

R. Neil Walter proposes the following substitute bill:

Disposition of Public Property Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Neil Walter

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill deals with the disposition of certain publicly owned property.

Highlighted Provisions:

This bill:

- defines terms and modifies definitions;
- provides a process for a local governmental entity to dispose of public property;
- requires a local governmental entity to determine if public property constitutes a significant parcel;
- requires the governing body of a local governmental entity to approve the disposal of a significant parcel in a public meeting;
- provides that a local governmental entity shall comply with statutory provisions specific to the type of local governmental entity in addition to the provisions of Title 11, Chapter 1, Part 2, Disposal of Public Property, when disposing of public property, subject to certain exemptions;
- authorizes a school district to sell surplus property in accordance with Title 11, Chapter 1, Part 2, Disposal of Public Property, if no eligible entity purchases the surplus property within a certain time period;
- repeals a criminal penalty; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

29 **10-8-2**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15
 30 **11-13-227**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15
 31 **17-60-202**, as renumbered and amended by Laws of Utah 2025, First Special Session,
 32 Chapter 13
 33 **17-78-103**, as renumbered and amended by Laws of Utah 2025, First Special Session,
 34 Chapter 14
 35 **17-79-812**, as renumbered and amended by Laws of Utah 2025, First Special Session,
 36 Chapter 14
 37 **17B-1-103**, as last amended by Laws of Utah 2024, Chapter 388
 38 **17C-1-202**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16
 39 **35A-8-407**, as renumbered and amended by Laws of Utah 2012, Chapter 212
 40 **53G-4-902**, as last amended by Laws of Utah 2025, Chapter 391

41 ENACTS:

42 **11-1-201**, Utah Code Annotated 1953
 43 **11-1-202**, Utah Code Annotated 1953
 44 **11-1-203**, Utah Code Annotated 1953
 45 **11-1-204**, Utah Code Annotated 1953
 46 **11-1-205**, Utah Code Annotated 1953

47 RENUMBERS AND AMENDS:

48 **11-1-101**, (Renumbered from 11-1-1, as last amended by Laws of Utah 2024, Chapter
 49 365)
 50 **11-1-102**, (Renumbered from 11-1-2, as last amended by Laws of Utah 1993, Chapter
 51 227)
 52 **11-1-103**, (Renumbered from 11-1-4, as last amended by Laws of Utah 1992, Chapter
 53 285)
 54 **11-1-104**, (Renumbered from 11-1-5, Utah Code Annotated 1953)

55 REPEALS:

56 **11-1-3**, as last amended by Laws of Utah 1986, Chapter 178
 57 **11-1-6**, as last amended by Laws of Utah 2018, Chapter 148

58

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

60 Section 1. Section **10-8-2** is amended to read:

61 **10-8-2 . Appropriations -- Acquisition and disposal of property -- Municipal**
 62 **authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.**

- 63 (1)(a) Subject to Section 11-41-103, a municipal legislative body may:
- 64 (i) appropriate money for corporate purposes only;
- 65 (ii) provide for payment of debts and expenses of the corporation;
- 66 (iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey,
- 67 and dispose of real and personal property for the benefit of the municipality,
- 68 whether the property is within or without the municipality's corporate boundaries,
- 69 if the action is in the public interest and complies with other law;
- 70 (iv) improve, protect, and do any other thing in relation to this property that an
- 71 individual could do; and
- 72 (v) subject to Subsection (2) and after first holding a public hearing, authorize
- 73 municipal services or other nonmonetary assistance to be provided to or waive
- 74 fees required to be paid by a nonprofit entity, regardless of whether ~~or not~~ the
- 75 municipality receives consideration in return.
- 76 (b) A municipality may:
- 77 (i) furnish all necessary local public services within the municipality;
- 78 (ii) purchase, hire, construct, own, maintain and operate, or lease public utilities
- 79 located and operating within and operated by the municipality; and
- 80 (iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property
- 81 located inside or outside the corporate limits of the municipality and necessary for
- 82 any of the purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions
- 83 imposed by Title 78B, Chapter 6, Part 5, Eminent Domain, and general law for the
- 84 protection of other communities.
- 85 (c) Each municipality that intends to acquire property by eminent domain under
- 86 Subsection (1)(b) shall comply with the requirements of Section 78B-6-505.
- 87 (d) Subsection (1)(b) may not be construed to diminish any other authority a
- 88 municipality may claim to have under the law to acquire by eminent domain property
- 89 located inside or outside the municipality.
- 90 (2)(a) Services or assistance provided in accordance with Subsection (1)(a)(v) is not
- 91 subject to the provisions of Subsection (3).
- 92 (b) The total amount of services or other nonmonetary assistance provided or fees
- 93 waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the
- 94 municipality's budget for that fiscal year.
- 95 (3) It is considered a corporate purpose to appropriate money for any purpose that, in the
- 96 judgment of the municipal legislative body, provides for the safety, health, prosperity,

- 97 moral well-being, peace, order, comfort, or convenience of the inhabitants of the
98 municipality subject to this Subsection (3).
- 99 (a) The net value received for any money appropriated shall be measured on a
100 project-by-project basis over the life of the project.
- 101 (b)(i) A municipal legislative body shall establish the criteria for a determination
102 under this Subsection (3).
- 103 (ii) A municipal legislative body's determination of value received is presumed valid
104 unless a person can show that the determination was arbitrary, capricious, or
105 illegal.
- 106 (c) The municipality may consider intangible benefits received by the municipality in
107 determining net value received.
- 108 (d)(i) Before the municipal legislative body makes any decision to appropriate any
109 funds for a corporate purpose under this section, the municipal legislative body
110 shall hold a public hearing.
- 111 (ii) For at least 14 days before the date of the hearing, the municipal legislative body
112 shall publish a notice of the hearing described in Subsection (3)(d)(i) for the
113 municipality, as a class A notice under Section 63G-30-102.
- 114 (e)(i) Before a municipality provides notice as described in Subsection (3)(d)(ii), the
115 municipality shall perform a study that analyzes and demonstrates the purpose for
116 an appropriation described in this Subsection (3) in accordance with Subsection
117 (3)(e)(iii).
- 118 (ii) A municipality shall make the study described in Subsection (3)(e)(i) available at
119 the municipality for review by interested parties at least 14 days immediately
120 before the public hearing described in Subsection (3)(d)(i).
- 121 (iii) A municipality shall consider the following factors when conducting the study
122 described in Subsection (3)(e)(i):
- 123 (A) what identified benefit the municipality will receive in return for any money
124 or resources appropriated;
- 125 (B) the municipality's purpose for the appropriation, including an analysis of the
126 way the appropriation will be used to enhance the safety, health, prosperity,
127 moral well-being, peace, order, comfort, or convenience of the inhabitants of
128 the municipality; and
- 129 (C) whether the appropriation is necessary and appropriate to accomplish the
130 reasonable goals and objectives of the municipality in the area of economic

131 development, job creation, affordable housing, elimination of a development
 132 impediment, job preservation, the preservation of historic structures and
 133 property, and any other public purpose.

134 (f)(i) An appeal may be taken from a final decision of the municipal legislative body,
 135 to make an appropriation.

136 (ii) A person shall file an appeal as described in Subsection (3)(f)(i) with the district
 137 court within 30 days after the day on which the municipal legislative body makes
 138 a decision.

