

METRO TOWNSHIP MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies and enacts provisions relating to metro townships.

Highlighted Provisions:

This bill:

- ▶ converts metro townships into municipalities;
- ▶ provides for the classification and governance of the converted municipalities;
- ▶ enacts language governing the transition from a metro township to a municipality;
- and
- ▶ makes conforming changes and repeals obsolete language due to the elimination of metro townships.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:**AMENDS:**

- 10-1-104**, as last amended by Laws of Utah 2015, Chapter 352
- 10-1-303**, as last amended by Laws of Utah 2021, Chapter 210
- 10-1-402**, as last amended by Laws of Utah 2021, Chapter 210
- 10-2-302**, as last amended by Laws of Utah 2015, Chapter 352
- 10-2-405**, as last amended by Laws of Utah 2023, Chapter 478
- 10-2-425 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 16, 327
- 10-2-425 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 16, 310 and 327
- 10-3-205.5**, as last amended by Laws of Utah 2016, Chapter 14
- 10-3-1302**, as last amended by Laws of Utah 2015, Chapter 352

- 33 **10-3b-102**, as last amended by Laws of Utah 2015, Chapter 352
- 34 **10-3b-103**, as last amended by Laws of Utah 2015, Chapter 352
- 35 **10-3b-601**, as enacted by Laws of Utah 2015, Chapter 352
- 36 **10-5-102**, as last amended by Laws of Utah 2015, Chapter 352
- 37 **10-5-108**, as last amended by Laws of Utah 2023, Chapter 435
- 38 **10-6-103**, as last amended by Laws of Utah 2015, Chapter 352
- 39 **10-6-113**, as last amended by Laws of Utah 2023, Chapter 435
- 40 **10-6-137**, as enacted by Laws of Utah 1979, Chapter 26
- 41 **10-6-152**, as last amended by Laws of Utah 2023, Chapter 435
- 42 **10-9a-302**, as last amended by Laws of Utah 2021, Chapter 385
- 43 **10-9a-408**, as last amended by Laws of Utah 2023, Chapters 88, 501 and 529 and last
- 44 amended by Coordination Clause, Laws of Utah 2023, Chapter 88
- 45 **11-3-8**, as last amended by Laws of Utah 2018, Chapter 189
- 46 **11-13a-102**, as last amended by Laws of Utah 2023, Chapter 16
- 47 **11-14-102**, as last amended by Laws of Utah 2023, Chapter 16
- 48 **11-14-301**, as last amended by Laws of Utah 2022, Chapter 325
- 49 **11-17-2**, as last amended by Laws of Utah 2020, Chapter 354
- 50 **11-39-101**, as last amended by Laws of Utah 2023, Chapter 16
- 51 **11-41-102**, as last amended by Laws of Utah 2023, Chapters 16, 34
- 52 **11-42a-102**, as last amended by Laws of Utah 2023, Chapter 16
- 53 **11-42b-101**, as enacted by Laws of Utah 2022, Chapter 376
- 54 **11-46a-101**, as enacted by Laws of Utah 2023, Chapter 245
- 55 **11-48-101.5**, as last amended by Laws of Utah 2023, Chapters 16, 327
- 56 **11-54-102**, as last amended by Laws of Utah 2023, Chapter 16
- 57 **11-56-102**, as last amended by Laws of Utah 2023, Chapter 450
- 58 **11-58-102**, as last amended by Laws of Utah 2023, Chapters 16, 259
- 59 **11-58-205**, as last amended by Laws of Utah 2023, Chapters 16, 259
- 60 **11-59-102**, as last amended by Laws of Utah 2023, Chapters 16, 263
- 61 **11-61-102**, as last amended by Laws of Utah 2023, Chapter 16
- 62 **11-63-102**, as enacted by Laws of Utah 2019, Chapter 50
- 63 **11-65-101**, as last amended by Laws of Utah 2023, Chapter 16

64 **11-66-101**, as enacted by Laws of Utah 2022, Chapter 306
65 **15A-5-202.5**, as last amended by Laws of Utah 2023, Chapter 95
66 **17-2-209**, as last amended by Laws of Utah 2023, Chapter 15
67 **17-23-17**, as last amended by Laws of Utah 2023, Chapter 15
68 **17-23-17.5**, as last amended by Laws of Utah 2015, Chapter 352
69 **17-36-29**, as last amended by Laws of Utah 2017, Chapter 453
70 **17B-1-102**, as last amended by Laws of Utah 2023, Chapter 15
71 **17B-1-502**, as last amended by Laws of Utah 2023, Chapter 15
72 **17B-2a-1102**, as last amended by Laws of Utah 2023, Chapter 15
73 **17B-2a-1104**, as last amended by Laws of Utah 2023, Chapter 15
74 **17B-2a-1106**, as last amended by Laws of Utah 2023, Chapter 15
75 **17C-1-102**, as last amended by Laws of Utah 2023, Chapter 15
76 **18-1-1**, as last amended by Laws of Utah 2021, Chapters 201, 257
77 **19-5-108.5**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
78 **20A-1-102**, as last amended by Laws of Utah 2023, Chapters 15, 234 and 297
79 **20A-1-201.5**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
80 **20A-5-301**, as last amended by Laws of Utah 2016, Chapter 176
81 **20A-6-401**, as last amended by Laws of Utah 2023, Chapter 45
82 **20A-6-402**, as last amended by Laws of Utah 2020, Chapter 31
83 **20A-7-101**, as last amended by Laws of Utah 2023, Chapters 107, 116
84 **20A-7-401.3**, as enacted by Laws of Utah 2019, Chapter 203
85 **20A-7-501**, as last amended by Laws of Utah 2023, Chapter 107
86 **20A-7-502.7**, as last amended by Laws of Utah 2023, Chapter 107
87 **20A-7-504**, as last amended by Laws of Utah 2023, Chapter 107
88 **20A-7-601**, as last amended by Laws of Utah 2023, Chapters 107, 219
89 **20A-7-602.7**, as last amended by Laws of Utah 2023, Chapter 107
90 **20A-7-602.8**, as last amended by Laws of Utah 2023, Chapters 107, 504
91 **20A-7-604**, as last amended by Laws of Utah 2023, Chapter 107
92 **20A-11-101**, as last amended by Laws of Utah 2023, Chapter 15
93 **26B-2-101**, as last amended by Laws of Utah 2023, Chapter 305

