

James A. Dunnigan proposes the following substitute bill:

**Local Government Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: James A. Dunnigan**

Senate Sponsor:

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**LONG TITLE**

**General Description:**

This bill deals with provisions related to counties and special districts.

**Highlighted Provisions:**

This bill:

- defines the term "finance officer" and modifies definitions;
- describes when a county legislative body shall submit the question of moving the county seat to the county's voters;
- modifies provisions related to the annexation or consolidation of counties and the creation of a new county;
- addresses pending criminal and civil proceedings following the creation of a new county;
- provides that a county shall hold an election on an optional plan to change the form of county government at the next regular general election that is no less than 180 days after the day on which the county attorney submits to the county clerk the attorney's report;
- modifies provisions related to county costs following a change of venue;
- repeals a requirement that a county financial officer be bonded;
- modifies the ability of a legislative body to investigate the actions of a county officer that impacts county business or operations;
- modifies provisions related to the consolidation of county offices;
- modifies the qualification requirements of a county assessor;
- provides that, if a county council delegates the provision of accounting services to a finance officer, the county auditor is not required to fulfill an accounting obligation described in statute unless statute explicitly states that the county auditor shall provide the accounting obligation;
- modifies provisions related to county surveyor duties;
- modifies the circumstances in which an election official is required to notify eligible

- 29 voters via email about the disqualification of a candidate;
- 30       ▶ modifies the manner in which a county recorder is required to index recorded instruments;
- 31       ▶ authorizes a county legislative body to set fees for services of the county recorder;
- 32       ▶ increases certain statutorily provided fees for certain county recorder services;
- 33       ▶ provides a method for an individual requesting a record related to military service to
- 34 demonstrate that the individual is a lineal descendant of the individual who is the subject
- 35 of the record;
- 36       ▶ provides that, when a county contracts with a licensed professional land surveyor to fulfill
- 37 certain county surveyor duties, the licensed professional land surveyor may utilize the
- 38 county surveyor seal or a personal seal;
- 39       ▶ modifies provisions related to survey monuments, corners, and boundaries;
- 40       ▶ authorizes a county surveyor to charge a plat fee to an infrastructure financing district or
- 41 public infrastructure district;
- 42       ▶ authorizes a county treasurer to enter an agreement with a special district for the county
- 43 treasurer to bill and collect assessments on behalf of the special district;
- 44       ▶ modifies provisions related to merit system employment, including administrative appeals
- 45 to a career service council or an administrative law judge;
- 46       ▶ repeals a criminal penalty for individuals who willfully violate provisions related to
- 47 county personnel management;
- 48       ▶ rennumbers authority for a county to expend county funds as considered advisable for the
- 49 development of the county's resources;
- 50       ▶ repeals sections related to the Title 17 recodification during the 2025 First Special
- 51 Session;
- 52       ▶ recodifies Title 17B, Chapter 2a, Part 13, Infrastructure Financing District, as Title 17D,
- 53 Chapter 5, Infrastructure Financing District Act; and
- 54       ▶ makes technical and conforming changes.

55 **Money Appropriated in this Bill:**

56 None

57 **Other Special Clauses:**

58 This bill provides a special effective date.

59 **Utah Code Sections Affected:**

60 AMENDS:

61 **11-1-1**, as last amended by Laws of Utah 2024, Chapter 365

62 **11-1-2**, as last amended by Laws of Utah 1993, Chapter 227

63        **17-60-101**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
64        Chapter 13

65        **17-60-103**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
66        Chapter 13

67        **17-60-302**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
68        Chapter 13

69        **17-60-401**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
70        Chapter 13

71        **17-61-201**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
72        Chapter 13

73        **17-61-301**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
74        Chapter 13

75        **17-61-401**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
76        Chapter 13

77        **17-61-404**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
78        Chapter 13

79        **17-61-406**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
80        Chapter 13

81        **17-62-303**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
82        Chapter 13

83        **17-62-501**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
84        Chapter 13

85        **17-63-101**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
86        Chapter 13

87        **17-63-503**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
88        Chapter 13

89        **17-63-505**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
90        Chapter 13

91        **17-63-601**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
92        Chapter 13

93        **17-63-604**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
94        Chapter 13

95        **17-63-605**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
96        Chapter 13

97           **17-63-702**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
98           Chapter 13  
99           **17-63-802**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
100           Chapter 13  
101           **17-64-402**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
102           Chapter 13  
103           **17-64-405**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
104           Chapter 13  
105           **17-66-101**, as enacted by Laws of Utah 2025, First Special Session, Chapter 13  
106           **17-66-104**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
107           Chapter 13  
108           **17-66-201**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
109           Chapter 13  
110           **17-66-403**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
111           Chapter 13  
112           **17-67-201**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
113           Chapter 13  
114           **17-69-101**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
115           Chapter 13  
116           **17-69-103**, as enacted by Laws of Utah 2025, First Special Session, Chapter 13  
117           **17-69-301**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
118           Chapter 13  
119           **17-70-101**, as enacted by Laws of Utah 2025, First Special Session, Chapter 13  
120           **17-70-103**, as enacted by Laws of Utah 2025, First Special Session, Chapter 13  
121           **17-70-302**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
122           Chapter 13  
123           **17-70-403**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
124           Chapter 13  
125           **17-71-103**, as enacted by Laws of Utah 2025, First Special Session, Chapter 13  
126           **17-71-302**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
127           Chapter 13  
128           **17-71-407**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
129           Chapter 13  
130           **17-71-408**, as renumbered and amended by Laws of Utah 2025, First Special Session,

131 Chapter 13  
132 **17-71-503**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
133 Chapter 13  
134 **17-73-102**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
135 Chapter 13  
136 **17-73-201**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
137 Chapter 13  
138 **17-73-502**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
139 Chapter 13  
140 **17-73-504**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
141 Chapter 13  
142 **17-73-507**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
143 Chapter 13  
144 **17-74-101**, as enacted by Laws of Utah 2025, First Special Session, Chapter 13  
145 **17-74-301**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
146 Chapter 13  
147 **17-74-302**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
148 Chapter 13  
149 **17-74-402**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
150 Chapter 13  
151 **17-75-201**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
152 Chapter 14  
153 **17-75-403**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
154 Chapter 14  
155 **17-75-501**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
156 Chapter 14  
157 **17-75-502**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
158 Chapter 14  
159 **17-75-503**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
160 Chapter 14  
161 **17-75-602**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
162 Chapter 14  
163 **17-75-604**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
164 Chapter 14

165 **17-75-702**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
 166 Chapter 14  
 167 **17-76-402**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
 168 Chapter 14  
 169 **17-78-201**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
 170 Chapter 14  
 171 **17-78-605**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
 172 Chapter 14  
 173 **17-78-807**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
 174 Chapter 14  
 175 **17B-1-102**, as last amended by Laws of Utah 2024, Chapters 388, 438  
 176 **17B-1-403**, as last amended by Laws of Utah 2024, Chapter 388  
 177 **17B-1-901**, as last amended by Laws of Utah 2023, Chapter 15  
 178 **59-2-208**, as enacted by Laws of Utah 1987, Chapter 4  
 179 **59-2-1306**, as last amended by Laws of Utah 2000, Chapter 86  
 180 **77-21-4**, as enacted by Laws of Utah 1980, Chapter 15  
 181 **78A-7-121**, as last amended by Laws of Utah 2012, Chapter 205  
 182 **78B-1-123**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
 183 **78B-1-124**, as renumbered and amended by Laws of Utah 2008, Chapter 3

184 ENACTS:

185 **17-74-304**, Utah Code Annotated 1953  
 186 **17D-5-201**, Utah Code Annotated 1953

187 RENUMBERS AND AMENDS:

188 **17-69-304.1**, (Renumbered from 17-69-308, as renumbered and amended by Laws of  
 189 Utah 2025, First Special Session, Chapter 13)  
 190 **17-69-401**, (Renumbered from 17-69-304, as renumbered and amended by Laws of  
 191 Utah 2025, First Special Session, Chapter 13)  
 192 **17-69-402**, (Renumbered from 17-69-305, as renumbered and amended by Laws of  
 193 Utah 2025, First Special Session, Chapter 13)  
 194 **17-69-403**, (Renumbered from 17-69-306, as renumbered and amended by Laws of  
 195 Utah 2025, First Special Session, Chapter 13)  
 196 **17-69-404**, (Renumbered from 17-69-307, as renumbered and amended by Laws of  
 197 Utah 2025, First Special Session, Chapter 13)  
 198 **17D-5-101**, (Renumbered from 17B-2a-1301, as enacted by Laws of Utah 2024,

199 Chapter 388)  
 200 **17D-5-102**, (Renumbered from 17B-2a-1302, as enacted by Laws of Utah 2024,  
 201 Chapter 388)  
 202 **17D-5-202**, (Renumbered from 17B-2a-1303, as enacted by Laws of Utah 2024,  
 203 Chapter 388)  
 204 **17D-5-203**, (Renumbered from 17B-2a-1304, as enacted by Laws of Utah 2024,  
 205 Chapter 388)  
 206 **17D-5-204**, (Renumbered from 17B-2a-1305, as last amended by Laws of Utah  
 207 2025, First Special Session, Chapter 15)  
 208 **17D-5-205**, (Renumbered from 17B-2a-1307, as enacted by Laws of Utah 2024,  
 209 Chapter 388)  
 210 **17D-5-301**, (Renumbered from 17B-2a-1306, as enacted by Laws of Utah 2024,  
 211 Chapter 388)

212 REPEALS:

213 **10-9a-520**, as last amended by Laws of Utah 2023, Chapter 327  
 214 **17-2-102**, as last amended by Laws of Utah 2023, Chapter 116  
 215 **17-2-202**, as last amended by Laws of Utah 2023, Chapter 116  
 216 **17-16-201**, as enacted by Laws of Utah 2016, Chapter 50  
 217 **17-22-14**, as last amended by Laws of Utah 2024, Chapter 365  
 218 **17-27a-101**, as renumbered and amended by Laws of Utah 2005, Chapter 254  
 219 **17-27a-409**, as last amended by Laws of Utah 2015, Chapter 310  
 220 **17-30-24**, as last amended by Laws of Utah 1993, Chapter 227  
 221 **17-36-1**, as enacted by Laws of Utah 1975, Chapter 22  
 222 **17-50-317**, as renumbered and amended by Laws of Utah 2000, Chapter 133  
 223 **17-53-206.5**, as enacted by Laws of Utah 2015, Chapter 196  
 224 **17-53-215**, as renumbered and amended by Laws of Utah 2000, Chapter 133  
 225 **17-53-304**, as enacted by Laws of Utah 2000, Chapter 133

226

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

228 Section 1. Section **11-1-1** is amended to read:

229 **11-1-1 . County finance officer's, city auditor's, or school board clerk's certificate**  
 230 **to show obligation within debt limit.**

231 (1) The [county auditor] finance officer, as that term is defined in Section 17-66-101, of  
 232 each county, the auditor of each city, and the clerk of each [~~board of education in this~~

233 state] school district board shall endorse a certificate upon every bond, warrant or other  
 234 evidence of debt, issued pursuant to law by any such officer, that the same is within the  
 235 lawful debt limit of such county, city or school district, respectively, and is issued  
 236 according to law. [~~The officer shall sign such certificate in the officer's official character.~~]

237 (2) The county finance officer, city auditor, or clerk of the school district board shall sign a  
 238 certificate described in Subsection (1) in the county finance officer's, city auditor's, or  
 239 clerk of the school district board's official character.

240 Section 2. Section 11-1-2 is amended to read:

241 **11-1-2 . Auditors may rely on certain facts.**

242 (1) As used in this section, "finance officer" means the same as that term is defined in  
 243 Section 17-66-101.

244 (2) Whenever a county legislative body, board of city commissioners, city council, or  
 245 board of education of any such county, city, or school district [~~shall find or declare~~] finds  
 246 or declares that any appropriation or expenditure for which a warrant or warrants are to  
 247 be issued was or is for interest upon the bonded debt, for salaries, or for the current  
 248 expenses of such county, city, or school district, [~~sueh~~] the finding or declaration shall  
 249 conclusively protect the county [auditor] finance officer, city auditor, or clerk of the  
 250 board of education of any such county, city, or school district, as to such facts, in  
 251 certifying any warrant or warrants therefor to be within the lawful debt limit of such  
 252 county, city, or school district.

253 Section 3. Section 17-60-101 is amended to read:

254 **17-60-101 . Definitions.**

255 As used in this title:

256 (1) "County" means a unit of local government that is a body corporate and politic and a  
 257 legal subdivision of the state, with:

258 (a) geographic boundaries as described in Section 17-61-102; and

259 (b) powers as provided in Part 2, County Powers Generally.

260 (2) "Executive," when used to describe the powers, duties, or functions of an individual or  
 261 body elected as the county executive or an individual appointed as the county manager [~~or administrative officer~~], refers to:

262 (a) the power and duty to carry laws and ordinances into effect and secure the due  
 263 observance of laws and ordinances; and

264 (b) those powers, duties, and functions that, under constitutional and statutory provisions  
 265 and through long usage and accepted practice and custom at the federal and state  
 266

267 level, have come to be regarded as belonging to the executive branch of government.

268 (3) "Legislative," when used to describe the powers, duties, or functions of a county  
269 commission or county council, refers to:

270 (a) the power and duty to enact ordinances, levy taxes, and establish budgets; and

271 (b) those powers, duties, and functions that, under constitutional and statutory provisions  
272 and through long usage and accepted practice and custom at the federal and state  
273 level, have come to be regarded as belonging to the legislative branch of government.

274 (4) "Voter" means an individual who is registered to vote in [Utah] this state.

275 Section 4. Section **17-60-103** is amended to read:

276 **17-60-103 . Relationship to special districts -- Use of "county" prohibited -- Legal**  
277 **action to compel compliance.**

278 (1) For purposes of this section, "special district" means the same as that term is defined in  
279 Section 17B-1-102.[--]

280 (2) The county legislative body's statutory authority to appoint members to the governing  
281 body of a special district does not alone make the special district subject to the direction  
282 and control of that county.

283 (3) A local entity may not use the word "county" in the local entity's name unless the  
284 county whose name is used by the local entity gives or has given the local entity the  
285 county's written consent.

286 (4) A county with a name similar to the name of a local entity in violation of this section  
287 may bring legal action in a court with jurisdiction under Title 78A, Judiciary and  
288 Judicial Administration, to compel compliance with this section.

289 Section 5. Section **17-60-302** is amended to read:

290 **17-60-302 . Initiating a petition to move a county seat -- Certification of petition**  
291 **signatures -- Removal of signature -- Limitation.**

292 (1)(a) A voter may file a petition to move the county seat with the county legislative  
293 body of the county in which the voter lives if the petition is signed by a majority of [  
294 ~~registered~~]voters in the county, calculated by the number of [~~votes cast in the county~~  
295 ~~at the preceding general election~~] active voters, as defined in Section 20A-7-501, in  
296 the county.

297 (b) If the county legislative body receives a petition that complies with this section, the  
298 county legislative body shall submit the question of moving the county seat to the  
299 county's voters:

300 (i) if the county legislative body receives the petition at least 180 days before the next

301 general election, at the next general election[-] ; or  
 302 (ii) if the county legislative body receives the petition fewer than 180 days before the  
 303 next general election, at the general election following the next general election.

304 (2)(a) Within three business days after the day on which a county legislative body  
 305 receives a petition under Subsection (1), the county legislative body shall provide the  
 306 petition to the county clerk.

307 (b) Within 14 days after the day on which a county clerk receives a petition from the  
 308 county legislative body under Subsection (2)(a), the county clerk shall:

309 (i) use the procedures described in Section 20A-1-1002 to determine whether the  
 310 petition satisfies the requirements of Subsection (1);

311 (ii) certify on the petition whether each name is that of a registered voter in the  
 312 county; and

313 (iii) deliver the certified petition to the county legislative body.

314 (3)(a) An individual who signs a petition under this section may have the individual's  
 315 signature removed from the petition by, no later than three business days after the day  
 316 on which the county legislative body provides the petition to the county clerk,  
 317 submitting to the county clerk a statement requesting that the individual's signature  
 318 be removed.

319 (b) A statement described in Subsection (3)(a) shall comply with the requirements  
 320 described in Subsection 20A-1-1003(2).

321 (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to  
 322 determine whether to remove an individual's signature from a petition after receiving  
 323 a timely, valid statement requesting removal of the signature.

324 (4) The election shall be conducted and the returns canvassed in all respects as provided by  
 325 law for the conducting of general elections and canvassing the returns.

326 (5) In accordance with Utah Constitution, Article XI, Section 2, a proposition to move the  
 327 county seat may not be submitted in the same county more than once in four years, or  
 328 within four years after the day on which a proposition to move the county seat is  
 329 submitted to the voters.

330 Section 6. Section **17-60-401** is amended to read:

331 **17-60-401 . Review of claims by county executive -- Auditor review -- Attorney**  
 332 **review -- Claim requirements -- Approval or disapproval of claim -- Written explanation**  
 333 **of claim process.**

334 (1) Upon receiving a notice of claim under Section 63G-7-401, the county clerk shall

- 335 deliver the notice of claim to the county executive described in Chapter 65, County  
336 Executive.
- 337 (2) Subject to Subsection (3), each county executive shall review each claim, as defined in  
338 Section 17-69-101, against the county and:
- 339 (a) if the claim is just, lawful, and properly due and owing, approve the claim; or  
340 (b) disapprove the claim.
- 341 (3)(a) The county executive shall forward all claims to the county attorney, or, in a  
342 county that has a district attorney but not a county attorney, to the district attorney for  
343 the attorney's review and recommendation to the county executive regarding liability  
344 and payment.
- 345 (b) Except as provided in Section 17-60-405, the county executive shall forward all  
346 claims requesting payment for goods or services to the county ~~auditor~~ finance  
347 officer, as that term is defined in Section 17-66-101, for the county [auditor's] finance  
348 officer's review~~[and recommendation, subject to Subsection (7), to the county~~  
349 ~~executive]~~.
- 350 (4) Each claim for goods or services against a county shall:
- 351 (a) itemize the claim, giving applicable names, dates, and particular goods provided or  
352 services rendered;
- 353 (b) if the claim is for service of process, state the character of process served, upon  
354 whom served, the number of days engaged, and the number of miles traveled;
- 355 (c) be duly substantiated as to the claim's correctness and as to the fact that the claim is  
356 justly due;
- 357 (d) if the claim is for materials furnished, state to whom the materials were furnished, by  
358 whom ordered, and the quantity and price agreed upon; and
- 359 (e) be presented to the county executive within a year after the last item of the account or  
360 credit accrued.
- 361 (5) If the county executive refuses to hear or consider a claim because it is not properly  
362 made out, the county executive shall cause notice of the refusal to be given to the  
363 claimant or the claimant's agent and shall allow a reasonable amount of time for the  
364 claim to be properly itemized and substantiated.
- 365 (6) Each county shall prepare and make available to a person submitting or intending to  
366 submit a claim under this part a written explanation, in simple and easy to understand  
367 language, of how to submit a claim to the county and of the county's process for  
368 receiving, reviewing, and deciding a claim.

- 369 (7) Upon receiving a claim in accordance with Subsection (3)(b), the county [~~auditor~~  
 370 finance officer] shall:
- 371 (a)(i) investigate, examine, review, and inspect the claim; and  
 372 (ii)(A) recommend that the county executive approve or reject the claim; and  
 373 (B) endorse the recommendation;
- 374 (b) after completing the investigation, examination, and inspection, report the claim and  
 375 the recommendation described in Subsection (7)(a)(ii) to the county executive; and  
 376 (c) keep a complete record of the claim, the claim recommendation, the reasons for the  
 377 recommendation, and the county executive's final action as described in Subsection  
 378 (8).
- 379 (8) After receiving the county or district attorney's recommendation in accordance with  
 380 Subsection (3)(a), and the county [~~auditor's~~] finance officer's recommendation in  
 381 accordance with Subsection [~~(3)(b)~~] (7), the county executive shall decide whether to  
 382 approve or reject a claim.
- 383 (9)(a) The county [~~auditor~~] finance officer shall pay, subject to Subsection (9)(b), a claim  
 384 approved by the county executive in accordance with Subsection (8) by:
- 385 (i) a warrant drawn by the auditor on the county treasurer in favor of the person  
 386 entitled to payment; or  
 387 (ii) a county check or other payment mechanism as may be adopted in accordance  
 388 with Chapter 63, Fiscal Authority and Processes.
- 389 (b) The county [~~auditor~~] finance officer may not pay a claim against the county unless:
- 390 (i) the [~~auditor~~] finance officer:
- 391 (A) receives from the county executive a certified list described in Section  
 392 17-70-302; and  
 393 (B) has complied with the recommendation and other requirements of Subsection  
 394 (7); and  
 395 (ii) the county executive has approved the claim in accordance with Subsection (8).
- 396 (10) Nothing in this section may be construed to modify the requirements of Section  
 397 63G-7-401.
- 398 Section 7. Section **17-61-201** is amended to read:
- 399 **17-61-201 . Consolidation of counties -- Petition -- Certification of petition**  
 400 **signatures -- Removal of signature -- Election -- Ballot.**
- 401 (1) A voter of a county who desires to have the county joined to and consolidated with an  
 402 adjoining county may petition the county legislative body of the county in which the

403 voter resides and the county legislative body of the adjoining county, as described in this  
404 section.

405 (2)(a) Each petition under Subsection (1) shall be:

406 [~~(a)~~] (i) signed by a majority of the voters who reside in the originating county;

407 [~~(b)~~] (ii) signed by a majority of the voters who reside in the consolidating county; and

408 [~~(c)~~] (iii) presented to the county legislative body of the originating county and the  
409 county legislative body of the consolidating county before the first Monday in  
410 June of any year.

411 (b) The number of voters residing in a county is the same as the number of active voters,  
412 as defined in Section 20A-7-501, for the county.

413 (3)(a) Within three business days after the day on which a county legislative body  
414 receives a petition under Subsection (1), the county legislative body shall provide the  
415 petition to the county clerk.

416 (b) Within 14 days after the day on which a county clerk receives a petition from the  
417 county legislative body under Subsection (3)(a), the county clerk shall:

418 (i) use the procedures described in Section 20A-1-1002 to determine whether the  
419 petition satisfies the requirements of Subsection (2) in regard to the voters of the  
420 county in which the county clerk is an officer;

421 (ii) certify on the petition whether each name is that of a registered voter in the  
422 county in which the county clerk is an officer; and

423 (iii) deliver the certified petition to the county legislative body.

424 (4)(a) An individual who signs a petition under this section may have the individual's  
425 signature removed from the petition by, no later than three business days after the day  
426 on which the county legislative body provides the petition to the county clerk,  
427 submitting to the county clerk a statement requesting that the individual's signature  
428 be removed.

429 (b) A statement described in Subsection (4)(a) shall comply with the requirements  
430 described in Subsection 20A-1-1003(2).

431 (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to  
432 determine whether to remove an individual's signature from a petition after receiving  
433 a timely, valid statement requesting removal of the signature.

434 (5) If the county clerks of the originating county and consolidating county each determine  
435 that the petition meets the requirements of Subsection (2)(a), each county clerk shall  
436 ensure that the petition is submitted to the voters of the respective counties as described

437 in Subsection (6).

438 (6)(a) If a petition under Subsection (1) is presented in a year during which a regular  
439 general election is held, the county legislative body of the originating county and the  
440 county legislative body of the consolidating county shall cause the proposition to be  
441 submitted to the legal voters of the respective counties at the next regular general  
442 election.

443 (b) If a petition under Subsection (1) is presented during a year in which there is no  
444 regular general election, the county legislative body of the originating county and the  
445 county legislative body of the consolidating county shall:

446 (i) call a special election to be held on the first Tuesday after the first Monday in  
447 November following the presentation of the petition; and

448 (ii) cause the proposition to be submitted to the voters of the respective counties  
449 during the special election.

450 (c) Except as otherwise provided in this part, an election under this Subsection (6) shall  
451 be held, the results canvassed, and returns made under the provisions of the general  
452 election laws of the state.

453 (d) The ballot language to be used at an election under this Subsection (6) shall be:

454 For combining \_\_\_\_ county with \_\_\_\_ county.

455 Against combining \_\_\_\_ county with \_\_\_\_ county.

456 Section 8. Section **17-61-301** is amended to read:

457 **17-61-301 . Annexation of portion of county to adjoining county -- Petition --**  
458 **Certification of petition signatures -- Removal of signature -- Election -- Ballot.**

459 (1) Except as provided in Section 17-61-306, a voter who desires to have initiating county  
460 territory in which the voter resides included within the boundary of an adjoining county,  
461 the voter may petition the county legislative body of the initiating county and the county  
462 legislative body of the annexing county.

463 (2)(a) A petition under Subsection (1) shall be:

464 ~~[(a)]~~ (i) signed by a majority of the voters ~~[living]~~ residing in the portion of the  
465 initiating county proposed to be included within the boundaries of an annexing  
466 county; and

467 ~~[(b)]~~ (ii) presented before the first Monday in June of a year during which a general  
468 election is held.

