in Subsection (21)(b)(i), (ii), or (iii).

10685 (22) "Unauthorized alien" is as defined in 8 U.S.C. Sec. 1324a(h)(3).

10686 (23) "Undocumented individual" means an individual who:

10687 (a) lives or works in the state; and

10688 (b) is not in compliance with the Immigration and Nationality Act, 8 U.S.C. Sec. 1101  
10689 et seq. with regard to presence in the United States.

10690 (24) "U-verify program" means the verification procedure developed by the department  
10691 in accordance with Section [63G-12-210](#).

10692 Section 126. Section **63G-22-102** is amended to read:

10693 **63G-22-102. Definitions.**

10694 As used in this chapter:

10695 (1) "Political subdivision" means:

10696 (a) a county;

10697 (b) a municipality, as defined in Section 10-1-104;

10698 (c) a [~~local~~] special district;

10699 (d) a special service district;

10700 (e) an interlocal entity, as defined in Section 11-13-103;

10701 (f) a community reinvestment agency;

10702 (g) a local building authority; or

10703 (h) a conservation district.

10704 (2) (a) "Public employee" means any individual employed by or volunteering for a state

10705 agency or a political subdivision who is not a public official.

10706 (b) "Public employee" does not include an individual employed by or volunteering for

10707 a taxed interlocal entity.

10708 (3) (a) "Public official" means:

10709 (i) an appointed official or an elected official as those terms are defined in Section

10710 63A-17-502; or

10711 (ii) an individual elected or appointed to a county office, municipal office, school

10712 board or school district office, [~~local~~] special district office, or special service district office.

10713 (b) "Public official" does not include an appointed or elected official of a taxed

10714 interlocal entity.

10715 (4) "State agency" means a department, division, board, council, committee, institution,

10716 office, bureau, or other similar administrative unit of the executive branch of state government.

10717 (5) "Taxed interlocal entity" means the same as that term is defined in Section

10718 11-13-602.

10719 Section 127. Section 63G-26-102 is amended to read:

10720 **63G-26-102. Definitions.**

10721 As used in this chapter:

10722 (1) "Personal information" means a record or other compilation of data that identifies a  
10723 person as a donor to an entity exempt from federal income tax under Section 501(c) of the  
10724 Internal Revenue Code.

10725 (2) "Public agency" means a state or local government entity, including:

10726 (a) a department, division, agency, office, commission, board, or other government  
10727 organization;

10728 (b) a political subdivision, including a county, city, town, metro township, [~~local~~]  
10729 special district, or special service district;

10730 (c) a public school, school district, charter school, or public higher education  
10731 institution; or

10732 (d) a judicial or quasi-judicial body.

10733 Section 128. Section **63H-1-102** is amended to read:

10734 **63H-1-102. Definitions.**

10735 As used in this chapter:

10736 (1) "Authority" means the Military Installation Development Authority, created under  
10737 Section [63H-1-201](#).

10738 (2) "Base taxable value" means:

10739 (a) for military land or other land that was exempt from a property tax at the time that a  
10740 project area was created that included the military land or other land, a taxable value of zero; or

10741 (b) for private property that is included in a project area, the taxable value of the  
10742 property within any portion of the project area, as designated by board resolution, from which  
10743 the property tax allocation will be collected, as shown upon the assessment roll last equalized:

10744 (i) before the year in which the authority creates the project area; or

10745 (ii) before the year in which the project area plan is amended, for property added to a  
10746 project area by an amendment to a project area plan.

10747 (3) "Board" means the governing body of the authority created under Section

10748 63H-1-301.

10749 (4) (a) "Dedicated tax collections" means the property tax that remains after the  
10750 authority is paid the property tax allocation the authority is entitled to receive under Subsection  
10751 63H-1-501(1), for a property tax levied by:

10752 (i) a county, including a district the county has established under Subsection 17-34-3(2)  
10753 to levy a property tax under Title 17, Chapter 34, Municipal-Type Services to Unincorporated  
10754 Areas; or

10755 (ii) an included municipality.

10756 (b) "Dedicated tax collections" does not include a county additional property tax or  
10757 multicounty assessing and collecting levy imposed in accordance with Section 59-2-1602.

10758 (5) "Develop" means to engage in development.

10759 (6) (a) "Development" means an activity occurring:

10760 (i) on land within a project area that is owned or operated by the military, the authority,  
10761 another public entity, or a private entity; or

10762 (ii) on military land associated with a project area.

10763 (b) "Development" includes the demolition, construction, reconstruction, modification,  
10764 expansion, maintenance, operation, or improvement of a building, facility, utility, landscape,  
10765 parking lot, park, trail, or recreational amenity.

10766 (7) "Development project" means a project to develop land within a project area.

10767 (8) "Elected member" means a member of the authority board who:

10768 (a) is a mayor or member of a legislative body appointed under Subsection

10769 63H-1-302(2)(b); or

10770 (b) (i) is appointed to the authority board under Subsection 63H-1-302(2)(a) or (3); and

10771 (ii) concurrently serves in an elected state, county, or municipal office.

10772 (9) "Included municipality" means a municipality, some or all of which is included  
10773 within a project area.

10774 (10) (a) "Military" means a branch of the armed forces of the United States, including

10775 the Utah National Guard.

10776 (b) "Military" includes, in relation to property, property that is occupied by the military  
10777 and is owned by the government of the United States or the state.

10778 (11) "Military Installation Development Authority accommodations tax" or "MIDA  
10779 accommodations tax" means the tax imposed under Section [63H-1-205](#).

10780 (12) "Military Installation Development Authority energy tax" or "MIDA energy tax"  
10781 means the tax levied under Section [63H-1-204](#).

10782 (13) "Military land" means land or a facility, including leased land or a leased facility,  
10783 that is part of or affiliated with a base, camp, post, station, yard, center, or installation under the  
10784 jurisdiction of the United States Department of Defense, the United States Department of  
10785 Veterans Affairs, or the Utah National Guard.

10786 (14) "Municipal energy tax" means a municipal energy sales and use tax under Title  
10787 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act.

10788 (15) "Municipal services revenue" means revenue that the authority:

10789 (a) collects from the authority's:

10790 (i) levy of a municipal energy tax;

10791 (ii) levy of a MIDA energy tax;

10792 (iii) levy of a telecommunications tax;

10793 (iv) imposition of a transient room tax; and

10794 (v) imposition of a resort communities tax;

10795 (b) receives under Subsection [59-12-205\(2\)\(a\)\(ii\)\(B\)](#); and

10796 (c) receives as dedicated tax collections.

10797 (16) "Municipal tax" means a municipal energy tax, MIDA energy tax, MIDA  
10798 accommodations tax, telecommunications tax, transient room tax, or resort communities tax.

10799 (17) "Project area" means the land, including military land, whether consisting of a  
10800 single contiguous area or multiple noncontiguous areas, described in a project area plan or draft  
10801 project area plan, where the development project set forth in the project area plan or draft



10802 project area plan takes place or is proposed to take place.

10803 (18) "Project area budget" means a multiyear projection of annual or cumulative  
10804 revenues and expenses and other fiscal matters pertaining to a project area that includes:

10805 (a) the base taxable value of property in the project area;

10806 (b) the projected property tax allocation expected to be generated within the project  
10807 area;

10808 (c) the amount of the property tax allocation expected to be shared with other taxing  
10809 entities;

10810 (d) the amount of the property tax allocation expected to be used to implement the  
10811 project area plan, including the estimated amount of the property tax allocation to be used for  
10812 land acquisition, public improvements, infrastructure improvements, and loans, grants, or other  
10813 incentives to private and public entities;

10814 (e) the property tax allocation expected to be used to cover the cost of administering  
10815 the project area plan;

10816 (f) if the property tax allocation is to be collected at different times or from different  
10817 portions of the project area, or both:

10818 (i) (A) the tax identification numbers of the parcels from which the property tax  
10819 allocation will be collected; or

10820 (B) a legal description of the portion of the project area from which the property tax  
10821 allocation will be collected; and

10822 (ii) an estimate of when other portions of the project area will become subject to  
10823 collection of the property tax allocation; and

10824 (g) for property that the authority owns or leases and expects to sell or sublease, the  
10825 expected total cost of the property to the authority and the expected selling price or lease  
10826 payments.

10827 (19) "Project area plan" means a written plan that, after the plan's effective date, guides  
10828 and controls the development within a project area.

10829 (20) (a) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4,  
10830 Privilege Tax, except as described in Subsection (20)(b), and each levy on an ad valorem basis  
10831 on tangible or intangible personal or real property.

10832 (b) "Property tax" does not include a privilege tax on the taxable value:

10833 (i) attributable to a portion of a facility leased to the military for a calendar year when:

10834 (A) a lessee of military land has constructed a facility on the military land that is part of  
10835 a project area;

10836 (B) the lessee leases space in the facility to the military for the entire calendar year; and

10837 (C) the lease rate paid by the military for the space is \$1 or less for the entire calendar  
10838 year, not including any common charges that are reimbursements for actual expenses; or

10839 (ii) of the following property owned by the authority, regardless of whether the  
10840 authority enters into a long-term operating agreement with a privately owned entity under  
10841 which the privately owned entity agrees to operate the property:

10842 (A) a hotel;

10843 (B) a hotel condominium unit in a condominium project, as defined in Section 57-8-3;  
10844 and

10845 (C) a commercial condominium unit in a condominium project, as defined in Section  
10846 57-8-3.

10847 (21) "Property tax allocation" means the difference between:

10848 (a) the amount of property tax revenues generated each tax year by all taxing entities  
10849 from the area within a project area designated in the project area plan as the area from which  
10850 the property tax allocation is to be collected, using the current assessed value of the property;  
10851 and

10852 (b) the amount of property tax revenues that would be generated from that same area  
10853 using the base taxable value of the property.

10854 (22) "Public entity" means:

10855 (a) the state, including each department or agency of the state; or

10856 (b) a political subdivision of the state, including the authority or a county, city, town,  
10857 school district, ~~local~~ special district, special service district, or interlocal cooperation entity.

10858 (23) (a) "Public infrastructure and improvements" means infrastructure,  
10859 improvements, facilities, or buildings that:

10860 (i) benefit the public, the authority, the military, or military-related entities; and

10861 (ii) (A) are publicly owned by the military, the authority, a public infrastructure district  
10862 under Title 17D, Chapter 4, Public Infrastructure District Act, or another public entity;

10863 (B) are owned by a utility; or

10864 (C) are publicly maintained or operated by the military, the authority, or another public  
10865 entity.

10866 (b) "Public infrastructure and improvements" also means infrastructure, improvements,  
10867 facilities, or buildings that:

10868 (i) are privately owned; and

10869 (ii) provide a substantial benefit, as determined by the board, to the development and  
10870 operation of a project area.

10871 (c) "Public infrastructure and improvements" includes:

10872 (i) facilities, lines, or systems that harness geothermal energy or provide water, chilled  
10873 water, steam, sewer, storm drainage, natural gas, electricity, or telecommunications;

10874 (ii) streets, roads, curb, gutter, sidewalk, walkways, tunnels, solid waste facilities,  
10875 parking facilities, public transportation facilities, and parks, trails, and other recreational  
10876 facilities;

10877 (iii) snowmaking equipment and related improvements that can also be used for water  
10878 storage or fire suppression purposes; and

10879 (iv) a building and related improvements for occupancy by the public, the authority, the  
10880 military, or military-related entities.

10881 (24) "Remaining municipal services revenue" means municipal services revenue that  
10882 the authority has not:

10883 (a) spent during the authority's fiscal year for municipal services as provided in  
10884 Subsection [63H-1-503\(1\)](#); or  
10885 (b) redirected to use in accordance with Subsection [63H-1-502\(3\)](#).  
10886 (25) "Resort communities tax" means a sales and use tax imposed under Section  
10887 [59-12-401](#).  
10888 (26) "Taxable value" means the value of property as shown on the last equalized  
10889 assessment roll.  
10890 (27) "Taxing entity":  
10891 (a) means a public entity that levies a tax on property within a project area; and  
10892 (b) does not include a public infrastructure district that the authority creates under Title  
10893 17D, Chapter 4, Public Infrastructure District Act.  
10894 (28) "Telecommunications tax" means a telecommunications license tax under Title  
10895 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act.  
10896 (29) "Transient room tax" means a tax under Section [59-12-352](#).  
10897 Section 129. Section **63H-1-202** is amended to read:  
10898 **63H-1-202. Applicability of other law.**  
10899 (1) As used in this section:  
10900 (a) "Subsidiary" means an authority subsidiary that is a public body as defined in  
10901 Section [52-4-103](#).  
10902 (b) "Subsidiary board" means the governing body of a subsidiary.  
10903 (2) The authority or land within a project area is not subject to:  
10904 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act;  
10905 (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act;  
10906 (c) ordinances or regulations of a county or municipality, including those relating to  
10907 land use, health, business license, or franchise; or  
10908 (d) the jurisdiction of a [~~local~~] special district under [~~Title 17B, Limited Purpose Local~~  
10909 ~~Government Entities - Local Districts~~] Title 17B, Limited Purpose Local Government Entities -

10910 Special Districts, or a special service district under Title 17D, Chapter 1, Special Service  
10911 District Act.

10912 (3) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107,  
10913 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed  
10914 by Title 63E, Independent Entities Code.

10915 (4) (a) The definitions in Section 57-8-3 apply to this Subsection (4).

10916 (b) Notwithstanding the provisions of Title 57, Chapter 8, Condominium Ownership  
10917 Act, or any other provision of law:

10918 (i) if the military is the owner of land in a project area on which a condominium project  
10919 is constructed, the military is not required to sign, execute, or record a declaration of a  
10920 condominium project; and

10921 (ii) if a condominium unit in a project area is owned by the military or owned by the  
10922 authority and leased to the military for \$1 or less per calendar year, not including any common  
10923 charges that are reimbursements for actual expenses:

10924 (A) the condominium unit is not subject to any liens under Title 57, Chapter 8,  
10925 Condominium Ownership Act;

10926 (B) condominium unit owners within the same building or commercial condominium  
10927 project may agree on any method of allocation and payment of common area expenses,  
10928 regardless of the size or par value of each unit; and

10929 (C) the condominium project may not be dissolved without the consent of all the  
10930 condominium unit owners.

10931 (5) Notwithstanding any other provision, when a law requires the consent of a local  
10932 government, the authority is the consenting entity for a project area.

10933 (6) (a) A department, division, or other agency of the state and a political subdivision  
10934 of the state shall cooperate with the authority to the fullest extent possible to provide whatever  
10935 support, information, or other assistance the authority requests that is reasonably necessary to  
10936 help the authority fulfill the authority's duties and responsibilities under this chapter.

10937 (b) Subsection (6)(a) does not apply to a political subdivision that does not have any of  
10938 a project area located within the boundary of the political subdivision.

10939 (7) (a) The authority and a subsidiary are subject to Title 52, Chapter 4, Open and  
10940 Public Meetings Act, except that:

10941 (i) notwithstanding Section 52-4-104, the timing and nature of training to authority  
10942 board members or subsidiary board members on the requirements of Title 52, Chapter 4, Open  
10943 and Public Meetings Act, may be determined by:

10944 (A) the board chair, for the authority board; or

10945 (B) the subsidiary board chair, for a subsidiary board;

10946 (ii) authority staff may adopt a rule governing the use of electronic meetings under  
10947 Section 52-4-207, if, under Subsection 63H-1-301(3), the board delegates to authority staff the  
10948 power to adopt the rule; and

10949 (iii) for an electronic meeting of the authority board or subsidiary board that otherwise  
10950 complies with Section 52-4-207, the authority board or subsidiary board, respectively:

10951 (A) is not required to establish an anchor location; and

10952 (B) may convene and conduct the meeting without the written determination otherwise  
10953 required under Subsection 52-4-207(4).

10954 (b) Except as provided in Subsection (7)(c), the authority is not required to physically  
10955 post notice notwithstanding any other provision of law.

10956 (c) The authority shall physically post notice in accordance with Subsection  
10957 52-4-202(3)(a)(i).

10958 (8) The authority and a subsidiary are subject to Title 63G, Chapter 2, Government  
10959 Records Access and Management Act, except that:

10960 (a) notwithstanding Section 63G-2-701:

10961 (i) the authority may establish an appeals board consisting of at least three members;

10962 (ii) an appeals board established under Subsection (8)(a)(i) shall include:

10963 (A) one of the authority board members appointed by the governor;

10964 (B) the authority board member appointed by the president of the Senate; and  
10965 (C) the authority board member appointed by the speaker of the House of  
10966 Representatives; and  
10967 (iii) an appeal of a decision of an appeals board is to district court, as provided in  
10968 Section 63G-2-404, except that the State Records Committee is not a party; and  
10969 (b) a record created or retained by the authority or a subsidiary acting in the role of a  
10970 facilitator under Subsection 63H-1-201(3)(v) is a protected record under Title 63G, Chapter 2,  
10971 Government Records Access and Management Act.  
10972 (9) The authority or a subsidiary acting in the role of a facilitator under Subsection  
10973 63H-1-201(3)(v) is not prohibited from receiving a benefit from a public-private partnership  
10974 that results from the facilitator's work as a facilitator.  
10975 (10) (a) (i) A subsidiary created as a public infrastructure district under Title 17D,  
10976 Chapter 4, Public Infrastructure District Act, may, subject to limitations of Title 17D, Chapter  
10977 4, Public Infrastructure District Act, levy a property tax for the operations and maintenance of  
10978 the public infrastructure district's financed infrastructure and related improvements, subject to a  
10979 maximum rate of .015.  
10980 (ii) A levy under Subsection (10)(a)(i) may be separate from a public infrastructure  
10981 district property tax levy for a bond.  
10982 (b) If a subsidiary created as a public infrastructure district issues a bond:  
10983 (i) the subsidiary may:  
10984 (A) delay the effective date of the property tax levy for the bond until after the period  
10985 of capitalized interest payments; and  
10986 (B) covenant with bondholders not to reduce or impair the property tax levy; and  
10987 (ii) notwithstanding a provision to the contrary in Title 17D, Chapter 4, Public  
10988 Infrastructure District Act, the tax rate for the property tax levy for the bond may not exceed a  
10989 rate that generates more revenue than required to pay the annual debt service of the bond plus  
10990 administrative costs, subject to a maximum of .02.