94 **32B-1-102**, as last amended by Laws of Utah 2023, Chapters 328, 371 and 400
95 **32B-1-702**, as renumbered and amended by Laws of Utah 2019, Chapter 403
96 **32B-1-704**, as last amended by Laws of Utah 2022, Chapter 447
97 **32B-2-402**, as last amended by Laws of Utah 2022, Chapter 255
98 **32B-4-202**, as last amended by Laws of Utah 2023, Chapter 371
99 **35A-8-805**, as enacted by Laws of Utah 2018, Chapter 251
100 **35A-16-401**, as last amended by Laws of Utah 2023, Chapter 302
101 **35A-16-501**, as last amended by Laws of Utah 2023, Chapter 302
102 **35A-16-701**, as enacted by Laws of Utah 2023, Chapter 302
103 **36-11-102**, as last amended by Laws of Utah 2023, Chapter 16
104 **41-1a-1222**, as last amended by Laws of Utah 2023, Chapter 33
105 **41-6a-1115.1**, as enacted by Laws of Utah 2019, Chapter 428
106 **52-1-1**, as last amended by Laws of Utah 2016, Chapter 176
107 **52-4-203**, as last amended by Laws of Utah 2023, Chapter 16
108 **53-2a-208**, as last amended by Laws of Utah 2023, Chapter 34
109 **53-2a-802**, as last amended by Laws of Utah 2022, Chapter 447
110 **53-2a-1403**, as enacted by Laws of Utah 2021, Chapter 106
111 **53-2d-101 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 16,
112 327 and renumbered and amended by Laws of Utah 2023, Chapter 310 and last
113 amended by Coordination Clause, Laws of Utah 2023, Chapter 327
114 **53-5a-202**, as enacted by Laws of Utah 2023, Chapter 395
115 **53-7-225**, as last amended by Laws of Utah 2023, Chapter 341
116 **53B-21-107**, as last amended by Laws of Utah 2015, Chapter 352
117 **56-1-39**, as enacted by Laws of Utah 2023, Chapter 41 and last amended by
118 Coordination Clause, Laws of Utah 2023, Chapter 41
119 **59-1-403**, as last amended by Laws of Utah 2023, Chapters 21, 52, 86, 259, and 329
120 **59-12-203**, as last amended by Laws of Utah 2017, Chapter 13
121 **59-12-2220**, as last amended by Laws of Utah 2023, Chapter 529
122 **63A-5b-901**, as last amended by Laws of Utah 2023, Chapter 16
123 **63G-6a-103**, as last amended by Laws of Utah 2023, Chapter 16
124 **63G-26-102**, as last amended by Laws of Utah 2023, Chapter 16

125 **63G-29-101**, as enacted by Laws of Utah 2023, Chapter 76
126 **63J-4-801**, as last amended by Laws of Utah 2023, Chapter 16
127 **63N-2-103**, as last amended by Laws of Utah 2022, Chapter 200
128 **63N-4-801**, as last amended by Laws of Utah 2023, Chapter 499
129 **65A-1-1**, as last amended by Laws of Utah 2016, Chapter 174
130 **65A-8-212**, as last amended by Laws of Utah 2018, Chapter 189
131 **67-1a-2**, as last amended by Laws of Utah 2023, Chapter 297
132 **68-3-12.5**, as last amended by Laws of Utah 2021, Chapter 93
133 **72-2-108**, as last amended by Laws of Utah 2020, Chapter 377
134 **72-2-121**, as last amended by Laws of Utah 2023, Chapter 529
135 **73-10-34**, as last amended by Laws of Utah 2023, Chapter 260
136 **78A-7-202**, as last amended by Laws of Utah 2023, Chapters 139, 435
137 **78B-6-2301**, as last amended by Laws of Utah 2023, Chapter 16