469 (b) The number of voters residing in a portion of the county is the same as the number of  
470 active voters, as defined in Section 20A-7-501, for that area.

- 471 (3)(a) Within three business days after the day on which a county legislative body  
 472 receives a petition under Subsection (1), the county legislative body shall provide the  
 473 petition to the county clerk.
- 474 (b) Within 14 days after the day on which a county clerk of an initiating county receives  
 475 a petition from the county legislative body under Subsection (3)(a), the county clerk  
 476 shall:
- 477 (i) use the procedures described in Section 20A-1-1002 to determine whether the  
 478 petition satisfies the requirements of Subsection (2);
- 479 (ii) certify on the petition whether each name is that of a voter in the portion of the  
 480 initiating county that is proposed to be annexed; and
- 481 (iii) deliver the certified petition to the county legislative body.
- 482 (4)(a) An individual who signs a petition under this section may have the individual's  
 483 signature removed from the petition by, no later than three business days after the day  
 484 on which the county legislative body provides the petition to the county clerk,  
 485 submitting to the county clerk a statement requesting that the individual's signature  
 486 be removed.
- 487 (b) A statement described in Subsection (4)(a) shall comply with the requirements  
 488 described in Subsection 20A-1-1003(2).
- 489 (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to  
 490 determine whether to remove an individual's signature from a petition after receiving  
 491 a timely, valid statement requesting removal of the signature.
- 492 (5)(a) If the county clerk of the initiating county determines that the petition meets the  
 493 requirements of Subsection (2), the county clerk of the initiating county and the  
 494 county clerk of the annexing county shall ensure the petition is submitted to the  
 495 voters of the respective counties at the next regular general election as described in  
 496 this Subsection (5).
- 497 (b) Except as otherwise provided, the election shall be held, the results canvassed, and  
 498 returns made under the provisions of the general election laws of the state.
- 499 (c) The ballot language to be used in an election held under this Subsection (5) shall be:
- 500 For annexing a portion of \_\_\_\_ county to \_\_\_\_ county.
- 501 Against annexing a portion of \_\_\_\_ county to \_\_\_\_ county.
- 502 Section 9. Section **17-61-401** is amended to read:
- 503 **17-61-401 . Creating a new county -- Petition -- Certification of petition**  
 504 **signatures -- Removal of signature -- Election -- Ballots.**

- 505 (1) Whenever a voter desires to have the territory within which the voter resides created  
506 into a new county, the voter may file a petition for the creation of a new county with the  
507 county legislative body of the seceding county in which the voter resides as described in  
508 this section.
- 509 (2)(a) The petition described in Subsection (1) shall:
- 510 (i) propose the name and define the boundaries of the new county; and  
511 (ii) be signed:
- 512 (A) by at least one-fourth of the voters residing in the portion of the seceding  
513 county proposed to be created into a new county; and  
514 (B) by no less than one-fourth of the voters residing in the remaining portion of  
515 the seceding county.
- 516 (b) If a petition proposes to take territory from more than one seceding county, the  
517 requirements of Subsection (2)(a)(ii) apply to each seceding county affected by the  
518 petition.
- 519 (c) The number of voters residing in a portion of the county is the same as the number of  
520 active voters, as defined in Section 20A-7-501, for that area.
- 521 (3) A voter shall file a petition for the creation of a new county on or before the first  
522 Monday in May of any year with the county legislative body of the seceding county.
- 523 (4)(a) Within three business days after the day on which a county legislative body  
524 receives a petition, the county legislative body shall provide the petition to the county  
525 clerk.
- 526 (b) Within 14 days after the day on which a county clerk receives a petition from the  
527 county legislative body under Subsection (4)(a), the county clerk shall:
- 528 (i) use the procedures described in Section 20A-1-1002 to determine whether the  
529 petition satisfies the requirements of Subsection (2);  
530 (ii) certify on the petition whether each name is that of a registered voter in the  
531 seceding county; and  
532 (iii) deliver the certified petition to the county legislative body.
- 533 (5)(a) An individual who signs a petition under this section may have the individual's  
534 signature removed from the petition by, no later than three business days after the day  
535 on which the county legislative body provides the petition to the county clerk,  
536 submitting to the county clerk a statement requesting that the individual's signature  
537 be removed.
- 538 (b) A statement described in Subsection (5)(a) shall comply with the requirements

- 539 described in Subsection 20A-1-1003(2).
- 540 (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to  
 541 determine whether to remove an individual's signature from a petition after receiving  
 542 a timely, valid statement requesting removal of the signature.
- 543 (6) The seceding county legislative body shall cause the proposition to be submitted to the  
 544 voters residing in the seceding county at a special election to be held according to the  
 545 dates established in Section 20A-1-204, first causing 30 days' notice of the election to be  
 546 given in the manner provided by law for giving notice of general elections.
- 547 (7) The county clerk shall ensure that the special election is held, the result canvassed, and  
 548 returns made under the provisions of the general election laws.
- 549 (8) The form of ballot to be used at the special election shall be:  
 550 For the creation of (supplying the name proposed) county.  
 551 Against the creation of (supplying the name proposed) county.
- 552 (9)(a) Subject to Subsection (9)(b), the expenses of any special election described in this  
 553 section shall be paid out of the general fund of the seceding county.
- 554 (b) If the voters approve the creation of the new county, the new county shall reimburse  
 555 the seceding county for half of the cost of the special election within one year of the  
 556 effective date of the new county from the general fund of the new county.
- 557 Section 10. Section **17-61-404** is amended to read:
- 558 **17-61-404 . Records to be transmitted -- Expenses for transcribing and transfer.**
- 559 (1)(a) Whenever a new county is created under the provisions of this part, the county  
 560 executive of the seceding county shall furnish to the respective officers of the new  
 561 county, in a form suitable for creating permanent records, certified copies of all  
 562 records or parts of records pertaining to or affecting the title of real or personal  
 563 property in the new county.
- 564 (b) The certified copies described in Subsection (1)(a) shall be complete as of the  
 565 effective creation date of the new county.
- 566 (c) The original records, books, maps, or plats, whether filed or recorded, or filed papers  
 567 which exclusively relate to or affect the title to land in the new county or which affect  
 568 personal property owned by residents of the new county, [-]shall be transferred by the  
 569 seceding county to the custody of the relevant county officer of the new county.
- 570 (d) For a record of any antecedent county that has been compiled or arranged in a  
 571 manner that the record may be divided by segregating the instruments that relate to or  
 572 affect exclusively the title to land in the new county or personal property owned by

573 residents of the new county, the record shall be divided and the separate parts of the  
574 divided record shall be the property of the county to which the information within the  
575 record relates.

576 (2) The county clerk of a seceding county shall transfer to the new county:

577 (a)(i) except as provided in Subsection (2)(a)(ii), original records in the possession of  
578 the seceding county of all corporations whose principal place of business is  
579 situated in the new county; or

580 (ii) if the original record of a corporation is unavailable, or it is otherwise impractical  
581 to transfer an original record, a certified copy of the original record in the  
582 possession of the seceding county pertaining to any corporation whose principal  
583 place of business is situated in the new county along with all original documents,  
584 files, and papers relating to the corporation;

585 (b)(i) except as provided in Subsection (2)(b)(ii), certified copies of all recorded  
586 official bonds, if any, of county officers within the new county in force at the time  
587 the new county is created; or

588 (ii) if ~~the~~ an official bond of a county officer is recorded in such manner that the  
589 original record may be transferred to the new county, the official bond;

590 (c) bonds of local officers within the new county which are required by law to be filed, if  
591 in the possession of the seceding county;

592 (d) official registers, books, papers, and files of every description relating to or affecting  
593 elections, both general and local, which shall have been held in any district, precinct,  
594 or other subdivision wholly within the new county that are in the possession of the  
595 seceding county;

596 (e) certified copies of the last election proceedings had in any districts which are partly  
597 in the new county and partly in the seceding county;

598 (f) records, maps, plats, files, and papers relating to or affecting the creation, regulation  
599 and operation of irrigation, drainage and mosquito abatement districts which are  
600 wholly within the new county and in the possession of the seceding county; and

601 (g) certified copies of records, maps, plats, files, and papers relating to and affecting the  
602 creation, regulation and operation of irrigation, drainage, and mosquito abatement  
603 districts which are partly in the new and partly in the seceding county.

604 (3) All expenses lawfully incurred by a seceding county for transcribing, copying, and  
605 transferring records provided for in this section shall be reimbursed from the general  
606 funds of the new county no later than 30 days from the day on which the record is

607 transferred to the new county.

608 Section 11. Section **17-61-406** is amended to read:

609 **17-61-406 . Pending civil and criminal actions -- Previous offenses.**

610 (1) All civil and criminal actions that are pending in the territory embraced in a new county [  
611 shall] at the time the new county is created may be prosecuted to judgment and execution  
612 in the new county.

613 (2) All actions pending in the district court or the juvenile court in any county shall be  
614 prosecuted to judgment and execution in the county in which the [same] actions are  
615 pending, subject to change of venue as provided by law.

616 (3) An offense that was committed within the boundaries of a new county before the new  
617 county was created may be prosecuted to judgment and execution in the new county.

618 Section 12. Section **17-62-303** is amended to read:

619 **17-62-303 . Registered voter initiation of adoption of optional plan --**

620 **Certification of petition signatures -- Removal of signature -- Procedure.**

621 (1)(a) Registered voters of a county may initiate the process of adopting an optional plan  
622 by filing with the county clerk a notice of intent to gather signatures for a petition:

623 (i) for the establishment of a study committee described in Section 17-62-402; or

624 (ii) to adopt an optional plan that:

625 (A) accompanies the petition during the signature gathering process and  
626 accompanies the petition in the submission to the county clerk under  
627 Subsection (2)(b); and

628 (B) complies with the requirements described in Sections 17-62-403 and  
629 17-62-404.

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

631 (i) designate five sponsors for the petition;

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

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

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

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

638 (2)(a) The sponsors of a petition may circulate the petition after filing a notice of intent  
639 to gather signatures under Subsection (1).

640 (b)(i) Except as provided in Subsection (2)(b)(ii), the petition is valid if the petition

- 641 contains the number of legal signatures required under Subsection 20A-7-501(2).
- 642 (ii) For a county of the fifth or sixth class, the petition is valid if the petition contains
- 643 at least the number of legal signatures equal to 30% of the number of active
- 644 voters, as defined in Section 20A-7-501, in the county.
- 645 (iii) The county clerk may not count a signature that was collected for the petition
- 646 before the petition sponsors filed a notice of intent under Subsection (1)(a).
- 647 (iv) Notwithstanding any other provision of law, an individual may not sign a petition
- 648 circulated under this section by electronic signature as defined in Section
- 649 20A-1-202.
- 650 (c) Except as provided in Subsection (4)(b)(ii), the sponsors of the petition shall submit
- 651 the completed petition and any amended or supplemental petition described in
- 652 Subsection (4) with the county clerk [~~not more~~] no later than 180 days after the day on
- 653 which the sponsors file the notice described in Subsection (1).
- 654 (d)(i) Within 30 days after the day on which the sponsors submit a petition, the
- 655 sponsors shall submit financial disclosures to the county clerk that include:
- 656 (A) a list of each contribution received by the sponsors and the name of the donor;
- 657 and
- 658 (B) a list of each expenditure for purposes of furthering or sponsoring the petition
- 659 and the recipient of each expenditure.
- 660 (ii) The county clerk shall publish the financial disclosures described in Subsection
- 661 (2)(d)(i).
- 662 (iii) All sponsors of a petition shall date and sign each list described in Subsection
- 663 (2)(d)(i).
- 664 (3) Within 30 days after the day on which the sponsors submit a petition under Subsection
- 665 (2)(c) or an amended or supplemental petition under Subsection (4), the county clerk
- 666 shall:
- 667 (a)(i) use the procedures described in Section 20A-1-1002 to determine whether a
- 668 signer is a registered voter; and
- 669 (ii) determine whether the petition or amended or supplemental petition has been
- 670 signed by the required number of registered voters;
- 671 (b)(i) if the petition was signed by a sufficient number of registered voters:
- 672 (A) certify the petition;
- 673 (B) deliver the petition to the county legislative body and county executive; and
- 674 (C) notify the contact sponsor in writing of the certification; or

- 675 (ii) if the petition was not signed by a sufficient number of registered voters:  
 676 (A) reject the petition; and  
 677 (B) notify the county legislative body and the contact sponsor in writing of the  
 678 rejection and the reasons for the rejection; and  
 679 (c) for a petition described in Subsection (1)(a)(ii), no later than 10 days after the day on  
 680 which the county clerk certifies the petition under Subsection (3)(b)(i), the county  
 681 clerk shall send a copy of the optional plan that accompanied the petition to the  
 682 county attorney for review in accordance with Section 17-62-405.
- 683 (4) The sponsors of a petition circulated under this section may submit supplemental  
 684 signatures for the petition:  
 685 (a) if the county clerk rejects the petition under Subsection (3)(b)(ii); and  
 686 (b) before the earlier of:  
 687 (i) the deadline described in Subsection (2)(c); or  
 688 (ii) 20 days after the day on which the county clerk rejects the petition under  
 689 Subsection (3)(b)(ii).
- 690 (5) With the unanimous approval of petition sponsors, a petition filed under this section  
 691 may be withdrawn at any time within 90 days after the day on which the county clerk  
 692 certifies the petition under Subsection (3)(b)(i) and no later than 45 days before an  
 693 election under Section 17-62-501 if the petition included a notification to petition  
 694 signers, in conspicuous language and in a conspicuous location, that the petition  
 695 sponsors are authorized to withdraw the petition.
- 696 (6)(a) A voter who signs a petition under this section may have the voter's signature  
 697 removed from the petition by, no later than three business days after the day on  
 698 which the sponsors submit the petition to the county clerk, submitting to the county  
 699 clerk a statement requesting that the voter's signature be removed.
- 700 (b) A statement described in Subsection (6)(a) shall comply with the requirements  
 701 described in Subsection 20A-1-1003(2).
- 702 (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to  
 703 determine whether to remove an individual's signature from a petition after receiving  
 704 a timely, valid statement requesting removal of the signature.
- 705 Section 13. Section **17-62-501** is amended to read:  
 706 **17-62-501 . Election on recommended optional plan.**  
 707 (1) If the county attorney finds under Section 17-62-405 that a proposed optional plan does  
 708 not violate a statutory or constitutional provision, a county shall hold an election on the

709 optional plan at the next regular general election that is [~~not less than 65~~] no later than  
 710 180 days after the day on which the county attorney submits to the county clerk the  
 711 attorney's report described in Section 17-62-405.

712 (2) The county clerk shall prepare the ballot for an election under this section so that the  
 713 question on the ballot states substantially the following:

714 "Shall \_\_\_\_\_ County adopt the alternate form of government known as  
 715 the (insert the proposed form of government) as recommended in the proposed optional plan?"

716 (3) The county clerk shall:

717 (a) publish the complete text of the proposed optional plan in a newspaper of general  
 718 circulation within the county at least once during two different calendar weeks within  
 719 the 30-day period immediately before the date of the election described in Subsection  
 720 (1);

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

724 (c) make a complete copy of the optional plan and the study committee report available  
 725 free of charge to any member of the public who requests a copy.

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

728 Section 14. Section **17-63-101** is amended to read:

729 **17-63-101 . Definitions.**

730 As used in this chapter:

731 (1) "Accrual basis of accounting" means a method where revenues are recorded when  
 732 earned and expenditures recorded when they become liabilities notwithstanding that the  
 733 receipt of the revenue or payment of the expenditure may take place in another  
 734 accounting period.

735 (2) "Appropriation" means an allocation of money for a specific purpose.

736 (3)(a) "Budget" means a plan for financial operations for a fiscal period, embodying  
 737 estimates for proposed expenditures for given purposes and the means of financing  
 738 the expenditures.

739 (b) "Budget" may refer to the budget of a fund for which a budget is required by law, or  
 740 collectively to the budgets for all those funds.

741 (4) "Budgetary fund" means a fund for which a budget is required, such as those described  
 742 in Section 17-63-301.

- 743 (5) "Budget period" means the fiscal period for which a budget is prepared.
- 744 (6) "Check" means an order in a specific amount drawn upon the depository by any  
745 authorized officer in accordance with:
- 746 (a) Section 17-69-307; or  
747 (b) Section 17-74-301.
- 748 (7) "County general fund" means the general fund used by a county.
- 749 (8) "Countywide service" means a service provided in both incorporated and  
750 unincorporated areas of a county.
- 751 (9) "Current period" means the fiscal period in which a budget is prepared and adopted.
- 752 (10) "Department" means any functional unit within a fund which carries on a specific  
753 activity.
- 754 (11) "Encumbrance system" means a method of budgetary control where part of an  
755 appropriation is reserved to cover a specific expenditure by charging obligations, such as  
756 purchase orders, contracts, or salary commitments to an appropriation account. An  
757 expenditure ceases to be an encumbrance when paid or when the actual liability is  
758 entered in the books of account.
- 759 (12) "Estimated revenue" means any revenue estimated to be received during the budget  
760 period in any fund for which a budget is prepared.
- 761 (13) "Finance officer" means:
- 762 (a)(i) the county auditor; or  
763 (ii) the person selected to provide accounting services for the county in accordance  
764 with Section [~~17-69-304~~] 17-69-401; or  
765 (b) notwithstanding Subsection (13)(a), for the purposes of preparing a tentative budget  
766 in a county operating under a county executive-council form of county government,  
767 the county executive.
- 768 (14) "Fiscal period" means the annual or biennial period for recording county fiscal  
769 operations.
- 770 (15) "Fund" means an independent fiscal and accounting entity comprised of a sum of  
771 money or other resources segregated for a specific purpose or objective.
- 772 (16) "Fund balance" means the excess of the assets over liabilities, reserves, and  
773 contributions, as reflected by its books of account.
- 774 (17) "Fund deficit" means the excess of liabilities, reserves, and contributions over its  
775 assets, as reflected by its books of account.
- 776 (18) "General fund" means the same as that term is defined by the Governmental

- 777 Accounting Standards Board as reflected in the Uniform Accounting Manual for All  
778 Local Governments prepared by the Office of the Utah State Auditor.
- 779 (19) "Interfund loan" means a loan of cash from one fund to another, subject to future  
780 repayment.
- 781 (20) "Last completed fiscal period" means the fiscal period immediately before the current  
782 period.
- 783 (21) "Modified accrual basis of accounting" means a method under which expenditures  
784 other than accrued interest on general long-term debt are recorded at the time liabilities  
785 are incurred and revenues are recorded when they become measurable and available to  
786 finance expenditures of the current period.
- 787 (22) "Municipal capital project" means the acquisition, construction, or improvement of  
788 capital assets that facilitate providing municipal service.
- 789 (23) "Municipal service" means a service not provided on a countywide basis and not  
790 accounted for in an enterprise fund, and includes police patrol, fire protection, culinary  
791 or irrigation water retail service, water conservation, local parks, sewers, sewage  
792 treatment and disposal, cemeteries, garbage and refuse collection, street lighting,  
793 airports, planning and zoning, local streets and roads, curb, gutter, and sidewalk  
794 maintenance, and ambulance service.
- 795 (24) "Retained earnings" means that part of the net earnings retained by an enterprise or  
796 internal service fund which is not segregated or reserved for any specific purpose.
- 797 (25) "Special fund" means any fund other than the county general fund.
- 798 (26) "Unappropriated surplus" means that part of a fund which is not appropriated for an  
799 ensuing budget period.
- 800 (27) "Warrant" means an order for payment in a specific amount, issued by a county officer  
801 or county employee with the authority to make the order, directing the disbursement of  
802 funds.

803 Section 15. Section **17-63-503** is amended to read:

804 **17-63-503 . Warrants -- Payment -- Registration -- Duty of auditor.**

- 805 (1) Warrants drawn by order of the county executive on the county treasurer for current  
806 expenses during each year shall specify:
- 807 (a) the liability for which the warrant is drawn;
- 808 (b) when the liability accrued; and
- 809 (c) the funds from which the warrant is to be paid.
- 810 (2) Warrants shall be paid in the order of presentation to the treasurer.

- 811 (3) If a fund is insufficient to pay any warrant, the warrant shall be registered and then paid  
812 in the order of registration.
- 813 (4) Accounts for county charges of every description shall be presented to the county auditor  
814 or county finance officer and county executive to be audited as prescribed in this chapter  
815 or Chapter 69, County Auditor.

816 Section 16. Section **17-63-505** is amended to read:

817 **17-63-505 . Costs between counties from change of venue in civil cases.**

- 818 (1)(a) Except as provided in Subsection (2), in a civil case where ~~[any]~~change of venue  
819 is granted from one county to another, ~~[-]~~the costs and expenses connected with the [  
820 ~~trial of the action that are payable by the county~~] proceedings shall be refunded by the  
821 county in which the action originated to the county in which the case is ~~[tried, upon]~~  
822 tried or is otherwise resolved.
- 823 (b) ~~[the county clerk of the county wherein the case is tried certifying]~~ The county  
824 attorney of the county that receives a civil case following a change of venue shall  
825 certify the amount of costs ~~[so paid]~~ and expenses to the county ~~[clerk]~~ attorney of the  
826 county wherein the ~~[action]~~ civil case originated.
- 827 (2) Subsection (1) does not apply to a civil case where the change of venue is granted  
828 because the civil action should have been filed in the county to which the case is taken  
829 for trial.

830 Section 17. Section **17-63-601** is amended to read:

831 **17-63-601 . Financial administration ordinance -- Purposes.**

- 833 (1) The county legislative body, after consultation with the county ~~[auditor]~~ finance officer,  
834 may adopt a financial administration ordinance authorizing the county ~~[auditor]~~ finance  
835 officer, county executive, county manager, or, in the case of county-operated hospitals  
836 or mental health districts, an appointed administrator, to act as the financial officer for  
837 the purpose of approving:
- 838 (a) payroll checks, if the checks are prepared in accordance with a salary schedule  
839 established in a personnel ordinance or resolution; or
- 840 (b) routine expenditures, such as utility bills, payroll-related expenses, supplies,  
841 materials, and payments on county-approved contracts and capital expenditures  
842 which are referenced in the budget document and approved by an appropriation  
843 resolution adopted for the current fiscal year.
- 844 (2) A financial administration ordinance adopted in accordance with Subsection (1) shall  
845 provide:

846 (a) a maximum amount over which purchases may not be made without the approval of  
847 the county executive; and

848 [~~(b) that the financial officer be bonded for a reasonable amount; and~~]

849 [(~~e~~)] (b) any other provisions the county legislative body considers advisable.

850 Section 18. Section **17-63-604** is amended to read:

851 **17-63-604 . Presentation of annual report by independent auditor -- Notice that**  
852 **audit complete.**

853 (1) The annual report required by Section 17-63-603 may be satisfied by a county by the  
854 presentation of the report of the independent auditor on the results of operations for the  
855 year and financial condition at the midpoint of the fiscal period or at the close of the  
856 fiscal period if it is prepared in conformity with the uniform system of budgeting,  
857 accounting, and reporting.

858 (2) Independent audits are required for all counties as provided in Title 51, Chapter 2a,  
859 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other  
860 Local Entities Act.

861 (3) Within 10 days after the receipt of the audit report furnished by the independent auditor,  
862 the county [~~auditor~~] finance officer shall prepare and publish a notice to the public that  
863 the county audit is complete:

864 (a) [~~at least twice in a newspaper of general circulation within the county~~] on the county's  
865 website; and

866 (b) as required in Section 45-1-101.

867 (4) A copy of the independent county audit may be inspected at[-] :

868 (a) the office of the county finance officer, if the county finance officer has an office at  
869 the county seat; or

870 (b) the office of the county auditor.

871 Section 19. Section **17-63-605** is amended to read:

872 **17-63-605 . Internal control structure.**

873 (1) Each county legislative body shall, with the advice and assistance of the county [~~auditor~~]  
874 finance officer and county treasurer, implement an internal control structure to ensure,  
875 on a reasonable basis, that all valid financial transactions of the county are identified and  
876 recorded accurately and timely.

877 (2) The objectives of the internal control structure described in Subsection (1) shall be to  
878 ensure:

879 (a) the proper authorization of transactions and activities;

- 880 (b) the appropriate segregation of:
- 881 (i) the duty to authorize transactions;
- 882 (ii) the duty to record transactions; and
- 883 (iii) the duty to maintain custody of assets;
- 884 (c) the design and use of adequate documents and records to ensure the proper recording
- 885 of events;
- 886 (d) adequate safeguards over access to and use of assets and records; and
- 887 (e) independent checks on performance and proper valuation of recorded amounts.

888 (3) A county shall:

- 889 (a) assist the state auditor in complying with Section 17E-2-404; and
- 890 (b) consider and implement improvements and updates to the internal control structure,
- 891 as recommended by the state auditor under Section 17E-2-404.