139 (iii) Any appeal shall be based on the record of the proceedings before the legislative
 140 body.

141 (iv) A decision of the municipal legislative body shall be presumed to be valid unless
 142 the appealing party shows that the decision was arbitrary, capricious, or illegal.

143 (g) The provisions of this Subsection (3) apply only to those appropriations made after
 144 May 6, 2002.

145 (h) This section applies only to appropriations not otherwise approved in accordance
 146 with Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10,
 147 Chapter 6, Uniform Fiscal Procedures Act for Utah Cities.

148 (4)(a) As used in this Subsection (4), "proposed disposition" means an offering to sell or
 149 lease real property, or enter into a joint venture regarding real property, that includes
 150 information about the terms of the purchase or sale, including price and proposed
 151 time frame for closing.

152 (b) Before a municipality may dispose of a significant parcel of real property, the
 153 municipality shall:

154 (i) comply with the publication requirements of Section 11-1-203 before selecting or
 155 making a proposed disposition;

156 (ii) provide notice of the proposed disposition for the municipality, as a class A
 157 notice under Section 63G-30-102, for at least 14 days before the opportunity for
 158 public comment under Subsection [(4)(a)(ii)] (4)(b)(iii); and

159 [(ii)] (iii) allow an opportunity for public comment on the proposed disposition.

160 [(b)] (c) Each municipality shall, by ordinance, define what constitutes a significant
 161 parcel of real property for purposes of Subsection [(4)(a)] (4)(b).

162 (d) Before a municipality may dispose of a parcel of real property that is not a
 163 significant parcel, the municipality shall comply with the requirements of Subsection
 164 11-1-203(3).

- 165 (5)(a) Except as provided in Subsection (5)(d), each municipality intending to acquire
166 real property for the purpose of expanding the municipality's infrastructure or other
167 facilities used for providing services that the municipality offers or intends to offer
168 shall provide written notice, as provided in this Subsection (5), of its intent to acquire
169 the property if:
- 170 (i) the property is located:
 - 171 (A) outside the boundaries of the municipality; and
 - 172 (B) in a county of the first or second class; and
 - 173 (ii) the intended use of the property is contrary to:
 - 174 (A) the anticipated use of the property under the general plan of the county in
175 whose unincorporated area or the municipality in whose boundaries the
176 property is located; or
 - 177 (B) the property's current zoning designation.
- 178 (b) Each notice under Subsection (5)(a) shall:
- 179 (i) indicate that the municipality intends to acquire real property;
 - 180 (ii) identify the real property; and
 - 181 (iii) be sent to:
 - 182 (A) each county in whose unincorporated area and each municipality in whose
183 boundaries the property is located; and
 - 184 (B) each affected entity.
- 185 (c) A notice under this Subsection (5) is a protected record as provided in Subsection
186 63G-2-305(8).
- 187 (d)(i) The notice requirement of Subsection (5)(a) does not apply if the municipality
188 previously provided notice under Section 10-20-203 identifying the general
189 location within the municipality or unincorporated part of the county where the
190 property to be acquired is located.
- 191 (ii) If a municipality is not required to comply with the notice requirement of
192 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality
193 shall provide the notice specified in Subsection (5)(a) as soon as practicable after
194 its acquisition of the real property.

195 Section 2. Section **11-1-101**, which is renumbered from Section 11-1-1 is renumbered
196 and amended to read:

197 **CHAPTER 1. Bonds, Warrants, and Property Disposal**

Part 1. Bonds and Warrants

199 **[~~11-1-1~~] 11-1-101 . Auditor's certificate to show obligation within debt limit.**

200 (1) The county auditor of each county, the auditor of each city, and the clerk of each board
202 of education in this state shall endorse a certificate upon every bond, warrant or other
203 evidence of debt, issued pursuant to law by any such officer, that the same is within the
204 lawful debt limit of such county, city or school district, respectively, and is issued
205 according to law.

206 (2) The officer shall sign such certificate in the officer's official character.

207 Section 3. Section **11-1-102**, which is renumbered from Section 11-1-2 is renumbered
208 and amended to read:

209 **[~~11-1-2~~] 11-1-102 . Auditors may rely on certain facts.**

210 Whenever a county legislative body, board of city commissioners, city council, or
211 board of education of any such county, city, or school district shall find or declare that any
212 appropriation or expenditure for which a warrant or warrants are to be issued was or is for
213 interest upon the bonded debt, for salaries, or for the current expenses of such county, city, or
214 school district, such finding or declaration shall conclusively protect the county auditor, city
215 auditor, or clerk of the board of education of any such county, city, or school district, as to
216 such facts, in certifying any warrant or warrants therefor to be within the lawful debt limit of
217 such county, city, or school district.

218 Section 4. Section **11-1-103**, which is renumbered from Section 11-1-4 is renumbered
219 and amended to read:

220 **[~~11-1-4~~] 11-1-103 . Sinking fund -- Investment.**

221 The legislative body of any county, municipality, school district, or taxing unit of Utah
222 shall invest any sinking fund created by authority of law by following the procedures and
223 requirements of Title 51, Chapter 7, State Money Management Act.

224 Section 5. Section **11-1-104**, which is renumbered from Section 11-1-5 is renumbered
225 and amended to read:

226 **[~~11-1-5~~] 11-1-104 . Form, time, and place of payment -- Held in trust.**

227 (1)(a) Whenever any county, municipality, school district or taxing unit within this
228 state is authorized to issue and sell its bonds, they may be issued in serial form or in
229 the form of term bonds and made payable in such manner and at such times, within
230 legal limits, as such county, municipality, school district or taxing unit may
231 determine.

232 (b) Principal and interest shall be made payable only at a duly incorporated bank or trust
 233 company operating under state or national banking laws or principal and interest may be made
 234 payable at such a bank or trust company or at the office of the treasurer of the issuer, at the
 235 option of the holder; provided, such alternative places of payment are designated in the bonds
 236 by the issuer at the time such bonds are issued.

238 (2)(a) All payments of funds either as principal or interest on any bonds issued by any
 239 county, municipality, school district or other taxing unit within this state paid to
 240 anyone other than the owner of such bonds shall be regarded and held as trust funds,
 241 and the person, firm or corporation so receiving the same shall be held as a trustee of
 242 such funds holding the same for the benefit of the owners and holders of such bonds
 243 until the same are fully paid over.

244 (b) Until such funds are paid over by the person, firm or corporation collecting the same,
 245 they shall be set up and held in a separate trust account and not commingled or used
 246 by the collector in any manner whatever.