138 ENACTS:

139 **10-1-201.5**, Utah Code Annotated 1953

140 REPEALS:

141 **10-2-301.5**, as enacted by Laws of Utah 2015, Chapter 352
142 **10-2a-401**, as enacted by Laws of Utah 2015, Chapter 352
143 **10-2a-402**, as last amended by Laws of Utah 2019, Chapter 165
144 **10-2a-403**, as enacted by Laws of Utah 2015, Chapter 352 and further amended by
145 Revisor Instructions, Laws of Utah 2015, Chapter 352
146 **10-2a-404**, as last amended by Laws of Utah 2023, Chapters 16, 435
147 **10-2a-405**, as last amended by Laws of Utah 2023, Chapter 435
148 **10-2a-406**, as enacted by Laws of Utah 2015, Chapter 352
149 **10-2a-407**, as enacted by Laws of Utah 2015, Chapter 352
150 **10-2a-408**, as enacted by Laws of Utah 2015, Chapter 352
151 **10-2a-409**, as enacted by Laws of Utah 2015, Chapter 352
152 **10-2a-410**, as last amended by Laws of Utah 2023, Chapter 435
153 **10-2a-411**, as last amended by Laws of Utah 2016, Chapter 14
154 **10-2a-412**, as enacted by Laws of Utah 2015, Chapter 352

155 **10-2a-413**, as last amended by Laws of Utah 2019, Chapter 165
156 **10-2a-414**, as enacted by Laws of Utah 2016, Chapter 176
157 **10-3b-501**, as last amended by Laws of Utah 2018, Chapter 174
158 **10-3b-502**, as last amended by Laws of Utah 2018, Chapter 174
159 **10-3b-503**, as last amended by Laws of Utah 2019, Chapter 24
160 **10-3b-504**, as last amended by Laws of Utah 2018, Chapter 174
161 **10-3c-101**, as enacted by Laws of Utah 2015, Chapter 352
162 **10-3c-102**, as last amended by Laws of Utah 2023, Chapter 16
163 **10-3c-103**, as last amended by Laws of Utah 2016, Chapter 176
164 **10-3c-201**, as enacted by Laws of Utah 2015, Chapter 352
165 **10-3c-202**, as last amended by Laws of Utah 2017, Chapter 13
166 **10-3c-203**, as last amended by Laws of Utah 2022, Chapter 288
167 **10-3c-204**, as last amended by Laws of Utah 2023, Chapter 435
168 **10-3c-205**, as enacted by Laws of Utah 2015, Chapter 352
169 **52-1-5.1**, as enacted by Laws of Utah 2016, Chapter 176

170

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

172 Section 1. Section **10-1-104** is amended to read:

173 **10-1-104. Definitions.**

174 As used in this title:

175 (1) "City" means a municipality that is classified by population as a city of the first
176 class, a city of the second class, a city of the third class, a city of the fourth class, or a city of
177 the fifth class, under Section 10-2-301.

178 (2) "Contiguous" means:

179 (a) if used to described an area, continuous, uninterrupted, and without an island of
180 territory not included as part of the area; and

181 (b) if used to describe an area's relationship to another area, sharing a common
182 boundary.

183 (3) "Governing body" means collectively the legislative body and the executive of any
184 municipality. Unless otherwise provided:

185 (a) in a city of the first or second class, the governing body is the city commission;

(b) in a city of the third, fourth, or fifth class, the governing body is the city council;

and

(c) in a town, the governing body is the town council~~;~~and.

~~[(d) in a metro township, the governing body is the metro township council.]~~

(4) "Municipal" means of or relating to a municipality.

(5) "Municipality" means:

(a) a city of the first class, city of the second class, city of the third class, city of the fourth class, city of the fifth class; or

(b) a town, as classified in Section 10-2-301~~;~~or.

~~[(c) a metro township as that term is defined in Section 10-2a-403 unless the term is used in the context of authorizing, governing, or otherwise regulating the provision of municipal services.]~~

(6) "Peninsula," when used to describe an unincorporated area, means an area surrounded on more than 1/2 of its boundary distance, but not completely, by incorporated territory and situated so that the length of a line drawn across the unincorporated area from an incorporated area to an incorporated area on the opposite side shall be less than 25% of the total aggregate boundaries of the unincorporated area.

(7) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

(8) "Provisions of law" shall include other statutes of the state of Utah and ordinances, rules, and regulations properly adopted by any municipality unless the construction is clearly contrary to the intent of state law.

(9) "Recorder," unless clearly inapplicable, includes and applies to a town clerk.

(10) "Town" means a municipality classified by population as a town under Section 10-2-301.

(11) "Unincorporated" means not within a municipality.

Section 2. Section **10-1-201.5** is enacted to read:

10-1-201.5. Metro townships converted to municipalities -- Classification -- Form of government -- Continuity of operations.

(1) As used in this section:

(a) "Converted municipality" means a municipality that is converted from an

217 incorporated township into a municipality under Subsection (2).

218 (b) "Incorporated township" means a metro township incorporated under Laws of Utah
219 2015, Chapter 352, Sections 50 through 62.

220 (2) As of May 1, 2024, an incorporated township is automatically converted into a
221 municipality.

222 (3) The classification of a converted municipality is governed by Section 10-2-301,
223 based on the converted municipality's population on May 1, 2024.

224 (4) (a) The powers of municipal government of a converted municipality are vested in
225 a five-member council, as provided in Chapter 3b, Part 4, Five-Member Council Form of
226 Municipal Government.