10991 (c) (i) A subsidiary created as a public infrastructure district under Title 17D, Chapter  
10992 4, Public Infrastructure District Act, may create tax areas, as defined in Section 59-2-102,  
10993 within the public infrastructure district and apply a different property tax rate to each tax area,  
10994 subject to the maximum rate limitations described in Subsections (10)(a)(i) and (10)(b)(ii).

10995 (ii) If a subsidiary created by a public infrastructure district issues bonds, the subsidiary  
10996 may issue bonds secured by property taxes from:

10997 (A) the entire public infrastructure district; or

10998 (B) one or more tax areas within the public infrastructure district.

10999 (11) (a) Terms defined in Section 57-11-2 apply to this Subsection (11).

11000 (b) Title 57, Chapter 11, Utah Uniform Land Sales Practices Act, does not apply to an  
11001 offer or disposition of an interest in land if the interest in land lies within the boundaries of the  
11002 project area and the authority:

11003 (i) (A) has a development review committee using at least one professional planner;

11004 (B) enacts standards and guidelines that require approval of planning, land use, and  
11005 plats, including the approval of plans for streets, culinary water, sanitary sewer, and flood  
11006 control; and

11007 (C) will have the improvements described in Subsection (11)(b)(i)(B) plus  
11008 telecommunications and electricity; and

11009 (ii) if at the time of the offer or disposition, the subdivider furnishes satisfactory  
11010 assurance of completion of the improvements described in Subsection (11)(b)(i)(C).

11011 (12) (a) As used in this Subsection (12), "officer" means the same as an officer within  
11012 the meaning of the Utah Constitution, Article IV, Section 10.

11013 (b) An official act of an officer may not be invalidated for the reason that the officer  
11014 failed to take the oath of office.

11015 Section 130. Section 63I-5-102 is amended to read:

11016 **63I-5-102. Definitions.**

11017 As used in this chapter:



11018 (1) "Agency governing board" is any board or commission that has policy making and  
11019 oversight responsibility over the agency, including the authority to appoint and remove the  
11020 agency director.

11021 (2) "Agency head" means a cabinet officer, an elected official, an executive director, or  
11022 a board or commission vested with responsibility to administer or make policy for a state  
11023 agency.

11024 (3) "Agency internal audit director" or "audit director" means the person who:

11025 (a) directs the internal audit program for the state agency; and

11026 (b) is appointed by the audit committee or, if no audit committee has been established,  
11027 by the agency head.

11028 (4) "Appointing authority" means:

11029 (a) the governor, for state agencies other than the State Tax Commission;

11030 (b) the Judicial Council, for judicial branch agencies;

11031 (c) the Utah Board of Higher Education, for higher education entities;

11032 (d) the State Board of Education, for entities administered by the State Board of  
11033 Education; or

11034 (e) the four tax commissioners, for the State Tax Commission.

11035 (5) "Audit committee" means a standing committee composed of members who:

11036 (a) are appointed by an appointing authority;

11037 (b) (i) do not have administrative responsibilities within the agency; and

11038 (ii) are not an agency contractor or other service provider; and

11039 (c) have the expertise to provide effective oversight of and advice about internal audit  
11040 activities and services.

11041 (6) "Audit plan" means a prioritized list of audits to be performed by an internal audit  
11042 program within a specified period of time.

11043 (7) "Higher education entity" means the Utah Board of Higher Education, an institution  
11044 of higher education board of trustees, or each higher education institution.

11045 (8) "Internal audit" means an independent appraisal activity established within a state  
11046 agency as a control system to examine and evaluate the adequacy and effectiveness of other  
11047 internal control systems within the agency.

11048 (9) "Internal audit program" means an audit function that:

11049 (a) is conducted by an agency, division, bureau, or office, independent of the agency,  
11050 division, bureau, or office operations;

11051 (b) objectively evaluates the effectiveness of agency, division, bureau, or office  
11052 governance, risk management, internal controls, and the efficiency of operations; and

11053 (c) is conducted in accordance with the current:

11054 (i) International Standards for the Professional Practice of Internal Auditing; or

11055 (ii) The Government Auditing Standards, issued by the Comptroller General of the  
11056 United States.

11057 (10) "Judicial branch agency" means each administrative entity of the judicial branch.

11058 (11) (a) "State agency" means:

11059 (i) each department, commission, board, council, agency, institution, officer,  
11060 corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel,  
11061 or other administrative unit of the state; or

11062 (ii) each state public education entity.

11063 (b) "State agency" does not mean:

11064 (i) a legislative branch agency;

11065 (ii) an independent state agency as defined in Section [63E-1-102](#);

11066 (iii) a county, municipality, school district, ~~[local]~~ special district, or special service  
11067 district; or

11068 (iv) any administrative subdivision of a county, municipality, school district, ~~[local]~~  
11069 special district, or special service district.

11070 Section 131. Section **63J-1-220** is amended to read:

11071 **63J-1-220. Reporting related to pass through money distributed by state**

11072 **agencies.**

11073 (1) As used in this section:

11074 (a) "Local government entity" means a county, municipality, school district, [~~local~~  
11075 special district under [~~Title 17B, Limited Purpose Local Government Entities - Local Districts~~]  
11076 Title 17B, Limited Purpose Local Government Entities - Special Districts, special service  
11077 district under Title 17D, Chapter 1, Special Service District Act, or any other political  
11078 subdivision of the state.

11079 (b) (i) "Pass through funding" means money appropriated by the Legislature to a state  
11080 agency that is intended to be passed through the state agency to one or more:

11081 (A) local government entities;

11082 (B) private organizations, including not-for-profit organizations; or

11083 (C) persons in the form of a loan or grant.

11084 (ii) "Pass through funding" may be:

11085 (A) general funds, dedicated credits, or any combination of state funding sources; and

11086 (B) ongoing or one-time.

11087 (c) "Recipient entity" means a local government entity or private entity, including a  
11088 nonprofit entity, that receives money by way of pass through funding from a state agency.

11089 (d) "State agency" means a department, commission, board, council, agency,  
11090 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,  
11091 unit, bureau, panel, or other administrative unit of the executive branch of the state.

11092 (e) (i) "State money" means money that is owned, held, or administered by a state  
11093 agency and derived from state fees or tax revenues.

11094 (ii) "State money" does not include contributions or donations received by a state  
11095 agency.

11096 (2) A state agency may not provide a recipient entity state money through pass through  
11097 funding unless:

11098 (a) the state agency enters into a written agreement with the recipient entity; and

11099 (b) the written agreement described in Subsection (2)(a) requires the recipient entity to  
11100 provide the state agency:

11101 (i) a written description and an itemized report at least annually detailing the  
11102 expenditure of the state money, or the intended expenditure of any state money that has not  
11103 been spent; and

11104 (ii) a final written itemized report when all the state money is spent.

11105 (3) A state agency shall provide to the Governor's Office of Planning and Budget a  
11106 copy of a written description or itemized report received by the state agency under Subsection  
11107 (2).

11108 (4) Notwithstanding Subsection (2), a state agency is not required to comply with this  
11109 section to the extent that the pass through funding is issued:

11110 (a) under a competitive award process;

11111 (b) in accordance with a formula enacted in statute;

11112 (c) in accordance with a state program under parameters in statute or rule that guides  
11113 the distribution of the pass through funding; or

11114 (d) under the authority of the Minimum School Program, as defined in Section  
11115 [53F-2-102](#).

11116 Section 132. Section **63J-4-102** is amended to read:

11117 **63J-4-102. Definitions.**

11118 As used in this chapter:

11119 (1) "Executive director" means the chief administrative officer of the office, appointed  
11120 under Section [63J-4-202](#).

11121 (2) "Office" means the Governor's Office of Planning and Budget created in Section  
11122 [63J-4-201](#).

11123 (3) "Planning coordinator" means the individual appointed as the planning coordinator  
11124 under Section [63J-4-401](#).

11125 (4) "Political subdivision" means:

11126 (a) a county, municipality, [~~local~~] special district, special service district, school  
11127 district, or interlocal entity, as defined in Section 11-13-103; or

11128 (b) an administrative subunit of an entity listed in Subsection (4)(a).

11129 Section 133. Section 63J-4-801 is amended to read:

11130 **63J-4-801. Definitions.**

11131 As used in this part:

11132 (1) "American Rescue Plan Act" means the American Rescue Plan Act, Pub. L. 117-2.

11133 (2) "COVID-19" means:

11134 (a) severe acute respiratory syndrome coronavirus 2; or

11135 (b) the disease caused by severe acute respiratory syndrome coronavirus 2.

11136 (3) "COVID-19 emergency" means the spread of COVID-19 that the World Health  
11137 Organization declared a pandemic on March 11, 2020.

11138 (4) "Grant program" means the COVID-19 Local Assistance Matching Grant Program  
11139 established in Section 63J-4-802.

11140 (5) "Local government" means a county, city, town, metro township, [~~local~~] special  
11141 district, or special service district.

11142 (6) "Review committee" means the COVID-19 Local Assistance Matching Grant  
11143 Program Review Committee established in Section 63J-4-803.

11144 Section 134. Section 63L-4-102 is amended to read:

11145 **63L-4-102. Definitions.**

11146 As used in this chapter:

11147 (1) "Constitutional taking issues" means actions involving the physical taking or  
11148 exaction of private real property by a political subdivision that might require compensation to a  
11149 private real property owner because of:

11150 (a) the Fifth or Fourteenth Amendment of the Constitution of the United States;

11151 (b) Article I, Section 22 of the Utah Constitution; or

11152 (c) any recent court rulings governing the physical taking or exaction of private real

11153 property by a government entity.

11154 (2) "Political subdivision" means a county, municipality, ~~[local]~~ special district, special  
11155 service district, school district, or other local government entity.

11156 Section 135. Section **63L-5-102** is amended to read:

11157 **63L-5-102. Definitions.**

11158 As used in this chapter:

11159 (1) "Free exercise of religion" means an act or refusal to act that is substantially  
11160 motivated by sincere religious belief, whether or not the act or refusal is compulsory or central  
11161 to a larger system of religious belief, and includes the use, building, or conversion of real  
11162 property for the purpose of religious exercise.

11163 (2) "Government entity" means the state, a county, a municipality, a higher education  
11164 institution, a ~~[local]~~ special district, a special service district, any other political subdivision of  
11165 the state, or any administrative subunit of any of them.

11166 (3) "Land use regulation" means any state or local law or ordinance, whether statutory  
11167 or otherwise, that limits or restricts a person's use or development of land or a structure affixed  
11168 to land.

11169 (4) "Person" means any individual, partnership, corporation, or other legal entity that  
11170 owns an interest in real property.

11171 Section 136. Section **63L-11-102** is amended to read:

11172 **63L-11-102. Definitions.**

11173 As used in this chapter:

11174 (1) "Coordinating committee" means the committee created in Section [63L-11-401](#).

11175 (2) "Executive director" means the public lands policy executive director appointed  
11176 under Section [63L-11-201](#).

11177 (3) "Office" means the Public Lands Policy Coordinating Office created in Section  
11178 [63L-11-201](#).

11179 (4) "Political subdivision" means:

11180 (a) a county, municipality, [~~local~~] special district, special service district, school  
11181 district, or interlocal entity, as defined in Section 11-13-103; or

11182 (b) an administrative subunit of an entity listed in Subsection (4)(a).

11183 Section 137. Section **63M-5-103** is amended to read:

11184 **63M-5-103. Definitions.**

11185 As used in this chapter:

11186 (1) "Commencement of construction" means any clearing of land, excavation, or  
11187 construction but does not include preliminary site review, including soil tests, topographical  
11188 surveys, exploratory drilling, boring or mining, or other preliminary tests.

11189 (2) "Developer" means any person engaged or to be engaged in industrial development  
11190 or the development or utilization of natural resources in this state through a natural resource or  
11191 industrial facility, including owners, contract purchases of owners, and persons who, as a lessee  
11192 or under an agreement, are engaged or to be engaged in industrial development or the  
11193 development or utilization of natural resources in this state through a natural resource or  
11194 industrial facility.

11195 (3) "Major developer" means any developer whose proposed new or additional natural  
11196 resource facility or industrial facility is projected:

11197 (a) To employ more than 500 people; or

11198 (b) To cause the population of an affected unit of local government to increase by more  
11199 than 5%, the increase to include the primary work force of the facility and their dependents and  
11200 the work force and dependents attributable to commercial and public service employment  
11201 created by the presence of the facility.

11202 (4) "Natural resource facility" or "industrial facility" means any land, structure,  
11203 building, plant, mine, road, installation, excavation, machinery, equipment, or device, or any  
11204 addition to, reconstruction, replacement, or improvement of, land or an existing structure,  
11205 building, plant, mine, road, installation, excavation, machinery, or device reasonably used,  
11206 erected, constructed, acquired, or installed by any person, if a substantial purpose of or result of

11207 the use, erection, construction, acquisition, rental, lease, or installation is related to industrial  
11208 development or the development or utilization of the natural resources in this state.

11209 (5) "Person" includes any individual, firm, co-partnership, joint venture, corporation,  
11210 estate, trust, business trust, syndicate, or any group or combination acting as a unit.

11211 (6) "Unit of local government" means any county, municipality, school district, [~~local~~]  
11212 special district, special service district, or any other political subdivision of the state.

11213 Section 138. Section **65A-8-203** is amended to read:

11214 **65A-8-203. Cooperative fire protection agreements with counties, cities, towns, or**  
11215 **special service districts.**

11216 (1) As used in this section:

11217 (a) "Eligible entity" means:

11218 (i) a county, a municipality, or a special service district, [~~local~~] special district, or  
11219 service area with:

11220 (A) wildland fire suppression responsibility as described in Section 11-7-1; and

11221 (B) wildland fire suppression cost responsibility and taxing authority for a specific  
11222 geographic jurisdiction; or

11223 (ii) upon approval by the director, a political subdivision established by a county,  
11224 municipality, special service district, [~~local~~] special district, or service area that is responsible  
11225 for:

11226 (A) providing wildland fire suppression services; and

11227 (B) paying for the cost of wildland fire suppression services.

11228 (b) "Fire service provider" means a public or private entity that fulfills the duties of  
11229 Subsection 11-7-1(1).

11230 (2) (a) The governing body of any eligible entity may enter into a cooperative  
11231 agreement with the division to receive financial and wildfire management cooperation and  
11232 assistance from the division, as described in this part.

11233 (b) A cooperative agreement shall last for a term of no more than five years and be



11234 renewable if the eligible entity continues to meet the requirements of this chapter.

11235           (3) (a) An eligible entity may not receive financial cooperation or financial assistance  
11236 under Subsection (2)(a) until a cooperative agreement is executed by the eligible entity and the  
11237 division.

11238           (b) The state shall assume an eligible entity's cost of suppressing catastrophic wildfire  
11239 as defined in the cooperative agreement if the eligible entity has entered into, and is in full  
11240 compliance with, a cooperative agreement with the division, as described in this section.

11241           (c) A county or municipality that is not covered by a cooperative agreement with the  
11242 division, as described in this section, shall be responsible for wildland fire costs within the  
11243 county or municipality's jurisdiction, as described in Section [65A-8-203.2](#).

11244           (4) In order to enter into a cooperative agreement with the division, the eligible entity  
11245 shall:

11246           (a) if the eligible entity is a county, adopt and enforce on unincorporated land a  
11247 wildland fire ordinance based upon minimum standards established by the division or Uniform  
11248 Building Code Commission;

11249           (b) require that the fire department or equivalent fire service provider under contract  
11250 with, or delegated by, the eligible entity on unincorporated land meet minimum standards for  
11251 wildland fire training, certification, and suppression equipment based upon nationally accepted  
11252 standards as specified by the division;

11253           (c) invest in prevention, preparedness, and mitigation efforts, as agreed to with the  
11254 division, that will reduce the eligible entity's risk of catastrophic wildfire;

11255           (d) file with the division an annual accounting of wildfire prevention, preparedness,  
11256 mitigation actions, and associated costs;

11257           (e) return the financial statement described in Subsection (6), signed by the chief  
11258 executive of the eligible entity, to the division on or before the date set by the division; and

11259           (f) if the eligible entity is a county, have a designated fire warden as described in  
11260 Section [65A-8-209.1](#).