247 Section 6. Section 11-1-201 is enacted to read:

248 **Part 2. Disposal of Public Property**

249 **11-1-201 . Definitions.**

250 As used in this part:

251 (1)(a) "Dispose" means to ~~§~~ :

251a (i) ~~§~~ sell, convey, donate, or otherwise permanently change the
 252 ownership of real property ~~§~~ [:] ;

252a (ii) enter into a joint venture that gives a private entity the right to use, possess, or
 252b occupy real property; or

252c (iii) give a private entity the right to use, possess, or occupy real property under a
 252d lease agreement with an initial term of more than 10 years. ~~§~~

253 (b) "Dispose" does not include

253a ~~§~~ (i) ~~§~~ an exchange of a parcel of real property for another
 254 parcel of real property described in Subsection 11-1-205(2) ~~§~~ [:] ;

254a (ii) the creation, transfer, or use of an easement, unless the easement has a fair
 254b market value of more than 50% of the fair market value of the affected real
 254c property; or

254d (iii) giving a private entity the right to use, possess, or occupy real property under
 254e a lease agreement with an initial term of 10 years or less. ~~§~~

- 255 (2) "Governing body" means:
 256 (a) for a municipality or a county, the legislative body;
 257 (b) for an agency, the agency board;
 258 (c) for a special district, special service district, local building authority, conservation
 259 district, or public infrastructure district, the board of trustees;
 260 (d) for a housing authority, the board of commissioners; and
 261 (e) for a school district, the school board.
- 262 (3) "Local governmental entity" means:
 263 (a) a municipality;
 264 (b) a county;
 265 (c) an agency, as that term is defined in Section 17C-1-102;
 266 (d) a special district created under Title 17B, Limited Purpose Local Government
 267 Entities - Special Districts;
 268 (e) a special service district, local building authority, or conservation district created
 269 under Title 17D, Limited Purpose Local Government Entities - Other Entities;
 270 (f) a housing authority, other than a housing authority described in Section 35A-8-403;
 271 and
 272 (g) a school district.
- 273 (4) "Public property" means real property owned by a local governmental entity.
- 274 (5) "Real estate offering website" means any publicly accessible website that describes real
 275 property that is for sale.

276 Section 7. Section **11-1-202** is enacted to read:

277 **11-1-202 . Determination of a significant parcel.**

- 278 (1) Before disposing of public property, a local governmental entity shall:
 279 (a) determine if the public property constitutes a significant parcel; and
 280 (b) comply with:
 281 (i) any statutory requirements specific to the local governmental entity and the local
 282 governmental entity's public property; and
 283 (ii) the applicable requirements of this part.
- 284 (2) **Ŝ** → **[In] Subject to Subsection (4) in** ← **Ŝ** making a determination on whether
 284a public property constitutes a significant parcel:
 285 (a) a municipality shall apply the municipality's ordinance described in Subsection
 286 10-8-2(4);
 287 (b) a county shall apply the county's ordinance described in Subsection 17-78-103(4);

288 and
 289 (c) if a local governmental entity not described in Subsection (2)(a) or (b) has an
 290 ordinance or resolution defining "significant parcel," the local governmental entity
 291 shall apply that definition, if the definition is reasonably similar to the definition in
 292 Subsection (3).

293 (3) If a local governmental entity does not define significant parcel in a local ordinance or
 294 resolution, "significant parcel" means real property that has an estimated fair market
 295 value of \$500,000 or more.

295a **§→ (4) A municipality or county may not establish by ordinance or resolution a**
 295b **definition of significant parcel that would result in real property with an estimated fair**
 295c **market value of \$500,000 or more not qualifying as a significant parcel under the**
 295d **ordinance or resolution.** ←§

296 Section 8. Section 11-1-203 is enacted to read:

297 **11-1-203 . Publication requirements -- Political subdivisions retain discretion.**

298 (1) Before disposing of public property that the local governmental entity has classified as a
 299 significant parcel, as described in Section 11-1-202, a local governmental entity shall:

300 (a) publish an announcement of the local governmental entity's intent to dispose of the
 301 public property on the local governmental entity's website or a real estate offering
 302 website for a minimum of 45 consecutive days;

303 (b) post a physical sign on the public property indicating that:

304 (i) the public property is §→ available ←§ for sale §→ , lease, or joint venture ←§ ; and

305 (ii) offers §→ [on the public property] ←§ may be made to the local governmental
 305a entity; and

306 (c) announce the local governmental entity's intent to dispose of the public property
 307 during a public meeting.

308 (2) A local governmental entity may offer the public property §→ that is available ←§ for
 308a sale §→ , ←§ §→ lease, or joint venture ←§ on one or more real
 309 estate offering websites.

310 (3) Before disposing of public property that the local governmental entity has not classified
 311 as a significant parcel, a local governmental entity shall post a physical sign on the
 312 public property indicating that:

313 (a) the public property is §→ available ←§ for sale §→ , lease, or joint venture ←§ ; and

314 (b) offers §→ [on the public property] ←§ may be made to the local governmental entity.

315 (4) Nothing in this part diminishes a local governmental entity's discretion to determine the
 316 terms and conditions of ~~§~~ → [the final] a ← ~~§~~ disposition of public property in
 316a accordance with the
 317 local governmental entity's relevant adopted ordinances or policies and other applicable
 318 law.

319 Section 9. Section **11-1-204** is enacted to read:

320 **11-1-204 . Public meeting to approve disposal.**

321 (1)(a) For a significant parcel, the local governmental entity may approve disposal after:

322 (i) complying with any statutory provisions outside this part that govern the local
 323 governmental entity and the local governmental entity's public property; and

324 (ii) except as provided in Subsection (2), the governing body approves the disposal
 325 by majority vote in a public meeting.

326 (b) In a public meeting described in Subsection (1)(a)(ii), the governing body shall
 327 disclose the details of the proposed offer, including:

328 (i) if a sale, the proposed purchaser and proposed price; and

329 (ii) if a lease or a joint venture, the terms of the offer and the proposed conveyee.

330 (2) If a local governmental entity has an ordinance or resolution governing the disposal of
 331 real property that does not require action from the governing body or a public meeting,
 332 the local governmental entity may comply with the local governmental entity's
 333 ordinance or resolution if:

334 (a) the local governmental entity has complied with the requirements of Section 11-1-203;
 335 and

336 (b) the ordinance or resolution provides a method by which the public is informed of the
 337 local governmental entity's action, either before the action takes place or in a
 338 reasonable time after the action takes place.

339 Section 10. Section **11-1-205** is enacted to read:

340 **11-1-205 . Exceptions.**

341 (1) The requirements of this part do not apply to:

342 (a) a school district selling surplus property to an eligible entity, or to a county or
 343 municipality reselling surplus property to a school district, in accordance with Title
 344 53G, Chapter 4, Part 9, Surplus School District Land;

345 (b) a local governmental entity offering public property back to the party the local
 346 governmental entity received the public property from, if required to do so by another
 347 provision of law;

- 348 (c) a local governmental entity conveying public property to another ~~Ŝ~~ → [~~local~~] ← ~~Ŝ~~
 348a governmental
 349 entity;
- 350 (d) ~~Ŝ~~ → [~~easements; or~~] the sale of a cemetery plot; or ← ~~Ŝ~~
- 351 (e) ~~Ŝ~~ → [~~a lease at an airport for a term of less than 10 years.~~] the abandonment or
 351a vacation of a public street in accordance with the requirements of Section 10-20-208,
 351b 17-79-208, or 72-5-105. ← ~~Ŝ~~

352 (2)(a) A political subdivision that exchanges real property for another parcel of real
 353 property is not required to comply with the provisions of this part if:

354 (i) both parties to the exchange are political subdivisions, both political subdivisions
 355 make a finding that the exchanged parcels are of reasonably equivalent value; or

356 (ii) only one party to the exchange is a political subdivision, the political subdivision
 357 makes a finding that the political subdivision's public property has roughly the
 358 same fair market value as the real property the political subdivision will receive in
 359 the exchange.

360 (b) For purposes of Subsection (2)(a), if one parcel of real property has an estimated fair
 361 market value that is within 10% above or below the estimated fair market value of
 362 another parcel of real property, the parcels are presumptively of reasonably
 363 equivalent value.