227 (b) Subsection (4)(a) does not limit a converted municipality's ability to change the
228 converted municipality's form of government, as provided in Chapter 3b, Part 6, Changing to
229 Another Form of Municipal Government.

230 (5) (a) The members of a converted municipality's council on May 1, 2024 consist of
231 the individuals serving as council members for the incorporated township immediately before
232 the incorporated township was converted into a municipality under Subsection (2), with the
233 mayor of the incorporated township becoming the mayor of the converted municipality.

234 (b) (i) Subject to Subsection (5)(b)(ii), the term of office of a member of the converted
235 municipality's council on May 1, 2024 is the same as the term of office that would have applied
236 to the council member if the incorporated township had not converted to a municipality under
237 Subsection (2).

238 (ii) (A) The office of mayor of a converted municipality is subject to election beginning
239 the first municipal election after the incorporated township converts to a municipality under
240 Subsection (2).

241 (B) The term of office of the mayor of a converted municipality continues from May 1,
242 2024 until a successor to the office of mayor is elected and qualified.

243 (6) (a) Upon an incorporated township's conversion to a municipality under Subsection
244 (2):

245 (i) each ordinance, resolution, or policy of the incorporated township becomes the
246 ordinance, resolution, or policy of the converted municipality;

247 (ii) the converted municipality may continue to:

(A) operate and function as the incorporated township had been operating and functioning before the conversion; and

(B) provide services the incorporated township had been providing before the conversion;

(iii) a converted municipality may, after the conversion, continue to impose and collect a tax, fee, fine, or other charge that the incorporated township was authorized to impose and collect before the conversion;

(iv) a proceeding pending before the incorporated township at the time of conversion continues without change before the converted municipality;

(v) a right or privilege of the incorporated township becomes the right or privilege of the converted municipality; and

(vi) a contractual or other obligation of the incorporated township, including a contractual or other obligation with another governmental entity, becomes the contractual or other obligation of the converted municipality.

(b) An ordinance that under Subsection (6)(a)(i) becomes an ordinance of the converted municipality includes a county ordinance that became an ordinance of the incorporated township under Laws of Utah 2016, Chapter 176, Section 2 and has not been repealed, subject to any amendment of that ordinance that the incorporated township enacted before the incorporated township's conversion to a municipality under Subsection (2).

(7) A converted municipality succeeds to the position of the incorporated township with respect to the incorporated township's participation or inclusion in a special district or special service district, including a municipal services district.

Section 3. Section **10-1-303** is amended to read:

10-1-303. Definitions.

As used in this part:

(1) "Commission" means the State Tax Commission.

(2) "Contractual franchise fee" means:

(a) a fee:

(i) provided for in a franchise agreement; and

(ii) that is consideration for the franchise agreement; or

(b) (i) a fee similar to Subsection (2)(a); or

- 279 (ii) any combination of Subsections (2)(a) and (b).
- 280 (3) (a) "Delivered value" means the fair market value of the taxable energy delivered
- 281 for sale or use in the municipality and includes:
- 282 (i) the value of the energy itself; and
- 283 (ii) any transportation, freight, customer demand charges, services charges, or other
- 284 costs typically incurred in providing taxable energy in usable form to each class of customer in
- 285 the municipality.
- 286 (b) "Delivered value" does not include the amount of a tax paid under:
- 287 (i) Title 59, Chapter 12, Sales and Use Tax Act; or
- 288 (ii) this part.
- 289 (4) "De minimis amount" means an amount of taxable energy that does not exceed the
- 290 greater of:
- 291 (a) 5% of the energy supplier's estimated total Utah gross receipts from sales of
- 292 property or services; or
- 293 (b) \$10,000.
- 294 (5) "Energy supplier" means a person supplying taxable energy, except that the
- 295 commission may by rule exclude from this definition a person supplying a de minimis amount
- 296 of taxable energy.
- 297 (6) "Franchise agreement" means a franchise or an ordinance, contract, or agreement
- 298 granting a franchise.
- 299 (7) "Franchise tax" means:
- 300 (a) a franchise tax;
- 301 (b) a tax similar to a franchise tax; or
- 302 (c) any combination of Subsections (7)(a) and (b).
- 303 (8) "Municipality" means a city[;] or town[; ~~or metro township~~].
- 304 (9) "Person" is as defined in Section 59-12-102.
- 305 (10) "Taxable energy" means gas and electricity.
- 306 Section 4. Section **10-1-402** is amended to read:
- 307 **10-1-402. Definitions.**
- 308 As used in this part:
- 309 (1) "Commission" means the State Tax Commission.

(2) (a) Subject to Subsections (2)(b) and (c), "customer" means the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract.

(b) For purposes of this section and Section 10-1-407, "customer" means:

(i) the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract; or

(ii) if the end user is not the person described in Subsection (2)(b)(i), the end user of telecommunications service.

(c) "Customer" does not include a reseller:

(i) of telecommunications service; or

(ii) for mobile telecommunications service, of a serving carrier under an agreement to serve the customer outside the telecommunications provider's licensed service area.

(3) (a) "End user" means the person who uses a telecommunications service.

(b) For purposes of telecommunications service provided to a person who is not an individual, "end user" means the individual who uses the telecommunications service on behalf of the person who is provided the telecommunications service.