892 Section 20. Section **17-63-702** is amended to read:

893 **17-63-702 . Taxation for county purposes -- Statement of county debt required.**

- 894 (1) A county legislative body may levy taxes upon the taxable property, real or personal,
- 895 within the county for any and all county purposes.
- 896 (2)(a) The county auditor or county finance officer shall prepare a statement showing the
- 897 indebtedness of the county, funded and floating, stating the amount of each class and
- 898 the rate of interest borne by such indebtedness or any part of the indebtedness before
- 899 the annual meeting of the county legislative body for levying taxes.
- 900 (b) The statement described in Subsection (2)(a) shall be prepared under the direction of
- 901 the county legislative body.

902 Section 21. Section **17-63-802** is amended to read:

903 **17-63-802 . Operating and capital budget -- Expenditures.**

- 904 (1)(a) As used in this section, "operating and capital budget" means a plan of financial
- 905 operation for an enterprise or other special fund embodying estimates of operating
- 906 and nonoperating resources and expenses and other outlays for a fiscal period.
- 907 (b) Except as otherwise expressly provided, "budget" or "budgets" and the procedures
- 908 and controls relating to budgets in other sections of this chapter are not applicable to
- 909 the operating and capital budgets provided in this section.
- 910 (2) At or before the time that the governing body adopts budgets for the budgetary funds
- 911 specified in Section 17-63-301, the governing body shall adopt an operating and capital
- 912 budget for the next fiscal period for:
- 913 (a) each enterprise fund; and

- 914 (b) any other special nonbudgetary fund for which operating and capital budgets are  
915 prescribed by the uniform system of budgeting, accounting, and reporting.
- 916 (3)(a) The governing body shall adopt and administer the operating and capital budget in  
917 accordance with this Subsection (3).
- 918 (b) At or before the first day of the next to last month of each fiscal period, the finance  
919 officer shall prepare for the next fiscal period on forms provided in accordance with  
920 Section 17E-2-401, and file with the governing body a tentative operating and capital  
921 budget for:
- 922 (i) each enterprise fund; and  
923 (ii) any other special fund that requires an operating and capital budget.
- 924 (c) The tentative operating and capital budget shall be accompanied by a supplementary  
925 estimate of all capital projects or planned capital projects:
- 926 (i) within the next fiscal period; and  
927 (ii) within the fiscal period immediately following the fiscal period described in  
928 Subsection (3)(c)(i).
- 929 (d)(i) Subject to Subsection (3)(d)(ii), the finance officer shall prepare all estimates  
930 after review and consultation, if requested, with a department proposing a capital  
931 project.
- 932 (ii) After complying with Subsection (3)(d)(i), the finance officer may revise any  
933 departmental estimate before it is filed with the governing body.
- 934 (e)(i) Except as provided in Subsection (3)(e)(iv), if a governing body includes in a  
935 tentative budget, or an amendment to a budget, allocations or transfers between a  
936 utility enterprise fund and another fund that are not reasonable allocations of costs  
937 between the utility enterprise fund and the other fund, the governing body shall:
- 938 (A) hold a public hearing;  
939 (B) prepare a written notice of the date, time, place, and purpose of the hearing, in  
940 accordance with Subsection (3)(e)(ii); and  
941 (C) subject to Subsection (3)(e)(iii), mail the notice to each utility enterprise fund  
942 customer at least seven days before the day of the hearing.
- 943 (ii) The purpose portion of the written notice described in Subsection (3)(e)(i)(B)  
944 shall identify:
- 945 (A) the utility enterprise fund from which money is being transferred;  
946 (B) the amount being transferred; and  
947 (C) the fund to which the money is being transferred.

- 948 (iii) The governing body:
- 949 (A) may print the written notice required under Subsection (3)(e)(i) on the utility
- 950 enterprise fund customer's bill; and
- 951 (B) shall include the written notice required under Subsection (3)(e)(i) as a
- 952 separate notification mailed or transmitted with the utility enterprise fund
- 953 customer's bill.
- 954 (iv) The notice and hearing requirements in this Subsection (3)(e) are not required for
- 955 an allocation or a transfer included in an original budget or in a subsequent budget
- 956 amendment previously approved by the governing body for the current fiscal year.
- 957 (f)(i) The governing body shall review the tentative operating and capital budget at
- 958 any regular or special meeting called for that purpose.
- 959 (ii) In accordance with Subsection (3)(f)(i), the governing body may make any
- 960 changes to the tentative operating and capital budget that the governing body
- 961 considers advisable.
- 962 (iii) Before the close of the fiscal period, the governing body shall adopt an operating
- 963 and capital budget for the next fiscal period.
- 964 (g)(i) Upon final adoption by the governing body, the operating and capital budget
- 965 shall be in effect for the budget period subject to amendment.
- 966 (ii) The governing body shall:
- 967 (A) certify a copy of the operating and capital budget for each fund with the
- 968 county finance officer; and
- 969 (B) make a copy available to the public during business hours in the [~~offices of the~~]
- 970 office of the county finance officer, if the county finance officer has an office
- 971 at the county seat, or the office of the county auditor.
- 972 (iii) The governing body shall file a copy of the operating and capital budget with the
- 973 state auditor within 30 days after the day on which the operating and capital
- 974 budget is adopted.
- 975 (iv) The governing body may during the budget period amend the operating and
- 976 capital budget of an enterprise or other special fund by resolution.
- 977 (v) A copy of the operating and capital budget as amended shall be filed with the
- 978 state auditor.
- 979 (4) Any expenditure from an operating and capital budget shall conform to the requirements
- 980 for budgets specified by Sections 17-63-401, 17-63-403, and 17-63-501.
- 981 Section 22. Section **17-64-402** is amended to read:

982           **17-64-402 . Records to be kept.**

983           A legislative body shall ensure the following records are kept:

- 984   (1) a minute record, in which shall be recorded:
- 985       (a) all orders and decisions made by the legislative body; and
- 986       (b) the daily proceedings had at all regular and special meetings;
- 987   (2) an allowance record, in which shall be recorded all orders for the allowance of money
- 988       from the county treasury, to whom made and on what account, dating, numbering, and
- 989       indexing the same through each year;
- 990   (3) a road record, containing all proceedings and adjudications relating to the establishment,
- 991       maintenance, charge, and discontinuance of roads and road districts, and all contracts
- 992       and other matters pertaining thereto;
- 993   (4) a franchise record, containing all franchises granted by the board, for what purpose, the
- 994       length of time, and to whom granted, the amount of bond and license tax required or
- 995       other consideration to be paid;
- 996   (5) an ordinance record, in which shall be entered all ordinances and resolutions adopted by
- 997       the legislative body in accordance with Part 5, Ordinances and Policies; and
- 998   (6) a warrant record, to be kept by the county [~~auditor~~] finance officer, as that term is
- 999       defined in Section 17-66-101, in which shall be entered in the order of drawing all
- 1000       warrants drawn on the treasurer, with [~~their~~] the warrant number and reference to the
- 1001       order on the minute record, with date, amount, on what account, and the name of the
- 1002       payee.

1003           Section 23. Section **17-64-405** is amended to read:1004           **17-64-405 . Investigation by legislative body -- Witnesses -- Hearings.**

- 1005   (1) A legislative body may investigate any matter pertaining to the county or county
- 1006       business, or [~~affairs or~~] the actions of any county officer that impact county business or
- 1007       operations, and may require the attendance of witnesses and take evidence in legislative
- 1008       body investigations.
- 1009   (2) At legislative body investigations, any member may administer oaths to witnesses.
- 1010   (3) If the legislative body appoints a member to a committee upon any subject or matter and
- 1011       confers upon that member power to hear or take evidence, the committee shall have the
- 1012       same powers as the legislative body itself.

1013           Section 24. Section **17-66-101** is amended to read:1014           **17-66-101 . Definitions.**

1015           As used in this chapter:

- 1016 (1) "Compensation" means:
- 1017 (a) salary, including salary paid under a contract;
- 1018 (b) a budgeted bonus or budgeted incentive pay;
- 1019 (c) a vehicle allowance; and
- 1020 (d) deferred salary.
- 1021 (2) "Compensation increase" means an increase in any item of compensation listed in
- 1022 Subsection (1).
- 1023 (3) "County office" means an office enumerated in Section 17-66-102 that is required to be
- 1024 filled by an election.
- 1025 (4) "County officer" means an elected official enumerated in Section 17-66-102.
- 1026 (5) "Finance officer" means:
- 1027 (a) the county auditor; or
- 1028 (b) if the county council has delegated accounting services under Section 17-69-401, the
- 1029 person selected by the county council to provide accounting services to the county.
- 1030 [~~5~~] (6) "Governing body" means, respectively:
- 1031 (a) a county commission;
- 1032 (b) a county council and county executive; or
- 1033 (c) a county council and county manager.
- 1034 [~~6~~] (7) "Legislative body" means the same as that term is defined in Section 17-64-101.
- 1035 Section 25. Section **17-66-104** is amended to read:
- 1036 **17-66-104 . Consolidation of county offices -- County clerk to perform duties of**
- 1037 **county auditor under certain circumstances.**
- 1038 (1) A legislative body may, unless prohibited by Subsection (2), pass an ordinance that:
- 1039 (a) consolidates county offices and establishes the duties of consolidated county offices;
- 1040 (b) separates any previously consolidated offices and reconsolidates county offices; or
- 1041 (c) separates any previously consolidated county offices without reconsolidating them.
- 1042 (2) A legislative body may not:
- 1043 (a) consolidate the offices of county commissioner, county council member, or county
- 1044 treasurer with the office of county auditor;
- 1045 (b) consolidate the office of county executive with the office of county auditor, unless a
- 1046 referendum approving that consolidation passes; or
- 1047 (c) consolidate the offices of county commissioner, county council member, county
- 1048 executive, county assessor, or county auditor with the office of county treasurer.
- 1049 (3) [~~Each~~] Except as provided in Subsection (5), each legislative body shall ensure that any

- 1050 ordinance consolidating or separating county offices:
- 1051 (a) is enacted before November 1 of the year before the year in which county officers are
- 1052 elected; and
- 1053 (b) takes effect on the first Monday in January after the year in which county officers are
- 1054 elected.
- 1055 (4)(a) Each legislative body shall:
- 1056 (i) enact an ordinance by February 1, 2010, separating any county offices that are
- 1057 prohibited from consolidation by this section; and
- 1058 (ii) publish, by February 15, 2010, a notice once in a newspaper of general circulation
- 1059 in the county identifying the county offices that will be filled in the November
- 1060 2010 election.
- 1061 (b) If a legislative body has, by February 1, 2006, enacted an ordinance, in compliance
- 1062 with this Subsection (4) then in effect, separating county offices that are prohibited
- 1063 from consolidation by this section, the legislative body may repeal that ordinance.
- 1064 (5) A county described in Section 17-70-103 may enact an ordinance consolidating the
- 1065 offices of county clerk and county auditor at any time.
- 1066 (6) For a county of the first or second class, as classified under Section 17-60-104, an
- 1067 individual holding a consolidated county office shall meet all of the applicable
- 1068 statutorily defined qualifications of each county office within the consolidated office,
- 1069 including possession of any state-regulated license or certification.
- 1070 [~~(5) Notwithstanding the provisions of this section and Section 17-66-102, in counties~~
- 1071 ~~having a taxable value of less than \$100,000,000, the county clerk shall be ex officio~~
- 1072 ~~county auditor and shall perform the duties of the office without extra compensation.]~~
- 1073 Section 26. Section **17-66-201** is amended to read:
- 1074 **17-66-201 . Eligibility and residency requirements for county office -- Election of**
- 1075 **county officer to consolidated office.**
- 1076 (1) An individual filing a declaration of candidacy for a county officer enumerated in
- 1077 Section 17-66-102 or any other county elected official established by law shall:
- 1078 (a) be a United States citizen;
- 1079 (b) except as provided in Section 20A-1-509.2 with respect to the office of county
- 1080 attorney or district attorney, as of the date of the election, have been a resident for at
- 1081 least one year of the county, district, precinct, or prosecution district in which the
- 1082 individual seeks office;
- 1083 (c) be a registered voter in the county, district, precinct, or prosecution district in which

1084 the individual seeks office;[~~and~~]  
 1085 (d) if the individual is filing a declaration of candidacy for the office of county auditor in  
 1086 a county of the first class, meet the qualifications described in Section 17-69-202; and  
 1087 (e) if the individual is filing a declaration of candidacy for the office of county assessor,  
 1088 meet the qualifications for filing described in Section 17-67-201.

1089 (2)(a) A county, district, precinct, or prosecution district officer shall maintain residency  
 1090 within the county, district, precinct, or prosecution district in which the officer was  
 1091 elected during the officer's term of office.

1092 (b) If a county, district, precinct, or prosecution district officer establishes the officer's  
 1093 principal place of residence as provided in Section 20A-2-105 outside the county,  
 1094 district, precinct, or prosecution district in which the officer was elected, the office is  
 1095 automatically vacant.

1096 (3) When county offices are consolidated, as described in Section 17-66-104:

1097 (a) only one individual shall be elected to fill the consolidated offices; and

1098 (b) the individual elected shall:

1099 (i) take the oath required for each of the offices;

1100 (ii) obtain the crime insurance required for each of the offices, as established under  
 1101 Section 17-66-105; and

1102 (iii) discharge all the duties of each of the offices.

1103 Section 27. Section **17-66-403** is amended to read:

1104 **17-66-403 . Salaries in case of consolidated offices.**

1105 (1) Whenever the county legislative body consolidates the duties of any county officers, as  
 1106 described in Section 17-66-104, the salary of the individual discharging the duties of the  
 1107 consolidated offices shall be fixed at a sum not exceeding the highest salary paid to  
 1108 either of the county officers whose offices are so consolidated, plus:

1109 [~~(1)~~] (a) an amount not exceeding one-half of the salary fixed for the second county  
 1110 officer, when only two offices are consolidated; or

1111 [~~(2)~~] (b) when more than two county offices are consolidated, [-]one-third of the  
 1112 combined salaries of the other county officers.

1113 (2) Notwithstanding Subsection (1), a county described in Section 17-70-103 may  
 1114 compensate a county clerk serving as ex officio county auditor as described in Section  
 1115 17-70-103.

1116 Section 28. Section **17-67-201** is amended to read:

1117 **17-67-201 . Assessor to be state qualified -- Vacancy -- Filling vacancy.**

- 1118 (1)(a) An individual elected to the office of county assessor shall:
- 1119 ~~[(a)]~~ (i) meet the requirements described in Section 17-66-201; and
- 1120 ~~(ii)(A)~~ be a state-licensed or state-certified appraiser; or
- 1121 ~~(B)~~ if the individual filed a declaration of candidacy under Subsection (1)(b)(ii),
- 1122 become a state-licensed or state-certified appraiser no later than 36 months
- 1123 after the day on which the individual's term of office begins.
- 1124 ~~[(b)(i) except as provided in Subsection (1)(b)(ii), become a state-licensed or~~
- 1125 ~~state-certified appraiser no later than 36 months after the day on which the~~
- 1126 ~~individual's term of office begins; or]~~
- 1127 ~~[(ii) in a county of the first, second, or third class, be a state-licensed or state-certified~~
- 1128 ~~appraiser before filing a declaration of candidacy for the office of county assessor.]~~
- 1129 ~~[(2)]~~ (b) An individual may file, and a county clerk may accept, a declaration of
- 1130 candidacy for the office of county assessor if:
- 1131 (i) the individual is a state-licensed or state-certified appraiser; or
- 1132 (ii) in a county of the fourth, fifth, or sixth class, as classified under Section
- 1133 17-60-104, where no individual who is a state-licensed or state-certified appraiser
- 1134 files a declaration of candidacy for the office of county assessor within the first
- 1135 three days after the candidate filing period opens, any individual who meets the
- 1136 requirements of Subsections 17-66-201(1)(a) through (c).
- 1137 (2) The county assessor's office is vacant if:
- 1138 (a) an assessor fails to meet the requirements described in Subsection (1); or
- 1139 (b) no individual who meets the requirements described in Subsection (1) timely files a
- 1140 declaration of candidacy for the office of county assessor.
- 1141 (3)(a) If a vacancy described in Subsection (2) occurs, the county legislative body shall:
- 1142 (i) fill the vacancy in accordance with~~[-Sections]~~ :
- 1143 (A) Section 17-66-203~~[-and-]~~ ;
- 1144 (B) Section 20A-1-508~~[-]~~ ; and
- 1145 (C) Subsection (3)(b); or
- 1146 (ii) if it is not possible to fill the vacancy, contract with an individual to fulfill the
- 1147 duties of the vacant office as described in Subsection (4).
- 1148 (b) ~~[The-]~~ An individual who the county legislative body selects to fill ~~[the]~~ a vacancy as
- 1149 described in Subsection (3)(a)(i) shall be a state-licensed or state-certified appraiser
- 1150 before the individual assumes the office of county assessor.
- 1151 (4) If the county legislative body cannot find an individual who meets the requirements

1152 described in [~~Subsection (1)~~] this section to fill a vacancy described in Subsection (2),  
 1153 the county legislative body may contract with a state-licensed or state-certified appraiser  
 1154 from outside the county to ~~[fill]~~ fulfill the duties of the county assessor for the remainder  
 1155 of the county assessor's term of office.

1156 Section 29. Section **17-69-101** is amended to read:

1157 **17-69-101 . Definitions.**

1158 As used in this chapter:

1159 (1) "Account" or "accounting" means:

1160 (a) the systematic recording, classification, or summarizing of a financial transaction or  
 1161 event; and

1162 (b) the interpretation or presentation of the result of an action described in Subsection  
 1163 (1)(a).

1164 (2)(a) "Accounting services" means the creation, modification, or deletion of  
 1165 transactions and records in a financial accounting system, including the preparation  
 1166 of a county's annual financial report.

1167 (b) "Accounting services" does not include the creation of a purchase order.

1168 (3) "Audit" or "auditing" means an examination that is a formal analysis of a county  
 1169 account or county financial record:

1170 (a) to verify accuracy, completeness, or compliance with an internal control;

1171 (b) to give a fair presentation of a county's financial status; and

1172 (c) that conforms to the uniform classification of accounts established by the state  
 1173 auditor.

1174 (4) "Book" means a financial record of the county, regardless of a record's format.

1175 (5)(a) "Budget" or "budgeting" means the preparation or presentation of a proposed or  
 1176 tentative budget as provided in Chapter 63, Fiscal Authority and Processes.

1177 (b) "Budget" or "budgeting" includes:

1178 (i) a revenue projection;

1179 (ii) a budget request compilation; or

1180 (iii) the performance of an activity described in Subsection (5)(b)(i) or (ii).

1181 (6)(a) "Claim" means under the color of law:

1182 (i) a demand presented for money or damages; or

1183 (ii) a cause of action presented for money or damages.

1184 (b) "Claim" does not mean a routine, uncontested, or regular payment, including a bill,  
 1185 purchase, or payroll.

- 1186 (7)(a) "County auditor" means the county officer elected as the county auditor under [  
 1187 ~~Chapter 66, County Auditor]~~ Chapter 69, County Auditor.
- 1188 (b) "County auditor" includes an individual given the title of county controller under  
 1189 Subsection 17-69-301(5).
- 1190 (8) "County executive" means the elected chief executive officer of a county under Chapter  
 1191 66, County Officers and Officials Generally.
- 1192 (9) "Finance officer" means the same as that term is defined in Section 17-66-101.
- 1193 ~~[(9)]~~ (10) "Performance audit" means an assessment of whether a county office, officer,  
 1194 department, division, court, or entity, or any related county program is:  
 1195 (a) managing public resources and exercising authority in compliance with law and  
 1196 policy;  
 1197 (b) achieving objectives and desired outcomes; and  
 1198 (c) providing services effectively, efficiently, economically, ethically, and equitably.
- 1199 ~~[(10)]~~ (11) "Renumeration" means a warrant, check, or other payment mechanism.
- 1200 ~~[(11)]~~ (12) "Warrant" means an order for payment, issued by a county officer or county  
 1201 employee with the authority to make the order, directing the disbursement of funds.  
 1202 Section 30. Section **17-69-103** is amended to read:  
 1203 **17-69-103 . County clerk ex officio county auditor in certain counties.**  
 1204 In accordance with Section ~~[17-66-104]~~ 17-70-103, in counties having a taxable value of  
 1205 less than \$100,000,000, the county clerk shall~~[:]~~  
 1206 ~~[(1)]~~ be ex officio auditor of the county~~[:; and]~~ .  
 1207 ~~[(2) shall perform the duties of the office without extra compensation.]~~
- 1208 Section 31. Section **17-69-301** is amended to read:  
 1209 **17-69-301 . Duties and services.**
- 1210 (1) A county auditor shall perform:  
 1211 (a) in accordance with Section ~~[17-69-304]~~ 17-69-401, an accounting duty or service  
 1212 described in this chapter;  
 1213 (b) an auditing duty or service described in this chapter; and  
 1214 (c) other duties as may be required by law.
- 1215 (2) A county auditor shall provide to the county legislative body a statement of county debt  
 1216 in accordance with Section 17-63-702.
- 1217 (3) A county auditor may conduct, in relation to any county officer or county office,  
 1218 department, division, court, or entity, as the county auditor considers necessary, the  
 1219 following duties and services:

- 1220 (a) financial audits;
- 1221 (b) attestation-level examinations, reviews, and agreed-upon procedures, engagements,
- 1222 or reviews of financial statements;
- 1223 (c) subject to Section 17-69-303, performance audits;
- 1224 (d) subject to Section [~~17-69-304~~] 17-69-401, accounting services; and
- 1225 (e) other duties as required by law.
- 1226 (4) In a county of the first class, the county auditor shall conduct the services under
- 1227 Subsections (3)(a) through (c) in accordance with generally accepted government
- 1228 auditing standards.
- 1229 (5) A county legislative body may change the title of county auditor to county controller for
- 1230 a county auditor's office that predominantly performs accounting services.
- 1231 (6) The county auditor may not conduct the services described in Subsections (3)(a)
- 1232 through (c) with respect to the auditor's own office, accounts, or financial records.
- 1233 (7) Nothing in this chapter limits a county legislative body's authority under Section
- 1234 17-64-404 or a county executive's authority under Section 17-65-304.
- 1235 Section 32. Section **17-69-304.1**, which is renumbered from Section 17-69-308 is renumbered
- 1236 and amended to read:
- 1237 **[~~17-69-308~~] 17-69-304.1 . Investigations -- Report of findings.**
- 1238 (1)(a) A county auditor:
- 1239 (i) may conduct an investigation of an issue or action associated with or related to the
- 1240 county auditor's statutory duties, including investigating a book or account of a
- 1241 county office, officer, department, division, court, or entity; and
- 1242 (ii) may not conduct an investigation of an issue or action that is not associated with
- 1243 or related to the county auditor's statutory duties.
- 1244 (b) A county officer, employee, or other county administrative entity shall grant the
- 1245 county auditor complete and free access to a book the county auditor requests in
- 1246 accordance with Subsection (1)(a)(i).
- 1247 (c) A county auditor, with the assistance of the county attorney or district attorney, may:
- 1248 (i) administer an oath or affirmation; or
- 1249 (ii) issue an administrative subpoena for a witness or document necessary to the
- 1250 performance of the county auditor's statutory duties.
- 1251 (2) A county auditor, after a complete investigation, shall prepare a report of the county
- 1252 auditor's findings and submit the report to the county executive if the county auditor
- 1253 finds that:

1254 (a) a book or account of a county office, officer, department, division, court, or entity is  
1255 not kept in accordance to law; or

1256 (b) a county office, officer, department, division, court, or entity has made an incorrect  
1257 or improper financial report.

1258 (3) A county auditor, after a complete investigation, shall prepare a report of the county  
1259 auditor's findings and submit a copy of the report to the state court administrator, the  
1260 county executive, and the county legislative body if the county auditor finds that:

1261 (a) a justice court judge has not kept a book or account according to law; or

1262 (b) a justice court judge has made an incorrect or improper financial report.

1263 Section 33. Section **17-69-401**, which is renumbered from Section 17-69-304 is renumbered  
1264 and amended to read:

1265 **Part 4. Accounting and County Finance Officer**

1266 **[17-69-304] 17-69-401 . Accounting services.**

1267 (1) Except as provided in Subsections (2) and (3), the county auditor shall provide  
1268 accounting services for the county.

1269 (2) For a county operating under the county executive-council form of government as  
1270 described in Section 17-62-203, the county council may, by ordinance, delegate  
1271 accounting services provided for or executed on behalf of the entire county:

1272 (a) to the county executive; or

1273 (b) to a county office's or department's officer or director.

1274 (3) For a county operating under the council-manager form of county government as  
1275 described in Section 17-62-204, if the county auditor provides preapproval or  
1276 postpayment review for all payments by the county, the county council may by  
1277 ordinance passed on or before December 31, 2021, delegate accounting services  
1278 provided for or executed on behalf of the entire county:

1279 (a) to the county manager; or

1280 (b) to a county office's or department's officer or director.