364 Section 11. Section **11-13-227** is amended to read:

365 **11-13-227 . Transportation reinvestment zones.**

366 (1) Subject to the provisions of this part, any two or more public agencies may enter into an
 367 agreement with one another to create a transportation reinvestment zone as described in
 368 this section.

369 (2) To create a transportation reinvestment zone, two or more public agencies, at least one
 370 of which has land use authority over the transportation reinvestment zone area, shall:

371 (a) define the transportation infrastructure need and proposed improvement;

372 (b) define the boundaries of the zone;

373 (c) establish terms for sharing sales tax revenue among the members of the agreement;

374 (d) establish a base year to calculate the increase of property tax revenue within the zone;

375 (e) establish terms for sharing any increase in property tax revenue within the zone; and

376 (f) before an agreement is approved as required in Section 11-13-202.5, hold a public
 377 hearing regarding the details of the proposed transportation reinvestment zone.

378 (3) Any agreement to establish a transportation reinvestment zone is subject to the

- 379 requirements of Sections 11-13-202, 11-13-202.5, 11-13-206, and 11-13-207.
- 380 (4)(a) Each public agency that is party to an agreement under this section shall annually
381 publish a report including a statement of the increased tax revenue and the
382 expenditures made in accordance with the agreement.
- 383 (b) Each public agency that is party to an agreement under this section shall transmit a
384 copy of the report described in Subsection (4)(a) to the state auditor.
- 385 (5) If any surplus revenue remains in a tax revenue account created as part of a
386 transportation reinvestment zone agreement, the parties may use the surplus for other
387 purposes as determined by agreement of the parties.
- 388 (6)(a) An action taken under this section is not subject to:
- 389 (i) Section 10-8-2, except the provisions governing a municipality conveying real
390 property do apply;
- 391 (ii) Title 10, Chapter 20, Municipal Land Use, Development, and Management Act;
- 392 (iii) Title 17, Chapter 79, County Land Use, Development, and Management Act; or
- 393 (iv) Section 17-78-103, except the provisions governing a county conveying real
394 property do apply.
- 395 (b) An ordinance, resolution, or agreement adopted under this title is not a land use
396 regulation as defined in Sections 10-20-102 and 17-79-102.
- 397 Section 12. Section **17-60-202** is amended to read:
- 398 **17-60-202 . Counties authorized to levy and collect taxes, sue and be sued, and**
399 **acquire property.**
- 400 (1)(a) Except as provided in Subsection (1)(b), a county may:
- 401 (i) as prescribed by statute:
- 402 (A) levy a tax;
- 403 (B) perform an assessment;
- 404 (C) collect a tax;
- 405 (D) borrow money; or
- 406 (E) levy and collect a special assessment for a conferred benefit; or
- 407 (ii) provide a service, exercise a power, or perform a function that is reasonably
408 related to the safety, health, morals, and welfare of county inhabitants.
- 409 (b) A county or a governmental instrumentality of a county may not perform an action
410 described in Subsection (1)(a)(i) or provide a service, exercise a power, or perform a
411 function described in Subsection (1)(a)(ii) in another county or a municipality within
412 the other county without first entering into an agreement under Title 11, Chapter 13,

- 413 Interlocal Cooperation Act, or other contract with the other county to perform the
414 action, provide the service, exercise the power, or perform the function.
- 415 (2) A county may:
- 416 (a) sue and be sued;
- 417 (b)(i) subject to Subsection (4), acquire real property by tax sale, purchase, lease,
418 contract, or gift; and
- 419 (ii) hold the real property acquired under Subsection (2)(b)(i) as necessary and
420 proper for county purposes;
- 421 (c)(i) subject to Subsections (3)(a) and (b), acquire real property by condemnation, as
422 provided in Title 78B, Chapter 6, Part 5, Eminent Domain; and
- 423 (ii) hold the real property acquired under Subsection (2)(c)(i) as necessary and proper
424 for county purposes;
- 425 (d) as may be necessary to the exercise of its powers, acquire personal property by
426 purchase, lease, contract, or gift, and hold such personal property; and
- 427 (e) manage and dispose of its property as the interests of its inhabitants may require.
- 428 (3)(a) For purposes of Subsection (2)(c), water rights that are not appurtenant to land do
429 not constitute real property that may be acquired by the county through
430 condemnation.
- 431 (b) Nothing in Subsection (2)(c) may be construed to authorize a county to acquire by
432 condemnation the rights to water unless the land to which those water rights are
433 appurtenant is acquired by condemnation.
- 434 (4) Except as provided in Subsection (6) and subject to Section 17-78-103, each county
435 intending to acquire real property for the purpose of expanding the county's
436 infrastructure or other facilities used for providing services that the county offers or
437 intends to offer shall provide written notice of the county's intent to acquire the property
438 if:
- 439 (a) the property is located:
- 440 (i) outside the boundaries of the unincorporated area of the county; and
441 (ii) in a county of the first or second class; and
- 442 (b) the intended use of the property is contrary to:
- 443 (i) the anticipated use of the property under the general plan of the county in whose
444 unincorporated area or the municipality in whose boundaries the property is
445 located; or
446 (ii) the property's current zoning designation.

- 447 (5)(a) Each notice under Subsection (4) shall:
- 448 (i) indicate that the county intends to acquire real property;
- 449 (ii) identify the real property; and
- 450 (iii) be sent to:
- 451 (A) each county in whose unincorporated area and each municipality in whose
- 452 boundaries the property is located; and
- 453 (B) each affected entity.
- 454 (b) A notice under Subsection (4) is a protected record as provided in Subsection
- 455 63G-2-305(8).
- 456 (6) The notice requirement of Subsection (4) does not apply if the county previously
- 457 provided notice under Section 17-79-203 identifying the general location within the
- 458 municipality or unincorporated part of the county where the property to be acquired is
- 459 located.
- 460 (7) If a county is not required to comply with the notice requirement of Subsection (4)
- 461 because of application of Subsection (6), the county shall provide the notice specified in
- 462 Subsection (4) as soon as practicable after the county's acquisition of the real property.
- 463 Section 13. Section **17-78-103** is amended to read:
- 464 **17-78-103 . Acquisition, management, and disposal of property.**
- 465 (1) [~~Subject to Subsection (4), a-~~] A county may purchase, receive, hold, sell, lease, convey,
- 466 or otherwise acquire and dispose of any real or personal property or any interest in [~~such~~]
- 467 real or personal property if the action:
- 468 (a) is in the public interest; and
- 469 (b) complies with:
- 470 (i) this section; and
- 471 (ii) other law, including, as applicable, Title 11, Chapter 1, Part 2, Disposal of Public
- 472 Property.
- 473 (2) Any property interest acquired by the county shall be held in the name of the county
- 474 unless specifically otherwise provided by law.
- 475 (3) The county legislative body shall provide by ordinance, resolution, rule, or regulation
- 476 for the manner in which property shall be acquired, managed, and disposed of.
- 477 (4)(a) Before a county may dispose of a significant parcel of real property, the county
- 478 shall:
- 479 (i) provide reasonable notice of the proposed disposition at least 14 days before the
- 480 opportunity for public comment under Subsection (4)(a)(ii); and