(4) (a) "Gross receipts from telecommunications service" means the revenue that a telecommunications provider receives for telecommunications service rendered except for amounts collected or paid as:

(i) a tax, fee, or charge:

(A) imposed by a governmental entity;

(B) separately identified as a tax, fee, or charge in the transaction with the customer for the telecommunications service; and

(C) imposed only on a telecommunications provider;

(ii) sales and use taxes collected by the telecommunications provider from a customer under Title 59, Chapter 12, Sales and Use Tax Act; or

(iii) interest, a fee, or a charge that is charged by a telecommunications provider on a customer for failure to pay for telecommunications service when payment is due.

(b) "Gross receipts from telecommunications service" includes a charge necessary to complete a sale of a telecommunications service.

(5) "Mobile telecommunications service" is as defined in the Mobile

Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

(6) "Municipality" means a city[;] or town[; ~~or metro township~~].

(7) "Place of primary use":

(a) for telecommunications service other than mobile telecommunications service, means the street address representative of where the customer's use of the telecommunications service primarily occurs, which shall be:

(i) the residential street address of the customer; or

(ii) the primary business street address of the customer; or

(b) for mobile telecommunications service, is as defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

(8) Notwithstanding where a call is billed or paid, "service address" means:

(a) if the location described in this Subsection (8)(a) is known, the location of the telecommunications equipment:

(i) to which a call is charged; and

(ii) from which the call originates or terminates;

(b) if the location described in Subsection (8)(a) is not known but the location described in this Subsection (8)(b) is known, the location of the origination point of the signal of the telecommunications service first identified by:

(i) the telecommunications system of the telecommunications provider; or

(ii) if the system used to transport the signal is not a system of the telecommunications provider, information received by the telecommunications provider from its service provider; or

(c) if the locations described in Subsection (8)(a) or (b) are not known, the location of a customer's place of primary use.

(9) (a) Subject to Subsections (9)(b) and (9)(c), "telecommunications provider" means a person that:

(i) owns, controls, operates, or manages a telecommunications service; or

(ii) engages in an activity described in Subsection (9)(a)(i) for the shared use with or resale to any person of the telecommunications service.

(b) A person described in Subsection (9)(a) is a telecommunications provider whether or not the Public Service Commission of Utah regulates:

372 (i) that person; or
373 (ii) the telecommunications service that the person owns, controls, operates, or
374 manages.

375 (c) "Telecommunications provider" does not include an aggregator as defined in
376 Section 54-8b-2.

377 (10) "Telecommunications service" means:

378 (a) telecommunications service, as defined in Section 59-12-102, other than mobile
379 telecommunications service, that originates and terminates within the boundaries of this state;

380 (b) mobile telecommunications service, as defined in Section 59-12-102:

381 (i) that originates and terminates within the boundaries of one state; and
382 (ii) only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4
383 U.S.C. Sec. 116 et seq.; or

384 (c) an ancillary service as defined in Section 59-12-102.

385 (11) (a) Except as provided in Subsection (11)(b), "telecommunications tax or fee"
386 means any of the following imposed by a municipality on a telecommunications provider:

387 (i) a tax;
388 (ii) a license;
389 (iii) a fee;
390 (iv) a license fee;
391 (v) a license tax;
392 (vi) a franchise fee; or
393 (vii) a charge similar to a tax, license, or fee described in Subsections (11)(a)(i)
394 through (vi).

395 (b) "Telecommunications tax or fee" does not include:

396 (i) the municipal telecommunication's license tax authorized by this part; or
397 (ii) a tax, fee, or charge, including a tax imposed under Title 59, Revenue and
398 Taxation, that is imposed:

399 (A) on telecommunications providers; and
400 (B) on persons who are not telecommunications providers.

401 Section 5. Section **10-2-302** is amended to read:
402 **10-2-302. Change of class of municipality.**

(1) Each municipality shall retain its classification under Section 10-2-301 until changed as provided in this section or Subsection 67-1a-2(3).

(2) ~~[(a)]~~ If a municipality's population, as determined by the lieutenant governor under Subsection 67-1a-2(3), indicates that the municipality's population has decreased below the limit for its current class, the legislative body of the municipality may petition the lieutenant governor to prepare a certificate indicating the class in which the municipality belongs based on the decreased population figure.

~~[(b) Notwithstanding Subsection (2)(a), the legislative body of a metro township may not petition under this section to change from a metro township to a city or town.]~~

(3) A municipality's change in class is effective on the date of the lieutenant governor's certificate under Subsection 67-1a-2(3).

Section 6. Section **10-2-405** is amended to read:

10-2-405. Acceptance or denial of an annexation petition -- Petition certification process -- Modified petition.

(1) (a) (i) A municipal legislative body may:

(A) subject to Subsection (1)(a)(ii), deny a petition filed under Section 10-2-403; or

(B) accept the petition for further consideration under this part.

(ii) A petition shall be considered to have been accepted for further consideration under this part if a municipal legislative body fails to act to deny or accept the petition under Subsection (1)(a)(i):

(A) in the case of a city of the first or second class, within 14 days after the filing of the petition; or

(B) in the case of a city of the third, fourth, or fifth class~~;~~ or a town, ~~[or a metro township;]~~ at the next regularly scheduled meeting of the municipal legislative body that is at least 14 days after the date the petition was filed.