11261 (5) (a) The state forester may execute a cooperative agreement with the eligible entity.  
11262 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah  
11263 Administrative Rulemaking Act, governing the:  
11264 (i) cooperative agreements described in this section;  
11265 (ii) manner in which an eligible entity shall provide proof of compliance with  
11266 Subsection (4);  
11267 (iii) manner by which the division may revoke a cooperative agreement if an eligible  
11268 entity ceases to meet the requirements described in this section;  
11269 (iv) accounting system for determining suppression costs;  
11270 (v) manner in which the division shall determine the eligible entity's participation  
11271 commitment; and  
11272 (vi) manner in which an eligible entity may appeal a division determination.  
11273 (6) (a) The division shall send a financial statement to each eligible entity participating  
11274 in a cooperative agreement that details the eligible entity's participation commitment for the  
11275 coming fiscal year, including the prevention, preparedness, and mitigation actions agreed to  
11276 under Subsection (4)(c).  
11277 (b) Each eligible entity participating in a cooperative agreement shall:  
11278 (i) have the chief executive of the eligible entity sign the financial statement, or the  
11279 legislative body of the eligible entity approve the financial statement by resolution, confirming  
11280 the eligible entity's participation for the upcoming year; and  
11281 (ii) return the financial statement to the division, on or before a date set by the division.  
11282 (c) A financial statement shall be effective for one calendar year, beginning on the date  
11283 set by the division, as described in Subsection (6)(b).  
11284 (7) (a) An eligible entity may revoke a cooperative agreement before the end of the  
11285 cooperative agreement's term by:  
11286 (i) informing the division, in writing, of the eligible entity's intention to revoke the  
11287 cooperative agreement; or

11288 (ii) failing to sign and return its annual financial statement, as described in Subsection  
11289 (6)(b), unless the director grants an extension.

11290 (b) An eligible entity may not revoke a cooperative agreement before the end of the  
11291 term of a signed annual financial statement, as described in Subsection (6)(c).

11292 (8) The division shall develop and maintain a wildfire risk assessment mapping tool  
11293 that is online and publicly accessible.

11294 (9) By no later than the 2021 November interim meeting of the Natural Resources,  
11295 Agriculture, and Environment Interim Committee, the division shall report on the eligible  
11296 entities' adherence to and implementation of their participation commitment under this chapter.

11297 Section 139. Section **67-1a-6.5** is amended to read:

11298 **67-1a-6.5. Certification of local entity boundary actions -- Definitions -- Notice**  
11299 **requirements -- Electronic copies -- Filing.**

11300 (1) As used in this section:

11301 (a) "Applicable certificate" means:

11302 (i) for the impending incorporation of a city, town, [~~local~~] special district, conservation  
11303 district, or incorporation of a [~~local~~] special district from a reorganized special service district,  
11304 a certificate of incorporation;

11305 (ii) for the impending creation of a county, school district, special service district,  
11306 community reinvestment agency, or interlocal entity, a certificate of creation;

11307 (iii) for the impending annexation of territory to an existing local entity, a certificate of  
11308 annexation;

11309 (iv) for the impending withdrawal or disconnection of territory from an existing local  
11310 entity, a certificate of withdrawal or disconnection, respectively;

11311 (v) for the impending consolidation of multiple local entities, a certificate of  
11312 consolidation;

11313 (vi) for the impending division of a local entity into multiple local entities, a certificate  
11314 of division;

11315 (vii) for the impending adjustment of a common boundary between local entities, a  
11316 certificate of boundary adjustment; and

11317 (viii) for the impending dissolution of a local entity, a certificate of dissolution.

11318 (b) "Approved final local entity plat" means a final local entity plat, as defined in  
11319 Section 17-23-20, that has been approved under Section 17-23-20 as a final local entity plat by  
11320 the county surveyor.

11321 (c) "Approving authority" has the same meaning as defined in Section 17-23-20.

11322 (d) "Boundary action" has the same meaning as defined in Section 17-23-20.

11323 (e) "Center" means the Utah Geospatial Resource Center created under Section  
11324 63A-16-505.

11325 (f) "Community reinvestment agency" has the same meaning as defined in Section  
11326 17C-1-102.

11327 (g) "Conservation district" has the same meaning as defined in Section 17D-3-102.

11328 (h) "Interlocal entity" has the same meaning as defined in Section 11-13-103.

11329 [~~(i) "Local district" has the same meaning as defined in Section 17B-1-102.~~]

11330 [~~(j)~~] (i) "Local entity" means a county, city, town, school district, [~~local~~] special  
11331 district, community reinvestment agency, special service district, conservation district, or  
11332 interlocal entity.

11333 [~~(k)~~] (j) "Notice of an impending boundary action" means a written notice, as described  
11334 in Subsection (3), that provides notice of an impending boundary action.

11335 (k) "Special district" means the same as that term is defined in Section 17B-1-102.

11336 (l) "Special service district" [~~has the same meaning as~~] means the same as that term is  
11337 defined in Section 17D-1-102.

11338 (2) Within 10 days after receiving a notice of an impending boundary action, the  
11339 lieutenant governor shall:

11340 (a) (i) issue the applicable certificate, if:

11341 (A) the lieutenant governor determines that the notice of an impending boundary action

11342 meets the requirements of Subsection (3); and  
11343           (B) except in the case of an impending local entity dissolution, the notice of an  
11344 impending boundary action is accompanied by an approved final local entity plat;  
11345           (ii) send the applicable certificate to the local entity's approving authority;  
11346           (iii) return the original of the approved final local entity plat to the local entity's  
11347 approving authority;  
11348           (iv) send a copy of the applicable certificate and approved final local entity plat to:  
11349           (A) the State Tax Commission;  
11350           (B) the center; and  
11351           (C) the county assessor, county surveyor, county auditor, and county attorney of each  
11352 county in which the property depicted on the approved final local entity plat is located; and  
11353           (v) send a copy of the applicable certificate to the state auditor, if the boundary action  
11354 that is the subject of the applicable certificate is:  
11355           (A) the incorporation or creation of a new local entity;  
11356           (B) the consolidation of multiple local entities;  
11357           (C) the division of a local entity into multiple local entities; or  
11358           (D) the dissolution of a local entity; or  
11359           (b) (i) send written notification to the approving authority that the lieutenant governor  
11360 is unable to issue the applicable certificate, if:  
11361           (A) the lieutenant governor determines that the notice of an impending boundary action  
11362 does not meet the requirements of Subsection (3); or  
11363           (B) the notice of an impending boundary action is:  
11364           (I) not accompanied by an approved final local entity plat; or  
11365           (II) accompanied by a plat or final local entity plat that has not been approved as a final  
11366 local entity plat by the county surveyor under Section 17-23-20; and  
11367           (ii) explain in the notification under Subsection (2)(b)(i) why the lieutenant governor is  
11368 unable to issue the applicable certificate.

- 11369 (3) Each notice of an impending boundary action shall:
- 11370 (a) be directed to the lieutenant governor;
- 11371 (b) contain the name of the local entity or, in the case of an incorporation or creation,
- 11372 future local entity, whose boundary is affected or established by the boundary action;
- 11373 (c) describe the type of boundary action for which an applicable certificate is sought;
- 11374 (d) be accompanied by a letter from the Utah State Retirement Office, created under
- 11375 Section [49-11-201](#), to the approving authority that identifies the potential provisions under
- 11376 Title 49, Utah State Retirement and Insurance Benefit Act, that the local entity shall comply
- 11377 with, related to the boundary action, if the boundary action is an impending incorporation or
- 11378 creation of a local entity that may result in the employment of personnel; and
- 11379 (e) (i) contain a statement, signed and verified by the approving authority, certifying
- 11380 that all requirements applicable to the boundary action have been met; or
- 11381 (ii) in the case of the dissolution of a municipality, be accompanied by a certified copy
- 11382 of the court order approving the dissolution of the municipality.
- 11383 (4) The lieutenant governor may require the approving authority to submit a paper or
- 11384 electronic copy of a notice of an impending boundary action and approved final local entity plat
- 11385 in conjunction with the filing of the original of those documents.
- 11386 (5) (a) The lieutenant governor shall:
- 11387 (i) keep, index, maintain, and make available to the public each notice of an impending
- 11388 boundary action, approved final local entity plat, applicable certificate, and other document that
- 11389 the lieutenant governor receives or generates under this section;
- 11390 (ii) make a copy of each document listed in Subsection (5)(a)(i) available on the
- 11391 Internet for 12 months after the lieutenant governor receives or generates the document;
- 11392 (iii) furnish a paper copy of any of the documents listed in Subsection (5)(a)(i) to any
- 11393 person who requests a paper copy; and
- 11394 (iv) furnish a certified copy of any of the documents listed in Subsection (5)(a)(i) to
- 11395 any person who requests a certified copy.

11396 (b) The lieutenant governor may charge a reasonable fee for a paper copy or certified  
11397 copy of a document that the lieutenant governor provides under this Subsection (5).

11398 Section 140. Section **67-1a-15** is amended to read:

11399 **67-1a-15. Local government and limited purpose entity registry.**

11400 (1) As used in this section:

11401 (a) "Entity" means a limited purpose entity or a local government entity.

11402 (b) (i) "Limited purpose entity" means a legal entity that:

11403 (A) performs a single governmental function or limited governmental functions; and

11404 (B) is not a state executive branch agency, a state legislative office, or within the  
11405 judicial branch.

11406 (ii) "Limited purpose entity" includes:

11407 (A) area agencies, area agencies on aging, and area agencies on high risk adults, as  
11408 those terms are defined in Section [62A-3-101](#);

11409 (B) charter schools created under Title 53G, Chapter 5, Charter Schools;

11410 (C) community reinvestment agencies, as that term is defined in Section [17C-1-102](#);

11411 (D) conservation districts, as that term is defined in Section [17D-3-102](#);

11412 (E) governmental nonprofit corporations, as that term is defined in Section [11-13a-102](#);

11413 (F) housing authorities, as that term is defined in Section [35A-8-401](#);

11414 (G) independent entities and independent state agencies, as those terms are defined in  
11415 Section [63E-1-102](#);

11416 (H) interlocal entities, as that term is defined in Section [11-13-103](#);

11417 (I) local building authorities, as that term is defined in Section [17D-2-102](#);

11418 (J) ~~local~~ special districts, as that term is defined in Section [17B-1-102](#);

11419 (K) local health departments, as that term is defined in Section [26A-1-102](#);

11420 (L) local mental health authorities, as that term is defined in Section [62A-15-102](#);

11421 (M) nonprofit corporations that receive an amount of money requiring an accounting  
11422 report under Section [51-2a-201.5](#);

- 11423 (N) school districts under Title 53G, Chapter 3, School District Creation and Change;  
11424 (O) special service districts, as that term is defined in Section 17D-1-102; and  
11425 (P) substance abuse authorities, as that term is defined in Section 62A-15-102.  
11426 (c) "Local government and limited purpose entity registry" or "registry" means the  
11427 registry of local government entities and limited purpose entities created under this section.  
11428 (d) "Local government entity" means:  
11429 (i) a county, as that term is defined in Section 17-50-101; and  
11430 (ii) a municipality, as that term is defined in Section 10-1-104.  
11431 (e) "Notice of failure to register" means the notice the lieutenant governor sends, in  
11432 accordance with Subsection (7)(a), to an entity that does not register.  
11433 (f) "Notice of failure to renew" means the notice the lieutenant governor sends to a  
11434 registered entity, in accordance with Subsection (7)(b).  
11435 (g) "Notice of noncompliance" means the notice the lieutenant governor sends to a  
11436 registered entity, in accordance with Subsection (6)(c).  
11437 (h) "Notice of non-registration" means the notice the lieutenant governor sends to an  
11438 entity and the state auditor, in accordance with Subsection (9).  
11439 (i) "Notice of registration or renewal" means the notice the lieutenant governor sends,  
11440 in accordance with Subsection (6)(b)(i).  
11441 (j) "Registered entity" means an entity with a valid registration as described in  
11442 Subsection (8).  
11443 (2) The lieutenant governor shall:  
11444 (a) create a registry of each local government entity and limited purpose entity within  
11445 the state that:  
11446 (i) contains the information described in Subsection (4); and  
11447 (ii) is accessible on the lieutenant governor's website or otherwise publicly available;  
11448 and  
11449 (b) establish fees for registration and renewal, in accordance with Section 63J-1-504,



11450 based on and to directly offset the cost of creating, administering, and maintaining the registry.

11451 (3) Each local government entity and limited purpose entity shall:

11452 (a) on or before July 1, 2019, register with the lieutenant governor as described in  
11453 Subsection (4);

11454 (b) on or before one year after the day on which the lieutenant governor issues the  
11455 notice of registration or renewal, annually renew the entity's registration in accordance with  
11456 Subsection (5); and

11457 (c) on or before 30 days after the day on which any of the information described in  
11458 Subsection (4) changes, send notice of the changes to the lieutenant governor.

11459 (4) Each entity shall include the following information in the entity's registration  
11460 submission:

11461 (a) the resolution or other legal or formal document creating the entity or, if the  
11462 resolution or other legal or formal document creating the entity cannot be located, conclusive  
11463 proof of the entity's lawful creation;

11464 (b) if the entity has geographic boundaries, a map or plat identifying the current  
11465 geographic boundaries of the entity, or if it is impossible or unreasonably expensive to create a  
11466 map or plat, a metes and bounds description, or another legal description that identifies the  
11467 current boundaries of the entity;

11468 (c) the entity's name;

11469 (d) the entity's type of local government entity or limited purpose entity;

11470 (e) the entity's governmental function;

11471 (f) the entity's website, physical address, and phone number, including the name and  
11472 contact information of an individual whom the entity designates as the primary contact for the  
11473 entity;

11474 (g) (i) names, email addresses, and phone numbers of the members of the entity's  
11475 governing board or commission, managing officers, or other similar managers and the method  
11476 by which the members or officers are appointed, elected, or otherwise designated;

11477 (ii) the date of the most recent appointment or election of each entity governing board  
11478 or commission member; and

11479 (iii) the date of the anticipated end of each entity governing board or commission  
11480 member's term;

11481 (h) the entity's sources of revenue; and

11482 (i) if the entity has created an assessment area, as that term is defined in Section  
11483 [11-42-102](#), information regarding the creation, purpose, and boundaries of the assessment area.

11484 (5) Each entity shall include the following information in the entity's renewal  
11485 submission:

11486 (a) identify and update any incorrect or outdated information the entity previously  
11487 submitted during registration under Subsection (4); or

11488 (b) certify that the information the entity previously submitted during registration under  
11489 Subsection (4) is correct without change.

11490 (6) Within 30 days of receiving an entity's registration or renewal submission, the  
11491 lieutenant governor shall:

11492 (a) review the submission to determine compliance with Subsection (4) or (5);

11493 (b) if the lieutenant governor determines that the entity's submission complies with  
11494 Subsection (4) or (5):

11495 (i) send a notice of registration or renewal that includes the information that the entity  
11496 submitted under Subsection (4) or (5) to:

11497 (A) the registering or renewing entity;

11498 (B) each county in which the entity operates, either in whole or in part, or where the  
11499 entity's geographic boundaries overlap or are contained within the boundaries of the county;

11500 (C) the Division of Archives and Records Service; and

11501 (D) the Office of the Utah State Auditor; and

11502 (ii) publish the information from the submission on the registry, except any email  
11503 address or phone number that is personal information as defined in Section [63G-2-303](#); and

11504 (c) if the lieutenant governor determines that the entity's submission does not comply  
11505 with Subsection (4) or (5) or is otherwise inaccurate or deficient, send a notice of  
11506 noncompliance to the registering or renewing entity that:

11507 (i) identifies each deficiency in the entity's submission with the corresponding statutory  
11508 requirement;

11509 (ii) establishes a deadline to cure the entity's noncompliance that is the first business  
11510 day that is at least 30 calendar days after the day on which the lieutenant governor sends the  
11511 notice of noncompliance; and

11512 (iii) states that failure to comply by the deadline the lieutenant governor establishes  
11513 under Subsection (6)(c)(ii) will result in the lieutenant governor sending a notice of  
11514 non-registration to the Office of the Utah State Auditor, in accordance with Subsection (9).

11515 (7) (a) If the lieutenant governor identifies an entity that does not make a registration  
11516 submission in accordance with Subsection (4) by the deadline described in Subsection (3), the  
11517 lieutenant governor shall send a notice of failure to register to the registered entity that:

11518 (i) identifies the statutorily required registration deadline described in Subsection (3)  
11519 that the entity did not meet;

11520 (ii) establishes a deadline to cure the entity's failure to register that is the first business  
11521 day that is at least 10 calendar days after the day on which the lieutenant governor sends the  
11522 notice of failure to register; and

11523 (iii) states that failure to comply by the deadline the lieutenant governor establishes  
11524 under Subsection (7)(a)(ii) will result in the lieutenant governor sending a notice of  
11525 non-registration to the Office of the Utah State Auditor, in accordance with Subsection (9).

11526 (b) If a registered entity does not make a renewal submission in accordance with  
11527 Subsection (5) by the deadline described in Subsection (3), the lieutenant governor shall send a  
11528 notice of failure to renew to the registered entity that:

11529 (i) identifies the renewal deadline described in Subsection (3) that the entity did not  
11530 meet;

11531           (ii) establishes a deadline to cure the entity's failure to renew that is the first business  
11532 day that is at least 30 calendar days after the day on which the lieutenant governor sends the  
11533 notice of failure to renew; and

11534           (iii) states that failure to comply by the deadline the lieutenant governor establishes  
11535 under Subsection (7)(b)(ii) will result in the lieutenant governor sending a notice of  
11536 non-registration to the Office of the Utah State Auditor, in accordance with Subsection (9).