1281 (4) If a county council delegates the provision of accounting services to a finance officer in  
1282 accordance with Subsection (2) or (3):

1283 (a) the county council shall make the delegation in accordance with good management  
1284 practice to foster:

1285 (i) effectiveness;

1286 (ii) efficiency; and

1287 (iii) the adequate protection of a county asset;

- 1288 (b) the county council shall make the delegation by considering appropriate checks and  
 1289 balances within county government;[~~and~~]
- 1290 (c) the county entity that is selected to provide accounting services shall prepare the  
 1291 tentative budget as provided in Chapter 63, Fiscal Authority and Processes[~~;~~]; and  
 1292 (d) the county auditor is not required to fulfill an accounting obligation described by  
 1293 statute unless the statute explicitly states that the county auditor shall provide an  
 1294 accounting obligation.

1295 Section 34. Section **17-69-402**, which is renumbered from Section 17-69-305 is renumbered  
 1296 and amended to read:

1297 **[17-69-305] 17-69-402 . Management of financial records -- Disposal of records.**

- 1298 (1) A county [~~auditor~~] finance officer shall:
- 1299 (a) maintain the books of the county in a manner that shows the amount of receipts from  
 1300 and disbursement of a county office, department, division, or entity;
- 1301 (b) keep accounts current with the county treasurer;
- 1302 (c) preserve a document, book, record, or paper that the county legislative body requires  
 1303 the county auditor to keep in the county auditor's office, or ensure preservation of a  
 1304 document, book, record, or paper that the county legislative body requires the county  
 1305 auditor to keep in the county auditor's office; and
- 1306 (d) make an item described in Subsection (1)(c) available for public inspection during  
 1307 office hours.
- 1308 (2) The county [~~auditor~~] finance officer shall, in accordance with Title 63G, Chapter 2,  
 1309 Government Records Access and Management Act, remove from the county [~~auditor's~~]  
 1310 finance officer's files and destroy or otherwise dispose of:
- 1311 (a) fee statements of a county officer;
- 1312 (b) county warrants; and
- 1313 (c) claims against the county.

1314 Section 35. Section **17-69-403**, which is renumbered from Section 17-69-306 is renumbered  
 1315 and amended to read:

1316 **[17-69-306] 17-69-403 . Reporting -- State treasurer -- County legislative body.**

- 1317 (1) On or before the last day of each month, the county finance officer shall submit a report  
 1318 to the state treasurer regarding the county's collection, care, and disbursement of state  
 1319 money during the preceding month.
- 1320 (2) The county [~~auditor~~] finance officer and the county treasurer shall, as required by the  
 1321 county legislative body, make a joint report to the county executive and the county

1322 legislative body accounting for the county's financial condition.

1323 (3) If a county auditor determines that a county office, officer, department, division, court,  
1324 or entity has not implemented a county auditor's prior recommendation in connection  
1325 with a previous financial audit, performance audit, examination, or review, the county  
1326 auditor shall notify the county legislative body that the county entity has not  
1327 implemented the recommendation.

1328 Section 36. Section **17-69-404**, which is renumbered from Section 17-69-307 is renumbered  
1329 and amended to read:

1330 **[17-69-307] 17-69-404 . Payments and warrants.**

1331 (1)(a) Subject to Subsection (1)(b), if a debt or demand against a county is fixed by law,  
1332 the debt or demand shall be paid by:

1333 (i) subject to Subsection (2)(a), a warrant drawn by the county [~~auditor~~] finance officer  
1334 or the county treasurer; or

1335 (ii) subject to Subsection (2)(b), a check or other payment mechanism as may be  
1336 adopted in accordance with Chapter 63, Fiscal Authority and Processes.

1337 (b) Subsection (1)(a) does not apply to a debt or demand against the county that is, in  
1338 accordance with law, audited by another person or tribunal.

1339 (2)(a) The county [~~auditor~~] finance officer shall:

1340 (i) distinctly specify on a warrant the liability for which the warrant is made and  
1341 when the liability accrued; and

1342 (ii) notify the county treasurer:

1343 (A) as described in Subsection (3), of the date, amount, payee of, and number  
1344 assigned to a warrant; and

1345 (B) of the aggregate amount of all contemporaneous payments by warrant.

1346 (b) The county [~~auditor~~] finance officer shall notify the county treasurer and county  
1347 executive:

1348 (i) as described in Subsection (3), of the amount and payee of all payments made by  
1349 check or other payment mechanism;

1350 (ii) as described in Subsection (3), the date of and number assigned to a check or  
1351 other payment mechanism; and

1352 (iii) the aggregate amount of a contemporaneous payment.

1353 (3) For a remuneration issued by the [~~county auditor, the auditor~~] county finance officer, the  
1354 finance officer shall:

1355 (a) number each remuneration consecutively, commencing annually on the first day of

- 1356 January; and
- 1357 (b) state on the remuneration:
- 1358 (i) the number of the remuneration;
- 1359 (ii) the date of payment;
- 1360 (iii) the amount of the payment made;
- 1361 (iv) the name of the person to whom payable; and
- 1362 (v) the purpose for which the remuneration was made.
- 1363 (4) The county [~~auditor~~] finance officer shall dispose of a payment not presented for
- 1364 collection in accordance with Title 67, Chapter 4a, Revised Uniform Unclaimed
- 1365 Property Act.
- 1366 [~~(5) The county legislative body may delegate by ordinance the processing of payments and~~
- 1367 ~~warrants in accordance with Section 17-69-304.]~~
- 1368 Section 37. Section **17-70-101** is amended to read:
- 1369 **17-70-101 . Definitions.**
- 1370 [~~Reserved.~~] As used in this chapter, "finance officer" means the same as that term is
- 1371 defined in Section 17-66-101.
- 1372 Section 38. Section **17-70-103** is amended to read:
- 1373 **17-70-103 . Ex officio auditor in certain counties.**
- 1374 (1) In accordance with [~~Section 17-66-102~~] Sections 17-66-104 and 17-66-403, in counties
- 1375 having a taxable value of less than \$100,000,000, the county clerk shall:
- 1376 [~~(1)~~] (a) be ex officio auditor of the county, as described in Section 17-69-103; and
- 1377 [~~(2)~~] (b) except as provided in Subsection (2), shall perform the duties of the office
- 1378 without extra compensation.
- 1379 (2) The legislative body of a county described in Subsection (1) may elect to pay the county
- 1380 clerk an additional amount, not to exceed the limits described in Subsection 17-66-403(1).
- 1381 Section 39. Section **17-70-302** is amended to read:
- 1382 **17-70-302 . Duties.**
- 1383 A county clerk shall:
- 1384 (1) record all proceedings of the county legislative body;
- 1385 (2) make full entries of all resolutions and decisions of the county legislative body on all
- 1386 questions concerning the county;
- 1387 (3) record the vote of each member of the county legislative body on any motion where
- 1388 there is a division of the county legislative body;
- 1389 (4) prepare and certify duplicate lists of all claims that:

- 1390 (a) show the amount of each claim or order;
- 1391 (b) show the date of each claim or order;
- 1392 (c) show the date of the county's allowance or rejection of the claim; and
- 1393 (d) are countersigned by the county executive;
- 1394 (5) deliver one of the lists referred to in Subsection (4) to the:
- 1395 (a) county [~~auditor~~] finance officer; and
- 1396 (b) county treasurer;
- 1397 (6) file and preserve a county officer's report to the county legislative body;
- 1398 (7) file and preserve all accounts except accounts that are kept by the county [~~auditor~~]
- 1399 finance officer;
- 1400 (8) file and preserve all petitions and applications for franchises;
- 1401 (9) record the county legislative body's action on petitions and applications for franchises;
- 1402 (10) authenticate with the clerk's signature and the seal of the county the county legislative
- 1403 body's proceedings;
- 1404 (11) authenticate with the clerk's signature and the seal of the county all ordinances the
- 1405 county legislative body passes, and record them in the ordinance book;
- 1406 (12) record all orders levying taxes;
- 1407 (13) keep at the county clerk's office all county books, records, and accounts that the county
- 1408 clerk is required by law to keep;
- 1409 (14) during regular business hours, provide for public inspection all county books, records,
- 1410 and accounts that the county clerk is required by law to keep;
- 1411 (15) perform all other duties the county legislative body requires by:
- 1412 (a) ordinance; or
- 1413 (b) resolution;
- 1414 (16) establish policies to issue marriage licenses to county residents and individuals getting
- 1415 married in the county;
- 1416 (17) keep a register of marriage licenses the county clerk issues;
- 1417 (18) establish policies to ensure that the county clerk, or a designee of the county clerk who
- 1418 is willing, is available during business hours to solemnize a legal marriage for which a
- 1419 marriage license has been issued;
- 1420 (19) execute with the county clerk's seal described in Section 17-70-102 all deeds and
- 1421 conveyances of all real estate conveyed by the county;
- 1422 (20) take and certify acknowledgments;
- 1423 (21) administer oaths;

- 1424 (22) keep a fee schedule as provided by law;
- 1425 (23) take charge of and safely keep the seal of the county described in Section 17-64-103;
- 1426 and
- 1427 (24) keep other records and perform other duties as may be prescribed by law.
- 1428 Section 40. Section **17-70-403** is amended to read:
- 1429 **17-70-403 . Campaign financial disclosure in county elections.**
- 1430 (1) A county shall adopt an ordinance establishing campaign finance disclosure
- 1431 requirements for:
- 1432 (a) candidates for county office; and
- 1433 (b) candidates for local school board office who reside in that county.
- 1434 (2) The ordinance required by Subsection (1) shall include:
- 1435 (a) a requirement that each candidate for county office or local school board office
- 1436 report the candidate's itemized and total campaign contributions and expenditures at
- 1437 least once within the two weeks before the election and at least once within two
- 1438 months after the election;
- 1439 (b) a definition of "contribution" and "expenditure" that requires reporting of
- 1440 nonmonetary contributions such as in-kind contributions and contributions of
- 1441 tangible things;
- 1442 (c) a requirement that the financial reports identify:
- 1443 (i) for each contribution, the name of the donor of the contribution, if known, and the
- 1444 amount of the contribution; and
- 1445 (ii) for each expenditure, the name of the recipient and the amount of the expenditure;
- 1446 (d) a requirement that a candidate for county office or local school board office deposit a
- 1447 contribution in a separate campaign account into a financial institution;
- 1448 (e) a prohibition against a candidate for county office or local school board office
- 1449 depositing or mingling any contributions received into a personal or business account;
- 1450 (f) a requirement that a candidate for county office who receives a contribution that is
- 1451 cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is
- 1452 unknown, shall, within 30 days after receiving the contribution, disburse the amount
- 1453 of the contribution to:
- 1454 (i) the treasurer of the state or a political subdivision for deposit into the state's or
- 1455 political subdivision's general fund; or
- 1456 (ii) an organization that is exempt from federal income taxation under Section
- 1457 501(c)(3), Internal Revenue Code;

- 1458 (g) a requirement that a candidate seeking appointment to fill a midterm vacancy in a  
1459 county office or local school board office file the financial report described in  
1460 Subsection (2)(c) with the county clerk:
- 1461 (i) for a county office vacancy described in Subsection 20A-1-508(3) or (7), no later  
1462 than three business days before the day on which the political party of the prior  
1463 officeholder submits the candidate's name to the county legislative body as the  
1464 individual the political party selects to fill the vacancy;
- 1465 (ii) for a county or district attorney office vacancy described in Subsection  
1466 20A-1-509.1(5)(a), no later than three business days before the day on which the  
1467 political party of the prior officeholder submits the candidate's name to the county  
1468 legislative body as one of the three individuals the party nominates to fill the  
1469 vacancy;
- 1470 (iii) for a county or district attorney office vacancy described in Section 20A-1-509.2:  
1471 (A) no later than the deadline for the candidate to submit an application to fill the  
1472 vacancy under Subsection 20A-1-509.2(2)(c); and  
1473 (B) if, under Subsection 20A-1-509.2(3), more than three attorneys submit an  
1474 application to fill the vacancy, no later than three business days before the day  
1475 on which the political party of the prior officeholder submits the candidate's  
1476 name to the county legislative body as one of the three individuals the party  
1477 nominates to fill the vacancy; or
- 1478 (iv) for a local school board office vacancy, no later than three business days before  
1479 the day on which the local school board meets to interview each candidate  
1480 interested in filling the vacancy in accordance with Section 20A-1-511; and
- 1481 (h) a requirement that, upon receipt of the financial report described in Subsection (2)(g),  
1482 the county clerk immediately submit a copy of the report to the county legislative  
1483 body.
- 1484 (3)(a) As used in this Subsection (3), "account" means an account in a financial  
1485 institution:
- 1486 (i) that is not described in Subsection (2)(d); and  
1487 (ii) into which or from which a person who, as a candidate for an office, other than a  
1488 county office for which the person files a declaration of candidacy or federal  
1489 office, or as a holder of an office, other than a county office for which the person  
1490 files a declaration of candidacy or federal office, deposits a contribution or makes  
1491 an expenditure.

- 1492 (b) The ordinance required by Subsection (1) shall include a requirement that a  
1493 candidate for county office or local school board office include on a financial report  
1494 filed in accordance with the ordinance a contribution deposited in or an expenditure  
1495 made from an account:
- 1496 (i) since the last financial report was filed; or
  - 1497 (ii) that has not been reported under a statute or ordinance that governs the account.
- 1498 (4) If any county fails to adopt a campaign finance disclosure ordinance described in  
1499 Subsection (1), candidates for county office, other than community council office, and  
1500 candidates for local school board office shall comply with the financial reporting  
1501 requirements contained in Subsections (5) through (10).
- 1502 (5) A candidate for elective office in a county or local school board office:
- 1503 (a) shall deposit a contribution into a separate campaign account in a financial  
1504 institution; and
  - 1505 (b) may not deposit or mingle any contributions received into a personal or business  
1506 account.
- 1507 (6) Each candidate for elective office in any county who is not required to submit a  
1508 campaign financial statement to the lieutenant governor, and each candidate for local  
1509 school board office, shall file a signed campaign financial statement with the county  
1510 clerk:
- 1511 (a) seven days before the date of the regular general election, reporting each contribution  
1512 and each expenditure as of 10 days before the date of the regular general election; and
  - 1513 (b) no later than 30 days after the date of the regular general election.
- 1514 (7)(a) The statement filed seven days before the regular general election shall include:
- 1515 (i) a list of each contribution received by the candidate, and the name of the donor, if  
1516 known; and
  - 1517 (ii) a list of each expenditure for political purposes made during the campaign period,  
1518 and the recipient of each expenditure.
- 1519 (b) The statement filed 30 days after the regular general election shall include:
- 1520 (i) a list of each contribution received after the cutoff date for the statement filed  
1521 seven days before the election, and the name of the donor; and
  - 1522 (ii) a list of all expenditures for political purposes made by the candidate after the  
1523 cutoff date for the statement filed seven days before the election, and the recipient  
1524 of each expenditure.
- 1525 (8)(a) As used in this Subsection (8), "account" means an account in a financial

- 1526 institution:
- 1527 (i) that is not described in Subsection (5)(a); and
- 1528 (ii) into which or from which a person who, as a candidate for an office, other than a
- 1529 county office for which the person filed a declaration of candidacy or federal
- 1530 office, or as a holder of an office, other than a county office for which the person
- 1531 filed a declaration of candidacy or federal office, deposits a contribution or makes
- 1532 an expenditure.
- 1533 (b) A county office candidate and a local school board office candidate shall include on
- 1534 any campaign financial statement filed in accordance with Subsection (6) or (7):
- 1535 (i) a contribution deposited into an account:
- 1536 (A) since the last campaign finance statement was filed; or
- 1537 (B) that has not been reported under a statute or ordinance that governs the
- 1538 account; or
- 1539 (ii) an expenditure made from an account:
- 1540 (A) since the last campaign finance statement was filed; or
- 1541 (B) that has not been reported under a statute or ordinance that governs the
- 1542 account.
- 1543 (9) Within 30 days after receiving a contribution that is cash or a negotiable instrument,
- 1544 exceeds \$50, and is from a donor whose name is unknown, a county office candidate
- 1545 shall disburse the amount of the contribution to:
- 1546 (a) the treasurer of the state or a political subdivision for deposit into the state's or
- 1547 political subdivision's general fund; or
- 1548 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
- 1549 Internal Revenue Code.
- 1550 (10) Candidates for elective office in any county, and candidates for local school board
- 1551 office, who are eliminated at a primary election shall file a signed campaign financial
- 1552 statement containing the information required by this section not later than 30 days after
- 1553 the primary election.
- 1554 (11)(a) A candidate seeking appointment to fill a midterm vacancy in a county office or
- 1555 local school board office shall:
- 1556 (i) comply with Subsections (5) and (9); and
- 1557 (ii) file a signed campaign financial statement with the county clerk no later than the
- 1558 deadline described in Subsection (2)(g).
- 1559 (b) Upon receipt of the campaign financial statement described in Subsection (11)(a)(ii),

- 1560 the county clerk shall immediately submit a copy of the statement to the county  
1561 legislative body.
- 1562 (12) Any individual who fails to comply with this section is guilty of an infraction.
- 1563 (13)(a) Counties may, by ordinance, enact requirements that:
- 1564 (i) require greater disclosure of campaign contributions and expenditures; and  
1565 (ii) impose additional penalties.
- 1566 (b) The requirements described in Subsection (13)(a) apply to a local school board office  
1567 candidate who resides in that county.
- 1568 (14) If a candidate fails to file an interim report due before the election, the county clerk:
- 1569 (a) may send an electronic notice to the candidate and the political party of which the  
1570 candidate is a member, if any, that states:
- 1571 (i) that the candidate failed to timely file the report; and  
1572 (ii) that, if the candidate fails to file the report within 24 hours after the deadline for  
1573 filing the report, the candidate will be disqualified and the political party will not  
1574 be permitted to replace the candidate; and
- 1575 (b) impose a fine of \$100 on the candidate.
- 1576 (15)(a) The county clerk shall disqualify a candidate and inform the appropriate election  
1577 officials that the candidate is disqualified if the candidate fails to file an interim  
1578 report described in Subsection (14) within 24 hours after the deadline for filing the  
1579 report.
- 1580 (b) The political party of a candidate who is disqualified under Subsection (15)(a) may  
1581 not replace the candidate.
- 1582 (c) A candidate who is disqualified under Subsection (15)(a) shall file with the county  
1583 clerk a complete and accurate campaign finance statement within 30 days after the  
1584 day on which the candidate is disqualified.
- 1585 (16) If a candidate is disqualified under Subsection (15)(a), the election official:
- 1586 (a) shall:
- 1587 (i) notify every opposing candidate for the county office that the candidate is  
1588 disqualified;
- 1589 (ii) send an email notification to each voter who is eligible to vote in the county  
1590 election office race for whom the election official has an email address informing  
1591 the voter that the candidate is disqualified and that votes cast for the candidate will  
1592 not be counted, if the candidate is disqualified 65 or fewer days before the election;  
1593 (iii) post notice of the disqualification on the county's website; and

- 1594 (iv) if practicable, remove the candidate's name from the ballot by blacking out the  
1595 candidate's name before the ballots are delivered to voters; and
- 1596 (b) may not count any votes for that candidate.
- 1597 (17) An election official may fulfill the requirement described in Subsection (16)(a) in  
1598 relation to a mailed ballot, including a military or overseas ballot, by including with the  
1599 ballot a written notice directing the voter to the county's website to inform the voter  
1600 whether a candidate on the ballot is disqualified.
- 1601 (18) A candidate is not disqualified if:
- 1602 (a) the candidate files the interim reports described in Subsection (14) no later than 24  
1603 hours after the applicable deadlines for filing the reports;
- 1604 (b) the reports are completed, detailing accurately and completely the information  
1605 required by this section except for inadvertent omissions or insignificant errors or  
1606 inaccuracies; and
- 1607 (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the  
1608 next scheduled report.
- 1609 (19)(a) A report is considered timely filed if:
- 1610 (i) the report is received in the county clerk's office no later than midnight, Mountain  
1611 Time, at the end of the day on which the report is due;
- 1612 (ii) the report is received in the county clerk's office with a United States Postal  
1613 Service postmark three days or more before the date that the report was due; or
- 1614 (iii) the candidate has proof that the report was mailed, with appropriate postage and  
1615 addressing, three days before the report was due.
- 1616 (b) For a county clerk's office that is not open until midnight at the end of the day on  
1617 which a report is due, the county clerk shall permit a candidate to file the report via  
1618 email or another electronic means designated by the county clerk.
- 1619 (20)(a) Any private party in interest may bring an action in a court with jurisdiction  
1620 under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of  
1621 this section or any ordinance adopted under this section.
- 1622 (b) In a civil action filed under Subsection (20)(a), the court shall award costs and  
1623 attorney fees to the prevailing party.
- 1624 (21) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access  
1625 and Management Act, the county clerk shall:
- 1626 (a) make each campaign finance statement filed by a candidate available for public  
1627 inspection and copying no later than one business day after the statement is filed; and

- 1628 (b) make the campaign finance statement filed by a candidate available for public  
 1629 inspection by:
- 1630 (i) posting an electronic copy or the contents of the statement on the county's website  
 1631 no later than seven business days after the day on which the statement is filed; and  
 1632 (ii) in order to meet the requirements of Subsection 20A-11-103(4)(b)(ii), providing  
 1633 the lieutenant governor with a link to the electronic posting described in  
 1634 Subsection (21)(b)(i) no later than two business days after the day the statement is  
 1635 filed.

1636 Section 41. Section **17-71-103** is amended to read:

1637 **17-71-103 . County recorder duties in certain counties.**

1638 In counties where there is no elected surveyor, the county recorder shall fulfill the duties  
 1638a of  
 1639 a county surveyor as described in [~~Section 17-73-201~~] Subsection 17-73-201(1)(c).