(b) If a municipal legislative body denies a petition under Subsection (1)(a)(i), it shall, within five days after the denial, mail written notice of the denial to:

(i) the contact sponsor; and

(ii) the clerk of the county in which the area proposed for annexation is located.

(2) If the municipal legislative body accepts a petition under Subsection (1)(a)(i) or is considered to have accepted the petition under Subsection (1)(a)(ii), the city recorder or town

clerk, as the case may be, shall, within 30 days after that acceptance:

(a) obtain from the assessor, clerk, surveyor, and recorder of the county in which the area proposed for annexation is located the records the city recorder or town clerk needs to determine whether the petition meets the requirements of Subsections 10-2-403(3) and (4);

(b) with the assistance of the municipal attorney, determine whether the petition meets the requirements of Subsections 10-2-403(3) and (4); and

(c) (i) if the city recorder or town clerk determines that the petition meets those requirements, certify the petition and mail or deliver written notification of the certification to the municipal legislative body, the contact sponsor, and the county legislative body; or

(ii) if the city recorder or town clerk determines that the petition fails to meet any of those requirements, reject the petition and mail or deliver written notification of the rejection and the reasons for the rejection to the municipal legislative body, the contact sponsor, and the county legislative body.

(3) (a) (i) If the city recorder or town clerk rejects a petition under Subsection (2)(c)(ii), the petition may be modified to correct the deficiencies for which it was rejected and then refiled with the city recorder or town clerk, as the case may be.

(ii) A signature on an annexation petition filed under Section 10-2-403 may be used toward fulfilling the signature requirement of Subsection 10-2-403(2)(b) for the petition as modified under Subsection (3)(a)(i).

(b) If a petition is refiled under Subsection (3)(a) after having been rejected by the city recorder or town clerk under Subsection (2)(c)(ii), the refiled petition shall be treated as a newly filed petition under Subsection 10-2-403(1).

(4) Any vote by a municipal legislative body to deny a petition under this part may be recalled and set for reconsideration by a majority of the voting members of the municipal legislative body.

(5) Each county assessor, clerk, surveyor, and recorder shall provide copies of records that a city recorder or town clerk requests under Subsection (2)(a).

Section 7. Section **10-2-425 (Superseded 07/01/24)** is amended to read:

10-2-425 (Superseded 07/01/24). Filing of notice and plat -- Recording and notice requirements -- Effective date of annexation or boundary adjustment.

(1) The legislative body of each municipality that enacts an ordinance under this part

465 approving the annexation of an unincorporated area or the adjustment of a boundary, or the
466 legislative body of an eligible city, as defined in Section 10-2a-403, that annexes an
467 unincorporated island upon the results of an election held in accordance with Section
468 10-2a-404, shall:

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

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

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

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

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

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

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

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

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

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

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

493 (ii) in accordance with Section 26B-4-168, file with the Department of Health and
494 Human Services:

495 (A) a certified copy of the ordinance approving the annexation of an unincorporated

496 area or the adjustment of a boundary; and

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

498 (2) If an annexation or boundary adjustment under this part [~~or Chapter 2a, Part 4,~~
499 ~~Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class~~
500 ~~on and after May 12, 2015;~~] also causes an automatic annexation to a special district under
501 Section 17B-1-416 or an automatic withdrawal from a special district under Subsection
502 17B-1-502(2), the municipal legislative body shall, as soon as practicable after the lieutenant
503 governor issues a certificate of annexation or boundary adjustment under Section 67-1a-6.5,
504 send notice of the annexation or boundary adjustment to the special district to which the
505 annexed area is automatically annexed or from which the annexed area is automatically
506 withdrawn.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) "Affected area" means:

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

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

(ii) "Annexing municipality" means:

(A) in the case of an annexation, the municipality that annexes an unincorporated area; and

(B) in the case of a boundary adjustment, a municipality whose boundary includes an affected area as a result of a boundary adjustment.

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

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

(i) levy or collect a property tax on property within an affected area;

(ii) levy or collect an assessment on property within an affected area; or

(iii) charge or collect a fee for service provided to property within an affected area, unless the municipality was charging and collecting the fee within that area immediately before annexation.

Section 8. Section **10-2-425 (Effective 07/01/24)** is amended to read:

10-2-425 (Effective 07/01/24). Filing of notice and plat -- Recording and notice requirements -- Effective date of annexation or boundary adjustment.

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

558 10-2a-404, shall:

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

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

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

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

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

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

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

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

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

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

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

583 (ii) in accordance with Section 53-2d-514, file with the Bureau of Emergency Medical
584 Services:

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

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

588 (2) If an annexation or boundary adjustment under this part [~~or Chapter 2a, Part 4,~~

~~Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class~~
~~on and after May 12, 2015;~~] also causes an automatic annexation to a special district under
Section 17B-1-416 or an automatic withdrawal from a special district under Subsection
17B-1-502(2), the municipal legislative body shall, as soon as practicable after the lieutenant
governor issues a certificate of annexation or boundary adjustment under Section 67-1a-6.5,
send notice of the annexation or boundary adjustment to the special district to which the
annexed area is automatically annexed or from which the annexed area is automatically
withdrawn.