11537           (8) An entity's registration is valid:

11538           (a) if the entity makes a registration or renewal submission in accordance with the  
11539 deadlines described in Subsection (3);

11540           (b) during the period the lieutenant governor establishes in the notice of  
11541 noncompliance or notice of failure to renew during which the entity may cure the identified  
11542 registration deficiencies; and

11543           (c) for one year beginning on the day the lieutenant governor issues the notice of  
11544 registration or renewal.

11545           (9) (a) The lieutenant governor shall send a notice of non-registration to the Office of  
11546 the Utah State Auditor if an entity fails to:

11547           (i) cure the entity's noncompliance by the deadline the lieutenant governor establishes  
11548 in the notice of noncompliance;

11549           (ii) register by the deadline the lieutenant governor establishes in the notice of failure  
11550 to register; or

11551           (iii) cure the entity's failure to renew by the deadline the lieutenant governor establishes  
11552 in the notice of failure to renew.

11553           (b) The lieutenant governor shall ensure that the notice of non-registration:

11554           (i) includes a copy of the notice of noncompliance, the notice of failure to register, or  
11555 the notice of failure to renew; and

11556           (ii) requests that the state auditor withhold state allocated funds or the disbursement of  
11557 property taxes and prohibit the entity from accessing money held by the state or money held in

11558 an account of a financial institution, in accordance with Subsections 67-3-1(7)(i) and  
11559 67-3-1(10).

11560 (10) The lieutenant governor may extend a deadline under this section if an entity  
11561 notifies the lieutenant governor, before the deadline to be extended, of the existence of an  
11562 extenuating circumstance that is outside the control of the entity.

11563 (11) (a) An entity is not required to renew submission of a registration under this  
11564 section if an entity provides a record of dissolution.

11565 (b) The lieutenant governor shall include in the registry an entity's record of dissolution  
11566 and indicate on the registry that the entity is dissolved.

11567 Section 141. Section **67-1b-102** is amended to read:

11568 **67-1b-102. Definitions.**

11569 As used in this chapter:

11570 (1) "Board of canvassers" means the state board of canvassers created in Section  
11571 20A-4-306.

11572 (2) (a) "Executive branch" means:

11573 (i) the governor, the governor's staff, and the governor's appointed advisors;

11574 (ii) the lieutenant governor and lieutenant governor's staff;

11575 (iii) cabinet level officials;

11576 (iv) except as provided in Subsection (2)(b), an agency, board, department, division,  
11577 committee, commission, council, office, or other administrative subunit of the executive branch  
11578 of state government;

11579 (v) except as provided in Subsection (2)(b), a cabinet officer, elected official, executive  
11580 director, or board or commission vested with:

11581 (A) policy making and oversight responsibility for a state executive branch agency; or

11582 (B) authority to appoint and remove the director of a state executive branch agency;

11583 (vi) executive ministerial officers;

11584 (vii) each gubernatorial appointee to a state board, committee, commission, council, or

- 11585 authority;
- 11586 (viii) each executive branch management position, as defined in Section 67-1-1.5;
- 11587 (ix) each executive branch policy position, as defined in Section 67-1-1.5; and
- 11588 (x) the military forces of the state.
- 11589 (b) "Executive branch" does not include:
- 11590 (i) the legislative branch;
- 11591 (ii) the judicial branch;
- 11592 (iii) the State Board of Education;
- 11593 (iv) the Utah Board of Higher Education;
- 11594 (v) institutions of higher education;
- 11595 (vi) independent entities as defined in Section 63E-1-102;
- 11596 (vii) elective constitutional offices of the executive department, including the state
- 11597 auditor, the state treasurer, and the attorney general;
- 11598 (viii) a county, municipality, school district, ~~[local]~~ special district, or special service
- 11599 district; or
- 11600 (ix) an administrative subdivision of a county, municipality, school district, ~~[local]~~
- 11601 special district, or special service district.
- 11602 (3) "Governor-elect" means, during a transition period, an individual whom the board
- 11603 of canvassers determines to be the successful candidate for governor after a general election for
- 11604 the office of governor, if that successful candidate is an individual other than the incumbent
- 11605 governor.
- 11606 (4) "Governor-elect's staff" means:
- 11607 (a) an individual that a governor-elect intends to nominate as a department head;
- 11608 (b) an individual that a governor-elect intends to appoint to a key position in the
- 11609 executive branch;
- 11610 (c) an individual hired by a governor-elect under Subsection 67-1b-105(1)(c); and
- 11611 (d) any other individual expressly engaged by the governor-elect to assist with the

11612 governor-elect's transition into the office of governor.

11613 (5) "Governor's Office of Planning and Budget" means the office created in Section  
11614 [63J-4-201](#).

11615 (6) "Incoming gubernatorial administration" means a governor-elect, a governor-elect's  
11616 staff, a lieutenant governor-elect, and a lieutenant governor-elect's staff.

11617 (7) "Lieutenant governor-elect" means, during a transition period, an individual whom  
11618 the board of canvassers determines to be the successful candidate for lieutenant governor after  
11619 a general election for the office of lieutenant governor, if that successful candidate is an  
11620 individual other than the incumbent lieutenant governor.

11621 (8) "Lieutenant governor-elect's staff" means:

11622 (a) an individual hired by a lieutenant governor-elect under Subsection  
11623 [67-1b-105\(1\)\(c\)](#); and

11624 (b) any other individual expressly engaged by the lieutenant governor-elect to assist  
11625 with the lieutenant governor-elect's transition into the office of lieutenant governor.

11626 (9) "Office of the Legislative Fiscal Analyst" means the office created in Section  
11627 [36-12-13](#).

11628 (10) "Record" means the same as that term is defined in Section [63G-2-103](#).

11629 (11) "Transition period" means the period of time beginning the day after the meeting  
11630 of the board of canvassers under Section [20A-4-306](#) in a year in which the board of canvassers  
11631 determines that the successful candidate for governor is an individual other than the incumbent  
11632 governor, and ending on the first Monday of the next January.

11633 Section 142. Section **67-3-1** is amended to read:

11634 **67-3-1. Functions and duties.**

11635 (1) (a) The state auditor is the auditor of public accounts and is independent of any  
11636 executive or administrative officers of the state.

11637 (b) The state auditor is not limited in the selection of personnel or in the determination  
11638 of the reasonable and necessary expenses of the state auditor's office.

- 11639           (2) The state auditor shall examine and certify annually in respect to each fiscal year,  
11640 financial statements showing:
- 11641           (a) the condition of the state's finances;
  - 11642           (b) the revenues received or accrued;
  - 11643           (c) expenditures paid or accrued;
  - 11644           (d) the amount of unexpended or unencumbered balances of the appropriations to the  
11645 agencies, departments, divisions, commissions, and institutions; and
  - 11646           (e) the cash balances of the funds in the custody of the state treasurer.
- 11647           (3) (a) The state auditor shall:
- 11648           (i) audit each permanent fund, each special fund, the General Fund, and the accounts of  
11649 any department of state government or any independent agency or public corporation as the law  
11650 requires, as the auditor determines is necessary, or upon request of the governor or the  
11651 Legislature;
  - 11652           (ii) perform the audits in accordance with generally accepted auditing standards and  
11653 other auditing procedures as promulgated by recognized authoritative bodies; and
  - 11654           (iii) as the auditor determines is necessary, conduct the audits to determine:
    - 11655           (A) honesty and integrity in fiscal affairs;
    - 11656           (B) accuracy and reliability of financial statements;
    - 11657           (C) effectiveness and adequacy of financial controls; and
    - 11658           (D) compliance with the law.
  - 11659           (b) If any state entity receives federal funding, the state auditor shall ensure that the  
11660 audit is performed in accordance with federal audit requirements.
  - 11661           (c) (i) The costs of the federal compliance portion of the audit may be paid from an  
11662 appropriation to the state auditor from the General Fund.
  - 11663           (ii) If an appropriation is not provided, or if the federal government does not  
11664 specifically provide for payment of audit costs, the costs of the federal compliance portions of  
11665 the audit shall be allocated on the basis of the percentage that each state entity's federal funding



11666 bears to the total federal funds received by the state.

11667           (iii) The allocation shall be adjusted to reflect any reduced audit time required to audit  
11668 funds passed through the state to local governments and to reflect any reduction in audit time  
11669 obtained through the use of internal auditors working under the direction of the state auditor.

11670           (4) (a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to  
11671 financial audits, and as the auditor determines is necessary, conduct performance and special  
11672 purpose audits, examinations, and reviews of any entity that receives public funds, including a  
11673 determination of any or all of the following:

11674                   (i) the honesty and integrity of all the entity's fiscal affairs;  
11675                   (ii) whether the entity's administrators have faithfully complied with legislative intent;  
11676                   (iii) whether the entity's operations have been conducted in an efficient, effective, and  
11677 cost-efficient manner;

11678                   (iv) whether the entity's programs have been effective in accomplishing the intended  
11679 objectives; and

11680                   (v) whether the entity's management, control, and information systems are adequate,  
11681 effective, and secure.

11682           (b) The auditor may not conduct performance and special purpose audits,  
11683 examinations, and reviews of any entity that receives public funds if the entity:

11684                   (i) has an elected auditor; and  
11685                   (ii) has, within the entity's last budget year, had the entity's financial statements or  
11686 performance formally reviewed by another outside auditor.

11687           (5) The state auditor:

11688                   (a) shall administer any oath or affirmation necessary to the performance of the duties  
11689 of the auditor's office; and

11690                   (b) may:

11691                           (i) subpoena witnesses and documents, whether electronic or otherwise; and

11692                           (ii) examine into any matter that the auditor considers necessary.

11693           (6) The state auditor may require all persons who have had the disposition or  
11694 management of any property of this state or its political subdivisions to submit statements  
11695 regarding the property at the time and in the form that the auditor requires.

11696           (7) The state auditor shall:

11697           (a) except where otherwise provided by law, institute suits in Salt Lake County in  
11698 relation to the assessment, collection, and payment of revenues against:

11699           (i) persons who by any means have become entrusted with public money or property  
11700 and have failed to pay over or deliver the money or property; and

11701           (ii) all debtors of the state;

11702           (b) collect and pay into the state treasury all fees received by the state auditor;

11703           (c) perform the duties of a member of all boards of which the state auditor is a member  
11704 by the constitution or laws of the state, and any other duties that are prescribed by the  
11705 constitution and by law;

11706           (d) stop the payment of the salary of any state official or state employee who:

11707           (i) refuses to settle accounts or provide required statements about the custody and  
11708 disposition of public funds or other state property;

11709           (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling  
11710 board or department head with respect to the manner of keeping prescribed accounts or funds;

11711 or

11712           (iii) fails to correct any delinquencies, improper procedures, and errors brought to the  
11713 official's or employee's attention;

11714           (e) establish accounting systems, methods, and forms for public accounts in all taxing  
11715 or fee-assessing units of the state in the interest of uniformity, efficiency, and economy;

11716           (f) superintend the contractual auditing of all state accounts;

11717           (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of  
11718 property taxes from a state or local taxing or fee-assessing unit, if necessary, to ensure that  
11719 officials and employees in those taxing units comply with state laws and procedures in the

11720 budgeting, expenditures, and financial reporting of public funds;  
11721 (h) subject to Subsection (9), withhold the disbursement of tax money from any county,  
11722 if necessary, to ensure that officials and employees in the county comply with Section  
11723 59-2-303.1; and  
11724 (i) withhold state allocated funds or the disbursement of property taxes from a local  
11725 government entity or a limited purpose entity, as those terms are defined in Section 67-1a-15 if  
11726 the state auditor finds the withholding necessary to ensure that the entity registers and  
11727 maintains the entity's registration with the lieutenant governor, in accordance with Section  
11728 67-1a-15.  
11729 (8) (a) Except as otherwise provided by law, the state auditor may not withhold funds  
11730 under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received formal  
11731 written notice of noncompliance from the auditor and has been given 60 days to make the  
11732 specified corrections.  
11733 (b) If, after receiving notice under Subsection (8)(a), a state or independent local  
11734 fee-assessing unit that exclusively assesses fees has not made corrections to comply with state  
11735 laws and procedures in the budgeting, expenditures, and financial reporting of public funds, the  
11736 state auditor:  
11737 (i) shall provide a recommended timeline for corrective actions;  
11738 (ii) may prohibit the state or local fee-assessing unit from accessing money held by the  
11739 state; and  
11740 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an  
11741 account of a financial institution by filing an action in district court requesting an order of the  
11742 court to prohibit a financial institution from providing the fee-assessing unit access to an  
11743 account.  
11744 (c) The state auditor shall remove a limitation on accessing funds under Subsection  
11745 (8)(b) upon compliance with state laws and procedures in the budgeting, expenditures, and  
11746 financial reporting of public funds.

11747 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with  
11748 state law, the state auditor:

11749 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to  
11750 comply;

11751 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the  
11752 state; and

11753 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an  
11754 account of a financial institution by:

11755 (A) contacting the taxing or fee-assessing unit's financial institution and requesting that  
11756 the institution prohibit access to the account; or

11757 (B) filing an action in district court requesting an order of the court to prohibit a  
11758 financial institution from providing the taxing or fee-assessing unit access to an account.

11759 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state  
11760 law, the state auditor shall eliminate a limitation on accessing funds described in Subsection  
11761 (8)(d).

11762 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has  
11763 received formal written notice of noncompliance from the auditor and has been given 60 days  
11764 to make the specified corrections.

11765 (10) (a) The state auditor may not withhold funds under Subsection (7)(i) until the state  
11766 auditor receives a notice of non-registration, as that term is defined in Section [67-1a-15](#).

11767 (b) If the state auditor receives a notice of non-registration, the state auditor may  
11768 prohibit the local government entity or limited purpose entity, as those terms are defined in  
11769 Section [67-1a-15](#), from accessing:

11770 (i) money held by the state; and

11771 (ii) money held in an account of a financial institution by:

11772 (A) contacting the entity's financial institution and requesting that the institution  
11773 prohibit access to the account; or

11774 (B) filing an action in district court requesting an order of the court to prohibit a  
11775 financial institution from providing the entity access to an account.

11776 (c) The state auditor shall remove the prohibition on accessing funds described in  
11777 Subsection (10)(b) if the state auditor received a notice of registration, as that term is defined in  
11778 Section 67-1a-15, from the lieutenant governor.

11779 (11) Notwithstanding Subsection (7)(g), (7)(h), (7)(i), (8)(b), (8)(d), or (10)(b), the  
11780 state auditor:

11781 (a) shall authorize a disbursement by a local government entity or limited purpose  
11782 entity, as those terms are defined in Section 67-1a-15, or a state or local taxing or fee-assessing  
11783 unit if the disbursement is necessary to:

11784 (i) avoid a major disruption in the operations of the local government entity, limited  
11785 purpose entity, or state or local taxing or fee-assessing unit; or

11786 (ii) meet debt service obligations; and

11787 (b) may authorize a disbursement by a local government entity, limited purpose entity,  
11788 or state or local taxing or fee-assessing unit as the state auditor determines is appropriate.

11789 (12) (a) The state auditor may seek relief under the Utah Rules of Civil Procedure to  
11790 take temporary custody of public funds if an action is necessary to protect public funds from  
11791 being improperly diverted from their intended public purpose.

11792 (b) If the state auditor seeks relief under Subsection (12)(a):

11793 (i) the state auditor is not required to exhaust the procedures in Subsection (7) or (8);  
11794 and

11795 (ii) the state treasurer may hold the public funds in accordance with Section 67-4-1 if a  
11796 court orders the public funds to be protected from improper diversion from their public  
11797 purpose.

11798 (13) The state auditor shall:

11799 (a) establish audit guidelines and procedures for audits of local mental health and  
11800 substance abuse authorities and their contract providers, conducted pursuant to Title 17,

11801 Chapter 43, Part 2, Local Substance Abuse Authorities, Title 17, Chapter 43, Part 3, Local  
11802 Mental Health Authorities, Title 51, Chapter 2a, Accounting Reports from Political  
11803 Subdivisions, Interlocal Organizations, and Other Local Entities Act, and Title 62A, Chapter  
11804 15, Substance Abuse and Mental Health Act; and

11805 (b) ensure that those guidelines and procedures provide assurances to the state that:

11806 (i) state and federal funds appropriated to local mental health authorities are used for  
11807 mental health purposes;

11808 (ii) a private provider under an annual or otherwise ongoing contract to provide  
11809 comprehensive mental health programs or services for a local mental health authority is in  
11810 compliance with state and local contract requirements, and state and federal law;

11811 (iii) state and federal funds appropriated to local substance abuse authorities are used  
11812 for substance abuse programs and services; and

11813 (iv) a private provider under an annual or otherwise ongoing contract to provide  
11814 comprehensive substance abuse programs or services for a local substance abuse authority is in  
11815 compliance with state and local contract requirements, and state and federal law.

11816 (14) (a) The state auditor may, in accordance with the auditor's responsibilities for  
11817 political subdivisions of the state as provided in Title 51, Chapter 2a, Accounting Reports from  
11818 Political Subdivisions, Interlocal Organizations, and Other Local Entities Act, initiate audits or  
11819 investigations of any political subdivision that are necessary to determine honesty and integrity  
11820 in fiscal affairs, accuracy and reliability of financial statements, effectiveness, and adequacy of  
11821 financial controls and compliance with the law.