1640 Section 42. Section **17-71-302** is amended to read:

1641 **17-71-302 . General duties -- Records and indexes.**

1642 (1) The county recorder shall:

- 1643 [~~(a) keep an entry record, in which the county recorder shall, upon acceptance and~~  
 1644 ~~recording of an instrument;~~]  
 1645 [~~(i) enter the instrument in the entry record in the order the county recorder recorded~~  
 1646 ~~the instrument;~~]  
 1647 [~~(ii) include in the entry record for the instrument:~~  
 1648 [~~(A) the names of the parties to the instrument;~~]  
 1649 [~~(B) the date, hour, day of the month, and year the county recorder recorded the~~  
 1650 ~~instrument; and~~]  
 1651 [~~(C) a brief description of the instrument; and~~]  
 1652 [~~(iii) endorse upon the instrument a number corresponding with the number of the~~  
 1653 ~~entry;~~]  
 1654 [~~(b) keep a grantors' index, in which the county recorder shall index deeds and final~~  
 1655 ~~judgments or decrees partitioning or affecting the title to or possession of real~~  
 1656 ~~property, which shall show:~~]  
 1657 [~~(i) the instrument's entry number in the county recorder's entry record;~~]  
 1658 [~~(ii) each grantor's name in alphabetical order;~~]  
 1659 [~~(iii) the grantee's name;~~]  
 1660 [~~(iv) the instrument's date;~~]

- 1661            [~~(v) the time the county recorder recorded the instrument;~~]
- 1662            [~~(vi) the kind of instrument;~~]
- 1663            [~~(vii) the book and page of the entry record where the county recorder entered the~~
- 1664                    ~~instrument; and ]~~
- 1665            [~~(viii) a brief description of the instrument;~~]
- 1666            [(e) ~~keep a grantees' index, in which the county recorder shall index deeds and final~~
- 1667                    ~~judgments or decrees partitioning or affecting the title to or possession of real~~
- 1668                    ~~property, which shall show:-]~~
- 1669            [~~(i) the instrument's entry number in the county recorder's entry record;~~]
- 1670            [~~(ii) each grantee's name in alphabetical order;~~]
- 1671            [~~(iii) the grantor's name;~~]
- 1672            [~~(iv) the instrument's date;~~]
- 1673            [~~(v) the time the county recorder recorded the instrument;~~]
- 1674            [~~(vi) the kind of instrument;~~]
- 1675            [~~(vii) the book and page of the entry record where the county recorder entered the~~
- 1676                    ~~instrument; and ]~~
- 1677            [~~(viii) a brief description of the instrument;~~]
- 1678            [(d) ~~keep a mortgagors' index, in which the recorder shall enter all mortgages, deeds of~~
- 1679                    ~~trust, liens, and other instruments in the nature of an encumbrance upon real estate,~~
- 1680                    ~~which shall show:-]~~
- 1681            [~~(i) the instrument's entry number in the county recorder's entry record;~~]
- 1682            [~~(ii) the name of each mortgagor, debtor, or person charged with the encumbrance in~~
- 1683                    ~~alphabetical order;~~]
- 1684            [~~(iii) the name of the mortgagee, lien holder, creditor, or claimant;~~]
- 1685            [~~(iv) the instrument's date;~~]
- 1686            [~~(v) the time the county recorder recorded the instrument;~~]
- 1687            [~~(vi) the kind of instrument;~~]
- 1688            [~~(vii) the consideration;~~]
- 1689            [~~(viii) the book and page of the entry record where the county recorder entered the~~
- 1690                    ~~instrument; and ]~~
- 1691            [~~(ix) a brief description of the instrument;~~]
- 1692            [(e) ~~keep a mortgagees' index, in which the recorder shall enter all mortgages, deeds of~~
- 1693                    ~~trust, liens, and other instruments in the nature of an encumbrance upon real estate,~~
- 1694                    ~~which shall show:-]~~

- 1695 [(i) the instrument's entry number in the county recorder's entry record;]
- 1696 [(ii) the name of each mortgagee, lien holder, creditor, or claimant in alphabetical  
1697 order;]
- 1698 [(iii) the name of the mortgagor or person charged with the encumbrance;]
- 1699 [(iv) the instrument's date;]
- 1700 [(v) the time the county recorder recorded the instrument;]
- 1701 [(vi) the kind of instrument;]
- 1702 [(vii) the consideration;]
- 1703 [(viii) the book and page of the entry record where the county recorder entered the  
1704 instrument; and ]
- 1705 [(ix) a brief description;]
- 1706 [(f) subject to Subsection (4), keep a tract index, which shall show by description for  
1707 every recorded instrument:-]
- 1708 [(i) the instrument's date;]
- 1709 [(ii) the kind of instrument;]
- 1710 [(iii) the time the county recorder recorded the instrument;-]
- 1711 [(iv) the book and page of the entry record where the county recorder entered the  
1712 instrument; and ]
- 1713 [(v) the instrument's entry number in the county recorder's entry record;]
- 1714 [(g) keep an index of recorded maps, plats, and subdivisions;]
- 1715 [(h) keep an index of powers of attorney showing:-]
- 1716 [(i) the date and time the county recorder recorded the power of attorney;]
- 1717 [(ii) the book and page of the entry record where the county recorder entered the  
1718 power of attorney; and ]
- 1719 [(iii) the power of attorney's entry number in the county recorder's entry record;]
- 1720 [(i) keep a miscellaneous index, in which the county recorder shall enter all instruments  
1721 of a miscellaneous character not otherwise provided for in this section, showing:-]
- 1722 [(i) the date the county recorder recorded the instrument;]
- 1723 [(ii) the book and page of the entry record where the county recorder entered the  
1724 instrument;-]
- 1725 [(iii) the instrument's entry number in the county recorder's entry record;]
- 1726 [(iv) the kind of instrument; and]
- 1727 [(v) the parties to the instrument;]
- 1728 [(j) keep an index of judgments showing:-]

- 1729           ~~[(i) the judgment debtors;]~~
- 1730           ~~[(ii) the judgment creditors;]~~
- 1731           ~~[(iii) the judgment amount;]~~
- 1732           ~~[(iv) the date and time the county recorder recorded the judgment;]~~
- 1733           ~~[(v) the satisfaction;]~~
- 1734           ~~[(vi) the book and page of the entry record where the county recorder entered the~~
- 1735                     ~~instrument; and ]~~
- 1736           ~~[(vii) the instrument's entry number in the county recorder's entry record;]~~
- 1737           ~~[(k) keep a general recording index in which the county recorder shall index all~~
- 1738                     ~~executions and writs of attachment, and any other instruments not required by law to~~
- 1739                     ~~be spread upon the records, and in separate columns the county recorder shall enter~~
- 1740                     ~~the names of the plaintiffs in the execution and the names of the defendants in the~~
- 1741                     ~~execution;]~~
- 1742           ~~[(l) keep an index of water right numbers that are included on an instrument recorded on~~
- 1743                     ~~or after May 13, 2014, showing: ]~~
- 1744                     ~~[(i) the date and time the county recorder recorded the instrument;]~~
- 1745                     ~~[(ii)(A) the book and page of the entry record where the county recorder entered~~
- 1746                             ~~the instrument; or ]~~
- 1747                             ~~[(B) the instrument's entry number in the county recorder's entry record; and ]~~
- 1748                     ~~[(iii) the kind of instrument; and]~~
- 1749           ~~[(m)] (a) upon acceptance and recording of an instrument:~~
- 1750                     ~~(i) endorse on the instrument:~~
- 1751                             ~~(A) an entry number corresponding with the acceptance and recording;~~
- 1752                             ~~(B) the date of acceptance and recording, including the hour, day, month, and~~
- 1753                                     ~~year; and~~
- 1754                             ~~(C) the recording fee;~~
- 1755                     ~~(ii) index each instrument:~~
- 1756                             ~~(A) by entry number;~~
- 1757                             ~~(B) if applicable, by each grantor, mortgagor, trustor, debtor, plaintiff, or person~~
- 1758                                     ~~charged with encumbrance under the instrument;~~
- 1759                             ~~(C) if applicable, by each grantee, mortgagee, trustee, lien holder, creditor,~~
- 1760                                     ~~claimant, or defendant described in the instrument;~~
- 1761                             ~~(D) if applicable, by each legal description, as described in Section 57-3-105;~~
- 1762                             ~~(E) by type of instrument; and~~

- 1763 (F) if applicable, by water right number; and  
 1764 (b) beginning January 1, 2025:  
 1765 (i) maintain a system that allows a property owner to receive, upon the property  
 1766 owner's election, an electronic notice when the county recorder records a deed or  
 1767 mortgage, as defined in Section 70D-1-102, on the property owner's real property;  
 1768 and  
 1769 (ii) if a property owner elects to receive electronic notice as described in Subsection [  
 1770 ~~(1)(m)(i)~~] (1)(b)(i), within 30 days after the day on which the county recorder  
 1771 records a deed or a mortgage as defined in Section 70D-1-102 on real property,  
 1772 provide an electronic notice of the recording to each property owner.
- 1773 (2) Upon request, a county recorder may provide the notice described in Subsection [  
 1774 ~~(1)(m)(ii)~~] (1)(b)(ii) to a property owner by a means other than electronic.
- 1775 (3) Subsection [~~(1)(m)~~] (1)(b) applies only to real property for which the county treasurer  
 1776 provides a tax notice described in Section 59-2-1317.
- 1777 [~~(4) The recorder shall alphabetically arrange the indexes required by this section and keep~~  
 1778 ~~a reverse index.]~~
- 1779 [~~(5)~~] (4)(a) The [~~tract~~]index required by Subsection [~~(1)(f)~~] (1) shall be kept so that [it]  
 1780 the index shows a true chain of title to each tract or parcel, together with each  
 1781 encumbrance on the tract or parcel, according to the records of the county recorder's  
 1782 office.
- 1783 (b) A recorder shall [~~abstract an instrument in the tract~~]index the legal description  
 1784 required by Subsection (1)(a)(ii)(D) unless:  
 1785 (i) the instrument is required to contain a legal description under Section 17-71-402  
 1786 or Section 57-3-105 and does not contain that legal description; or  
 1787 (ii) the instrument contains errors, omissions, or defects to the extent that the tract or  
 1788 parcel to which the instrument relates cannot be determined.
- 1789 (c) [~~If a recorder abstracts an instrument in the tract index or another index~~] To index an  
 1790 instrument as required by this section, the recorder may:  
 1791 (i) use a tax parcel number;  
 1792 (ii) use a site address;  
 1793 (iii) reference to other instruments of record recited on the instrument; or  
 1794 (iv) reference another instrument that is recorded concurrently with the instrument.
- 1795 (d) A recorder is not required to go beyond the face of an instrument to determine the  
 1796 tract or parcel to which an instrument may relate.

- 1797 (e) A person may not bring an action against a recorder for injuries or damages suffered  
 1798 as a result of information contained in an instrument recorded in [~~a tract index or~~  
 1799 ~~other~~] an index that is required by this section despite errors, omissions, or defects in  
 1800 the instrument.
- 1801 (f) The fact that a recorded instrument [~~described in Subsection (3)(e)~~] is included in the [  
 1802 ~~tract~~] index does not cure a failure to give public notice caused by an error, omission,  
 1803 or defect.
- 1804 (g) A document that is indexed in all or part of the indexes required by this section shall  
 1805 give constructive notice.
- 1806 [~~(6)~~] (5) Nothing in this section prevents the county recorder from using [~~a single name~~  
 1807 ~~index if that index includes all of the indexes required by this section~~] multiple indexes.
- 1808 Section 43. Section **17-71-407** is amended to read:
- 1809 **17-71-407 . Fees -- Fees paid in advance.**
- 1810 (1) The county recorder may not record any instrument, furnish any copies, or provide any  
 1811 service connected with the office of the county recorder[;] until the relevant fees  
 1812 described in this section or established by county ordinance or resolution have been:
- 1813 (a) paid; or  
 1814 (b) authorized to be paid electronically.
- 1815 [~~(2) The county may determine and collect a fee for all services not enumerated in this~~  
 1816 ~~section.~~]
- 1817 [~~(3)~~] (2) A county legislative body may set by ordinance or resolution reasonable fees for  
 1818 the services of the county recorder not described in Subsections (3) and (4), including  
 1819 for:
- 1820 (a) copies of any record or document; and  
 1821 (b) a subscription service described in Subsection (7).
- 1822 (3)(a) [~~The~~] Subject to Subsection (3)(b), a county recorder shall charge and receive  
 1823 the following fees:
- 1824 [~~(a)~~] (i) for recording any instrument, not otherwise provided for, other than bonds of  
 1825 public officers, \$40;
- 1826 [~~(b)~~] (ii)(i) (A) for recording any instrument, including those provided for under  
 1827 Title 70A, Uniform Commercial Code, other than bonds of public officers, and  
 1828 not otherwise provided for, \$40; and
- 1829 (ii) (B) if an instrument contains more than 10 descriptions, \$2 for each  
 1830 additional description;

- 1831           ~~[(e)]~~ (iii) for recording mining location notices and affidavits of labor affecting  
 1832                   mining claims, \$40;
- 1833           ~~[(d)]~~ (iv) for an affidavit or proof of labor that contains more than 10 mining claims,  
 1834                   \$2 for each additional mining claim;~~and]~~
- 1835           ~~[(e)]~~ (v) for redacting personal information in accordance with Section 17-71-406, \$5[-] ;
- 1836           (vi) for recording any plat, \$50 for each sheet and \$2 for each lot or unit designation;
- 1837           (vii) for recording any license issued by the Division of Professional Licensing, \$40;
- 1838           (viii) for recording a federal tax lien, \$40; and
- 1839           (ix) for recording the discharge of a federal tax lien, \$40.
- 1840           (b) A county of the second, third, fourth, fifth, or sixth class, as classified under Section  
 1841                   17-60-104, shall charge and receive an additional \$5 for each service described in  
 1842                   Subsection (3)(a), other than for the additional \$2 for each additional description or  
 1843                   mining claim as described in Subsections (3)(a)(ii)(B) and (iv), unless the county has  
 1844                   a balance in the restricted account into which recording fees are deposited.
- 1845           (4)(a) Each county recorder shall record the mining rules of the several mining districts  
 1846                   in each county without a fee.
- 1847           (b) Certified copies of these records shall be received in all tribunals and before all  
 1848                   officers of this state as prima facie evidence of the rules.
- 1849           (5) ~~[The-]~~ If a county legislative body does not set a different fee by ordinance or resolution  
 1850                   for a service, as described in Subsection (2), the county recorder shall charge and receive  
 1851                   the following fees:
- 1852           ~~[(a) for copies of any record or document, a reasonable fee as determined by the county~~  
 1853                   ~~legislative body;]~~
- 1854           ~~[(b)]~~ (a) for each certificate under seal, \$5; and
- 1855           ~~[(e) for recording any plat, \$50 for each sheet and \$2 for each lot or unit designation;]~~
- 1856           ~~[(d)]~~ (b) for taking and certifying acknowledgments, including seal, \$5 for one name and  
 1857                   \$2 for each additional name[-] .
- 1858           ~~[(e) for recording any license issued by the Division of Professional Licensing, \$40;-]~~
- 1859           ~~[(f) for recording a federal tax lien, \$40; and-]~~
- 1860           ~~[(g) for recording the discharge of a federal tax lien, \$40.]~~
- 1861           (6) A county recorder may not charge more than one recording fee for each instrument,  
 1862                   regardless of whether the instrument bears multiple descriptive titles or includes one or  
 1863                   more attachments as part of the instrument.
- 1864           (7) A county recorder may provide records or information within records to a requesting

1865 entity on a subscription basis.

1866 [~~(7)~~] (8) A county recorder may not be required to collect a fee for services that are  
1867 unrelated to the county recorder's office.

1868 Section 44. Section **17-71-408** is amended to read:

1869 **17-71-408 . Notice given by recording.**

1870 (1) Each [~~certified copy~~] document from the time of recording [~~of the original record~~] gives  
1871 notice to all persons of the contents of the recorded document.

1872 (2) Subsequent purchasers, mortgagees, and lien holders purchase and encumber with the  
1873 same notice and effect as if the certified copy was the original document.

1874 Section 45. Section **17-71-503** is amended to read:

1875 **17-71-503 . Military records -- Evidence.**

1876 (1) Upon presentation, the county recorder shall:

1877 (a) record, free of charge:

1878 (i) discharges from the United States military, naval, or marine service; and

1879 (ii) orders, citations, and decorations of honor relating to an individual while the  
1880 individual was in the United States military, naval, or marine service; and

1881 (b) give, free of charge, certified copies of a record described in Subsection (1) to:

1882 (i) the individual who is the subject of the record; and

1883 (ii) a father, mother, brother, sister, or lineal descendant of the individual who is the  
1884 subject of the record.

1885 (2) A requesting individual may provide, and a county recorder may accept, an affidavit  
1886 indicating how the requesting individual is a lineal descendant of the individual who is  
1887 the subject of a requested record as sufficient proof of the relationship between the  
1888 requesting individual and the individual who is the subject of the record.

1889 (3) Certified copies of records kept by the county recorder may be read in evidence with the  
1890 same effect as the original in an action or proceeding before a court, commission, or  
1891 other tribunal in this state.

1892 Section 46. Section **17-73-102** is amended to read:

1893 **17-73-102 . County surveyor seal.**

1894 (1) The county surveyor shall have a seal, furnished by the county, the impression of  
1895 which shall contain:

1896 [~~(1)~~] (a) the words: "State of Utah, County Surveyor"; and

1897 [~~(2)~~] (b) [-]the name of the county in which the seal is to be used.

1898 (2)(a) If a county contracts with a licensed professional land surveyor, as described in

1899 Section 17-73-201:

1900 (i) the county may, by contract, authorize the licensed professional land surveyor to  
 1901 use the seal described in Subsection (1); or

1902 (ii) the licensed professional land surveyor shall use the licensed professional land  
 1903 surveyor's personal seal.

1904 (b) A surveyor seal used as described in this section satisfies any legal requirements that  
 1905 require the use of a surveyor's seal, notwithstanding any administrative rule made  
 1906 under Section 58-22-601.

1907 Section 47. Section **17-73-201** is amended to read:

1908 **17-73-201 . County surveyor to be elected -- Requirement to be licensed land**  
 1909 **surveyor -- Authority to contract with licensed land surveyor if no elected county**  
 1910 **surveyor -- County surveyor duties.**

1911 (1)(a) The office of the county surveyor in each county shall be filled by:

1912 (i) election; and

1913 (ii) except as provided in Subsection (1)(b), a licensed professional land surveyor.

1914 (b) In a county where the office of county surveyor is consolidated with another elected  
 1915 county office, as provided in Section 17-66-104, all [~~county surveying work~~] duties of  
 1916 the county surveyor shall be performed by a licensed professional land surveyor.

1917 (c) In a county where there is no elected county surveyor, or the individual holding a  
 1918 consolidated office described in Subsection (1)(b) is not a licensed professional land  
 1919 surveyor:

1920 (i) the county executive or legislative body may~~[-]~~ :

1921 (A) consistent with Section 17-65-402, contract with a licensed professional land  
 1922 surveyor to perform the duties of a county surveyor; or

1923 (B) hire as a county employee a licensed professional land surveyor to perform the  
 1924 duties of a county surveyor;

1925 (ii) all [~~county survey work~~] duties of the county surveyor shall be done by a licensed  
 1926 professional land surveyor;

1927 (iii) the county recorder shall assume and perform all statutory functions and duties  
 1928 of the county surveyor related to the retention, maintenance, and accessibility of  
 1929 survey records, both physical and digital; and

1930 (iv) the county recorder's office shall act as the county surveyor's office only for the  
 1931 purpose of accepting, retaining, and managing county survey records.

1932 (d) A licensed professional land surveyor who contracts with or is hired by the county as

- 1933 described in Subsection (1)(c) shall fulfill the duties of the county surveyor as  
1934 described in this chapter or, if applicable, as described in the county contract.
- 1935 (2) The county surveyor shall execute:
- 1936 (a) all orders directed to the surveyor by any court; and  
1937 (b) all orders of survey required by the county executive or county legislative body.
- 1938 (3)(a) The county surveyor [~~of each county~~] shall:
- 1939 (i) advise the county executive and county legislative body regarding all surveying  
1940 work;
- 1941 (ii) perform or arrange for the performance of all surveying work for the county;
- 1942 (iii) permanently keep at county government offices a fair and accurate record of all  
1943 surveys made, including legal descriptions and geographic coordinates, all surveys  
1944 received in accordance with Section 17-73-504, and all corner files received in  
1945 accordance with Section 17-73-505;
- 1946 (iv) number progressively all surveys received and state by whom and for whom the  
1947 surveys were made;
- 1948 (v) deliver a copy of any survey to any person or court requiring the survey after the  
1949 payment of the fee established by the county legislative body;
- 1950 (vi) ensure that all surveys of legal subdivisions of sections are made according to the  
1951 United States Manual of Surveying Instructions in effect at the time the survey is  
1952 completed;
- 1953 (vii) verify the correctness of or establish correct coordinates for all survey reference  
1954 monuments set in place and shown on all subdivision maps and plats which have a  
1955 spatial relationship with any section or quarter section corner; and
- 1956 (viii) perform other duties required by law.
- 1957 (b) In arranging for the performance of surveying work for the county under Subsection  
1958 (3)(a)(ii), a surveyor may comply with Section 17-65-402.
- 1959 (4)(a) The county surveyor or the county surveyor's designee shall establish all corners  
1960 of government surveys and reestablish all corners of government surveys where  
1961 corners have been destroyed and where witness markers or other evidence of the  
1962 government corners remain so that the corners established by government survey can  
1963 be positively located.
- 1964 (b) The corners shall be reestablished in the manner provided in Section 17-73-501 for  
1965 establishing corners.
- 1966 (c) The county surveyor shall keep a separate record of the established and reestablished

1967 corners of government surveys, giving the date and names of persons present and  
 1968 shall provide those records to the county surveyor's successor when the county  
 1969 surveyor vacates office.

1970 (d) Established or reestablished corners shall be recognized as the legal and permanent  
 1971 corners.

1972 (5) The county executive or legislative body may direct the county surveyor or county  
 1973 surveyor staff to perform engineering and architectural work if the county surveyor or  
 1974 county surveyor staff is qualified and licensed to perform that work.

1975 Section 48. Section **17-73-502** is amended to read:

1976 **17-73-502 . Disturbed corners -- County surveyor to be notified -- Coordination**  
 1977 **with certain state agencies.**

1978 (1) A person who finds it necessary to disturb any established government survey  
 1979 monument or public land survey government corner location for any reason, including  
 1980 the improvement of a road, shall notify the county surveyor at least five business days  
 1981 before the day on which the person disturbs the government survey monument or public  
 1982 land survey government corner location.

1983 (2)(a) A county legislative body may enact an ordinance requiring a person to obtain a  
 1984 permit before performing construction work within 30 feet of an established  
 1985 government survey monument or public land survey government corner location.

1986 (b) A county legislative body shall ensure that an ordinance described in Subsection  
 1987 (2)(a) provides for an exemption from the permitting requirement if an emergency  
 1988 situation that poses a threat to public health or safety arises.

1989 (c)(i) A county may charge a fee for a permit described in Subsection (2)(a), in  
 1990 accordance with this Subsection (2)(c).

1991 (ii) The fee described in Subsection (2)(c)(i) may not exceed \$400 per government  
 1992 survey monument or public land survey government corner location.

1993 [~~(iii) If, after completion of the construction work, the government survey monument~~  
 1994 ~~or public land survey government corner location is undisturbed, the county shall~~  
 1995 ~~disburse a partial fee refund of \$250 to the permit holder.]~~

1996 [(iv)] (iii) If the construction work disturbs the government survey monument or  
 1997 public land survey government corner location related to the permit:

1998 (A) the permit holder is responsible for the necessary construction work and  
 1999 installation of the government survey monument or public land survey  
 2000 government corner location; and

2001 (B) the county shall provide to the permit holder the necessary [~~brass monument,~~  
2002 ~~ring, and lid~~] monument for the permit holder's work described in Subsection [  
2003 ~~(2)(e)(iv)(A)~~] (2)(c)(iii)(A).

2004 (d) A county shall provide a system allowing a person to apply electronically for and the  
2005 county to approve or deny electronically a permit described in Subsection (2)(a).

2006 (3) A person may not perform any construction work within 30 feet of a government survey  
2007 monument or public land survey government corner location unless the person obtains  
2008 any permit the county requires before beginning construction work within 30 feet of the  
2009 government survey monument or public land survey government corner location,  
2010 together with any additional permits that applicable law may require.

2011 (4) A person who produces drawings or plans for construction work to be performed within  
2012 30 feet of a government survey monument or public land survey government corner  
2013 location shall show, on the face of the drawings or plans:

2014 (a) the government survey monument or public land survey government corner location;  
2015 and

2016 (b) an accompanying note exhibiting compliance with Subsections (1) and (3).

2017 (5) A person who finds a monument that needs rehabilitation shall notify the county  
2018 surveyor within five business days after the day on which the person finds the  
2019 monument.

2020 (6) The county surveyor or the county surveyor's designee shall:

2021 (a) consistent with federal law or rule, reconstruct or rehabilitate the monument for the  
2022 corner by lowering and witnessing the corner or placing another monument and  
2023 witness over the existing monument so that the monument:

2024 (i) is left in a physical condition to remain as permanent a monument as is reasonably  
2025 possible; and

2026 (ii) may be reasonably located at all times in the future; and

2027 (b) file the record of each reconstruction or rehabilitation in accordance with Subsection  
2028 (6)(a).

2029 (7)(a) The county may, by ordinance, establish a civil penalty for a violation of:

2030 (i) any provision of Subsection (3) or (4); or

2031 (ii) any ordinance that the county adopts under Subsection (2).

2032 (b) It is a defense to the civil penalty described in Subsection (7)(a) if the violation  
2033 related to an emergency situation that posed a threat to public health or safety.

2034 Section 49. Section **17-73-504** is amended to read:

2035 **17-73-504 . Map of boundary survey -- Procedure for filing -- Contents --**  
2036 **Marking of monuments -- Record of corner changes -- Penalties.**

2037 (1)(a)(i) Each professional land surveyor making a boundary survey of lands within  
2038 this state to establish or reestablish a boundary line[~~or to obtain data for~~  
2039 ~~constructing a map or plat showing a boundary line~~] shall file a map of the survey  
2040 that meets the requirements of this section with the county surveyor or designated  
2041 office within 90 days of the establishment or reestablishment of a boundary.

2042 (ii) A professional land surveyor who fails to file a map of the survey as required by  
2043 Subsection (1)(a)(i) is guilty of an infraction.

2044 (iii) Each failure to file a map of the survey as required by Subsection (1)(a)(i) is a  
2045 separate violation.

2046 (b) The county surveyor or designated office shall file and index the map of the survey.

2047 (c) The map shall be a public record in the office of the county surveyor or designated  
2048 office.

2049 (2) This type of map shall show:

2050 (a) the location of survey by quarter section and township and range;

2051 (b) the date of survey;

2052 (c) the scale of drawing and north point;

2053 (d) the distance and course of all lines traced or established, giving the basis of bearing  
2054 and the distance and course to two or more section corners or quarter corners,  
2055 including township and range, or to identified monuments within a recorded  
2056 subdivision;

2057 (e) all measured bearings, angles, and distances separately indicated from those of  
2058 record;

2059 (f) a written boundary description of property surveyed;

2060 (g) all monuments set and [~~their~~] the monuments' relation to older monuments found;

2061 (h) a detailed description of monuments found and monuments set, indicated separately;

2062 (i) the surveyor's seal or stamp; and

2063 (j) the surveyor's business name and address.

2064 (3)(a) The map shall contain a written narrative that explains and identifies:

2065 (i) the purpose of the survey;

2066 (ii) the basis on which the lines were established; and

2067 (iii) the found monuments and deed elements that controlled the established or  
2068 reestablished lines.