- 481 (ii) allow an opportunity for public comment on the proposed disposition.
- 482 (b) Each county shall, by ordinance, define what constitutes:
- 483 (i) a significant parcel of real property for purposes of Subsection (4)(a); and
- 484 (ii) reasonable notice for purposes of Subsection (4)(a)(i).
- 485 (5)(a) A county may dispose of a significant parcel of real property in exchange for less
- 486 than the present fair market value of the significant parcel of real property if the
- 487 adjusted present value of the significant parcel of real property is equal to or greater
- 488 than the present fair market value of the significant parcel of real property.
- 489 (b) Subsection (5)(a) does not affect a county's authority to dispose of a significant
- 490 parcel of real property in a manner different from Subsection (5)(a) and in
- 491 accordance with applicable law.
- 492 (6) Before a county agrees to dispose of a significant parcel of real property, the county
- 493 may require the potential purchaser or lessee to provide evidence that:
- 494 (a) the potential purchaser's or lessee's offer is bona fide;
- 495 (b) the potential purchaser or lessee has the ability to pay the disposition price; or
- 496 (c) any future benefits to the county from the disposal of the significant parcel of real
- 497 property are reasonably anticipated.
- 498 (7) If a county receives an unsolicited offer to purchase or lease a significant parcel of real
- 499 property:
- 500 (a) the county is not required to consider the offer; and
- 501 (b) a person may not consider the offer in determining the present fair market value of
- 502 the significant parcel of real property, unless considering the offer is warranted under
- 503 generally accepted standards of professional appraisal practice.
- 504 (8) A county may presume that the present fair market value of a significant parcel of real
- 505 property is equal to the average of two appraised values each of which is based upon fair
- 506 market value and calculated by a unique, independent appraiser who is licensed or
- 507 certified in accordance with Title 61, Chapter 2g, Real Estate Appraiser Licensing and
- 508 Certification Act.

509 Section 14. Section **17-79-812** is amended to read:

510 **17-79-812 . Exactions -- Exaction for water interest -- Requirement to offer to**

511 **original owner property acquired by exaction.**

- 512 (1) A county may impose an exaction or exactions on development proposed in a land use
- 513 application, including, subject to Subsection (3), an exaction for a water interest, if:
- 514 (a) an essential link exists between a legitimate governmental interest and each exaction;

- 515 and
- 516 (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the
- 517 proposed development.
- 518 (2) If a land use authority imposes an exaction for another governmental entity:
- 519 (a) the governmental entity shall request the exaction; and
- 520 (b) the land use authority shall transfer the exaction to the governmental entity for which
- 521 it was exacted.
- 522 (3)(a)(i) Subject to the requirements of this Subsection (3), a county or, if applicable,
- 523 the county's culinary water authority shall base any exaction for a water interest
- 524 on the culinary water authority's established calculations of projected water
- 525 interest requirements.
- 526 (ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall base
- 527 an exaction for a culinary water interest on:
- 528 (A) consideration of the system-wide minimum sizing standards established for
- 529 the culinary water authority by the Division of Drinking Water in accordance
- 530 with Section 19-4-114; and
- 531 (B) the number of equivalent residential connections associated with the culinary
- 532 water demand for each specific development proposed in the development's
- 533 land use application, applying lower exactions for developments with lower
- 534 equivalent residential connections as demonstrated by at least five years of
- 535 usage data for like land uses within the county.
- 536 (iii) A county or culinary water authority may impose an exaction for a culinary
- 537 water interest that results in less water being exacted than would otherwise be
- 538 exacted under Subsection (3)(a)(ii) if the county or culinary water authority, at the
- 539 county's or culinary water authority's sole discretion, determines there is good
- 540 cause to do so.
- 541 (iv) A county shall make public the methodology used to comply with Subsection
- 542 (3)(a)(ii)(B). A land use applicant may appeal to the county's governing body an
- 543 exaction calculation used by the county or the county's culinary water authority
- 544 under Subsection (3)(a)(ii). A land use applicant may present data and other
- 545 information that illustrates a need for an exaction recalculation and the county's
- 546 governing body shall respond with due process.
- 547 (v) Upon an applicant's request, the culinary water authority shall provide the
- 548 applicant with the basis for the culinary water authority's calculations under

- 549 Subsection (3)(a)(i) on which an exaction for a water interest is based.
- 550 (b) A county or the county's culinary water authority may not impose an exaction for a
551 water interest if the culinary water authority's existing available water interests
552 exceed the water interests needed to meet the reasonable future water requirement of
553 the public, as determined under Subsection 73-1-4(2)(f).
- 554 (4)(a) If a county plans to dispose of surplus real property under Section 17-78-103 that
555 was acquired under this section and has been owned by the county for less than 15
556 years, the county shall first offer to reconvey the property, without receiving
557 additional consideration, to the person who granted the property to the county.
- 558 (b) A person to whom a county offers to reconvey property under Subsection (4)(a) has
559 90 days to accept or reject the county's offer.
- 560 (c) If a person to whom a county offers to reconvey property declines the offer, the
561 county may offer the property for sale in accordance with the requirements of Title
562 11, Chapter 1, Part 2, Disposal of Public Property.
- 563 (d) Subsection (4)(a) does not apply to the disposal of property acquired by exaction by
564 a community development or urban renewal agency.
- 565 (5)(a) A county may not, as part of an infrastructure improvement, require the
566 installation of pavement on a residential roadway at a width in excess of 32 feet.
- 567 (b) Subsection (5)(a) does not apply if a county requires the installation of pavement in
568 excess of 32 feet:
- 569 (i) in a vehicle turnaround area;
- 570 (ii) in a cul-de-sac;
- 571 (iii) to address specific traffic flow constraints at an intersection, mid-block
572 crossings, or other areas;
- 573 (iv) to address an applicable general or master plan improvement, including
574 transportation, bicycle lanes, trails, or other similar improvements that are not
575 included within an impact fee area;
- 576 (v) to address traffic flow constraints for service to or abutting higher density
577 developments or uses that generate higher traffic volumes, including community
578 centers, schools, and other similar uses;
- 579 (vi) as needed for the installation or location of a utility which is maintained by the
580 county and is considered a transmission line or requires additional roadway width;
- 581 (vii) for third-party utility lines that have an easement preventing the installation of
582 utilities maintained by the county within the roadway;

- 583 (viii) for utilities over 12 feet in depth;
- 584 (ix) for roadways with a design speed that exceeds 25 miles per hour;
- 585 (x) as needed for flood and stormwater routing;
- 586 (xi) as needed to meet fire code requirements for parking and hydrants; or
- 587 (xii) as needed to accommodate street parking.
- 588 (c) Nothing in this section shall be construed to prevent a county from approving a road
- 589 cross section with a pavement width less than 32 feet.
- 590 (d)(i) A land use applicant may appeal a municipal requirement for pavement in
- 591 excess of 32 feet on a residential roadway.
- 592 (ii) A land use applicant that has appealed a municipal specification for a residential
- 593 roadway pavement width in excess of 32 feet may request that the county
- 594 assemble a panel of qualified experts to serve as the appeal authority for purposes
- 595 of determining the technical aspects of the appeal.
- 596 (iii) Unless otherwise agreed by the applicant and the county, the panel described in
- 597 Subsection (5)(d)(ii) shall consist of the following three experts:
- 598 (A) one licensed engineer, designated by the county;
- 599 (B) one licensed engineer, designated by the land use applicant; and
- 600 (C) one licensed engineer, agreed upon and designated by the two designated
- 601 engineers under Subsections (5)(d)(iii)(A) and (B).
- 602 (iv) A member of the panel assembled by the county under Subsection (5)(d)(ii) may
- 603 not have an interest in the application that is the subject of the appeal.
- 604 (v) The land use applicant shall pay:
- 605 (A) 50% of the cost of the panel; and
- 606 (B) the county's published appeal fee.
- 607 (vi) The decision of the panel is a final decision, subject to a petition for review under
- 608 Subsection (5)(d)(vii).
- 609 (vii) In accordance with Section 17-79-1009, a land use applicant or the county may
- 610 file a petition for review of the decision with the district court within 30 days after
- 611 the date that the decision is final.