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

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

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

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

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

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

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

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

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

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

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

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

(b) the lieutenant governor shall issue, under Section 67-1a-6.5, a certification of

annexation on the date agreed to under Subsection (5)(a).

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

(i) "Affected area" means:

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

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

(ii) "Annexing municipality" means:

(A) in the case of an annexation, the municipality that annexes an unincorporated area; and

(B) in the case of a boundary adjustment, a municipality whose boundary includes an affected area as a result of a boundary adjustment.

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

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

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

Section 9. Section **10-3-205.5** is amended to read:

10-3-205.5. At-large election of officers -- Election of commissioners or council members.

(1) Except as provided in Subsection (2), (3), or (4), the officers of each city shall be elected in an at-large election held at the time and in the manner provided for electing municipal officers.

(2) (a) The governing body of a city may by ordinance provide for the election of some or all commissioners or council members, as the case may be, by district equal in number to the number of commissioners or council members elected by district.

(b) (i) Each district shall be of substantially equal population as the other districts.

(ii) Within six months after the Legislature completes its redistricting process, the governing body of each city that has adopted an ordinance under Subsection (2)(a) shall make any adjustments in the boundaries of the districts as may be required to maintain districts of substantially equal population.

~~[(3) (a) The municipal council members of a metro township, as defined in Section 10-2a-403, are elected:]~~

~~[(i) for a metro township with a population of 10,000 or more, by district in accordance with Subsection 10-2a-410(1)(a); or]~~

~~[(ii) for a metro township with a population of less than 10,000, at-large in accordance with Subsection 10-2a-410(1)(b).]~~

~~[(b) The council districts in a metro township with a population of 10,000 or more shall comply with the requirements of Subsections (2)(b)(i) and (ii).]~~

~~[(4) (a) For a city incorporated in accordance with Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class on and after May 12, 2015:]~~

~~[(i) the council members are elected by district in accordance with Section 10-2a-410; and]~~

~~[(ii) the mayor is elected at-large in accordance with Section 10-2a-410.]~~

~~[(b) The council districts in a city described in Subsection (4)(a) shall comply with the requirements of Subsections (2)(b)(i) and (ii).]~~

Section 10. Section **10-3-1302** is amended to read:

10-3-1302. Purpose.

~~[(1)]~~ The purposes of this part are to establish standards of conduct for municipal officers and employees and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests.

~~[(2) In a metro township, as defined in Section 10-2a-403, the provisions of this part may not be applied to an appointed officer as that term is defined in Section 17-16a-3 or a county employee who is required by law to provide services to the metro township.]~~

Section 11. Section **10-3b-102** is amended to read:

10-3b-102. Definitions.

As used in this chapter:

(1) "Council-mayor form of government" means the form of municipal government that:

(a) (i) is provided for in Laws of Utah 1977, Chapter 48;

(ii) may not be adopted without voter approval; and

(iii) consists of two separate, independent, and equal branches of municipal government; and

(b) on and after May 5, 2008, is described in Part 2, Council-Mayor Form of Municipal Government.

(2) "Five-member council form of government" means the form of municipal government described in Part 4, Five-Member Council Form of Municipal Government.

~~[(3) "Metro township" means the same as that term is defined in Section 10-2a-403.]~~

~~[(4) "Metro township council form of government" means the form of metro township government described in Part 5, Metro Township Council Form of Municipal Government.]~~

~~[(5)]~~ (3) "Six-member council form of government" means the form of municipal government described in Part 3, Six-Member Council Form of Municipal Government.

Section 12. Section **10-3b-103** is amended to read:

10-3b-103. Forms of municipal government -- Form of government for towns -- Former council-manager form.

(1) A municipality operating on May 4, 2008, under the council-mayor form of government:

(a) shall, on and after May 5, 2008:

(i) operate under a council-mayor form of government, as defined in Section 10-3b-102; and

(ii) be subject to:

(A) this part;

(B) Part 2, Council-Mayor Form of Municipal Government;

(C) Part 6, Changing to Another Form of Municipal Government; and

(D) except as provided in Subsection (1)(b), other applicable provisions of this title;

and

(b) is not subject to:

(i) Part 3, Six-Member Council Form of Municipal Government; or

713 (ii) Part 4, Five-Member Council Form of Municipal Government~~[; or]~~.
714 ~~[(iii) Part 5, Metro Township Council Form of Municipal Government.]~~
715 (2) A municipality operating on May 4, 2008 under a form of government known under
716 the law then in effect as the six-member council form:
717 (a) shall, on and after May 5, 2008, and whether or not the council has adopted an
718 ordinance appointing a manager for the municipality:
719 (i) operate under a six-member council form of government, as defined in Section
720 10-3b-102;
721 (ii) be subject to:
722 (A) this part;
723 (B) Part 3, Six-Member Council Form of Municipal Government;
724 (C) Part 6, Changing to Another Form of Municipal Government; and
725 (D) except as provided in Subsection (2)(b), other applicable provisions of this title;
726 and
727 (b) is not subject to:
728 (i) Part 2, Council-Mayor Form of Municipal Government; or
729 (ii) Part 4, Five-Member Council Form of Municipal Government~~[; or]~~.
730 ~~[(iii) Part 5, Metro Township Council Form of Municipal Government.]~~
731 (3) A municipality operating on May 4, 2008, under a form of government known
732 under the law then in effect as the five-member council form:
733 (a) shall, on and after May 5, 2008:
734 (i) operate under a five-member council form of government, as defined in Section
735 10-3b-102;
736 (ii) be subject to:
737 (A) this part;
738 (B) Part 4, Five-Member Council Form of Municipal Government;
739 (C) Part 6, Changing to Another Form of Municipal Government; and
740 (D) except as provided in Subsection (3)(b), other applicable provisions of this title;
741 and
742 (b) is not subject to:
743 (i) Part 2, Council-Mayor Form of Municipal Government; or