- 2069 (b) If the narrative is a separate document, it shall contain:
- 2070 (i) the location of the survey by quarter section and by township and range;
- 2071 (ii) the date of the survey;
- 2072 (iii) the surveyor's stamp or seal; and
- 2073 (iv) the surveyor's business name and address.
- 2074 (c) The map and narrative shall be referenced to each other if they are separate
- 2075 documents.
- 2076 (4) The map and narrative shall be created on material of a permanent nature on stable base
- 2077 reproducible material in the sizes required by the county surveyor.
- 2078 (5)(a) Any monument set by a licensed professional land surveyor to mark or reference a
- 2079 point on a property or land line shall be durably and visibly marked or tagged with
- 2080 the registered business name or the letters "L.S." followed by the registration number
- 2081 of the surveyor in charge.
- 2082 (b) If the monument is set by a licensed land surveyor who is a public officer, it shall be
- 2083 marked with the official title of the office.
- 2084 (6)(a) If, in the performance of a survey, a surveyor finds or makes any changes to the
- 2085 section corner or quarter-section corner, or their accessories, the surveyor shall
- 2086 complete and submit to the county surveyor or designated office a record of the
- 2087 changes made.
- 2088 (b) The record described in Subsection (6)(a) shall:
- 2089 (i) be submitted within 45 days of the corner visits; and
- 2090 (ii) include the surveyor's seal, business name, and address.
- 2091 (7) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the
- 2092 license of any professional land surveyor who fails to comply with the requirements of
- 2093 this section, according to the procedures in Title 58, Chapter 1, Division of Professional
- 2094 Licensing Act.
- 2095 (8) Each federal or state agency, board, or commission, special district, special service
- 2096 district, or municipal corporation that makes a boundary survey of lands within this state
- 2097 shall comply with this section.
- 2098 Section 50. Section **17-73-507** is amended to read:
- 2099 **17-73-507 . Final plats of local entity boundary actions -- County surveyor**
- 2100 **approval of final plat -- Plat requirements.**
- 2101 (1) Upon request and in consultation with the county recorder, the county surveyor of each
- 2102 county in which property depicted on a plat is located shall determine whether the plat is

- 2103 a final local entity plat.
- 2104 (2)(a) If a county surveyor determines that a plat meets the requirements of Subsection
- 2105 (3), the county surveyor shall approve the plat as a final local entity plat.
- 2106 (b) The county surveyor shall indicate the approval of a plat as a final local entity plat on
- 2107 the face of the final local entity plat.
- 2108 (3) A plat may not be approved as a final local entity plat unless the plat:
- 2109 (a) contains a graphical illustration depicting:
- 2110 (i) in the case of a proposed creation or incorporation of a local entity, the boundary
- 2111 of the proposed local entity;
- 2112 (ii) in the case of a proposed annexation of an area into an existing local entity, the
- 2113 boundary of the area proposed to be annexed;
- 2114 (iii) in the case of a proposed adjustment of a boundary between local entities, the
- 2115 boundary of the area that the boundary adjustment proposes to move from inside
- 2116 the boundary of one local entity to inside the boundary of another local entity;
- 2117 (iv) in the case of a proposed withdrawal or disconnection of an area from a local
- 2118 entity, the boundary of the area that is proposed to be withdrawn or disconnected;
- 2119 (v) in the case of a proposed consolidation of multiple local entities, the boundary of
- 2120 the proposed consolidated local entity; and
- 2121 (vi) in the case of a proposed division of a local entity into multiple local entities, the
- 2122 boundary of each new local entity created by the proposed division;
- 2123 (b) is created on reproducible material that is:
- 2124 (i) permanent in nature; and
- 2125 (ii) the size and type specified by the county recorder;
- 2126 (c) is drawn to a scale so that all data are legible;
- 2127 (d) contains complete and accurate boundary information, including, as appropriate,
- 2128 calls along existing boundary lines, sufficient to enable:
- 2129 (i) the county surveyor to establish the boundary on the ground, in the event of a
- 2130 dispute about the accurate location of the boundary; and
- 2131 (ii) the county recorder to identify, for tax purposes, each tract or parcel included
- 2132 within the boundary;
- 2133 (e) depicts a name for the plat, approved by the county recorder, that is sufficiently
- 2134 unique to distinguish the plat from all other recorded plats in the county;
- 2135 (f) contains:
- 2136 (i) the name of the local entity whose boundary is depicted on the plat;

- 2137 (ii) the name of each county within which any property depicted on the plat is located;
- 2138 (iii) the date that the plat was prepared;
- 2139 (iv) a north arrow and legend;
- 2140 (v) a signature block for:
- 2141 (A) the signatures of:
- 2142 (I) the professional land surveyor who prepared the plat; and
- 2143 (II) the local entity's approving authority; and
- 2144 (B) the approval of the county surveyor; and
- 2145 (vi) a three-inch by three-inch block in the lower right hand corner for the county
- 2146 recorder's use when recording the plat;
- 2147 (g) has been certified and signed by a professional land surveyor licensed under Title 58,
- 2148 Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
- 2149 and
- 2150 (h) has been reviewed and signed by the approving authority of the local entity whose
- 2151 boundary is depicted on the plat.
- 2152 (4) The county surveyor may charge and collect a reasonable fee for the costs associated
- 2153 with:
- 2154 (a) the process of determining whether a plat is a final local entity plat; and
- 2155 (b) the approval of a plat as a final local entity plat.
- 2156 (5) A county surveyor may charge a newly created political subdivision, and a newly
- 2157 created political subdivision shall pay, a fee described in Subsection (4) following the
- 2158 lieutenant governor's issuance of a certificate of incorporation for the new political
- 2159 subdivision:
- 2160 (a) for survey work the county surveyor completed that was required for or associated
- 2161 with the formation of the new political subdivision; and
- 2162 (b) even if the county surveyor conducted the survey work before the certificate of
- 2163 incorporation is issued.
- 2164 Section 51. Section **17-74-101** is amended to read:
- 2165 **17-74-101 . Definitions.**
- 2166 As used in this chapter[;] :
- 2167 (1) "Finance officer" means the same as that term is defined in Section 17-66-101.
- 2168 (2) [~~"warrant"~~] "Warrant" means the same as that term is defined in Section 17-63-101.
- 2169 Section 52. Section **17-74-301** is amended to read:
- 2170 **17-74-301 . General duties.**

2171 The county treasurer shall:

- 2172 (1) receive all money belonging to the county and all other money by law directed to be  
 2173 paid to the treasurer, including proceeds of bonds, notes, or other evidences of  
 2174 indebtedness issued under Title 11, Chapter 14, Local Government Bonding Act;  
 2175 (2) deposit and invest all money received under Title 51, Chapter 7, State Money  
 2176 Management Act;  
 2177 (3) keep a record of the receipts and expenditures of all such money;  
 2178 (4) disburse county money:  
 2179 (a) on a county warrant issued by the county [~~auditor~~] finance officer; or  
 2180 (b) subject to Section [~~17-69-307~~] 17-69-404, by a county check or other payment  
 2181 mechanism as may be adopted in accordance with [~~Chapter 63, Fiscal Procedures and~~  
 2182 ~~Processes~~] Chapter 63, Fiscal Authority and Processes;  
 2183 (5) perform the duties assigned to the treasurer under Title 59, Chapter 2, Part 13,  
 2184 Collection of Taxes;  
 2185 (6) perform the duties under Title 59, Chapter 2, Part 13, Collection of Taxes, that have  
 2186 been reassigned to the treasurer in an ordinance adopted under Section 17-74-102;  
 2187 (7) provide the notice required under Section 10-11-4 or 17B-1-902; and  
 2188 (8) perform other duties that are required by law or ordinance.

2189 Section 53. Section **17-74-302** is amended to read:

2190 **17-74-302 . Payment of warrants in order presented -- Nonpayment and interest.**

- 2191 (1) The county treasurer shall pay all warrants in the order presented and as funds are  
 2192 available.  
 2193 (2) Except as provided in Subsection (4), the county treasurer shall execute payment for a  
 2194 warrant when:  
 2195 (a) a warrant is presented for payment; and  
 2196 (b) there is sufficient money in the county treasury to cover the payment.  
 2197 (3) Upon receiving the notice from the county [~~auditor~~] finance officer under Section [  
 2198 ~~17-69-307~~] 17-69-404 and if there is adequate money in the treasury, the treasurer shall,  
 2199 by check or other payment mechanism, make any payment not already paid by warrant.  
 2200 (4) Notwithstanding Subsections (1) and (2), the treasurer has no obligation to pay any  
 2201 warrant or to issue any check or other payment instrument before receiving the certified  
 2202 list under Section 17-70-302.  
 2203 (5) Before providing certain funding to a community reinvestment agency created under  
 2204 Title 17C, Limited Purpose Local Government Entities - Community Reinvestment

2205 Agency Act, a treasurer shall consult with the community reinvestment agency as  
2206 described in Section 17C-1-409.

2207 (6) When a warrant is presented to the county treasurer for payment and is not paid due to  
2208 a lack of sufficient county funds, the warrant shall bear interest at the rate of 5% per  
2209 annum until paid.

2210 Section 54. Section **17-74-304** is enacted to read:

2211 **17-74-304 . Treasurer duties to special district under interlocal agreement.**

2212 The treasurer may enter into an agreement with a special district for the county treasurer  
2213 to bill and collect assessments on behalf of the special district, as described in Section  
2214 17B-1-901.

2215 Section 55. Section **17-74-402** is amended to read:

2216 **17-74-402 . Monthly reconciliation with county auditor -- Assistance to county**  
2217 **auditor in making reports.**

2218 (1) The county treasurer shall reconcile with the county [~~auditor~~] finance officer by the last  
2219 day of each month for the preceding month.

2220 (2) The county treasurer shall assist the county [~~auditor~~] finance officer to fulfill the  
2221 reporting obligations described in Section [~~17-69-306~~] 17-69-403.

2222 Section 56. Section **17-75-201** is amended to read:

2223 **17-75-201 . Deputies and employees -- Appointments -- County legislative body**  
2224 **consent power -- Liability of principal -- Deputy may serve despite vacancy in office of**  
2225 **appointing officer.**

2226 (1)(a) A county or precinct officer, including an elected county executive, except a  
2227 county commissioner or county council member, may, with the consent of the county  
2228 legislative body, appoint deputies and employees as necessary for the discharge of  
2229 the duties of the county officer's office.

2230 (b) The county legislative body's consent power under Subsection (1)(a) shall be defined  
2231 in county ordinance and may include consent by:

2232 (i) the budget approval process;

2233 (ii) approval of an allocation of a certain number of positions; or

2234 (iii) approval or disapproval of the hiring of individual applicants for employment.

2235 (c) A county legislative body may by ordinance delegate to the county executive the  
2236 authority to consent to the appointment of deputies and employees under this  
2237 Subsection (1).

2238 (2) If a county clerk performs district court clerk functions, the legislative body of the

2239 county shall provide the county clerk with deputies and employees for the business of  
2240 the district court:

- 2241 (a) as the district court judge or judges consider necessary and advisable; and
- 2242 (b) consistent with the level of funding for clerk services from the court administrator's  
2243 office.

2244 (3)(a) Each county officer appointing a deputy shall, for each deputy appointed:

- 2245 (i) sign a document that states that the county officer appointed the deputy; and
- 2246 (ii) file the signed document with the county clerk.

2247 (b) The county officer appointing the deputy is liable for all the deputy's official acts.

2248 (c) If the office of the county officer who appointed the deputy becomes vacant, the  
2249 deputy may continue to serve despite the vacancy.

2250 (4) A sheriff in a county employing more than 100 full-time uniformed peace officers may,  
2251 with the consent of [~~the council and~~]the county legislative body, appoint more than one  
2252 chief deputy or undersheriff.

2253 Section 57. Section **17-75-403** is amended to read:

2254 **17-75-403 . Grievance and appeals procedure -- Employees' complaints of**  
2255 **discriminatory employment practice.**

2256 (1)(a) Any county to which the provisions of Part 5, Career Service, and Part 6, Office  
2257 of Personnel Management, apply shall establish in the county's personnel rules a  
2258 grievance and appeals procedure.

2259 (b) A grievance and appeals procedure shall be used to resolve disputes arising from  
2260 grievances as defined in the personnel rules, including acts of discrimination.

2261 (c) County employees may use the grievance and appeals procedure if the county  
2262 employee is:

- 2263 (i) dismissed;
- 2264 (ii) demoted;
- 2265 (iii) suspended; or
- 2266 (iv) transferred.

2267 (2)(a) A county career service employee that accuses a county of discriminatory or  
2268 prohibited employment practice as prohibited by Section 34A-5-106, may file a  
2269 complaint with the Division of Antidiscrimination and Labor created in Section  
2270 34A-1-202.

2271 (b) A county employee that files a complaint with the Division of Antidiscrimination  
2272 and Labor shall file the complaint within 30 days after the day on which the [~~council~~]

2273 body that heard the grievance and appeal issues a written decision on the county  
 2274 employee's grievance or appeal.

2275 Section 58. Section **17-75-501** is amended to read:

2276 **17-75-501 . Career service council or administrative law judge -- Members and**  
 2277 **alternate members -- Powers and duties -- Appeals -- Time limit -- Qualifications,**  
 2278 **appointment, terms, and compensation of council members -- Career service council**  
 2279 **authorized to refer an appeal to an administrative law judge.**

2280 (1)(a)(i) [~~There shall be in each county establishing a~~] Each county that establishes a  
 2281 career service system shall:

2282 (A) establish a service council appointed by the county executive as described in  
 2283 this section and to fulfill the duties described in this section; or

2284 (B) hire or contract with an administrative law judge, trained and experienced in  
 2285 personnel matters, to fulfill the duties of a career service council described in  
 2286 Subsections (1)(b) and (c).

2287 (ii) The members of the council shall be individuals trained and experienced in, and  
 2288 willing to apply, merit principles to public employment.

2289 (iii)(A) The county executive may appoint alternate members of the council to  
 2290 hear appeals that one or more regular council members are unable to hear.

2291 (B) The term of an alternate member of the council may not exceed one year.

2292 [~~(b) The council shall hear appeals not resolved at lower levels in cases of:-]~~

2293 [~~(i) career service employees who the county has:-]~~

2294 [~~(A) suspended;-]~~

2295 [~~(B) transferred;-]~~

2296 [~~(C) demoted; or-~~

2297 [~~(D) dismissed; and]~~

2298 [~~(ii) grievances not resolved by the grievance procedure at the county division or~~  
 2299 ~~departmental level.]~~

2300 (b) The council or administrative law judge shall hear appeals not resolved at lower  
 2301 levels from career service employees who the county has:

2302 (i) suspended;

2303 (ii) transferred;

2304 (iii) demoted; or

2305 (iv) dismissed.

2306 (c) The council or administrative law judge:

- 2307 (i) may make an initial determination in each appeal whether the appeal is one of the  
 2308 types of matters under Subsection (1)(b)~~[-over which the council has jurisdiction];~~  
 2309 (ii) shall, subject to Subsections (9) through (11), review written appeals in cases of  
 2310 applicants rejected for examination and ~~[report final binding appeals decisions]~~  
 2311 provide recommendations, in writing, to the county legislative body; and  
 2312 (iii) may not hear any other personnel matter~~[-and]~~ .  
 2313 ~~[(iv) may affirm, modify, vacate, or set aside an order for disciplinary action.]~~  
 2314 (d)(i) An individual adversely affected by a decision of the council or an  
 2315 administrative law judge may appeal the decision to the ~~[district court]~~ county  
 2316 governing body.  
 2317 (ii)(A) After receiving an appeal under Subsection (1)(d)(i), the county governing  
 2318 body shall issue a final decision, affirming or rejecting the decision of the  
 2319 council or administrative law judge.  
 2320 (B) If a county governing body fails to take action on an appeal within 60 days of  
 2321 the day on which the governing body receives the appeal, the appeal shall be  
 2322 considered denied as a final decision of a county governing body.  
 2323 (iii) An individual adversely affected by a final decision of the county governing  
 2324 body may appeal the decision to the district court.  
 2325 ~~[(ii)]~~ (iv) An appeal to the district court under this Subsection (1)(d) is barred unless ~~[it]~~  
 2326 the appeal is filed within 30 days after the day on which the ~~[council issues the~~  
 2327 ~~council's decision]~~ county governing body issues the final decision.  
 2328 ~~[(iii)]~~ (v) If there is a record of the ~~[council-]~~proceedings, the district court review  
 2329 shall be limited to the record~~[-provided by the council]~~.  
 2330 ~~[(iv)]~~ (vi) In reviewing a decision of the council or an administrative law judge, the  
 2331 district court shall presume that the decision is valid and may determine only  
 2332 whether the decision is arbitrary or capricious.  
 2333 (e) Notwithstanding Subsection (1)(b), a council that receives an appeal may refer the  
 2334 appeal to an administrative law judge as described in Subsections (9) through (11).  
 2335 (2)(a) A council member shall serve a term of three years that expires on June 30, three  
 2336 years after the county executive appointed the council member.  
 2337 (b) Notwithstanding Subsection (2)(a), the term for original appointees to a council shall  
 2338 be staggered so that the term of only one council member expires each year.  
 2339 (c) A county executive's appointment to fill a vacancy on the council shall be for only  
 2340 the unexpired term of the appointee's successor.

- 2341 (d) Each council member shall hold office until the council member's successor is  
 2342 appointed and confirmed.
- 2343 (e) The county executive may remove ~~[the] a~~ council member ~~[for cause, after:]~~ after the  
 2344 county executive gives the council member an opportunity to appeal to the county  
 2345 legislative body.  
 2346 ~~[(i) receiving a copy of the charges against the council member; and]~~  
 2347 ~~[(ii) the council member has had an opportunity to be heard publicly on the charges~~  
 2348 ~~before the county legislative body.]~~
- 2349 (f) The county shall annually appropriate adequate funds to enable the council to  
 2350 effectively carry out the council duties under this chapter.
- 2351 (3) Each county council member and alternate county council member shall be:  
 2352 (a) a citizen of the United States; and  
 2353 (b) for a period of at least one year before the day on which the council member is  
 2354 appointed, an actual and bona fide resident of:  
 2355 (i) the state of Utah; and  
 2356 (ii) the county[-].
- 2357 (4) A council member may not ~~[hold another government office or]~~ be employed by the  
 2358 county.
- 2359 (5) The council shall elect a member of the council as chairperson.
- 2360 (6) Two or more council members constitutes a quorum necessary for carrying on the  
 2361 council's business and activity.
- 2362 (7) The council shall have subpoena power to[:]  
 2363 ~~[(a)]~~ compel attendance of witnesses~~[: and] .~~  
 2364 ~~[(b) authorize witness fees when the council deems appropriate, to be paid at the same~~  
 2365 ~~rate as in justice courts.]~~
- 2366 (8)(a) A council member shall receive compensation for attending each day or partial  
 2367 day the council is in session at a per diem rate established in accordance with Section  
 2368 11-55-103.
- 2369 (b) An alternate council member shall receive compensation for each day or partial day  
 2370 that the alternate council member is required to replace a regular council member, at  
 2371 a per diem rate established in accordance with Section 11-55-103.
- 2372 (9)(a) A county legislative body may appoint one or more administrative law judges to  
 2373 hear appeals referred by a council under this section.
- 2374 (b) Each administrative law judge shall be trained and experienced in personnel matters.

- 2375 (10)(a) A council may refer an appeal to an administrative law judge appointed under  
 2376 Subsection (9) if the council determines that the referral is in each party's best interest.
- 2377 (b) After holding a hearing on an appeal described in Subsection (10)(a), the  
 2378 administrative law judge shall make:  
 2379 (i) findings of fact; and  
 2380 (ii) a recommendation to the council.
- 2381 (c) After receiving the administrative law judge's recommendation, the council may  
 2382 request the administrative law judge to hold a further factual hearing before the  
 2383 council issues a decision.
- 2384 (d) The council may adopt or reject the administrative law judge's recommendation,  
 2385 whether before or after a further hearing under Subsection (10)(c).
- 2386 (11)(a) A council shall refer an appeal to an administrative law judge appointed under  
 2387 Subsection (9) if the county employee or county official assigned by the county  
 2388 executive or county legislative body to manage personnel functions requests that the  
 2389 appeal be referred.
- 2390 (b) In an appeal described in Subsection (11)(a), the administrative law judge, not the  
 2391 council, issues a final decision.
- 2392 Section 59. Section **17-75-502** is amended to read:  
 2393 **17-75-502 . Career service -- Exempt positions.**
- 2394 (1) The career service:  
 2395 (a) is a permanent service to which this part applies; and  
 2396 (b) comprises all tenured county positions in the public service, except:  
 2397 (i) subject to Subsection (2):  
 2398 (A) the county executive, members of the county legislative body, and other  
 2399 elected officials; and  
 2400 (B) each major county department head charged directly by the county legislative  
 2401 body, or by a board appointed by the county legislative body, with the  
 2402 responsibility of assisting to formulate and carry out policy matters;  
 2403 (ii) one confidential [secretary] administrative assistant for each elected county officer  
 2404 and major county department head, if a confidential [secretary] administrative  
 2405 assistant is assigned;  
 2406 (iii) an administrative assistant to the county executive, each member of the county  
 2407 legislative body, and each elected official, if an administrative assistant is  
 2408 assigned;

- 2409 (iv) each duly appointed chief deputy of any elected county officer who takes over  
 2410 and discharges the duties of the elected county officer in the absence or disability  
 2411 of the elected county officer;
- 2412 (v) subject to Subsection (3), an individual who is:
- 2413 (A) appointed by an elected county officer to be a division director, to administer  
 2414 division functions in furtherance of the performance of the elected officer's  
 2415 professional duties;
- 2416 (B) in a confidential relationship with the elected county officer; and
- 2417 (C) not in a law enforcement rank position of captain or below;
- 2418 (vi) each person employed to make or conduct a temporary and special inquiry,  
 2419 investigation, or examination on behalf of the county legislative body or one of its  
 2420 committees;
- 2421 (vii) each noncareer employee:
- 2422 (A) compensated for the employee's services on a seasonal or contractual basis;  
 2423 and
- 2424 (B) hired on emergency or seasonal appointment basis, as approved by the council;
- 2425 (viii) each provisional employee, as defined by the county's policies and procedures  
 2426 or personnel rules;
- 2427 (ix) each part-time county employee, as defined by the county's policies and  
 2428 procedures or personnel rules;
- 2429 (x) each county employee appointed to perform:
- 2430 (A) work that does not exceed three years in duration; or  
 2431 (B) work with limited funding; and
- 2432 (xi) each county position that, by the position's confidential or key  
 2433 policy-determining nature, cannot or should not be appropriately included in the  
 2434 career service.
- 2435 (2)(a) ~~Before~~ Subject to Subsection (2)(b), before a position under Subsection  
 2436 (1)(b)(i) may be changed from ~~its~~ the position's current status to exempt or tenured,  
 2437 the ~~county~~ legislative body shall, after giving due notice, hold a public hearing on  
 2438 the proposed change of status.
- 2439 (b) A legislative body may change a position under Subsection (2)(a) only after the  
 2440 position becomes vacant.
- 2441 (3)(a) Subsection (1)(b)(v) may not be construed to cause an individual serving as a  
 2442 nonexempt county employee on May 5, 2008, in a position described in that

2443 subsection to lose the nonexempt status.

2444 (b) The elected county officer in a supervisory position over a county employee  
2445 described in Subsection (3)(a) shall work with the county's office of personnel  
2446 management to develop financial and other incentives to encourage a nonexempt  
2447 employee to convert voluntarily to exempt status.

2448 (4)(a) County policies made in conformity with this part shall list by job title and county  
2449 department, office or agency, each position designated as exempt under Subsection  
2450 (1)(b)(xi).

2451 (b) A change in exempt status of a position designated as being exempt under  
2452 Subsection (1)(b)(xi) constitutes an amendment to the personnel rules made under  
2453 this chapter.

2454 Section 60. Section **17-75-503** is amended to read:

2455 **17-75-503 . Acceptance of exempt position by career service employee --**

2456 **Reappointment register.**

2457 [~~(1)~~] Any career service employee accepting an appointment to an exempt position who is  
2458 not retained by the appointing officer, unless discharged for cause as provided by this  
2459 part or county policies made in conformity with this part, shall:

2460 [~~(a)~~] (1) be appointed to any career service position for which the employee qualifies in a  
2461 pay grade comparable to the employee's last position in the career service provided an  
2462 opening exists; or

2463 [~~(b)~~] (2) be appointed to any lesser career service position for which the employee qualifies  
2464 pending the opening of a position described in Subsection (1) of this section.