612 Section 15. Section **17B-1-103** is amended to read:

613 **17B-1-103 . Special district status and powers -- Registration as a limited**

614 **purpose entity.**

615 (1) A special district:

616 (a) is:

- 617 (i) a body corporate and politic with perpetual succession;
618 (ii) a quasi-municipal corporation;
619 (iii) a political subdivision of the state; and
620 (iv) separate and distinct from and independent of any other political subdivision of
621 the state; and
622 (b) may sue and be sued.
- 623 (2) A special district may:
- 624 (a) acquire, by any lawful means, or lease any real property, personal property, or a
625 groundwater right necessary or convenient to the full exercise of the district's powers;
626 (b) acquire, by any lawful means, any interest in real property, personal property, or a
627 groundwater right necessary or convenient to the full exercise of the district's powers;
628 (c) subject to Subsection (8), transfer an interest in or dispose of any property or interest
629 described in Subsections (2)(a) and (b);
630 (d) acquire or construct works, facilities, and improvements necessary or convenient to
631 the full exercise of the district's powers, and operate, control, maintain, and use those
632 works, facilities, and improvements;
633 (e) borrow money and incur indebtedness for any lawful district purpose;
634 (f) issue bonds, including refunding bonds:
635 (i) for any lawful district purpose; and
636 (ii) as provided in and subject to Part 11, Special District Bonds;
637 (g) levy and collect property taxes:
638 (i) for any lawful district purpose or expenditure, including to cover a deficit
639 resulting from tax delinquencies in a preceding year; and
640 (ii) as provided in and subject to Part 10, Special District Property Tax Levy;
641 (h) as provided in Title 78B, Chapter 6, Part 5, Eminent Domain, acquire by eminent
642 domain property necessary to the exercise of the district's powers;
643 (i) invest money as provided in Title 51, Chapter 7, State Money Management Act;
644 (j)(i) impose fees or other charges for commodities, services, or facilities provided by
645 the district, to pay some or all of the district's costs of providing the commodities,
646 services, and facilities, including the costs of:
647 (A) maintaining and operating the district;
648 (B) acquiring, purchasing, constructing, improving, or enlarging district facilities;
649 (C) issuing bonds and paying debt service on district bonds; and
650 (D) providing a reserve established by the board of trustees; and

- 651 (ii) take action the board of trustees considers appropriate and adopt regulations to
652 assure the collection of all fees and charges that the district imposes;
- 653 (k) if applicable, charge and collect a fee to pay for the cost of connecting a customer's
654 property to district facilities in order for the district to provide service to the property;
- 655 (l) enter into a contract that the special district board of trustees considers necessary,
656 convenient, or desirable to carry out the district's purposes, including a contract:
- 657 (i) with the United States or any department or agency of the United States;
658 (ii) to indemnify and save harmless; or
659 (iii) to do any act to exercise district powers;
- 660 (m) purchase supplies, equipment, and materials;
- 661 (n) encumber district property upon terms and conditions that the board of trustees
662 considers appropriate;
- 663 (o) exercise other powers and perform other functions that are provided by law;
- 664 (p) construct and maintain works and establish and maintain facilities, including works
665 or facilities:
- 666 (i) across or along any public street or highway, subject to Subsection (3) and if the
667 district:
- 668 (A) promptly restores the street or highway, as much as practicable, to its former
669 state of usefulness; and
- 670 (B) does not use the street or highway in a manner that completely or
671 unnecessarily impairs the usefulness of it;
- 672 (ii) in, upon, or over any vacant public lands that are or become the property of the
673 state, including school and institutional trust lands, as defined in Section
674 53C-1-103, if the director of the School and Institutional Trust Lands
675 Administration, acting under Sections 53C-1-102 and 53C-1-303, consents; or
- 676 (iii) across any stream of water or watercourse, subject to Section 73-3-29;
- 677 (q) perform any act or exercise any power reasonably necessary for the efficient
678 operation of the special district in carrying out its purposes;
- 679 (r)(i) except for a special district described in Subsection (2)(r)(ii), designate an
680 assessment area and levy an assessment on land within the assessment area, as
681 provided in Title 11, Chapter 42, Assessment Area Act; or
- 682 (ii) for a special district created to assess a groundwater right in a critical
683 management area described in Subsection 17B-1-202(1), designate an assessment
684 area and levy an assessment, as provided in Title 11, Chapter 42, Assessment Area

- 685 Act, on a groundwater right to facilitate a groundwater management plan;
- 686 (s) contract with another political subdivision of the state to allow the other political
- 687 subdivision to use the district's surplus water or capacity or have an ownership
- 688 interest in the district's works or facilities, upon the terms and for the consideration,
- 689 whether monetary or nonmonetary consideration or no consideration, that the
- 690 district's board of trustees considers to be in the best interests of the district and the
- 691 public;
- 692 (t) upon the terms and for the consideration, whether monetary or nonmonetary
- 693 consideration or no consideration, that the district's board of trustees considers to be
- 694 in the best interests of the district and the public, agree:
- 695 (i)(A) with another political subdivision of the state; or
- 696 (B) with a public or private owner of property on which the district has a
- 697 right-of-way or adjacent to which the district owns fee title to property; and
- 698 (ii) to allow the use of property:
- 699 (A) owned by the district; or
- 700 (B) on which the district has a right-of-way; and
- 701 (u) if the special district receives, as determined by the special district board of trustees,
- 702 adequate monetary or nonmonetary consideration in return:
- 703 (i) provide services or nonmonetary assistance to a nonprofit entity;
- 704 (ii) waive fees required to be paid by a nonprofit entity; or
- 705 (iii) provide monetary assistance to a nonprofit entity, whether from the special
- 706 district's own funds or from funds the special district receives from the state or any
- 707 other source.
- 708 (3) With respect to a special district's use of a street or highway, as provided in Subsection
- 709 (2)(p)(i):
- 710 (a) the district shall comply with the reasonable rules and regulations of the
- 711 governmental entity, whether state, county, or municipal, with jurisdiction over the
- 712 street or highway, concerning:
- 713 (i) an excavation and the refilling of an excavation;
- 714 (ii) the relaying of pavement; and
- 715 (iii) the protection of the public during a construction period; and
- 716 (b) the governmental entity, whether state, county, or municipal, with jurisdiction over
- 717 the street or highway:
- 718 (i) may not require the district to pay a license or permit fee or file a bond; and