11822 (b) If the state auditor receives notice under Subsection 11-41-104(7) from the  
11823 Governor's Office of Economic Opportunity on or after July 1, 2024, the state auditor may  
11824 initiate an audit or investigation of the public entity subject to the notice to determine  
11825 compliance with Section 11-41-103.

11826 (15) (a) The state auditor may not audit work that the state auditor performed before  
11827 becoming state auditor.

11828 (b) If the state auditor has previously been a responsible official in state government  
11829 whose work has not yet been audited, the Legislature shall:

11830 (i) designate how that work shall be audited; and  
11831 (ii) provide additional funding for those audits, if necessary.

11832 (16) The state auditor shall:

11833 (a) with the assistance, advice, and recommendations of an advisory committee  
11834 appointed by the state auditor from among ~~[local]~~ special district boards of trustees, officers,  
11835 and employees and special service district boards, officers, and employees:

11836 (i) prepare a Uniform Accounting Manual for ~~[Local]~~ Special Districts that:

11837 (A) prescribes a uniform system of accounting and uniform budgeting and reporting  
11838 procedures for ~~[local]~~ special districts under ~~[Title 17B, Limited Purpose Local Government~~  
11839 ~~Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities - Special  
11840 Districts, and special service districts under Title 17D, Chapter 1, Special Service District Act;

11841 (B) conforms with generally accepted accounting principles; and  
11842 (C) prescribes reasonable exceptions and modifications for smaller districts to the  
11843 uniform system of accounting, budgeting, and reporting;

11844 (ii) maintain the manual under this Subsection (16)(a) so that the manual continues to  
11845 reflect generally accepted accounting principles;

11846 (iii) conduct a continuing review and modification of procedures in order to improve  
11847 them;

11848 (iv) prepare and supply each district with suitable budget and reporting forms; and  
11849 (v) (A) prepare instructional materials, conduct training programs, and render other  
11850 services considered necessary to assist ~~[local]~~ special districts and special service districts in  
11851 implementing the uniform accounting, budgeting, and reporting procedures; and  
11852 (B) ensure that any training described in Subsection (16)(a)(v)(A) complies with Title  
11853 63G, Chapter 22, State Training and Certification Requirements; and  
11854 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices

11855 and experiences of specific [~~local~~] special districts and special service districts selected by the  
11856 state auditor and make the information available to all districts.

11857 (17) (a) The following records in the custody or control of the state auditor are  
11858 protected records under Title 63G, Chapter 2, Government Records Access and Management  
11859 Act:

11860 (i) records that would disclose information relating to allegations of personal  
11861 misconduct, gross mismanagement, or illegal activity of a past or present governmental  
11862 employee if the information or allegation cannot be corroborated by the state auditor through  
11863 other documents or evidence, and the records relating to the allegation are not relied upon by  
11864 the state auditor in preparing a final audit report;

11865 (ii) records and audit workpapers to the extent the workpapers would disclose the  
11866 identity of an individual who during the course of an audit, communicated the existence of any  
11867 waste of public funds, property, or manpower, or a violation or suspected violation of a law,  
11868 rule, or regulation adopted under the laws of this state, a political subdivision of the state, or  
11869 any recognized entity of the United States, if the information was disclosed on the condition  
11870 that the identity of the individual be protected;

11871 (iii) before an audit is completed and the final audit report is released, records or drafts  
11872 circulated to an individual who is not an employee or head of a governmental entity for the  
11873 individual's response or information;

11874 (iv) records that would disclose an outline or part of any audit survey plans or audit  
11875 program; and

11876 (v) requests for audits, if disclosure would risk circumvention of an audit.

11877 (b) The provisions of Subsections (17)(a)(i), (ii), and (iii) do not prohibit the disclosure  
11878 of records or information that relate to a violation of the law by a governmental entity or  
11879 employee to a government prosecutor or peace officer.

11880 (c) The provisions of this Subsection (17) do not limit the authority otherwise given to  
11881 the state auditor to classify a document as public, private, controlled, or protected under Title



11882 63G, Chapter 2, Government Records Access and Management Act.

11883 (d) (i) As used in this Subsection (17)(d), "record dispute" means a dispute between the  
11884 state auditor and the subject of an audit performed by the state auditor as to whether the state  
11885 auditor may release a record, as defined in Section 63G-2-103, to the public that the state  
11886 auditor gained access to in the course of the state auditor's audit but which the subject of the  
11887 audit claims is not subject to disclosure under Title 63G, Chapter 2, Government Records  
11888 Access and Management Act.

11889 (ii) The state auditor may submit a record dispute to the State Records Committee,  
11890 created in Section 63G-2-501, for a determination of whether the state auditor may, in  
11891 conjunction with the state auditor's release of an audit report, release to the public the record  
11892 that is the subject of the record dispute.

11893 (iii) The state auditor or the subject of the audit may seek judicial review of a State  
11894 Records Committee determination under Subsection (17)(d)(ii), as provided in Section  
11895 63G-2-404.

11896 (18) If the state auditor conducts an audit of an entity that the state auditor has  
11897 previously audited and finds that the entity has not implemented a recommendation made by  
11898 the state auditor in a previous audit, the state auditor shall notify the Legislative Management  
11899 Committee through the Legislative Management Committee's audit subcommittee that the  
11900 entity has not implemented that recommendation.

11901 (19) The state auditor shall, with the advice and consent of the Senate, appoint the state  
11902 privacy officer described in Section 67-3-13.

11903 (20) The state auditor shall report, or ensure that another government entity reports, on  
11904 the financial, operational, and performance metrics for the state system of higher education and  
11905 the state system of public education, including metrics in relation to students, programs, and  
11906 schools within those systems.

11907 Section 143. Section 67-3-12 is amended to read:

11908 **67-3-12. Utah Public Finance Website -- Establishment and administration --**

11909 **Records disclosure -- Exceptions.**

11910 (1) As used in this section:

11911 (a) (i) Subject to Subsections (1)(a)(ii) and (iii), "independent entity" means the same  
11912 as that term is defined in Section [63E-1-102](#).

11913 (ii) "Independent entity" includes an entity that is part of an independent entity  
11914 described in Subsection (1)(a)(i), if the entity is considered a component unit of the  
11915 independent entity under the governmental accounting standards issued by the Governmental  
11916 Accounting Standards Board.

11917 (iii) "Independent entity" does not include the Utah State Retirement Office created in  
11918 Section [49-11-201](#).

11919 (b) "Local education agency" means a school district or charter school.

11920 (c) "Participating local entity" means:

11921 (i) a county;

11922 (ii) a municipality;

11923 (iii) a ~~[local]~~ special district under ~~[Title 17B, Limited Purpose Local Government~~  
11924 ~~Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities - Special  
11925 Districts;

11926 (iv) a special service district under Title 17D, Chapter 1, Special Service District Act;

11927 (v) a housing authority under Title 35A, Chapter 8, Part 4, Housing Authorities;

11928 (vi) a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District  
11929 Act;

11930 (vii) except for a taxed interlocal entity as defined in Section [11-13-602](#):

11931 (A) an interlocal entity as defined in Section [11-13-103](#);

11932 (B) a joint or cooperative undertaking as defined in Section [11-13-103](#); or

11933 (C) any project, program, or undertaking entered into by interlocal agreement in  
11934 accordance with Title 11, Chapter 13, Interlocal Cooperation Act;

11935 (viii) except for a taxed interlocal entity as defined in Section [11-13-602](#), an entity that

11936 is part of an entity described in Subsections (1)(c)(i) through (vii), if the entity is considered a  
11937 component unit of the entity described in Subsections (1)(c)(i) through (vii) under the  
11938 governmental accounting standards issued by the Governmental Accounting Standards Board;  
11939 or

11940 (ix) a conservation district under Title 17D, Chapter 3, Conservation District Act.

11941 (d) (i) "Participating state entity" means the state of Utah, including its executive,  
11942 legislative, and judicial branches, its departments, divisions, agencies, boards, commissions,  
11943 councils, committees, and institutions.

11944 (ii) "Participating state entity" includes an entity that is part of an entity described in  
11945 Subsection (1)(d)(i), if the entity is considered a component unit of the entity described in  
11946 Subsection (1)(d)(i) under the governmental accounting standards issued by the Governmental  
11947 Accounting Standards Board.

11948 (e) "Public finance website" or "website" means the website established by the state  
11949 auditor in accordance with this section.

11950 (f) "Public financial information" means each record that is required under this section  
11951 or by rule made by the Office of the State Auditor under Subsection (9) to be made available on  
11952 the public finance website, a participating local entity's website, or an independent entity's  
11953 website.

11954 (g) "Qualifying entity" means:

11955 (i) an independent entity;

11956 (ii) a participating local entity;

11957 (iii) a participating state entity;

11958 (iv) a local education agency;

11959 (v) a state institution of higher education as defined in Section [53B-3-102](#);

11960 (vi) the Utah Educational Savings Plan created in Section [53B-8a-103](#);

11961 (vii) the Utah Housing Corporation created in Section [63H-8-201](#);

11962 (viii) the School and Institutional Trust Lands Administration created in Section

11963 [53C-1-201](#);

11964 (ix) the Utah Capital Investment Corporation created in Section [63N-6-301](#); or

11965 (x) a URS-participating employer.

11966 (h) (i) "URS-participating employer" means an entity that:

11967 (A) is a participating employer, as that term is defined in Section [49-11-102](#); and

11968 (B) is not required to report public financial information under this section as a

11969 qualifying entity described in Subsections (1)(g)(i) through (ix).

11970 (ii) "URS-participating employer" does not include:

11971 (A) the Utah State Retirement Office created in Section [49-11-201](#);

11972 (B) an insurer that is subject to the disclosure requirements of Section [31A-4-113](#); or

11973 (C) a withdrawing entity.

11974 (i) (i) "Withdrawing entity" means:

11975 (A) an entity that elects to withdraw from participation in a system or plan under Title

11976 49, Chapter 11, Part 6, Procedures and Records;

11977 (B) until the date determined under Subsection [49-11-626\(2\)\(a\)](#), a public employees'

11978 association that provides the notice of intent described in Subsection [49-11-626\(2\)\(b\)](#); and

11979 (C) beginning on the date determined under Subsection [49-11-626\(2\)\(a\)](#), a public

11980 employees' association that makes an election described in Subsection [49-11-626\(3\)](#).

11981 (ii) "Withdrawing entity" includes a withdrawing entity, as that term is defined in

11982 Sections [49-11-623](#) and [49-11-624](#).

11983 (2) The state auditor shall establish and maintain a public finance website in

11984 accordance with this section.

11985 (3) The website shall:

11986 (a) permit Utah taxpayers to:

11987 (i) view, understand, and track the use of taxpayer dollars by making public financial

11988 information available on the Internet for participating state entities, independent entities,

11989 participating local entities, and URS-participating employers, using the website; and

- 11990 (ii) link to websites administered by participating local entities, independent entities, or  
 11991 URS-participating employers that do not use the website for the purpose of providing public  
 11992 financial information as required by this section and by rule made under Subsection (9);
- 11993 (b) allow a person that has Internet access to use the website without paying a fee;
- 11994 (c) allow the public to search public financial information on the website;
- 11995 (d) provide access to financial reports, financial audits, budgets, or other financial  
 11996 documents that are used to allocate, appropriate, spend, and account for government funds, as  
 11997 may be established by rule made in accordance with Subsection (9);
- 11998 (e) have a unique and simplified website address;
- 11999 (f) be guided by the principles described in Subsection [63A-16-202\(2\)](#);
- 12000 (g) include other links, features, or functionality that will assist the public in obtaining  
 12001 and reviewing public financial information, as may be established by rule made under  
 12002 Subsection (9); and
- 12003 (h) include a link to school report cards published on the State Board of Education's  
 12004 website under Section [53E-5-211](#).
- 12005 (4) The state auditor shall:
- 12006 (a) establish and maintain the website, including the provision of equipment, resources,  
 12007 and personnel as necessary;
- 12008 (b) maintain an archive of all information posted to the website;
- 12009 (c) coordinate and process the receipt and posting of public financial information from  
 12010 participating state entities; and
- 12011 (d) coordinate and regulate the posting of public financial information by participating  
 12012 local entities and independent entities.
- 12013 (5) A qualifying entity shall permit the public to view the qualifying entity's public  
 12014 financial information by posting the public financial information to the public finance website  
 12015 in accordance with rules made under Subsection (9).
- 12016 (6) The content of the public financial information posted to the public finance website

12017 is the responsibility of the qualifying entity posting the public financial information.

12018 (7) A URS-participating employer shall provide employee compensation information  
12019 for each fiscal year ending on or after June 30, 2022:

12020 (a) to the state auditor for posting on the Utah Public Finance Website; or

12021 (b) (i) through the URS-participating employer's own website; and

12022 (ii) via a link to the website described in Subsection (7)(b)(i), submitted to the state  
12023 auditor for posting on the Utah Public Finance Website.

12024 (8) (a) A qualifying entity may not post financial information that is classified as  
12025 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and  
12026 Management Act, to the public finance website.

12027 (b) An individual who negligently discloses financial information that is classified as  
12028 private, protected, or controlled by Title 63G, Chapter 2, Government Records Access and  
12029 Management Act, is not criminally or civilly liable for an improper disclosure of the financial  
12030 information if the financial information is disclosed solely as a result of the preparation or  
12031 publication of the website.

12032 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
12033 Office of the State Auditor:

12034 (a) shall make rules to:

12035 (i) establish which records a qualifying entity is required to post to the public finance  
12036 website; and

12037 (ii) establish procedures for obtaining, submitting, reporting, storing, and posting  
12038 public financial information on the public finance website; and

12039 (b) may make rules governing when a qualifying entity is required to disclose an  
12040 expenditure made by a person under contract with the qualifying entity, including the form and  
12041 content of the disclosure.

12042 (10) The rules made under Subsection (9) shall only require a URS-participating  
12043 employer to provide employee compensation information for each fiscal year ending on or after

12044 June 30, 2022:

12045 (a) to the state auditor for posting on the public finance website; or

12046 (b) (i) through the URS-participating employer's own website; and

12047 (ii) via a link to the website described in Subsection (10)(b)(i), submitted to the state

12048 auditor for posting on the public finance website.

12049 Section 144. Section **67-3-13** is amended to read:

12050 **67-3-13. State privacy officer.**

12051 (1) As used in this section:

12052 (a) "Designated government entity" means a government entity that is not a state

12053 agency.

12054 (b) "Independent entity" means the same as that term is defined in Section [63E-1-102](#).

12055 (c) (i) "Government entity" means the state, a county, a municipality, a higher  
12056 education institution, a ~~local~~ special district, a special service district, a school district, an  
12057 independent entity, or any other political subdivision of the state or an administrative subunit of  
12058 any political subdivision, including a law enforcement entity.

12059 (ii) "Government entity" includes an agent of an entity described in Subsection

12060 (1)(c)(i).

12061 (d) (i) "Personal data" means any information relating to an identified or identifiable  
12062 individual.

12063 (ii) "Personal data" includes personally identifying information.

12064 (e) (i) "Privacy practice" means the acquisition, use, storage, or disposal of personal  
12065 data.

12066 (ii) "Privacy practice" includes:

12067 (A) a technology use related to personal data; and

12068 (B) policies related to the protection, storage, sharing, and retention of personal data.