2465 [~~(2)~~] ~~The director described in Section 17-75-601 shall maintain a reappointment register to~~  
2466 ~~facilitate the operation of this section, which shall have precedence over other registers.]~~

2467 Section 61. Section **17-75-602** is amended to read:

2468 **17-75-602 . Director of personnel management responsibilities -- Personnel**  
2469 **policies.**

2470 (1) The director shall:

2471 (a) encourage and exercise leadership in the development of expertise in personnel  
2472 administration within county departments, offices, and agencies in the county  
2473 service;

2474 (b) make available the facilities of the office of personnel management to county  
2475 departments, offices, and agencies for the development of expertise in personnel  
2476 administration;

- 2477 (c) advise the county legislative body, county executive, and any county officer on the  
 2478 use of human resources;
- 2479 (d) develop and implement programs to improve employee effectiveness, including:  
 2480 (i) training;  
 2481 (ii) safety;  
 2482 (iii) health;  
 2483 (iv) counseling; and  
 2484 (v) welfare;
- 2485 ~~[(e)(i) investigate periodically the operation and effect of this chapter and of the  
 2486 policies made under this chapter; and ]~~  
 2487 ~~[(ii) report investigation findings and recommendations to the county legislative body;]~~
- 2488 ~~[(f)]~~ (e) establish and maintain records of all employees in the county service that  
 2489 includes each county employee's:  
 2490 (i) class;  
 2491 (ii) title;  
 2492 (iii) pay or status; and  
 2493 (iv) other relevant data;
- 2494 ~~[(g)]~~ (f) make an annual report to the county legislative body and county executive  
 2495 regarding the work of the office;
- 2496 ~~[(h)]~~ (g) apply and carry out this chapter and the policies under this chapter; and  
 2497 ~~[(i)]~~ (h) perform any other lawful acts that are necessary to carry out the provisions of  
 2498 this chapter.
- 2499 (2)~~[(a) The]~~ In a county subject to this chapter:  
 2500 (a) the director shall recommend personnel policies for the county[-] ; and  
 2501 (b) ~~[The]~~ the county legislative body may:  
 2502 (i) recommend personnel policies for the county; and  
 2503 (ii) approve, amend, or reject personnel policies for the county before ~~[they]~~ the  
 2504 personnel policies are adopted.
- 2505 (3) Personnel policies shall provide for:  
 2506 (a) recruiting efforts that are planned and carried out in a manner that:  
 2507 (i) assures open competition; and  
 2508 (ii) ~~[places special emphasis on]~~ includes recruiting efforts to attract and help assure  
 2509 that individuals belonging to the following groups will be among the candidates  
 2510 from whom appointments are made:

- 2511 (A) minorities;
- 2512 (B) women;
- 2513 (C) individuals with a disability as defined by and covered under the Americans  
2514 with Disabilities Act of 1990, 42 U.S.C. 12102; or
- 2515 (D) other groups that are substantially underrepresented in the county workforce;
- 2516 (b) the establishment of job related minimum requirements, wherever practical, that all  
2517 successful candidates are required to meet to be eligible for consideration for  
2518 appointment or promotion;
- 2519 (c) selection procedures that include:
- 2520 (i) consideration of the relative merit of each applicant for employment;
- 2521 (ii) a job related method of determining the eligibility or ineligibility of each applicant  
2522 for employment; and
- 2523 (iii) a valid, reliable, and objective system of ranking eligible applicants according to [  
2524 ~~their~~] the eligible applicant's qualifications and merit;
- 2525 (d) certification procedures that ensure equitable consideration of an appropriate number  
2526 of the most qualified eligible applicants based on the ranking system;
- 2527 (e) appointments to positions in the career service by selection from the most qualified  
2528 eligible applicants certified on eligible lists established in accordance with  
2529 Subsections (3)(c) and (d);
- 2530 (f) occasional noncompetitive appointments where there is evidence that open or limited  
2531 competition is not practical, including for unskilled positions that have no minimum  
2532 job requirements;
- 2533 (g) limitation of competition at the discretion of the director for appropriate positions to  
2534 facilitate employment of qualified applicants for employment with:
- 2535 (i) a substantial physical or mental impairment; or
- 2536 (ii) other groups protected by Title VII of the Civil Rights Act;
- 2537 (h)(i) permanent appointment for entry to the career service that is contingent upon a  
2538 probationary county employee's satisfactory performance during a six-month  
2539 probationary period;
- 2540 (ii) a six-month probationary period that the county may extend for a period not to  
2541 exceed an additional six months for good cause; and
- 2542 (iii) an opportunity for a probationary county employee to appeal directly to the  
2543 council any undue prolonging of the six-month probationary period by the county  
2544 that is designed to thwart merit principles;

- 2545 (i) temporary, provisional, or other noncareer service appointments, which may not:  
2546 (i) be used to defeat the purpose of the career service; and  
2547 (ii) exceed 270 days;
- 2548 (j) lists of eligible applicants, if available, for filling temporary positions and short-term  
2549 emergency appointments that:  
2550 (i) are made without regard to the other provisions of law;  
2551 (ii) provide for maintenance of essential services in an emergency situation where  
2552 normal procedures are not practical; and  
2553 (iii) do not exceed 270 days;
- 2554 (k)(i) promotion and career ladder advancement of county employees to higher level  
2555 positions; and  
2556 (ii) assurance that an individual promoted is qualified for the higher level position;
- 2557 (l) recognition of the equivalency of other merit processes by waiving, at the director's  
2558 discretion, the open competitive examination for placement in the career service  
2559 positions of applicants for employment who were originally selected through a  
2560 competitive examination process in another governmental entity, an individual in  
2561 those cases, to serve a probationary orientation period;
- 2562 (m) preparation, maintenance, and revision of a position classification plan for all  
2563 positions in the career service that:  
2564 (i) is based upon similarity of duties performed and responsibilities assumed;  
2565 (ii) for all positions in the same class:  
2566 (A) reasonably requires the same qualifications; and  
2567 (B) equitably applies the same schedule of pay; and  
2568 (iii) includes a compensation plan that, to maintain a high quality public workforce,  
2569 accounts for:  
2570 (A) the responsibility and difficulty of the work for each position;  
2571 (B) the comparative pay and benefits needed to compete in the labor market;  
2572 (C) proper alignment with other similar governmental units; and  
2573 (D) other factors;
- 2574 (n)(i) keeping records of performance on all county employees in the career service;  
2575 and  
2576 (ii) requiring consideration of performance records in determining:  
2577 (A) salary increases;  
2578 (B) benefits for meritorious service;

- 2579 (C) promotions;
- 2580 (D) the order of layoffs and reinstatements;
- 2581 (E) demotions;
- 2582 (F) discharges; and
- 2583 (G) transfers;
- 2584 (o) establishment of a plan:
- 2585 (i) governing layoffs of county employees resulting from:
- 2586 (A) lack of funds or work;
- 2587 (B) abolition of positions; or
- 2588 (C) material changes in duties or organization; and
- 2589 (ii) governing reemployment of former county employees [~~that~~] who the county laid
- 2590 off that takes into account the former county employee's:
- 2591 (A) relative ability;
- 2592 (B) seniority; and
- 2593 (C) merit;
- 2594 (p) establishment of a plan for resolving employee grievances and complaints with final
- 2595 and binding decisions;
- 2596 (q) establishment of disciplinary measures including:
- 2597 (i) suspension;
- 2598 (ii) demotion in rank or grade;
- 2599 (iii) discharge; and
- 2600 (iv) presentation of charges, hearing rights, and appeals for all permanent employees
- 2601 in the career service to the council;
- 2602 (r) establishment of a procedure for employee development and improvement of poor
- 2603 performance;
- 2604 (s) establishment of:
- 2605 (i) hours of work;
- 2606 (ii) holidays; and
- 2607 (iii) attendance requirements in various classes of positions in the career service;
- 2608 (t) establishment and publicizing of fringe benefits including:
- 2609 (i) insurance;
- 2610 (ii) retirement; and
- 2611 (iii) leave programs; and
- 2612 (u) any other requirements authorized by the county governing body not inconsistent

2613 with this chapter that are proper for the chapter's enforcement.

2614 Section 62. Section **17-75-604** is amended to read:

2615 **17-75-604 . Certification of eligibility by director -- Power of director to examine**  
2616 **payrolls.**

2617 (1) The director, or the director's designee, shall certify:

2618 (a) a new county employee hired to a position covered by this chapter; and

2619 (b) a change in a county employee's compensation, title, or status.

2620 (2) The director, or the director's designee, shall certify an employee as eligible to be paid  
2621 under this chapter, or personnel rules made under this chapter.

2622 (3) The director may examine payrolls at any time to determine conformity with this  
2623 chapter and the personnel rules.

2624 Section 63. Section **17-75-702** is amended to read:

2625 **17-75-702 . Violations -- Misdemeanor -- Ineligibility for employment and**  
2626 **forfeiture of position.**

2627 [~~(1) An individual who willfully violates any provision of this chapter or the personnel~~  
2628 ~~rules made under this chapter is guilty of a class A misdemeanor.]~~

2629 [(2) In addition to the sanctions of Subsection (1), an] An individual who has been  
2630 adjudged guilty of violating any of the provisions of this chapter or the personnel rules  
2631 made ~~[under]~~ in accordance with this chapter shall, for a period of five years:

2632 [~~(a)~~] (1) be ineligible for appointment to or employment in a county position; and

2633 [~~(b)~~] (2) if a county officer or employee, forfeit the county office or position.

2634 Section 64. Section **17-76-402** is amended to read:

2635 **17-76-402 . Applicability -- Overtime for law enforcement personnel -- Exception.**

2636 (1) This section does not apply to a county subject to Part 3, Peace Officer Merit System in  
2637 Counties of the First Class.

2638 (2) The legislative body of a county that employs a nonexempt employee engaged in law  
2639 enforcement activities may, except as otherwise required by a contract or a collective  
2640 bargaining agreement or federal law, enact an ordinance or pass a resolution that:

2641 (a) designates a work period for the nonexempt employee that is the same as, or  
2642 equivalent to, a work period described in Subsection 63A-17-502(2); and

2643 (b) compensates the nonexempt employee for overtime at a rate of one and one-half  
2644 times the nonexempt employee's regular hourly rate.

2645 Section 65. Section **17-78-201** is amended to read:

2646 **17-78-201 . Development of county resources.**

- 2647 (1) A county may provide for the development of the county's mineral, water, [  
2648 ~~manpower~~] personnel, industrial, historical, cultural, and other resources.
- 2649 (2) A county may expend county funds as are considered advisable to carry out the  
2650 purposes of Subsection (1).
- 2651 Section 66. Section **17-78-605** is amended to read:
- 2652 **17-78-605 . Fees for constables -- Criminal.**
- 2653 (1)(a) Except as provided in Subsections (3) and (6), a constable shall be paid in  
2654 criminal matters for each copy of a summons, subpoena, notice, court order, or other  
2655 criminal paper as follows:
- 2656 (i) \$5 for each defendant served; and  
2657 (ii) mileage of \$1 per mile for each mile necessarily traveled in going only, to be  
2658 computed from either the courthouse, or when transmitted by mail, from the post  
2659 office where received.
- 2660 (b) If more than one trip is necessary to serve, or diligently attempt to serve, service of  
2661 process, a constable may collect mileage charges for more than two trips only if the  
2662 party requesting the service of process has approved the additional mileage charges.
- 2663 (c) A constable shall individually document each charge under this Subsection (1) on the  
2664 affidavit of return of service.
- 2665 (2) If a constable serves process in a county other than the county where the process  
2666 originated, travel expenses may not exceed the fee that would be charged if served by  
2667 the sheriff of that county under Chapter 72, County Sheriff.
- 2668 (3)(a) A constable may charge a county a fee of \$1 for each mile traveled for the purpose  
2669 of serving, or to diligently attempt service of, a warrant of arrest, both in going to and  
2670 returning from the defendant's address.
- 2671 (b) If more than one trip is necessary to serve, or diligently attempt to serve, a warrant of  
2672 arrest, a constable may collect no more than two additional mileage charges.
- 2673 (c) A constable shall individually document each charge under this Subsection (3) on  
2674 the affidavit of return of service.
- 2675 (4) For arresting a prisoner and bringing the prisoner into court, or otherwise satisfying a  
2676 warrant, a constable may charge a fee of \$15.
- 2677 (5)(a) Accounts against the county filed by constables for services in criminal cases shall  
2678 be:
- 2679 (i) certified as correct by the county attorney or district attorney; and  
2680 (ii) presented to the county auditor or county finance officer, as that term is defined

2681 in Section 17-66-101.

2682 (b) The county legislative body may reject constable bills in all causes or proceedings in  
2683 which the county attorney or district attorney has not authorized the issuance of the  
2684 warrant of arrest in writing.

2685 (6) A county may, by contract with a constable, establish lower fees for services than the  
2686 fees described in this section.

2687 Section 67. Section **17-78-807** is amended to read:

2688 **17-78-807 . Annual report -- Financial statement.**

2689 (1) To the extent that independent accounting records are prepared and maintained by the  
2690 planetarium, the planetarium board of directors shall make, or in the case of a  
2691 contracting entity, require that there be made, an annual report to the county executive  
2692 and the county legislative body on the condition and operation of the planetarium,  
2693 including a financial statement.

2694 (2) The financial statement described in Subsection (1) shall be:

2695 (a) prepared in accordance with generally accepted accounting principles; and

2696 (b) reviewed by the county ~~auditor~~ finance officer, as that term is defined in Section  
2697 17-66-101.

2698 (3) The planetarium shall be included in the annual audit of the county conducted by an  
2699 independent public accountant as required by Title 51, Chapter 2a, Accounting Reports  
2700 from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

2701 Section 68. Section **17B-1-102** is amended to read:

2702 **17B-1-102 . Definitions.**

2703 As used in this title:

2704 (1) "Appointing authority" means the person or body authorized to make an appointment to  
2705 the board of trustees.

2706 (2) "Basic special district":

2707 (a) means a special district that is not a specialized special district; and

2708 (b) includes an entity that was, under the law in effect before April 30, 2007, created and  
2709 operated as a special district, as defined under the law in effect before April 30, 2007.

2710 (3) "Bond" means:

2711 (a) a written obligation to repay borrowed money, whether denominated a bond, note,  
2712 warrant, certificate of indebtedness, or otherwise; and

2713 (b) a lease agreement, installment purchase agreement, or other agreement that:

2714 (i) includes an obligation by the district to pay money; and

- 2715 (ii) the district's board of trustees, in [~~its~~] the board's discretion, treats as a bond for  
2716 purposes of Title 11, Chapter 14, Local Government Bonding Act, or Title 11,  
2717 Chapter 27, Utah Refunding Bond Act.
- 2718 (4) "Cemetery maintenance district" means a special district that operates under and is  
2719 subject to the provisions of this chapter and Chapter 2a, Part 1, Cemetery Maintenance  
2720 District Act, including an entity that was created and operated as a cemetery  
2721 maintenance district under the law in effect before April 30, 2007.
- 2722 (5) "Drainage district" means a special district that operates under and is subject to the  
2723 provisions of this chapter and Chapter 2a, Part 2, Drainage District Act, including an  
2724 entity that was created and operated as a drainage district under the law in effect before  
2725 April 30, 2007.
- 2726 (6) "Facility" or "facilities" includes any structure, building, system, land, water right,  
2727 water, or other real or personal property required to provide a service that a special  
2728 district is authorized to provide, including any related or appurtenant easement or  
2729 right-of-way, improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment,  
2730 or furnishing.
- 2731 (7) "Fire protection district" means a special district that operates under and is subject to the  
2732 provisions of this chapter and Chapter 2a, Part 3, Fire Protection District Act, including  
2733 an entity that was created and operated as a fire protection district under the law in effect  
2734 before April 30, 2007.
- 2735 (8) "General obligation bond":
- 2736 (a) means a bond that is directly payable from and secured by ad valorem property taxes  
2737 that are:
- 2738 (i) levied:
- 2739 (A) by the district that issues the bond; and  
2740 (B) on taxable property within the district; and
- 2741 (ii) in excess of the ad valorem property taxes of the district for the current fiscal  
2742 year; and
- 2743 (b) does not include:
- 2744 (i) a short-term bond;  
2745 (ii) a tax and revenue anticipation bond; or  
2746 (iii) a special assessment bond.
- 2747 (9) "Improvement assurance" means a surety bond, letter of credit, cash, or other security:  
2748 (a) to guarantee the proper completion of an improvement;

- 2749 (b) that is required before a special district may provide a service requested by a service  
2750 applicant; and
- 2751 (c) that is offered to a special district to induce the special district before construction of  
2752 an improvement begins to:
- 2753 (i) provide the requested service; or  
2754 (ii) commit to provide the requested service.
- 2755 (10) "Improvement assurance warranty" means a promise that the materials and  
2756 workmanship of an improvement:
- 2757 (a) comply with standards adopted by a special district; and  
2758 (b) will not fail in any material respect within an agreed warranty period.
- 2759 (11) "Improvement district" means a special district that operates under and is subject to the  
2760 provisions of this chapter and Chapter 2a, Part 4, Improvement District Act, including an  
2761 entity that was created and operated as a county improvement district under the law in  
2762 effect before April 30, 2007.
- 2763 (12) "Infrastructure financing district" means a special district that operates under and is  
2764 subject to the provisions of this chapter and [~~Chapter 2a, Part 13, Infrastructure~~  
2765 ~~Financing Districts~~] Title 17D, Chapter 5, Infrastructure Financing District Act.
- 2766 (13) "Irrigation district" means a special district that operates under and is subject to the  
2767 provisions of this chapter and Chapter 2a, Part 5, Irrigation District Act, including an  
2768 entity that was created and operated as an irrigation district under the law in effect  
2769 before April 30, 2007.
- 2770 (14) "Metropolitan water district" means a special district that operates under and is subject  
2771 to the provisions of this chapter and Chapter 2a, Part 6, Metropolitan Water District Act,  
2772 including an entity that was created and operated as a metropolitan water district under  
2773 the law in effect before April 30, 2007.
- 2774 (15) "Mosquito abatement district" means a special district that operates under and is  
2775 subject to the provisions of this chapter and Chapter 2a, Part 7, Mosquito Abatement  
2776 District Act, including an entity that was created and operated as a mosquito abatement  
2777 district under the law in effect before April 30, 2007.
- 2778 (16) "Municipal" means of or relating to a municipality.
- 2779 (17) "Municipality" means a city or town.
- 2780 (18) "Municipal services district" means a special district that operates under and is subject  
2781 to the provisions of this chapter and Chapter 2a, Part 11, Municipal Services District Act.
- 2782 (19) "Person" means an individual, corporation, partnership, organization, association, trust,

- 2783 governmental agency, or other legal entity.
- 2784 (20) "Political subdivision" means a county, city, town, special district under this title,  
2785 special service district under Title 17D, Chapter 1, Special Service District Act, an entity  
2786 created by interlocal cooperation agreement under Title 11, Chapter 13, Interlocal  
2787 Cooperation Act, or any other governmental entity designated in statute as a political  
2788 subdivision of the state.
- 2789 (21) "Private," with respect to real property, means not owned by the United States or any  
2790 agency of the federal government, the state, a county, or a political subdivision.
- 2791 (22) "Public entity" means:
- 2792 (a) the United States or an agency of the United States;  
2793 (b) the state or an agency of the state;  
2794 (c) a political subdivision of the state or an agency of a political subdivision of the state;  
2795 (d) another state or an agency of that state; or  
2796 (e) a political subdivision of another state or an agency of that political subdivision.
- 2797 (23) "Public transit district" means a special district that operates under and is subject to the  
2798 provisions of this chapter and Chapter 2a, Part 8, Public Transit District Act, including  
2799 an entity that was created and operated as a public transit district under the law in effect  
2800 before April 30, 2007.
- 2801 (24) "Revenue bond":
- 2802 (a) means a bond payable from designated taxes or other revenues other than the special  
2803 district's ad valorem property taxes; and  
2804 (b) does not include:
- 2805 (i) an obligation constituting an indebtedness within the meaning of an applicable  
2806 constitutional or statutory debt limit;  
2807 (ii) a tax and revenue anticipation bond; or  
2808 (iii) a special assessment bond.
- 2809 (25) "Rules of order and procedure" means a set of rules that govern and prescribe in a  
2810 public meeting:
- 2811 (a) parliamentary order and procedure;  
2812 (b) ethical behavior; and  
2813 (c) civil discourse.
- 2814 (26) "Service applicant" means a person who requests that a special district provide a  
2815 service that the special district is authorized to provide.
- 2816 (27) "Service area" means a special district that operates under and is subject to the

- 2817 provisions of this chapter and Chapter 2a, Part 9, Service Area Act, including an entity  
 2818 that was created and operated as a county service area or a regional service area under  
 2819 the law in effect before April 30, 2007.
- 2820 (28) "Short-term bond" means a bond that is required to be repaid during the fiscal year in  
 2821 which the bond is issued.
- 2822 (29) "Special assessment" means an assessment levied against property to pay all or a  
 2823 portion of the costs of making improvements that benefit the property.
- 2824 (30) "Special assessment bond" means a bond payable from special assessments.
- 2825 (31) "Special district" means a limited purpose local government entity, as described in  
 2826 Section 17B-1-103, that operates under, is subject to, and has the powers described in:  
 2827 (a) this chapter; or  
 2828 (b)(i) this chapter; and  
 2829 (ii)(A) Chapter 2a, Part 1, Cemetery Maintenance District Act;  
 2830 (B) Chapter 2a, Part 2, Drainage District Act;  
 2831 (C) Chapter 2a, Part 3, Fire Protection District Act;  
 2832 (D) Chapter 2a, Part 4, Improvement District Act;  
 2833 (E) Chapter 2a, Part 5, Irrigation District Act;  
 2834 (F) Chapter 2a, Part 6, Metropolitan Water District Act;  
 2835 (G) Chapter 2a, Part 7, Mosquito Abatement District Act;  
 2836 (H) Chapter 2a, Part 8, Public Transit District Act;  
 2837 (I) Chapter 2a, Part 9, Service Area Act;  
 2838 (J) Chapter 2a, Part 10, Water Conservancy District Act; or  
 2839 (K) Chapter 2a, Part 11, Municipal Services District Act[; ~~or~~].  
 2840 [~~(L) Chapter 2a, Part 13, Infrastructure Financing Districts.~~]
- 2841 (32) "Specialized special district" means a special district that is a cemetery maintenance  
 2842 district, a drainage district, a fire protection district, an improvement district, an  
 2843 irrigation district, a metropolitan water district, a mosquito abatement district, a public  
 2844 transit district, a service area, a water conservancy district, or a municipal services  
 2845 district[; ~~or an infrastructure financing district~~].
- 2846 (33) "Taxable value" means the taxable value of property as computed from the most recent  
 2847 equalized assessment roll for county purposes.
- 2848 (34) "Tax and revenue anticipation bond" means a bond:  
 2849 (a) issued in anticipation of the collection of taxes or other revenues or a combination of  
 2850 taxes and other revenues; and

2851 (b) that matures within the same fiscal year as the fiscal year in which the bond is issued.

2852 (35) "Unincorporated" means not included within a municipality.

2853 (36) "Water conservancy district" means a special district that operates under and is subject  
2854 to the provisions of this chapter and Chapter 2a, Part 10, Water Conservancy District  
2855 Act, including an entity that was created and operated as a water conservancy district  
2856 under the law in effect before April 30, 2007.

2857 (37) "Works" includes a dam, reservoir, well, canal, conduit, pipeline, drain, tunnel, power  
2858 plant, and any facility, improvement, or property necessary or convenient for supplying  
2859 or treating water for any beneficial use, and for otherwise accomplishing the purposes of  
2860 a special district.

2861 Section 69. Section **17B-1-403** is amended to read:

2862 **17B-1-403 . Initiation of annexation process -- Petition and resolution.**

2863 (1) Except as provided in Sections 17B-1-415, 17B-1-416, and 17B-1-417, the process to  
2864 annex an area to a special district may be initiated by a petition, as provided in  
2865 Subsection (2), or a resolution, as provided in Subsection (3).

2866 (2)(a) For a district whose board of trustees is elected by electors based on the acre-feet  
2867 of water allotted to the land owned by the elector and subject to Subsection (4), the  
2868 process to annex an area to the special district is initiated by a petition signed by the  
2869 owners of all of the acre-feet of water allotted to the land proposed for annexation.

2870 (b) For an infrastructure financing district, the process to annex an area to the  
2871 infrastructure financing district is initiated by a petition signed by 100% of the  
2872 owners of all surface property within the area proposed for annexation that is within  
2873 the designated expansion area, as defined in Section [~~17B-2a-1301~~] 17D-5-101.

2874 (c) For all other districts, the process to annex an area to the special district may be  
2875 initiated by a petition signed by:

2876 (i) the owners of private real property that:

2877 (A) is located within the area proposed to be annexed;

2878 (B) covers at least 10% of the total private land area within the entire area  
2879 proposed to be annexed and within each applicable area; and

2880 (C) is equal in assessed value to at least 10% of the assessed value of all private  
2881 real property within the entire area proposed to be annexed and within each  
2882 applicable area;

2883 (ii) the owner of all the publicly owned real property, if all the real property within  
2884 the area proposed for annexation is owned by a public entity other than the federal

2885 government; or  
2886 (iii) registered voters residing within the entire area proposed to be annexed and  
2887 within each applicable area equal in number to at least 10% of the number of  
2888 votes cast within the entire area proposed to be annexed and within each  
2889 applicable area, respectively, for the office of governor at the last regular general  
2890 election before the filing of the petition.