- 719 (ii) may require the district to pay a reasonable inspection fee.
- 720 (4)(a) A special district may:
- 721 (i) acquire, lease, or construct and operate electrical generation, transmission, and
- 722 distribution facilities, if:
- 723 (A) the purpose of the facilities is to harness energy that results inherently from
- 724 the district's operation of a project or facilities that the district is authorized to
- 725 operate or from the district providing a service that the district is authorized to
- 726 provide;
- 727 (B) the generation of electricity from the facilities is incidental to the primary
- 728 operations of the district; and
- 729 (C) operation of the facilities will not hinder or interfere with the primary
- 730 operations of the district; and
- 731 (ii)(A) use electricity generated by the facilities described in Subsection (4)(a)(i);
- 732 or
- 733 (B) subject to Subsection (4)(b), sell electricity generated by the facilities to an
- 734 electric utility or municipality with an existing system for distributing
- 735 electricity.
- 736 (b) A district may not act as a retail distributor or seller of electricity.
- 737 (c) Revenue that a district receives from the sale of electricity from electrical generation
- 738 facilities [~~it~~] the district owns or operates under this section may be used for any
- 739 lawful district purpose, including the payment of bonds issued to pay some or all of
- 740 the cost of acquiring or constructing the facilities.
- 741 (5) A special district may adopt and, after adoption, alter a corporate seal.
- 742 (6)(a) Each special district shall register and maintain the special district's registration as
- 743 a limited purpose entity, in accordance with Section 67-1a-15.
- 744 (b) A special district that fails to comply with Subsection (6)(a) or Section 67-1a-15 is
- 745 subject to enforcement by the state auditor, in accordance with Section 67-3-1.
- 746 (7)(a) As used in this Subsection (7), "knife" means a cutting instrument that includes a
- 747 sharpened or pointed blade.
- 748 (b) The authority to regulate a knife is reserved to the state except where the Legislature
- 749 specifically delegates responsibility to a special district.
- 750 (c) Unless specifically authorized by the Legislature by statute, a special district may not
- 751 adopt or enforce a regulation or rule pertaining to a knife.
- 752 (8) A special district that disposes of or conveys real property shall comply with Title 11,

753 Chapter 1, Part 2, Disposal of Public Property.

754 Section 16. Section **17C-1-202** is amended to read:

755 **17C-1-202 . Agency powers.**

756 (1) An agency may:

757 (a) sue and be sued;

758 (b) enter into contracts generally;

759 (c) buy, obtain an option upon, acquire by gift, or otherwise acquire any interest in real
760 or personal property;

761 (d) hold, sell, convey, grant, gift, or otherwise dispose of any interest in real or personal
762 property, subject to the requirements of Title 11, Chapter 1, Part 2, Disposal of Public
763 Property;

764 (e) own, hold, maintain, utilize, manage, or operate real or personal property, which may
765 include the use of agency funds or the collection of revenue;

766 (f) enter into a lease agreement on real or personal property, either as lessee or lessor;

767 (g) provide for project area development as provided in this title;

768 (h) receive and use agency funds as provided in this title;

769 (i) if disposing of or leasing land, retain controls or establish restrictions and covenants
770 running with the land consistent with the project area plan;

771 (j) accept financial or other assistance from any public or private source for the agency's
772 activities, powers, and duties, and expend any funds the agency receives for any
773 purpose described in this title;

774 (k) borrow money or accept financial or other assistance from a public entity or any
775 other source for any of the purposes of this title and comply with any conditions of
776 any loan or assistance;

777 (l) issue bonds to finance the undertaking of any project area development or for any of
778 the agency's other purposes, including:

779 (i) reimbursing an advance made by the agency or by a public entity to the agency;

780 (ii) refunding bonds to pay or retire bonds previously issued by the agency; and

781 (iii) refunding bonds to pay or retire bonds previously issued by the community that
782 created the agency for expenses associated with project area development;

783 (m) pay an impact fee, exaction, or other fee imposed by a community in connection
784 with land development;

785 (n) subject to Part 10, Agency Taxing Authority, levy a property tax; or

786 (o) transact other business and exercise all other powers described in this title.

- 787 (2) The establishment of controls or restrictions and covenants under Subsection (1)(i) is a
788 public purpose.
- 789 (3) An agency may acquire real property under Subsection (1)(c) that is outside a project
790 area only if the board determines that the property will benefit a project area.
- 791 (4) An agency is not subject to Section 10-8-2, governing municipal appropriations and the
792 acquisition and disposal of municipal property, or Section 17-78-103, governing the
793 acquisition, management, and disposal of county property.
- 794 (5)(a) An agency may, subject to Subsection (5)(c), enter into a participation agreement
795 with a person to govern the development the person will undertake within a project
796 area.
- 797 (b) A participation agreement under Subsection (5)(a) shall include a description of:
798 (i) the project area development that the person will undertake;
799 (ii) the amount of project area funds the agency agrees to pay to the person to
800 facilitate the development; and
801 (iii) the terms and conditions under which the agency agrees to pay project area funds
802 to the person.
- 803 (c)(i) A participation agreement under Subsection (5)(a) is subject to board approval
804 by resolution of the board.
- 805 (ii) A resolution under Subsection (5)(c)(i) shall include a finding by the board
806 describing how the project area development described in the participation
807 agreement will contribute to achieving the goals, policies, and purposes of the
808 project area plan.
- 809 (d)(i) Beginning on May 7, 2025, any participation agreement under this Subsection
810 (5) shall include a provision authorizing the agency, directly or through the county
811 in which the agency operates, to use funding that would otherwise be provided to
812 the participant to pay a participant's delinquent property tax or privilege tax or
813 resolve a political subdivision lien against the participant, as described in
814 Subsection 17C-1-409(6).
- 815 (ii) An agency that has entered into a participation agreement before May 7, 2025,
816 shall, as soon as reasonably practical, enter into an amendment to the participation
817 agreement with a participant to include a provision authorizing the agency to use
818 funding that would otherwise be provided to the participant to pay a participant's
819 delinquent property tax or privilege tax or resolve a political subdivision lien
820 against the participant, as described in Subsection 17C-1-409(6).

821 Section 17. Section **35A-8-407** is amended to read:

822 **35A-8-407 . Powers of housing authority.**

- 823 (1) An authority has perpetual succession and all the powers necessary to carry out the
824 purposes of this part.
- 825 (2) An authority may:
- 826 (a) sue and be sued;
- 827 (b) have a seal and alter [it] the seal;
- 828 (c) make and execute contracts and other instruments necessary to the exercise of its
829 powers;
- 830 (d) make, amend, and repeal bylaws and rules;
- 831 (e) within its area of operation, prepare, carry out, and operate projects and provide for
832 the acquisition, construction, reconstruction, rehabilitation, improvement, extension,
833 alteration or repair of any project;
- 834 (f) undertake and carry out studies and analyses of housing needs within its area of
835 operation and ways of meeting those needs, including data with respect to population
836 and family groups and its distribution according to income groups, the amount and
837 quality of available housing, including accessible housing, and its distribution
838 according to rentals and sales prices, employment, wages and other factors affecting
839 the local housing needs and meeting these needs;
- 840 (g)(i) make the results of studies and analyses available to the public and the
841 building, housing, and supply industries; and
- 842 (ii) engage in research and disseminate information on housing programs;
- 843 (h) utilize, contract with, act through, assist, and cooperate or deal with any person,
844 agency, institution, or organization, public or private, for the provision of services,
845 privileges, works, or facilities, or in connection with its projects;
- 846 (i) notwithstanding anything to the contrary contained in this part or in any other
847 provision of law:
- 848 (i) agree to any conditions attached to federal financial assistance relating to the
849 determination of prevailing salaries or wages or payment of not less than
850 prevailing salaries or wages or compliance with labor standards in the
851 development or administration of projects;
- 852 (ii) include in any contract awarded or entered into in connection with a project
853 stipulations requiring that the contractor and all subcontractors comply with
854 requirements as to minimum salaries or wages and maximum hours of labor; and