12069 (f) (i) "State agency" means the following entities that are under the direct supervision  
12070 and control of the governor or the lieutenant governor:

- 12071 (A) a department;
- 12072 (B) a commission;
- 12073 (C) a board;
- 12074 (D) a council;
- 12075 (E) an institution;
- 12076 (F) an officer;
- 12077 (G) a corporation;
- 12078 (H) a fund;
- 12079 (I) a division;
- 12080 (J) an office;
- 12081 (K) a committee;
- 12082 (L) an authority;
- 12083 (M) a laboratory;
- 12084 (N) a library;
- 12085 (O) a bureau;
- 12086 (P) a panel;
- 12087 (Q) another administrative unit of the state; or
- 12088 (R) an agent of an entity described in Subsections (A) through (Q).
- 12089 (ii) "State agency" does not include:
  - 12090 (A) the legislative branch;
  - 12091 (B) the judicial branch;
  - 12092 (C) an executive branch agency within the Office of the Attorney General, the state
  - 12093 auditor, the state treasurer, or the State Board of Education; or
  - 12094 (D) an independent entity.
- 12095 (2) The state privacy officer shall:
  - 12096 (a) when completing the duties of this Subsection (2), focus on the privacy practices of
  - 12097 designated government entities;



- 12098           (b) compile information about government privacy practices of designated government  
12099 entities;
- 12100           (c) make public and maintain information about government privacy practices on the  
12101 state auditor's website;
- 12102           (d) provide designated government entities with educational and training materials  
12103 developed by the Personal Privacy Oversight Commission established in Section [63C-24-201](#)  
12104 that include the information described in Subsection [63C-24-202\(1\)\(b\)](#);
- 12105           (e) implement a process to analyze and respond to requests from individuals for the  
12106 state privacy officer to review a designated government entity's privacy practice;
- 12107           (f) identify annually which designated government entities' privacy practices pose the  
12108 greatest risk to individual privacy and prioritize those privacy practices for review;
- 12109           (g) review each year, in as timely a manner as possible, the privacy practices that the  
12110 privacy officer identifies under Subsection (2)(e) or (2)(f) as posing the greatest risk to  
12111 individuals' privacy;
- 12112           (h) when reviewing a designated government entity's privacy practice under Subsection  
12113 (2)(g), analyze:
  - 12114           (i) details about the technology or the policy and the technology's or the policy's  
12115 application;
  - 12116           (ii) information about the type of data being used;
  - 12117           (iii) information about how the data is obtained, stored, shared, secured, and disposed;
  - 12118           (iv) information about with which persons the designated government entity shares the  
12119 information;
  - 12120           (v) information about whether an individual can or should be able to opt out of the  
12121 retention and sharing of the individual's data;
  - 12122           (vi) information about how the designated government entity de-identifies or  
12123 anonymizes data;
  - 12124           (vii) a determination about the existence of alternative technology or improved

12125 practices to protect privacy; and  
12126 (viii) a finding of whether the designated government entity's current privacy practice  
12127 adequately protects individual privacy; and  
12128 (i) after completing a review described in Subsections (2)(g) and (h), determine:  
12129 (i) each designated government entity's use of personal data, including the designated  
12130 government entity's practices regarding data:  
12131 (A) acquisition;  
12132 (B) storage;  
12133 (C) disposal;  
12134 (D) protection; and  
12135 (E) sharing;  
12136 (ii) the adequacy of the designated government entity's practices in each of the areas  
12137 described in Subsection (2)(i)(i); and  
12138 (iii) for each of the areas described in Subsection (2)(i)(i) that the state privacy officer  
12139 determines to require reform, provide recommendations for reform to the designated  
12140 government entity and the legislative body charged with regulating the designated government  
12141 entity.  
12142 (3) (a) The legislative body charged with regulating a designated government entity  
12143 that receives a recommendation described in Subsection (2)(i)(iii) shall hold a public hearing  
12144 on the proposed reforms:  
12145 (i) with a quorum of the legislative body present; and  
12146 (ii) within 90 days after the day on which the legislative body receives the  
12147 recommendation.  
12148 (b) (i) The legislative body shall provide notice of the hearing described in Subsection  
12149 (3)(a).  
12150 (ii) Notice of the public hearing and the recommendations to be discussed shall be  
12151 posted on:

12152 (A) the Utah Public Notice Website created in Section 63A-16-601 for 30 days before  
12153 the day on which the legislative body will hold the public hearing; and

12154 (B) the website of the designated government entity that received a recommendation, if  
12155 the designated government entity has a website, for 30 days before the day on which the  
12156 legislative body will hold the public hearing.

12157 (iii) Each notice required under Subsection (3)(b)(i) shall:

12158 (A) identify the recommendations to be discussed; and

12159 (B) state the date, time, and location of the public hearing.

12160 (c) During the hearing described in Subsection (3)(a), the legislative body shall:

12161 (i) provide the public the opportunity to ask questions and obtain further information  
12162 about the recommendations; and

12163 (ii) provide any interested person an opportunity to address the legislative body with  
12164 concerns about the recommendations.

12165 (d) At the conclusion of the hearing, the legislative body shall determine whether the  
12166 legislative body shall adopt reforms to address the recommendations and any concerns raised  
12167 during the public hearing.

12168 (4) (a) Except as provided in Subsection (4)(b), if the government operations privacy  
12169 officer described in Section 67-1-17 is not conducting reviews of the privacy practices of state  
12170 agencies, the state privacy officer may review the privacy practices of a state agency in  
12171 accordance with the processes described in this section.

12172 (b) Subsection (3) does not apply to a state agency.

12173 (5) The state privacy officer shall:

12174 (a) quarterly report, to the Personal Privacy Oversight Commission:

12175 (i) recommendations for privacy practices for the commission to review; and

12176 (ii) the information provided in Subsection (2)(i); and

12177 (b) annually, on or before October 1, report to the Judiciary Interim Committee:

12178 (i) the results of any reviews described in Subsection (2)(g), if any reviews have been

12179 completed;

12180 (ii) reforms, to the extent that the state privacy officer is aware of any reforms, that the  
12181 designated government entity made in response to any reviews described in Subsection (2)(g);

12182 (iii) the information described in Subsection (2)(i); and

12183 (iv) recommendations for legislation based on any results of a review described in  
12184 Subsection (2)(g).

12185 Section 145. Section **67-11-2** is amended to read:

12186 **67-11-2. Definitions.**

12187 For the purposes of this chapter:

12188 (1) "Employee" includes an elective or appointive officer or employee of a state or  
12189 political subdivision thereof.

12190 (2) "Employment" means any service performed by an employee in the employ of the  
12191 state, or any political subdivision thereof, for such employer, except:

12192 (a) service which in the absence of an agreement entered into under this chapter would  
12193 constitute "employment" as defined in the Social Security Act;

12194 (b) service which under the Social Security Act may not be included in an agreement  
12195 between the state and federal security administrator entered into under this chapter;

12196 (c) services of an emergency nature, service in any class or classes of positions the  
12197 compensation for which is on a fee basis:

12198 (i) performed by employees of the state; or

12199 (ii) if so provided in the plan submitted under Section **67-11-5**, by a political  
12200 subdivision of the state, by an employee of such subdivision;

12201 (d) services performed by students employed by a public school, college, or university  
12202 at which they are enrolled and which they are attending on a full-time basis;

12203 (e) part-time services performed by election workers, i.e., judges of election and  
12204 registrars; or

12205 (f) services performed by voluntary firemen, except when such services are

12206 prescheduled for a specific period of duty.

12207 (3) "Federal Insurance Contributions Act" means Chapter 21 of the Internal Revenue  
12208 Code as such Code may be amended.

12209 (4) "Federal security administrator" includes any individual to whom the federal  
12210 security administrator has delegated any of his functions under the Social Security Act with  
12211 respect to coverage under such act of employees of states and their political subdivisions.

12212 (5) "Political subdivision" includes:

12213 (a) an instrumentality of the state, of one or more of its political subdivisions, or of the  
12214 state and one or more of its political subdivisions, including leagues or associations [thereof,  
12215 but only if such] of the instrumentality, if:

12216 (i) the instrumentality is a juristic entity [which] that is legally separate and distinct  
12217 from the state or subdivision; and [only if its]

12218 (ii) the instrumentality's employees are not [by virtue of their relation to such juristic  
12219 entity], due to their relation to the instrumentality, employees of the state or subdivision[. The  
12220 term shall include local]; and

12221 (b) special districts, special service districts, or authorities created by the Legislature or  
12222 local governments [such as, but not limited to,], including mosquito abatement districts, sewer  
12223 or water districts, and libraries.

12224 (6) "Sick pay" means payments made to employees on account of sickness or accident  
12225 disability under a sick leave plan of the type outlined in 42 U.S.C. Secs. 409(a)(2) and (3) of  
12226 the Social Security Act.

12227 (7) "Social Security Act" means the Act of Congress approved August 14, 1935,  
12228 Chapter 531, 49 Stat. 620, officially cited as the "Social Security Act," (including regulations  
12229 and requirements issued pursuant thereto), as such act has been and may from time to time be  
12230 amended.

12231 (8) "State agency" means the Division of Finance, referred to herein as the state  
12232 agency.

12233 (9) "Wages" means all remuneration for employment as defined herein, including the  
12234 cash value of all remuneration paid in any medium other than cash, except that such term shall  
12235 not include "sick pay" as that term is defined in this section and shall not include that part of  
12236 such remuneration which, even if it were for "employment" within the meaning of the Federal  
12237 Insurance Contributions Act, would not constitute "wages" within the meaning of that act.

12238 Section 146. Section **67-21-2** is amended to read:

12239 **67-21-2. Definitions.**

12240 As used in this chapter:

12241 (1) "Abuse of authority" means an arbitrary or capricious exercise of power that:

12242 (a) adversely affects the employment rights of another; or

12243 (b) results in personal gain to the person exercising the authority or to another person.

12244 (2) "Communicate" means a verbal, written, broadcast, or other communicated report.

12245 (3) "Damages" means general and special damages for injury or loss caused by each  
12246 violation of this chapter.

12247 (4) "Employee" means a person who performs a service for wages or other  
12248 remuneration under a contract of hire, written or oral, express or implied.

12249 (5) (a) "Employer" means the public body or public entity that employs the employee.

12250 (b) "Employer" includes an agent of an employer.

12251 (6) "Good faith" means that an employee acts with:

12252 (a) subjective good faith; and

12253 (b) the objective good faith of a reasonable employee.

12254 (7) "Gross mismanagement" means action or failure to act by a person, with respect to  
12255 a person's responsibility, that causes significant harm or risk of harm to the mission of the  
12256 public entity or public body that employs, or is managed or controlled by, the person.

12257 (8) "Judicial employee" means an employee of the judicial branch of state government.

12258 (9) "Legislative employee" means an employee of the legislative branch of state  
12259 government.

12260 (10) "Political subdivision employee" means an employee of a political subdivision of  
12261 the state.

12262 (11) "Public body" means any of the following:

12263 (a) a state officer, employee, agency, department, division, bureau, board, commission,  
12264 council, authority, educational institution, or any other body in the executive branch of state  
12265 government;

12266 (b) an agency, board, commission, council, institution member, or employee of the  
12267 legislative branch of state government;

12268 (c) a county, city, town, regional governing body, council, school district, [~~local~~  
12269 special district, special service district, or municipal corporation, board, department,  
12270 commission, council, agency, or any member or employee of them;

12271 (d) any other body that is created by state or local authority, or that is primarily funded  
12272 by or through state or local authority, or any member or employee of that body;

12273 (e) a law enforcement agency or any member or employee of a law enforcement  
12274 agency; and

12275 (f) the judiciary and any member or employee of the judiciary.

12276 (12) "Public entity" means a department, division, board, council, committee,  
12277 institution, office, bureau, or other similar administrative unit of the executive branch of state  
12278 government.

12279 (13) "Public entity employee" means an employee of a public entity.

12280 (14) "Retaliatory action" means the same as that term is defined in Section [67-19a-101](#).

12281 (15) "State institution of higher education" means the same as that term is defined in  
12282 Section [53B-3-102](#).

12283 (16) "Unethical conduct" means conduct that violates a provision of Title 67, Chapter  
12284 16, Utah Public Officers' and Employees' Ethics Act.

12285 Section 147. Section **71-8-1** is amended to read:

12286 **71-8-1. Definitions -- Veterans Affairs.**

12287 As used in this title:

12288 (1) "Contractor" means a person who is or may be awarded a government entity  
12289 contract.

12290 (2) "Council" means the Veterans Advisory Council.

12291 (3) "Department" means the Department of Veterans and Military Affairs.

12292 (4) "Executive director" means the executive director of the Department of Veterans  
12293 and Military Affairs.

12294 (5) "Government entity" means the state and any county, municipality, ~~local~~ special  
12295 district, special service district, and any other political subdivision or administrative unit of the  
12296 state, including state institutions of education.

12297 (6) "Specialist" means a full-time employee of a government entity who is tasked with  
12298 responding to, and assisting, veterans who are employed by the entity or come to the entity for  
12299 assistance.

12300 (7) "Veteran" has the same meaning as defined in Section [68-3-12.5](#).

12301 Section 148. Section **71-10-1** is amended to read:

12302 **71-10-1. Definitions.**

12303 As used in this chapter:

12304 (1) "Active duty" means active military duty and does not include active duty for  
12305 training, initial active duty for training, or inactive duty for training.

12306 (2) "Government entity" means the state, any county, municipality, ~~local~~ special  
12307 district, special service district, or any other political subdivision or administrative unit of the  
12308 state, including state institutions of education.

12309 (3) "Preference eligible" means:

12310 (a) any individual who has served on active duty in the armed forces for more than 180  
12311 consecutive days, or was a member of a reserve component who served in a campaign or  
12312 expedition for which a campaign medal has been authorized and who has been separated under  
12313 honorable conditions;



- 12314 (b) a veteran with a disability, regardless of the percentage of disability;
- 12315 (c) the spouse or unmarried widow or widower of a veteran;
- 12316 (d) a purple heart recipient; or
- 12317 (e) a retired member of the armed forces.

12318 (4) "Veteran" means the same as that term is defined in Section 68-3-12.5.

12319 (5) "Veteran with a disability" means an individual who has:

12320 (a) been separated or retired from the armed forces under honorable conditions; and

12321 (b) established the existence of a service-connected disability or is receiving  
12322 compensation, disability retirement benefits, or pension because of a public statute  
12323 administered by the federal Department of Veterans Affairs or a military department.

12324 Section 149. Section 72-2-201 is amended to read:

12325 **72-2-201. Definitions.**

12326 As used in this part:

12327 (1) "Fund" means the State Infrastructure Bank Fund created under Section 72-2-202.

12328 (2) "Infrastructure assistance" means any use of fund money, except an infrastructure  
12329 loan, to provide financial assistance for transportation projects or publicly owned infrastructure  
12330 projects, including:

12331 (a) capital reserves and other security for bond or debt instrument financing; or

12332 (b) any letters of credit, lines of credit, bond insurance, or loan guarantees obtained by  
12333 a public entity to finance transportation projects.

12334 (3) "Infrastructure loan" means a loan of fund money to finance a transportation project  
12335 or publicly owned infrastructure project.

12336 (4) "Public entity" means a state agency, county, municipality, [~~local~~] special district,  
12337 special service district, an intergovernmental entity organized under state law, or the military  
12338 installation development authority created in Section 63H-1-201.

12339 (5) "Publicly owned infrastructure project" means a project to improve sewer or water  
12340 infrastructure that is owned by a public entity.

- 12341 (6) "Transportation project":  
12342 (a) means a project:  
12343 (i) to improve a state or local highway;  
12344 (ii) to improve a public transportation facility or nonmotorized transportation facility;  
12345 (iii) to construct or improve parking facilities;  
12346 (iv) that is subject to a transportation reinvestment zone agreement pursuant to Section  
12347 11-13-227 if the state is party to the agreement; or  
12348 (v) that is part of a housing and transit reinvestment zone created pursuant to Title  
12349 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;  
12350 (b) includes the costs of acquisition, construction, reconstruction, rehabilitation,  
12351 equipping, and fixturing; and  
12352 (c) may only include a project if the project is part of:  
12353 (i) the statewide long range plan;  
12354 (ii) a regional transportation plan of the area metropolitan planning organization if a  
12355 metropolitan planning organization exists for the area; or  
12356 (iii) a local government general plan or economic development initiative.  
12357 Section 150. Section **72-14-304** is amended to read:  
12358 **72-14-304. Unlawful operation of unmanned aircraft near prison facilities --**  
12359 **Penalties.**  
12360 (1) An individual may not operate an unmanned aircraft system:  
12361 (a) to carry or drop any item to or inside the property of a correctional facility; or  
12362 (b) in a manner that interferes with the operations or security of a correctional facility.  
12363 (2) (a) A violation of Subsection (1)(a) is a third degree felony.  
12364 (b) A violation of Subsection (1)(b) is a class B misdemeanor.  
12365 (3) An operator of an unmanned aircraft system does not violate Subsection (1) if the  
12366 operator is:  
12367 (a) an employee or contractor working on behalf of a mosquito abatement district

12368 created pursuant to [~~Title 17B, Limited Purpose Local Government Entities - Local Districts~~]  
12369 Title 17B, Limited Purpose Local Government Entities - Special Districts, or Title 17D,  
12370 Limited Purpose Local Government Entities - Other Entities; and

12371 (b) acting in the course and scope of the operator's employment.

12372 Section 151. Section **73-2-1 (Superseded 05/03/23)** is amended to read:

12373 **73-2-1 (Superseded 05/03/23). State engineer -- Term -- Powers and duties --**

12374 **Qualification for duties.**

12375 (1) There shall be a state engineer.

12376 (2) The state engineer shall:

12377 (a) be appointed by the governor with the advice and consent of the Senate;

12378 (b) hold office for the term of four years and until a successor is appointed; and

12379 (c) have five years experience as a practical engineer or the theoretical knowledge,  
12380 practical experience, and skill necessary for the position.

12381 (3) (a) The state engineer shall be responsible for the general administrative  
12382 supervision of the waters of the state and the measurement, appropriation, apportionment, and  
12383 distribution of those waters.

12384 (b) The state engineer may secure the equitable apportionment and distribution of the  
12385 water according to the respective rights of appropriators.