2891 (3) The process to annex an area to a special district may be initiated by:  
2892 (a) a resolution adopted by the legislative body of each county whose unincorporated  
2893 area includes and each municipality whose boundaries include any of the area  
2894 proposed to be annexed; or  
2895 (b) a resolution adopted by the board of trustees of the proposed annexing special district  
2896 if, for at least 12 consecutive months immediately preceding adoption of the  
2897 resolution, the special district has provided:  
2898 (i) retail service to the area; or  
2899 (ii) a wholesale service to a provider of the same service that has provided that  
2900 service on a retail basis to the area.

2901 (4) If an association representing all acre-feet of water allotted to the land that is proposed  
2902 to be annexed to a special district signs a petition under Subsection (2)(a), pursuant to a  
2903 proper exercise of authority as provided in the bylaws or other rules governing the  
2904 association, the petition shall be considered to have been signed by the owners of all of  
2905 the acre-feet of water allotted to the land proposed for annexation, even though less than  
2906 all of the owners within the association consented to the association signing the petition.

2907 (5) Each petition under Subsection (2) and resolution under Subsection (3) shall:  
2908 (a) describe the area proposed to be annexed; and  
2909 (b) be accompanied by a map of the boundaries of the area proposed to be annexed.

2910 (6) The legislative body of each county and municipality that adopts a resolution under  
2911 Subsection (3) shall, within five days after adopting the resolution, mail or deliver a  
2912 copy of the resolution to the board of trustees of the proposed annexing special district.

2913 Section 70. Section **17B-1-901** is amended to read:

2914 **17B-1-901 . Providing and billing for multiple commodities, services, or facilities**  
2915 **-- Suspending service to a delinquent customer.**

2916 (1) If a special district provides more than one commodity, service, or facility, the district  
2917 may bill for the fees and charges for all commodities, services, and facilities in a single  
2918 bill.

2919 (2) Regardless of the number of commodities, services, or facilities furnished by a special  
 2920 district, the special district may suspend furnishing any commodity, service, or facility  
 2921 to a customer if the customer fails to pay all fees and charges when due.

2922 (3)(a) Notwithstanding Subsection (2) and except as provided in Subsection (3)(b), a  
 2923 special district may not suspend furnishing any commodity, service, or facility to a  
 2924 customer if discontinuance of the service is requested by a private third party,  
 2925 including an individual, a private business, or a nonprofit organization, that is not the  
 2926 customer.

2927 (b)(i) An owner of land or the owner's agent may request that service be temporarily  
 2928 discontinued for maintenance-related activities.

2929 (ii) An owner of land or the owner's agent may not request temporary discontinuance  
 2930 of service under Subsection (3)(b)(i) if the request is for the purpose of debt  
 2931 collection, eviction, or any other unlawful purpose.

2932 (4) A special district and a county, with the approval or consent of the county treasurer,  
 2933 may enter into an agreement for the county treasurer to bill and collect assessments on  
 2934 behalf of the special district.

2935 Section 71. Section **17D-5-101**, which is renumbered from Section 17B-2a-1301 is renumbered  
 2936 and amended to read:

## CHAPTER 5. Infrastructure Financing District Act

### Part 1. General Provisions

2939 **[17B-2a-1301] 17D-5-101 . Definitions.**

2940 As used in this ~~[part]~~ chapter:

2941 (1) "Assessment bond" means the same as that term is defined in Section 11-42-102.

2942 (2) "Board" means the board of trustees of an infrastructure financing district.

2943 (3) "Designated expansion area" means an area that is:

2944 (a) outside and contiguous to the original district boundary; and

2945 (b) designated and described in a governing document as an area that may be subject to  
 2946 future annexation to the infrastructure financing district.

2947 (4) "Governing document" means a document described in Section ~~[17B-2a-1303]~~  
 2948 17D-5-202.

2949 (5) "Original district boundary" means the boundary of an infrastructure financing district  
 2950 as described in the approved final local entity plat, as defined in Section 67-1a-6.5.

2951 (6)(a) "Public infrastructure and improvements" means infrastructure, improvements,

- 2952 facilities, or buildings that:
- 2953 (i) benefit the public; and
- 2954 (ii)(A) are or will be owned by a public entity or a utility; or
- 2955 (B) are publicly maintained or operated by a public entity.
- 2956 (b) "Public infrastructure and improvements" includes facilities, lines, or systems that
- 2957 provide:
- 2958 (i) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,
- 2959 microgrids, or telecommunications service;
- 2960 (ii) streets, roads, curb, gutter, sidewalk, solid waste facilities, parking facilities, or
- 2961 public transportation facilities; and
- 2962 (iii) green space, parks, trails, recreational amenities, or other similar facilities.
- 2963 (c) "Public infrastructure and improvements" does not include any infrastructure,
- 2964 improvements, facilities, or buildings owned or to be owned by a private person,
- 2965 including a homeowner association.

- 2966 (7) "Residential district" means an infrastructure financing district that contains or is
- 2967 projected to contain owner-occupied residential units within the boundary of the
- 2968 infrastructure financing district.

2969 Section 72. Section **17D-5-102**, which is renumbered from Section 17B-2a-1302 is renumbered

2970 and amended to read:

2971 **~~[17B-2a-1302]~~ 17D-5-102 . Provisions applicable to infrastructure financing**

2972 **district -- Exceptions -- Conflicting provisions -- Contract for administrative services.**

- 2973 (1) An infrastructure financing district is governed by and has the powers stated in:
- 2974 (a) this ~~[part]~~ chapter; and
- 2975 (b) Title 17B, Chapter 1, Provisions Applicable to All Special Districts, except as
- 2976 provided in Subsection ~~[(1)(b):]~~ (5).
- 2977 (2)(a) Notwithstanding Subsection 17B-1-103(2)(f), an infrastructure financing district
- 2978 may issue bonds only as provided in Title 11, Chapter 42, Assessment Area Act,
- 2979 subject to Subsection (2)(b), and Title 11, Chapter 42a, Commercial Property
- 2980 Assessed Clean Energy Act.
- 2981 (b) To the extent that the provisions of Title 11, Chapter 42, Assessment Area Act, apply
- 2982 to the use of funds from an assessment or an assessment bond for infrastructure
- 2983 operation and maintenance costs or for the cost of conducting economic promotion
- 2984 activities, those provisions do not apply to an infrastructure financing district.
- 2985 (c) Before a county or municipality's final inspection required for the issuance of a

2986 certificate of occupancy for a residential unit that is subject to an assessment levied  
 2987 by an infrastructure financing district under Title 11, Chapter 42, Assessment Area  
 2988 Act, the infrastructure financing district shall ensure that the assessment allocable to  
 2989 that unit is paid in full and that any assessment lien on that unit is satisfied and  
 2990 released.

2991 (3) Notwithstanding Subsection 17B-1-103(2)(h), an infrastructure financing district may  
 2992 not exercise the power of eminent domain.

2993 [~~(4) This part applies only to an infrastructure financing district.~~]

2994 [~~(5)~~] (4) The name of an infrastructure financing district shall comply with Subsection  
 2995 17B-1-208(1)(b)(ii).

2996 (5) If there is a conflict between a provision in Title 17B, Chapter 1, Provisions Applicable  
 2997 to All Special Districts, and a provision in this [~~part~~] chapter, the provision in this [~~part~~]  
 2998 chapter governs.

2999 (6) An infrastructure financing district may contract with another governmental entity for  
 3000 the other governmental entity to provide administrative services to the infrastructure  
 3001 financing district.

3002 Section 73. Section **17D-5-201** is enacted to read:

3003 **Part 2. Creation, Governance, and Powers of an Infrastructure Financing District**

3004 **17D-5-201 . Creation -- Annexation -- Withdrawal.**

3005 (1) An infrastructure financing district shall be created in accordance with Title 17B,  
 3006 Chapter 1, Part 2, Creation of a Special District, subject to the exclusions described in  
 3007 Section 17B-1-219.

3008 (2) An infrastructure financing district may annex an area into the infrastructure financing  
 3009 district's boundaries in accordance with Title 17B, Chapter 1, Part 4, Annexation, subject  
 3010 to the exclusions described in Section 17B-1-405.5.

3011 (3) An area may be withdrawn from the boundaries of an infrastructure financing district in  
 3012 accordance with Title 17B, Chapter 1, Part 5, Withdrawal.

3013 Section 74. Section **17D-5-202**, which is renumbered from Section 17B-2a-1303 is renumbered  
 3014 and amended to read:

3015 **[17B-2a-1303] 17D-5-202 . Governing document.**

3016 (1) The sponsors of a petition filed under Subsection 17B-1-203(1)(d) to create an  
 3017 infrastructure financing district may include with the petition a governing document.

3018 (2) A governing document may contain provisions for the governance of the infrastructure  
 3019 financing district, consistent with Title 17B, Chapter 1, Part 2, Creation of a Special

3020 District, and this [part] chapter, including:

3021 (a) for a residential district, milestones or events that will guide the board in considering  
3022 modifications to division boundaries to ensure that each division has as nearly as  
3023 possible the same number of registered voters;

3024 (b) a provision allowing a property owner within the infrastructure financing district to  
3025 make recommendations, in proportion to the amount of the owner's property in  
3026 relation to all property within the infrastructure financing district, for individuals to  
3027 serve as appointed board members; and

3028 (c) any other provisions or information that petition sponsors or the board considers  
3029 necessary or advisable for the governance of the infrastructure financing district.

3030 (3) A governing document shall:

3031 (a) include a description of infrastructure that the infrastructure financing district will  
3032 provide funding for;

3033 (b) include, for a residential district, a provision for a transition from an appointed board  
3034 position, whether at large or for a division, to an elected board position, based upon  
3035 milestones or events that the governing document identifies;

3036 (c) if applicable, include a copy of a development agreement that has been executed  
3037 relating to infrastructure to be developed within the boundary of the infrastructure  
3038 financing district and for which the infrastructure financing district anticipates  
3039 providing funding; and

3040 (d) if applicable, describe a designated expansion area.

3041 (4)(a) An area may not be designated as a designated expansion area unless the area is  
3042 contiguous to the original district boundary.

3043 (b) An area may not be annexed to an infrastructure financing district unless the area is  
3044 within the designated expansion area that is described in a governing document that  
3045 is included and submitted with the petition to create the infrastructure financing  
3046 district.

3047 Section 75. Section **17D-5-203**, which is renumbered from Section 17B-2a-1304 is renumbered  
3048 and amended to read:

3049 **[17B-2a-1304] 17D-5-203 . Board of trustees -- Conflict of interest --**

3050 **Compensation.**

3051 (1) A board member with a personal investment described in Section 67-16-9 is not in  
3052 violation of Section 67-16-9 if:

3053 (a) before beginning service as a board member, the board member complies with the

3054 disclosure requirements of Section 67-16-7, as though that section applied to the  
 3055 board member's ownership of a personal investment described in Section 67-16-9; and

3056 (b) during the board member's service, the board member complies with:

3057 (i) the disclosure requirements of Section 67-16-7, as provided in Subsection (1)(a),  
 3058 upon any significant change in the board member's personal investment; and

3059 (ii) applicable requirements of this part and the governing document.

3060 (2) An infrastructure financing district may not compensate a board member for the  
 3061 member's service on the board unless the board member is a resident within the  
 3062 boundary of the infrastructure financing district.

3063 Section 76. Section **17D-5-204**, which is renumbered from Section 17B-2a-1305 is renumbered  
 3064 and amended to read:

3065 **[17B-2a-1305] 17D-5-204 . Relationship with other local entities.**

3066 (1) The applicability of local land use regulations under Title 10, Chapter 20, Municipal  
 3067 Land Use, Development, and Management Act, or Title 17, Chapter 79, County Land  
 3068 Use, Development, and Management Act, is not affected by:

3069 (a) the creation or operation of an infrastructure financing district; or

3070 (b) the infrastructure financing district's provision of funding for the development of  
 3071 infrastructure within the infrastructure financing district boundary.

3072 (2) The boundary of an infrastructure financing district is not affected by:

3073 (a) a municipality's annexation of an unincorporated area of a county; or

3074 (b) the adjustment of a boundary shared by more than one municipality.

3075 (3) A debt, obligation, or other financial burden of an infrastructure financing district,  
 3076 including any liability of or claim or judgment against an infrastructure financing district:

3077 (a) is borne solely by the infrastructure financing district; and

3078 (b) is not the debt, obligation, or other financial burden of any other political subdivision  
 3079 of the state or of the state.

3080 (4)(a) Nothing in this ~~[part]~~ chapter affects the requirement for infrastructure for which  
 3081 an infrastructure financing district provides funding to comply with all applicable  
 3082 standards and design, inspection, and other requirements of the county, municipality,  
 3083 special district, or special service district that will own and operate the infrastructure  
 3084 after the infrastructure is completed.

3085 (b) Upon the completion of infrastructure for which an infrastructure financing district  
 3086 has provided funding, the infrastructure shall be conveyed:

3087 (i) to the county, municipality, special district, or special service district that will

3088 operate the infrastructure; and

3089 (ii) at no cost to the county, municipality, special district, or special service district.

3090 Section 77. Section **17D-5-205**, which is renumbered from Section 17B-2a-1307 is renumbered  
3091 and amended to read:

3092 **~~[17B-2a-1307]~~ 17D-5-205 . Reporting requirements.**

3093 (1) An infrastructure financing district shall submit an annual report, as provided in this  
3094 section, to:

3095 (a) the state auditor;

3096 (b) the clerk or recorder of each municipality in which the infrastructure financing  
3097 district is located; and

3098 (c) the clerk of the county in which the infrastructure financing district is located, if all  
3099 or part of the infrastructure financing district is located in an unincorporated area of  
3100 the county.

3101 (2) A report required under Subsection (1) shall:

3102 (a) be filed no later than May 31 of each year; and

3103 (b) report, for the preceding calendar year:

3104 (i) if applicable, the amount of property tax revenue the infrastructure financing  
3105 district received;

3106 (ii) the amount of money the infrastructure financing district received from  
3107 assessments levied in an assessment area designated under Title 11, Chapter 42,  
3108 Assessment Area Act;

3109 (iii) the outstanding principal of any assessment bonds issued or other debt incurred  
3110 by the infrastructure financing district;

3111 (iv) the amount spent for site improvement or site preparation costs, the installation  
3112 of public infrastructure and improvements, and administrative costs;

3113 (v) any boundary change of the infrastructure financing district; and

3114 (vi) the number of residential housing units constructed within the infrastructure  
3115 financing district.

3116 Section 78. Section **17D-5-301**, which is renumbered from Section 17B-2a-1306 is renumbered  
3117 and amended to read:

3118 **Part 3. Contesting an Action**

3119 **~~[17B-2a-1306]~~ 17D-5-301 . Contesting an infrastructure financing district action.**

3120 (1) As used in this section:

3121 (a) "Contestable action" means:

- 3122 (i) the creation of an infrastructure financing district or any part of the process to  
 3123 create an infrastructure financing district;
- 3124 (ii) a property tax levied by an infrastructure financing district or any part of the  
 3125 process to levy the tax; or
- 3126 (iii) a fee imposed by an infrastructure financing district or any part of the process to  
 3127 impose the fee.
- 3128 (b) "Effective date" means:
- 3129 (i) with respect to the creation of an infrastructure financing district, the date of the  
 3130 lieutenant governor's issuance of a certificate of creation under Section 67-1a-6.5;
- 3131 (ii) with respect to a property tax levied by an infrastructure financing district, the  
 3132 date of the board's adoption of a resolution levying the tax; and
- 3133 (iii) for a fee imposed by an infrastructure financing district, the date of the board's  
 3134 adoption of a resolution imposing the fee.
- 3135 (2)(a) A person may file a court action to contest the legality or validity of a contestable  
 3136 action.
- 3137 (b) A court action under Subsection (2)(a) is the exclusive remedy for a person to  
 3138 contest the legality or validity of a contestable action.
- 3139 (3) A person may not bring an action under Subsection (2) or serve a summons relating to  
 3140 the action more than 30 days after the effective date of the contestable action.
- 3141 (4) After the expiration of the 30-day period stated in Subsection (3):
- 3142 (a) a contestable action becomes incontestable against any person who has not brought  
 3143 an action and served a summons within the time specified in Subsection (3); and
- 3144 (b) a person may not bring an action to:
- 3145 (i) enjoin an infrastructure financing district from levying and collecting a property  
 3146 tax or imposing and collecting a fee that the infrastructure financing district levies  
 3147 or imposes; or
- 3148 (ii) attack or question in any way the legality or validity of a contestable action.
- 3149 (5)(a) This section does not affect a claim for a misuse of funds against the infrastructure  
 3150 financing district or an officer or employee of the infrastructure financing district.
- 3151 (b) A person may not seek relief for a claimed misuse of funds described in Subsection  
 3152 (5)(a) except for injunctive relief.
- 3153 (c) The limitation under Subsection (5)(b) does not affect the filing or prosecution of  
 3154 criminal charges for the misuse of infrastructure financing district funds.
- 3155 Section 79. Section **59-2-208** is amended to read:

3156 **59-2-208 . Duties of commission relative to mines.**3157 The duties of the commission [~~and county auditors~~]relative to:

- 3158 (1) the assessment of mines, mining claims, and mining property;
- 3159 (2) the statements and returns to be made; and
- 3160 (3) the equalization thereof are the same as those provided for the assessment of public
- 3161 utilities.

3162 Section 80. Section **59-2-1306** is amended to read:

3163 **59-2-1306 . Collection after taxpayer moves from county -- Evidence of tax due --**  
 3164 **Costs of collection.**

- 3165 (1) If any person moves from one county to another after being assessed on personal
- 3166 property, the county in which the person was assessed may sue for and collect the tax in
- 3167 the name of the county where the assessment was made.
- 3168 (2) At the trial, a certified copy of the assessment from the county where the assessment
- 3169 was made, with a signed statement attached that the tax has not been paid, describing it
- 3170 as on the assessment book or delinquent list, is prima facie evidence that the tax and the
- 3171 interest are due, and entitles the county to judgment, unless the defendant proves that the
- 3172 tax was paid.
- 3173 (3) The county treasurer shall be credited and the county [~~auditor~~] finance officer, as that
- 3174 term is defined in Section 17-66-101, shall allow the expenses of collecting the tax and
- 3175 permit a deduction from the amount collected, not to exceed 1/3 of the amount of the tax
- 3176 collected.

3177 Section 81. Section **77-21-4** is amended to read:3178 **77-21-4 . Fees.**

- 3179 (1) As used in this section, "finance officer" means the same as that term is defined in
- 3180 Section 17-66-101.
- 3181 (2) Whenever a judge of a court of record of this state issues a certificate under the
- 3182 provisions of this chapter to obtain the attendance of a witness for the prosecution from [
- 3183 ~~without~~] outside the state in a criminal prosecution or grand jury investigation
- 3184 commenced or about to commence[~~he~~] , the judge shall designate [~~therein~~]a suitable
- 3185 peace officer of this state to[-] :
- 3186 (a) present the certificate to the proper officer or tribunal of the state wherein the witness
- 3187 is found; and
- 3188 (b) [~~to~~] tender to the witness [~~his~~] the witness's per diem and mileage fees.
- 3189 (3) The peace officer designated as described in Subsection (2) shall exhibit the certificate

3191 to the county [~~auditor~~] finance officer of the county in which the criminal proceeding is  
 3192 pending and the [~~auditor~~] finance officer shall draw [~~his~~] a warrant upon the county  
 3193 treasurer in favor of the peace officer in the amount to be tendered to the witness.

3194 (4) The peace officer shall be liable upon [~~his~~] the peace officer's official bond for the proper  
 3195 disposition of the money received under Subsection (3).

3196 (5) In all cases in which the peace officer is required to travel in order to present the  
 3197 certificate and tender fees, [~~his~~] the peace officer's actual and necessary traveling  
 3198 expenses shall be paid out of the fund from which witnesses for the prosecution in the  
 3199 criminal proceeding are paid.

3201 Section 82. Section **78A-7-121** is amended to read:

3202 **78A-7-121 . Funds collected -- Deposits and reports -- Special account --**  
 3203 **Accounting.**

3204 (1) As used in this section, "finance officer" means the same as that term is defined in  
 3205 Section 17-66-101.

3206 (2)(a) Justice courts shall deposit public funds in accordance with Section 51-4-2.

3207 (b) The city or county treasurer shall report to the city recorder or county [~~auditor~~]  
 3208 finance officer, as appropriate, the sums collected and deposited.[-]

3209 (c) The city recorder or [~~auditor~~] county finance officer shall then apportion and remit the  
 3210 collected proceeds as provided in Section 78A-7-120.

3211 [~~(2)~~] (3) Money received or collected on any civil process or order issued from a justice  
 3212 court shall be paid within seven days to the party entitled or authorized to receive [it] the  
 3213 money.

3214 [~~(3)~~] (4)(a) With the approval of the governing body a trust or revolving account may be  
 3215 established in the name of the justice court and the city or county treasurer for the  
 3216 deposit of money collected including bail, restitution, unidentified receipts, and other  
 3217 money that requires special accounting.

3218 (b) Disbursements from this account do not require the approval of the [~~auditor~~] county  
 3219 finance officer, city auditor, recorder, or governing body.

3220 (c) The account shall be reconciled at least quarterly by the city auditor or county  
 3221 finance officer of the governing body, as appropriate.

3222 Section 83. Section **78B-1-123** is amended to read:

3223 **78B-1-123 . Jurors and witnesses -- Limit of time for presentation of certificate.**

3224 (1) As used in this section, "finance officer" means the same as that term is defined in  
 3225 Section 17-66-101.

3227 (2) Any holder of a witness's or juror's certificate specified in this title shall be required to  
 3228 present [it] the certificate to the county treasurer or to the county [auditor] finance officer,  
 3229 as the case may be, of the county where the certificate was issued within one year from  
 3230 the date of [its-]issuance.

3231 (3) If the [same] certificate is not presented for payment within [that] the time described in  
 3232 Subsection (2), [it] the certificate is invalid and will not be paid.

3233 Section 84. Section **78B-1-124** is amended to read:

3234 **78B-1-124 . Jurors and witnesses -- Statement of certificates -- Contents --**

3235 **Payment by state.**

3236 (1) At the end of each quarter it shall be the duty of the county treasurer and the county  
 3237 auditor of each [county] finance officer, as that term is defined in Section 17-66-101, to  
 3238 prepare in duplicate and verify under oath a full and complete itemized statement of all  
 3239 certificates issued by the clerk of the district court since the date of the last statement for  
 3240 mileage and attendance of:

3241 (a) grand jurors;

3242 (b) trial jurors engaged in the trial of criminal causes in the district court; and

3243 (c) witnesses summoned by or on behalf of the state in criminal causes in the district  
 3244 court.

3245 (2) The statement shall set forth in detail for each certificate:

3246 (a) the number of the certificate;

3247 (b) the date issued;

3248 (c) the name of the person in whose favor it was issued;

3249 (d) the nature of the service rendered; and

3250 (e) any other information as may be necessary and required by the state auditor.

3251 (3)(a) Within 30 days of the end of the quarter[~~one of these statements~~] :

3252 (i) a statement described in Subsection (2) shall be transmitted to the state auditor; and[  
 3253 ~~the other~~]

3254 (ii) an identical statement shall be filed in the office of the county clerk.

3255 (b) Upon the timely receipt of [this] a statement, the state auditor shall, unless [it] the  
 3256 statement is found to be incorrect, draw a warrant in favor of the county treasurer  
 3257 upon the state treasurer for the whole amount of jurors' and witnesses' certificates as  
 3258 shown by the statement, and transmit [it] the warrant and statement to the county  
 3259 treasurer.

3260 (4) The county treasurer shall hold the funds drawn from the state treasury upon the

3261 certificates for mileage and attendance of jurors and witnesses as a separate fund for the  
3262 redemption of jurors' and witnesses' certificates.

3263 Section 85. **Repealer.**

3264 This bill repeals:

3265 Section **10-9a-520, Licensing of residences for persons with a disability.**

3266 Section **17-2-102, Definitions.**

3267 Section **17-2-202, Definitions.**

3268 Section **17-16-201, Title.**

3269 Section **17-22-14, Failure to levy execution -- Penalty.**

3270 Section **17-27a-101, Title.**

3271 Section **17-27a-409, State to indemnify county regarding refusal to site nuclear waste --**

3272 **Terms and conditions.**

3273 Section **17-30-24, More than one chief deputy in larger county departments.**

3274 Section **17-36-1, Title.**

3275 Section **17-50-317, Expenditure of county funds authorized to develop county resources.**

3276 Section **17-53-206.5, Expulsion of members prohibited -- Exception for disorderly**  
3277 **conduct.**

3278 Section **17-53-215, Seal for clerk of district court.**

3279 Section **17-53-304, Commanding services of sheriff.**

3280 Section 86. **Effective Date.**

3281 This bill takes effect:

3282 (1) except as provided in Subsection (2), May 6, 2026; or

3283 (2) if approved by two-thirds of all members elected to each house:

3284 (a) upon approval by the governor;

3285 (b) without the governor's signature, the day following the constitutional time limit of  
3286 Utah Constitution, Article VII, Section 8; or

3287 (c) in the case of a veto, the date of veto override.