- 855 (iii) comply with any conditions attached to the financial aid of the project;
- 856 (j) lease, rent, sell, or lease with the option to purchase any dwellings, lands, buildings,
857 structures, or facilities embraced in a project;
- 858 (k) subject to the limitations contained in this part with respect to the rental or charges
859 for dwellings in housing projects, establish and revise the rents or charges for the
860 dwellings;
- 861 (l) own, hold, and improve real or personal property;
- 862 (m) purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or
863 otherwise any real or personal property or any interest in it;
- 864 (n) sell, lease, exchange, transfer, assign, pledge, or dispose of real or personal property
865 or any interest in it;
- 866 (o) make loans for the provision of housing for occupancy by persons of medium and
867 low income;
- 868 (p) make loans or grants for the development and construction of accessible housing;
- 869 (q) insure or provide for the insurance, in stock or mutual companies, of real or personal
870 property or operations of the authority against any risks or hazards;
- 871 (r) procure or agree to the procurement of government insurance or guarantees of the
872 payment of any bonds, in whole or in part, issued by the authority, including the
873 power to pay premiums on the insurance;
- 874 (s) invest money held in reserves, sinking funds, or any funds not required for immediate
875 disbursement in property or securities in which savings banks may legally invest
876 money subject to their control;
- 877 (t) redeem its bonds at the redemption price established or purchase its bonds at less than
878 redemption price, with all bonds that are redeemed or purchased to be canceled;
- 879 (u) within its area of operation, determine where blighted areas exist or where there is
880 unsafe, insanitary, or overcrowded housing;
- 881 (v) make studies and recommendations relating to the problem of clearing, replanning,
882 and reconstructing blighted areas, and the problem of eliminating unsafe, insanitary,
883 or overcrowded housing and providing dwelling accommodations and maintaining a
884 wholesome living environment for persons of medium and low income, and
885 cooperate with any public body or the private sector in action taken in connection
886 with those problems;
- 887 (w) acting through one or more commissioners or other persons designated by the
888 authority, conduct examinations and investigations and hear testimony and take proof

- 889 under oath at public or private hearings on any matter material for its information;
- 890 (x) administer oaths, issue subpoenas requiring the attendance of witnesses or the
- 891 production of books and papers, and issue commissions for the examination of
- 892 witnesses outside the state who are unable to appear before the authority or are
- 893 excused from attendance;
- 894 (y) make available to appropriate agencies, including those charged with the duty of
- 895 abating or requiring the correction of nuisances or like conditions or of demolishing
- 896 unsafe or insanitary structures within its area of operation, its findings and
- 897 recommendations with regard to any building or property where conditions exist that
- 898 are dangerous to the public health, morals, safety, or welfare; and
- 899 (z) exercise all or any part or combination of the powers granted under this part.

900 (3)(a) If there are two or more housing authorities established within a county of the first

901 or second class, then those housing authorities shall create a uniform online

902 application for the housing choice voucher program with links to each of the housing

903 authorities within the county.

904 (b) As used in Subsection (3)(a), "housing choice voucher program" means the federal

905 government's housing assistance program administered by a housing authority, which

906 enables low-income families, the elderly, and the disabled to secure decent, safe, and

907 sanitary housing in the private market.

908 (4)(a) No provision of law with respect to the acquisition, operation, or disposition of

909 property by other public bodies is applicable to an authority unless the Legislature

910 specifically states that it is.

911 (b) An authority, other than a housing authority described in Section 35A-8-403, shall

912 comply with the provisions of Title 11, Chapter 1, Part 2, Disposal of Public Property.

913 Section 18. Section **53G-4-902** is amended to read:

914 **53G-4-902 . Purchase of surplus property.**

915 (1) An eligible entity may purchase, and each school district shall sell, surplus property as

916 provided in this section.

917 (2)(a) Upon declaring land to be surplus property, each school district shall give written

918 notice to each eligible entity in which the surplus property is located.

919 (b) Each notice under Subsection (2)(a) shall:

- 920 (i) state that the school district has declared the land to be surplus property; and
- 921 (ii) describe the surplus property.

922 (3) Subject to Subsection (4), an eligible entity may purchase the surplus property by

- 923 paying the school district the purchase price.
- 924 (4)(a) The legislative body of each eligible entity desiring to purchase surplus property
- 925 under this section shall:
- 926 (i) within 90 days after the eligible entity receives notice under Subsection (2), adopt
- 927 a resolution declaring the intent to purchase the surplus property and deliver a
- 928 copy of the resolution to the school district; and
- 929 (ii) within 90 days after delivering a copy of the resolution under Subsection (4)(a)(i)
- 930 to the school district, deliver to the school district an earnest money offer to
- 931 purchase the surplus property at the purchase price.
- 932 (b) If an eligible entity fails to comply with either of the requirements under Subsection
- 933 (4)(a) within the applicable time period, the eligible entity forfeits the right to
- 934 purchase the surplus property.
- 935 (5)(a) An eligible entity may waive the eligible entity's right to purchase surplus
- 936 property under this part by submitting a written waiver to the school district.
- 937 (b) If an eligible entity submits a waiver under Subsection (5)(a), the school district has
- 938 no further obligation under this part to sell the surplus property to the eligible entity.
- 939 (6) Surplus property acquired by an eligible entity may not be used for any purpose other
- 940 than:
- 941 (a) a county, city, or town hall;
- 942 (b) a park or other open space;
- 943 (c) a cultural center or community center;
- 944 (d) a facility for the promotion, creation, or retention of public or private jobs within the
- 945 state through planning, design, development, construction, rehabilitation, business
- 946 relocation, or any combination of these, within a county, city, or town;
- 947 (e) office, industrial, manufacturing, warehousing, distribution, parking, or other public
- 948 or private facilities, or other improvements that benefit the state or a county, city, or
- 949 town;
- 950 (f) a facility for a charter school under Chapter 5, Charter Schools; or
- 951 (g) the sale, use, or lease for moderate income housing, as defined in Section 63L-12-101.
- 952 (7) If no eligible entity delivers a copy of a resolution to the school district as described in
- 953 Subsection (4)(a)(i) within 90 days of the day on which the school district notifies
- 954 eligible entities under Subsection (2), the school district may sell surplus property in
- 955 accordance with Title 11, Chapter 1, Part 2, Disposal of Public Property.
- 956 [(7)] (8)(a) A school district that sells surplus property under this part may use proceeds

957 from the sale only for bond debt reduction or school district capital facilities.
958 (b) Each school district that sells surplus property under this part shall place all proceeds
959 from the sale that are not used for bond debt reduction in a capital facilities fund of
960 the school district for use for school district capital facilities.

961 Section 19. **Repealer.**

962 This bill repeals:

963 Section **11-1-3, False certificate -- Class A misdemeanor.**

964 Section **11-1-6, Violation of act a misdemeanor.**

965 Section 20. **Effective Date.**

966 This bill takes effect on May 6, 2026.