12386 (4) The state engineer shall make rules, in accordance with Title 63G, Chapter 3, Utah  
12387 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,  
12388 regarding:

12389 (a) reports of water right conveyances;

12390 (b) the construction of water wells and the licensing of water well drillers;

12391 (c) dam construction and safety;

12392 (d) the alteration of natural streams;

12393 (e) geothermal resource conservation;

12394 (f) enforcement orders and the imposition of fines and penalties;

- 12395 (g) the duty of water; and
- 12396 (h) standards for written plans of a public water supplier that may be presented as
- 12397 evidence of reasonable future water requirements under Subsection 73-1-4(2)(f).
- 12398 (5) The state engineer may make rules, in accordance with Title 63G, Chapter 3, Utah
- 12399 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
- 12400 governing:
- 12401 (a) water distribution systems and water commissioners;
- 12402 (b) water measurement and reporting;
- 12403 (c) groundwater recharge and recovery;
- 12404 (d) wastewater reuse;
- 12405 (e) the form, content, and processing procedure for a claim under Section 73-5-13 to
- 12406 surface or underground water that is not represented by a certificate of appropriation;
- 12407 (f) the form and content of a proof submitted to the state engineer under Section
- 12408 73-3-16;
- 12409 (g) the determination of water rights; or
- 12410 (h) the form and content of applications and related documents, maps, and reports.
- 12411 (6) The state engineer may bring suit in courts of competent jurisdiction to:
- 12412 (a) enjoin the unlawful appropriation, diversion, and use of surface and underground
- 12413 water without first seeking redress through the administrative process;
- 12414 (b) prevent theft, waste, loss, or pollution of surface and underground waters;
- 12415 (c) enable the state engineer to carry out the duties of the state engineer's office; and
- 12416 (d) enforce administrative orders and collect fines and penalties.
- 12417 (7) The state engineer may:
- 12418 (a) upon request from the board of trustees of an irrigation district under Title 17B,
- 12419 Chapter 2a, Part 5, Irrigation District Act, or another ~~[local]~~ special district under ~~[Title 17B,~~
- 12420 ~~Limited Purpose Local Government Entities - Local Districts]~~ Title 17B, Limited Purpose
- 12421 Local Government Entities - Special Districts, or a special service district under Title 17D,

12422 Chapter 1, Special Service District Act, that operates an irrigation water system, cause a water  
12423 survey to be made of the lands proposed to be annexed to the district in order to determine and  
12424 allot the maximum amount of water that could be beneficially used on the land, with a separate  
12425 survey and allotment being made for each 40-acre or smaller tract in separate ownership; and

12426 (b) upon completion of the survey and allotment under Subsection (7)(a), file with the  
12427 district board a return of the survey and report of the allotment.

12428 (8) (a) The state engineer may establish water distribution systems and define the water  
12429 distribution systems' boundaries.

12430 (b) The water distribution systems shall be formed in a manner that:

12431 (i) secures the best protection to the water claimants; and

12432 (ii) is the most economical for the state to supervise.

12433 (9) The state engineer may conduct studies of current and novel uses of water in the  
12434 state.

12435 (10) Notwithstanding Subsection (4)(b), the state engineer may not on the basis of the  
12436 depth of a water production well exempt the water production well from regulation under this  
12437 title or rules made under this title related to the:

12438 (a) drilling, constructing, deepening, repairing, renovating, cleaning, developing,  
12439 testing, disinfecting, or abandonment of a water production well; or

12440 (b) installation or repair of a pump for a water production well.

12441 Section 152. Section 73-2-1 (Effective 05/03/23) is amended to read:

12442 **73-2-1 (Effective 05/03/23). State engineer -- Term -- Powers and duties --**

12443 **Qualification for duties.**

12444 (1) There shall be a state engineer.

12445 (2) The state engineer shall:

12446 (a) be appointed by the governor with the advice and consent of the Senate;

12447 (b) hold office for the term of four years and until a successor is appointed; and

12448 (c) have five years experience as a practical engineer or the theoretical knowledge,

12449 practical experience, and skill necessary for the position.

12450 (3) (a) The state engineer shall be responsible for the general administrative  
12451 supervision of the waters of the state and the measurement, appropriation, apportionment, and  
12452 distribution of those waters.

12453 (b) The state engineer may secure the equitable apportionment and distribution of the  
12454 water according to the respective rights of appropriators.

12455 (4) The state engineer shall make rules, in accordance with Title 63G, Chapter 3, Utah  
12456 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,  
12457 regarding:

12458 (a) reports of water right conveyances;

12459 (b) the construction of water wells and the licensing of water well drillers;

12460 (c) dam construction and safety;

12461 (d) the alteration of natural streams;

12462 (e) geothermal resource conservation;

12463 (f) enforcement orders and the imposition of fines and penalties;

12464 (g) the duty of water; and

12465 (h) standards for written plans of a public water supplier that may be presented as  
12466 evidence of reasonable future water requirements under Subsection 73-1-4(2)(f).

12467 (5) The state engineer may make rules, in accordance with Title 63G, Chapter 3, Utah  
12468 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,  
12469 governing:

12470 (a) water distribution systems and water commissioners;

12471 (b) water measurement and reporting;

12472 (c) groundwater recharge and recovery;

12473 (d) wastewater reuse;

12474 (e) the form, content, and processing procedure for a claim under Section 73-5-13 to  
12475 surface or underground water that is not represented by a certificate of appropriation;

- 12476 (f) the form and content of a proof submitted to the state engineer under Section  
 12477 73-3-16;
- 12478 (g) the determination of water rights;
- 12479 (h) preferences of water rights under Section 73-3-21.5; or
- 12480 (i) the form and content of applications and related documents, maps, and reports.
- 12481 (6) The state engineer may bring suit in courts of competent jurisdiction to:
- 12482 (a) enjoin the unlawful appropriation, diversion, and use of surface and underground  
 12483 water without first seeking redress through the administrative process;
- 12484 (b) prevent theft, waste, loss, or pollution of surface and underground waters;
- 12485 (c) enable the state engineer to carry out the duties of the state engineer's office; and
- 12486 (d) enforce administrative orders and collect fines and penalties.
- 12487 (7) The state engineer may:
- 12488 (a) upon request from the board of trustees of an irrigation district under Title 17B,  
 12489 Chapter 2a, Part 5, Irrigation District Act, or another ~~[local]~~ special district under ~~[Title 17B,~~  
 12490 ~~Limited Purpose Local Government Entities - Local Districts]~~ Title 17B, Limited Purpose  
 12491 Local Government Entities - Special Districts, or a special service district under Title 17D,  
 12492 Chapter 1, Special Service District Act, that operates an irrigation water system, cause a water  
 12493 survey to be made of the lands proposed to be annexed to the district in order to determine and  
 12494 allot the maximum amount of water that could be beneficially used on the land, with a separate  
 12495 survey and allotment being made for each 40-acre or smaller tract in separate ownership; and
- 12496 (b) upon completion of the survey and allotment under Subsection (7)(a), file with the  
 12497 district board a return of the survey and report of the allotment.
- 12498 (8) (a) The state engineer may establish water distribution systems and define the water  
 12499 distribution systems' boundaries.
- 12500 (b) The water distribution systems shall be formed in a manner that:
- 12501 (i) secures the best protection to the water claimants; and
- 12502 (ii) is the most economical for the state to supervise.

12503 (9) The state engineer may conduct studies of current and novel uses of water in the  
12504 state.

12505 (10) Notwithstanding Subsection (4)(b), the state engineer may not on the basis of the  
12506 depth of a water production well exempt the water production well from regulation under this  
12507 title or rules made under this title related to the:

12508 (a) drilling, constructing, deepening, repairing, renovating, cleaning, developing,  
12509 testing, disinfecting, or abandonment of a water production well; or

12510 (b) installation or repair of a pump for a water production well.

12511 Section 153. Section **73-5-15** is amended to read:

12512 **73-5-15. Groundwater management plan.**

12513 (1) As used in this section:

12514 (a) "Critical management area" means a groundwater basin in which the groundwater  
12515 withdrawals consistently exceed the safe yield.

12516 (b) "Safe yield" means the amount of groundwater that can be withdrawn from a  
12517 groundwater basin over a period of time without exceeding the long-term recharge of the basin  
12518 or unreasonably affecting the basin's physical and chemical integrity.

12519 (2) (a) The state engineer may regulate groundwater withdrawals within a specific  
12520 groundwater basin by adopting a groundwater management plan in accordance with this section  
12521 for any groundwater basin or aquifer or combination of hydrologically connected groundwater  
12522 basins or aquifers.

12523 (b) The objectives of a groundwater management plan are to:

12524 (i) limit groundwater withdrawals to safe yield;

12525 (ii) protect the physical integrity of the aquifer; and

12526 (iii) protect water quality.

12527 (c) The state engineer shall adopt a groundwater management plan for a groundwater  
12528 basin if more than one-third of the water right owners in the groundwater basin request that the  
12529 state engineer adopt a groundwater management plan.



- 12530 (3) (a) In developing a groundwater management plan, the state engineer may consider:
- 12531 (i) the hydrology of the groundwater basin;
- 12532 (ii) the physical characteristics of the groundwater basin;
- 12533 (iii) the relationship between surface water and groundwater, including whether the
- 12534 groundwater should be managed in conjunction with hydrologically connected surface waters;
- 12535 (iv) the conjunctive management of water rights to facilitate and coordinate the lease,
- 12536 purchase, or voluntary use of water rights subject to the groundwater management plan;
- 12537 (v) the geographic spacing and location of groundwater withdrawals;
- 12538 (vi) water quality;
- 12539 (vii) local well interference; and
- 12540 (viii) other relevant factors.
- 12541 (b) The state engineer shall base the provisions of a groundwater management plan on
- 12542 the principles of prior appropriation.
- 12543 (c) (i) The state engineer shall use the best available scientific method to determine
- 12544 safe yield.
- 12545 (ii) As hydrologic conditions change or additional information becomes available, safe
- 12546 yield determinations made by the state engineer may be revised by following the procedures
- 12547 listed in Subsection (5).
- 12548 (4) (a) (i) Except as provided in Subsection (4)(b), the withdrawal of water from a
- 12549 groundwater basin shall be limited to the basin's safe yield.
- 12550 (ii) Before limiting withdrawals in a groundwater basin to safe yield, the state engineer
- 12551 shall:
- 12552 (A) determine the groundwater basin's safe yield; and
- 12553 (B) adopt a groundwater management plan for the groundwater basin.
- 12554 (iii) If the state engineer determines that groundwater withdrawals in a groundwater
- 12555 basin exceed the safe yield, the state engineer shall regulate groundwater rights in that
- 12556 groundwater basin based on the priority date of the water rights under the groundwater

12557 management plan, unless a voluntary arrangement exists under Subsection (4)(c) that requires a  
12558 different distribution.

12559 (iv) A groundwater management plan shall include a list of each groundwater right in  
12560 the proposed groundwater management area known to the state engineer identifying the water  
12561 right holder, the land to which the groundwater right is appurtenant, and any identification  
12562 number the state engineer uses in the administration of water rights.

12563 (b) When adopting a groundwater management plan for a critical management area, the  
12564 state engineer shall, based on economic and other impacts to an individual water user or a local  
12565 community caused by the implementation of safe yield limits on withdrawals, allow gradual  
12566 implementation of the groundwater management plan.

12567 (c) (i) In consultation with the state engineer, water users in a groundwater basin may  
12568 agree to participate in a voluntary arrangement for managing withdrawals at any time, either  
12569 before or after a determination that groundwater withdrawals exceed the groundwater basin's  
12570 safe yield.

12571 (ii) A voluntary arrangement under Subsection (4)(c)(i) shall be consistent with other  
12572 law.

12573 (iii) The adoption of a voluntary arrangement under this Subsection (4)(c) by less than  
12574 all of the water users in a groundwater basin does not affect the rights of water users who do  
12575 not agree to the voluntary arrangement.

12576 (5) To adopt a groundwater management plan, the state engineer shall:

12577 (a) give notice as specified in Subsection (7) at least 30 days before the first public  
12578 meeting held in accordance with Subsection (5)(b):

12579 (i) that the state engineer proposes to adopt a groundwater management plan;

12580 (ii) describing generally the land area proposed to be included in the groundwater  
12581 management plan; and

12582 (iii) stating the location, date, and time of each public meeting to be held in accordance  
12583 with Subsection (5)(b);

12584 (b) hold one or more public meetings in the geographic area proposed to be included  
12585 within the groundwater management plan to:

12586 (i) address the need for a groundwater management plan;

12587 (ii) present any data, studies, or reports that the state engineer intends to consider in  
12588 preparing the groundwater management plan;

12589 (iii) address safe yield and any other subject that may be included in the groundwater  
12590 management plan;

12591 (iv) outline the estimated administrative costs, if any, that groundwater users are likely  
12592 to incur if the plan is adopted; and

12593 (v) receive any public comments and other information presented at the public  
12594 meeting, including comments from any of the entities listed in Subsection (7)(a)(iii);

12595 (c) receive and consider written comments concerning the proposed groundwater  
12596 management plan from any person for a period determined by the state engineer of not less  
12597 than 60 days after the day on which the notice required by Subsection (5)(a) is given;

12598 (d) (i) at least 60 days prior to final adoption of the groundwater management plan,  
12599 publish notice:

12600 (A) that a draft of the groundwater management plan has been proposed; and  
12601 (B) specifying where a copy of the draft plan may be reviewed; and

12602 (ii) promptly provide a copy of the draft plan in printed or electronic form to each of  
12603 the entities listed in Subsection (7)(a)(iii) that makes written request for a copy; and

12604 (e) provide notice of the adoption of the groundwater management plan.

12605 (6) A groundwater management plan shall become effective on the date notice of  
12606 adoption is completed under Subsection (7), or on a later date if specified in the plan.

12607 (7) (a) A notice required by this section shall be:

12608 (i) published:

12609 (A) once a week for two successive weeks in a newspaper of general circulation in  
12610 each county that encompasses a portion of the land area proposed to be included within the

- 12611 groundwater management plan; and
- 12612 (B) in accordance with Section 45-1-101 for two weeks;
- 12613 (ii) published conspicuously on the state engineer's website; and
- 12614 (iii) mailed to each of the following that has within its boundaries a portion of the land
- 12615 area to be included within the proposed groundwater management plan:
- 12616 (A) county;
- 12617 (B) incorporated city or town;
- 12618 (C) a ~~[local]~~ special district created to acquire or assess a groundwater right under
- 12619 ~~[Title 17B, Chapter 1, Provisions Applicable to All Local Districts]~~ Title 17B, Chapter 1,
- 12620 Provisions Applicable to All Special Districts;
- 12621 (D) improvement district under Title 17B, Chapter 2a, Part 4, Improvement District
- 12622 Act;
- 12623 (E) service area, under Title 17B, Chapter 2a, Part 9, Service Area Act;
- 12624 (F) drainage district, under Title 17B, Chapter 2a, Part 2, Drainage District Act;
- 12625 (G) irrigation district, under Title 17B, Chapter 2a, Part 5, Irrigation District Act;
- 12626 (H) metropolitan water district, under Title 17B, Chapter 2a, Part 6, Metropolitan
- 12627 Water District Act;
- 12628 (I) special service district providing water, sewer, drainage, or flood control services,
- 12629 under Title 17D, Chapter 1, Special Service District Act;
- 12630 (J) water conservancy district, under Title 17B, Chapter 2a, Part 10, Water
- 12631 Conservancy District Act; and
- 12632 (K) conservation district, under Title 17D, Chapter 3, Conservation District Act.
- 12633 (b) A notice required by this section is effective upon substantial compliance with
- 12634 Subsections (7)(a)(i) through (iii).
- 12635 (8) A groundwater management plan may be amended in the same manner as a
- 12636 groundwater management plan may be adopted under this section.
- 12637 (9) The existence of a groundwater management plan does not preclude any otherwise

12638 eligible person from filing any application or challenging any decision made by the state  
12639 engineer within the affected groundwater basin.

12640 (10) (a) A person aggrieved by a groundwater management plan may challenge any  
12641 aspect of the groundwater management plan by filing a complaint within 60 days after the  
12642 adoption of the groundwater management plan in the district court for any county in which the  
12643 groundwater basin is found.

12644 (b) Notwithstanding Subsection (9), a person may challenge the components of a  
12645 groundwater management plan only in the manner provided by Subsection (10)(a).

12646 (c) An action brought under this Subsection (10) is reviewed de novo by the district  
12647 court.

12648 (d) A person challenging a groundwater management plan under this Subsection (10)  
12649 shall join the state engineer as a defendant in the action challenging the groundwater  
12650 management plan.

12651 (e) (i) Within 30 days after the day on which a person files an action challenging any  
12652 aspect of a groundwater management plan under Subsection (10)(a), the person filing the action  
12653 shall publish notice of the action:

12654 (A) in a newspaper of general circulation in the county in which the district court is  
12655 located; and

12656 (B) in accordance with Section 45-1-101 for two weeks.

12657 (ii) The notice required by Subsection (10)(e)(i)(A) shall be published once a week for  
12658 two consecutive weeks.

12659 (iii) The notice required by Subsection (10)(e)(i) shall:

12660 (A) identify the groundwater management plan the person is challenging;

12661 (B) identify the case number assigned by the district court;

12662 (C) state that a person affected by the groundwater management plan may petition the  
12663 district court to intervene in the action challenging the groundwater management plan; and

12664 (D) list the address for the clerk of the district court in which the action is filed.

12665 (iv) (A) Any person affected by the groundwater management plan may petition to  
12666 intervene in the action within 60 days after the day on which notice is last published under  
12667 Subsections (10)(e)(i) and (ii).

12668 (B) The district court's treatment of a petition to intervene under this Subsection  
12669 (10)(e)(iv) is governed by the Utah Rules of Civil Procedure.

12670 (v) A district court in which an action is brought under Subsection (10)(a) shall  
12671 consolidate all actions brought under that subsection and include in the consolidated action any  
12672 person whose petition to intervene is granted.

12673 (11) A groundwater management plan adopted or amended in accordance with this  
12674 section is exempt from the requirements in Title 63G, Chapter 3, Utah Administrative  
12675 Rulemaking Act.

12676 (12) (a) Recharge and recovery projects permitted under Chapter 3b, Groundwater  
12677 Recharge and Recovery Act, are exempted from this section.

12678 (b) In a critical management area, the artificial recharge of a groundwater basin that  
12679 uses surface water naturally tributary to the groundwater basin by a ~~local~~ special district  
12680 created under Subsection 17B-1-202(1)(a)(xiii), in accordance with Chapter 3b, Groundwater  
12681 Recharge and Recovery Act, constitutes a beneficial use of the water under Section 73-1-3 if:

12682 (i) the recharge is done during the time the area is designated as a critical management  
12683 area;

12684 (ii) the recharge is done with a valid recharge permit;

12685 (iii) the recharged water is not recovered under a recovery permit; and

12686 (iv) the recharged water is used to replenish the groundwater basin.

12687 (13) Nothing in this section may be interpreted to require the development,  
12688 implementation, or consideration of a groundwater management plan as a prerequisite or  
12689 condition to the exercise of the state engineer's enforcement powers under other law, including  
12690 powers granted under Section 73-2-25.

12691 (14) A groundwater management plan adopted in accordance with this section may not

12692 apply to the dewatering of a mine.

12693 (15) (a) A groundwater management plan adopted by the state engineer before May 1,  
12694 2006, remains in force and has the same legal effect as it had on the day on which it was  
12695 adopted by the state engineer.

12696 (b) If a groundwater management plan that existed before May 1, 2006, is amended on  
12697 or after May 1, 2006, the amendment is subject to this section's provisions.

12698 Section 154. Section **73-10-21** is amended to read:

12699 **73-10-21. Loans for water systems -- Eligible projects.**

12700 This chapter shall apply to all eligible projects of incorporated cities and towns, ~~[local]~~  
12701 special districts under ~~[Title 17B, Limited Purpose Local Government Entities - Local~~  
12702 ~~Districts]~~ Title 17B, Limited Purpose Local Government Entities - Special Districts,  
12703 assessment areas under Title 11, Chapter 42, Assessment Area Act, and special service districts  
12704 under Title 17D, Chapter 1, Special Service District Act. Eligible projects are those for the  
12705 acquisition, improvement, or construction of water systems used for the production, supply,  
12706 transmission, storage, distribution, or treatment of water for cities, towns, metropolitan water  
12707 districts, water conservancy districts, improvement districts, special improvement districts, or  
12708 special service districts, or the improvement or extension of such systems.

12709 Section 155. Section **76-1-101.5** is amended to read:

12710 **76-1-101.5. Definitions.**

12711 Unless otherwise provided, as used in this title:

12712 (1) "Act" means a voluntary bodily movement and includes speech.

12713 (2) "Actor" means a person whose criminal responsibility is in issue in a criminal  
12714 action.

12715 (3) "Affinity" means a relationship by marriage.

12716 (4) "Bodily injury" means physical pain, illness, or any impairment of physical  
12717 condition.

12718 (5) "Conduct" means an act or omission.

- 12719           (6) "Consanguinity" means a relationship by blood to the first or second degree,  
12720 including an individual's parent, grandparent, sibling, child, aunt, uncle, niece, or nephew.
- 12721           (7) "Dangerous weapon" means:
- 12722           (a) any item capable of causing death or serious bodily injury; or
- 12723           (b) a facsimile or representation of the item, if:
- 12724           (i) the actor's use or apparent intended use of the item leads the victim to reasonably  
12725 believe the item is likely to cause death or serious bodily injury; or
- 12726           (ii) the actor represents to the victim verbally or in any other manner that the actor is in  
12727 control of such an item.
- 12728           (8) "Grievous sexual offense" means:
- 12729           (a) rape, Section [76-5-402](#);
- 12730           (b) rape of a child, Section [76-5-402.1](#);
- 12731           (c) object rape, Section [76-5-402.2](#);
- 12732           (d) object rape of a child, Section [76-5-402.3](#);
- 12733           (e) forcible sodomy, Subsection [76-5-403\(2\)](#);
- 12734           (f) sodomy on a child, Section [76-5-403.1](#);
- 12735           (g) aggravated sexual abuse of a child, Section [76-5-404.3](#);
- 12736           (h) aggravated sexual assault, Section [76-5-405](#);
- 12737           (i) any felony attempt to commit an offense described in Subsections (8)(a) through  
12738 (h); or
- 12739           (j) an offense in another state, territory, or district of the United States that, if  
12740 committed in Utah, would constitute an offense described in Subsections (8)(a) through (i).
- 12741           (9) "Offense" means a violation of any penal statute of this state.
- 12742           (10) "Omission" means a failure to act when there is a legal duty to act and the actor is  
12743 capable of acting.
- 12744           (11) "Person" means an individual, public or private corporation, government,  
12745 partnership, or unincorporated association.



12746 (12) "Possess" means to have physical possession of or to exercise dominion or control  
12747 over tangible property.

12748 (13) "Public entity" means:

12749 (a) the state, or an agency, bureau, office, department, division, board, commission,  
12750 institution, laboratory, or other instrumentality of the state;

12751 (b) a political subdivision of the state, including a county, municipality, interlocal  
12752 entity, ~~local~~ special district, special service district, school district, or school board;

12753 (c) an agency, bureau, office, department, division, board, commission, institution,  
12754 laboratory, or other instrumentality of a political subdivision of the state; or

12755 (d) another entity that:

12756 (i) performs a public function; and

12757 (ii) is authorized to hold, spend, transfer, disburse, use, or receive public money.

12758 (14) (a) "Public money" or "public funds" means money, funds, or accounts, regardless  
12759 of the source from which they are derived, that:

12760 (i) are owned, held, or administered by an entity described in Subsections (13)(a)  
12761 through (c); or

12762 (ii) are in the possession of an entity described in Subsection (13)(d)(i) for the purpose  
12763 of performing a public function.

12764 (b) "Public money" or "public funds" includes money, funds, or accounts described in  
12765 Subsection (14)(a) after the money, funds, or accounts are transferred by a public entity to an  
12766 independent contractor of the public entity.

12767 (c) "Public money" or "public funds" remains public money or public funds while in  
12768 the possession of an independent contractor of a public entity for the purpose of providing a  
12769 program or service for, or on behalf of, the public entity.

12770 (15) "Public officer" means:

12771 (a) an elected official of a public entity;

12772 (b) an individual appointed to, or serving an unexpired term of, an elected official of a

12773 public entity;

12774 (c) a judge of a court of record or not of record, including justice court judges; or

12775 (d) a member of the Board of Pardons and Parole.

12776 (16) (a) "Public servant" means:

12777 (i) a public officer;

12778 (ii) an appointed official, employee, consultant, or independent contractor of a public

12779 entity; or

12780 (iii) a person hired or paid by a public entity to perform a government function.

12781 (b) Public servant includes a person described in Subsection (16)(a) upon the person's

12782 election, appointment, contracting, or other selection, regardless of whether the person has

12783 begun to officially occupy the position of a public servant.

12784 (17) "Serious bodily injury" means bodily injury that creates or causes serious

12785 permanent disfigurement, protracted loss or impairment of the function of any bodily member

12786 or organ, or creates a substantial risk of death.

12787 (18) "Substantial bodily injury" means bodily injury, not amounting to serious bodily

12788 injury, that creates or causes protracted physical pain, temporary disfigurement, or temporary

12789 loss or impairment of the function of any bodily member or organ.

12790 (19) "Writing" or "written" includes any handwriting, typewriting, printing, electronic

12791 storage or transmission, or any other method of recording information or fixing information in

12792 a form capable of being preserved.

12793 Section 156. Section **77-23d-102** is amended to read:

12794 **77-23d-102. Definitions.**

12795 As used in this chapter:

12796 (1) "Government entity" means the state, a county, a municipality, a higher education

12797 institution, a ~~local~~ special district, a special service district, or any other political subdivision

12798 of the state or an administrative subunit of any political subdivision, including a law

12799 enforcement entity or any other investigative entity, agency, department, division, bureau,

12800 board, or commission, or an individual acting or purporting to act for or on behalf of a state or  
12801 local agency.

12802 (2) "Imaging surveillance device" means a device that uses radar, sonar, infrared, or  
12803 other remote sensing or detection technology used by the individual operating the device to  
12804 obtain information, not otherwise directly observable, about individuals, items, or activities  
12805 within a closed structure.

12806 (3) "Target" means a person or a structure upon which a government entity  
12807 intentionally collects or attempts to collect information using an imaging surveillance device.

12808 Section 157. Section **77-38-601** is amended to read:

12809 **77-38-601. Definitions.**

12810 As used in this part:

12811 (1) "Abuse" means any of the following:

12812 (a) "abuse" as that term is defined in Section [76-5-111](#) or [80-1-102](#); or

12813 (b) "child abuse" as that term is defined in Section [76-5-109](#).

12814 (2) "Actual address" means the residential street address of the program participant that  
12815 is stated in a program participant's application for enrollment or on a notice of a change of  
12816 address under Section [77-38-610](#).

12817 (3) "Assailant" means an individual who commits or threatens to commit abuse, human  
12818 trafficking, domestic violence, stalking, or a sexual offense against an applicant for the  
12819 program or a minor or incapacitated individual residing with an applicant for the program.

12820 (4) "Assigned address" means an address designated by the commission and assigned  
12821 to a program participant.

12822 (5) "Authorization card" means a card issued by the commission that identifies a  
12823 program participant as enrolled in the program with the program participant's assigned address  
12824 and the date on which the program participant will no longer be enrolled in the program.

12825 (6) "Commission" means the State Commission on Criminal and Juvenile Justice  
12826 created in Section [63M-7-201](#).

- 12827 (7) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 12828 (8) "Human trafficking" means a human trafficking offense under Section 76-5-308.
- 12829 (9) "Incapacitated individual" means an individual who is incapacitated, as defined in  
12830 Section 75-1-201.
- 12831 (10) (a) "Mail" means first class letters or flats delivered by the United States Postal  
12832 Service, including priority, express, and certified mail.
- 12833 (b) "Mail" does not include a package, parcel, periodical, or catalogue, unless the  
12834 package, parcel, periodical, or catalogue is clearly identifiable as:
- 12835 (i) being sent by a federal, state, or local agency or another government entity; or  
12836 (ii) a pharmaceutical or medical item.
- 12837 (11) "Minor" means an individual who is younger than 18 years old.
- 12838 (12) "Notification form" means a form issued by the commission that a program  
12839 participant may send to a person demonstrating that the program participant is enrolled in the  
12840 program.
- 12841 (13) "Program" means the Address Confidentiality Program created in Section  
12842 77-38-602.
- 12843 (14) "Program assistant" means an individual designated by the commission under  
12844 Section 77-38-604 to assist an applicant or program participant.
- 12845 (15) "Program participant" means an individual who is enrolled under Section  
12846 77-38-606 by the commission to participate in the program.
- 12847 (16) "Record" means the same as that term is defined in Section 63G-2-103.
- 12848 (17) "Sexual offense" means:
- 12849 (a) a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses; or  
12850 (b) a sexual exploitation offense under Title 76, Chapter 5b, Part 2, Sexual  
12851 Exploitation.
- 12852 (18) "Stalking" means the same as that term is defined in Section 76-5-106.5.
- 12853 (19) "State or local government entity" means a county, municipality, higher education

12854 institution, ~~local~~ special district, special service district, or any other political subdivision of  
12855 the state or an administrative subunit of the executive, legislative, or judicial branch of this  
12856 state, including:

12857 (a) a law enforcement entity or any other investigative entity, agency, department,  
12858 division, bureau, board, or commission; or

12859 (b) an individual acting or purporting to act for or on behalf of a state or local entity,  
12860 including an elected or appointed public official.

12861 (20) "Victim" means a victim of abuse, domestic violence, human trafficking, stalking,  
12862 or sexual assault.

12863 Section 158. Section **78B-2-216** is amended to read:

12864 **78B-2-216. Adverse possession of certain real property.**

12865 (1) As used in this section:

12866 (a) "Government entity" means a town, city, county, metropolitan water district, or  
12867 ~~local~~ special district.

12868 (b) "Water facility" means any improvement or structure used, or intended to be used,  
12869 to divert, convey, store, measure, or treat water.

12870 (2) Except as provided in Subsection (3), a person may not acquire by adverse  
12871 possession, prescriptive use, or acquiescence any right in or title to any real property:

12872 (a) held by a government entity; and

12873 (b) designated for any present or future public use, including:

12874 (i) a street;

12875 (ii) a lane;

12876 (iii) an avenue;

12877 (iv) an alley;

12878 (v) a park;

12879 (vi) a public square;

12880 (vii) a water facility; or

12881 (viii) a water conveyance right-of-way or water conveyance corridor.

12882 (3) Notwithstanding Subsection (2) and subject to Subsection (4), a person may acquire

12883 title if:

12884 (a) a government entity sold, disposed of, or conveyed the right in, or title to, the real

12885 property to a purchaser for valuable consideration; and

12886 (b) the purchaser or the purchaser's grantees or successors in interest have been in

12887 exclusive, continuous, and adverse possession of the real property for at least seven

12888 consecutive years after the day on which the real property was sold, disposed of, or conveyed

12889 as described in Subsection (3)(a).

12890 (4) A person who acquires title under Subsection (3) is subject to all other applicable

12891 provisions of law.

12892 Section 159. Section **78B-4-509** is amended to read:

12893 **78B-4-509. Inherent risks of certain recreational activities -- Claim barred**

12894 **against county or municipality -- No effect on duty or liability of person participating in**

12895 **recreational activity or other person.**

12896 (1) As used in this section:

12897 (a) "Inherent risks" means any danger, condition, and potential for personal injury or

12898 property damage that is an integral and natural part of participating in a recreational activity.

12899 (b) "Municipality" means the same as that term is defined in Section [10-1-104](#).

12900 (c) "Person" means:

12901 (i) an individual, regardless of age, maturity, ability, capability, or experience; and

12902 (ii) a corporation, partnership, limited liability company, or any other form of business

12903 enterprise.

12904 (d) "Recreational activity" includes a rodeo, an equestrian activity, skateboarding,

12905 skydiving, para gliding, hang gliding, roller skating, ice skating, fishing, hiking, walking,

12906 running, jogging, bike riding, scooter riding, or in-line skating on property:

12907 (i) owned, leased, or rented by, or otherwise made available to:

12908 (A) with respect to a claim against a county, the county; and  
12909 (B) with respect to a claim against a municipality, the municipality; and  
12910 (ii) intended for the specific use in question.

12911 (2) Notwithstanding Sections 78B-5-817 through 78B-5-823, no person may make a  
12912 claim against or recover from any of the following entities for personal injury or property  
12913 damage resulting from any of the inherent risks of participating in a recreational activity:

12914 (a) a county, municipality, ~~[local]~~ special district under ~~[Title 17B, Limited Purpose~~  
12915 ~~Local Government Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government  
12916 Entities - Special Districts, or special service district under Title 17D, Chapter 1, Special  
12917 Service District Act; or

12918 (b) the owner of property that is leased, rented, or otherwise made available to a  
12919 county, municipality, ~~[local]~~ special district, or special service district for the purpose of  
12920 providing or operating a recreational activity.

12921 (3) (a) Nothing in this section may be construed to relieve a person participating in a  
12922 recreational activity from an obligation that the person would have in the absence of this  
12923 section to exercise due care or from the legal consequences of a failure to exercise due care.

12924 (b) Nothing in this section may be construed to relieve any other person from an  
12925 obligation that the person would have in the absence of this section to exercise due care or  
12926 from the legal consequences of a failure to exercise due care.

12927 Section 160. Section 78B-6-2301 is amended to read:  
12928 **78B-6-2301. Definitions.**  
12929 As used in this part:  
12930 (1) "Directive" means an ordinance, regulation, measure, rule, enactment, order, or  
12931 policy issued, enacted, or required by a local or state governmental entity.  
12932 (2) "Firearm" means the same as that term is defined in Section 53-5a-102.  
12933 (3) "Legislative firearm preemption" means the preemption provided for in Sections  
12934 53-5a-102 and 76-10-500.

12935 (4) "Local or state governmental entity" means:

12936 (a) a department, commission, board, council, agency, institution, officer, corporation,  
12937 fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other  
12938 administrative unit of the state, including the Utah Board of Higher Education, each institution  
12939 of higher education, and the boards of trustees of each higher education institution; or

12940 (b) a county, city, town, metro township, [~~local~~] special district, local education  
12941 agency, public school, school district, charter school, special service district under Title 17D,  
12942 Chapter 1, Special Service District Act, an entity created by interlocal cooperation agreement  
12943 under Title 11, Chapter 13, Interlocal Cooperation Act, or any other governmental entity  
12944 designated in statute as a political subdivision of the state.

12945 Section 161. **Effective date.**

12946 If approved by two-thirds of all the members elected to each house, this bill takes effect  
12947 upon approval by the governor, or the day following the constitutional time limit of Utah  
12948 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
12949 the date of veto override.

12950 Section 162. **Revisor instructions.**

12951 (1) The Legislature intends that the Office of Legislative Research and General  
12952 Counsel, in preparing the Utah Code database for publication, not enroll this bill if H.B. 22,  
12953 Local District Amendments, does not pass.

12954 (2) The Legislature intends that, if this bill and H.B. 22, Local District Amendments,  
12955 both pass, the Office of Legislative Research and General Counsel, when enrolling H.B. 22,  
12956 Local District Amendments, replace "certificate of incorporation" with "applicable certificate"  
12957 in Subsections [17B-2a-407](#)(4)(c) and (6)(b).