(ii) Part 3, Six-Member Council Form of Municipal Government~~[-or].~~

~~[(iii) Part 5, Metro Township Council Form of Municipal Government.]~~

(4) Subject to Subsection (5), each municipality ~~[other than a metro township]~~

incorporated on or after May 5, 2008, shall operate under:

(a) the council-mayor form of government, with a five-member council;

(b) the council-mayor form of government, with a seven-member council;

(c) the six-member council form of government; or

(d) the five-member council form of government.

(5) Each town shall operate under a five-member council form of government unless:

(a) before May 5, 2008, the town has changed to another form of municipal government; or

(b) on or after May 5, 2008, the town changes its form of government as provided in Part 6, Changing to Another Form of Municipal Government.

~~[(6) Each metro township:]~~

~~[(a) shall operate under a metro township council form of government;]~~

~~[(b) is subject to:]~~

~~[(i) this part;]~~

~~[(ii) Part 5, Metro Township Council Form of Municipal Government; and]~~

~~[(iii) except as provided in Subsection (6)(c), other applicable provisions of this title;~~

and]

~~[(c) is not subject to:]~~

~~[(i) Part 2, Council-Mayor Form of Municipal Government;]~~

~~[(ii) Part 3, Six-Member Council Form of Municipal Government; or]~~

~~[(iii) Part 4, Five-Member Council Form of Municipal Government.]~~

~~[(7)]~~ (6) (a) As used in this Subsection ~~[(7)]~~ (6), "council-manager form of

government" means the form of municipal government:

(i) provided for in Laws of Utah 1977, Chapter 48;

(ii) that cannot be adopted without voter approval; and

(iii) that provides for, subject to Subsections (7) and (8) ~~[and (9)]~~, an appointed manager with duties and responsibilities established in Laws of Utah 1977, Chapter 48.

(b) A municipality operating on May 4, 2008, under the council-manager form of

775 government:

776 (i) shall:

777 (A) continue to operate, on and after May 5, 2008, under the council-manager form of
778 government according to the applicable provisions of Laws of Utah 1977, Chapter 48; and

779 (B) be subject to:

780 (I) this Subsection ~~[(7)]~~ (6) and other applicable provisions of this part;

781 (II) Part 6, Changing to Another Form of Municipal Government; and

782 (III) except as provided in Subsection (7)(b)(ii), other applicable provisions of this
783 title; and

784 (ii) is not subject to:

785 (A) Part 2, Council-Mayor Form of Municipal Government;

786 (B) Part 3, Six-Member Council Form of Municipal Government; or

787 (C) Part 4, Five-Member Council Form of Municipal Government~~[-or]~~.

788 ~~[(D) Part 5, Metro Township Council Form of Municipal Government.]~~

789 ~~[(8)]~~ (7) (a) As used in this Subsection ~~[(8)]~~ (7), "interim vacancy period" means the
790 period of time that:

791 (i) begins on the day on which a municipal general election described in Section
792 10-3-201 is held to elect a council member; and

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

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

796 (ii) Notwithstanding Subsection ~~[(8)(b)(i)]~~ (7)(b)(i):

797 (A) the council may appoint an interim manager during an interim vacancy period; and

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

800 (c) Subsection ~~[(8)(b)]~~ (7)(b) does not apply if all the council members who held office
801 on the day of the municipal general election whose term of office was vacant for the election
802 are re-elected to the council for the following term.

803 ~~[(9)]~~ (8) A council that appoints a manager in accordance with this section may not, on
804 or after May 10, 2011, enter into an employment contract that contains an automatic renewal
805 provision with the manager.

806 ~~[(10)]~~ (9) Nothing in this section may be construed to prevent or limit a municipality
807 operating under any form of municipal government from changing to another form of
808 government as provided in Part 6, Changing to Another Form of Municipal Government.

809 Section 13. Section **10-3b-601** is amended to read:

810 **10-3b-601. Authority to change to another form of municipal government.**

811 ~~[(1)]~~ As provided in this part, a municipality may change from the form of government
812 under which it operates to:

813 ~~[(a)]~~ (1) the council-mayor form of government with a five-member council;

814 ~~[(b)]~~ (2) the council-mayor form of government with a seven-member council;

815 ~~[(c)]~~ (3) the six-member council form of government; or

816 ~~[(d)]~~ (4) the five-member council form of government.

817 ~~[(2) (a) A metro township that changes from the metro township council form of~~
818 ~~government to a form described in Subsection (1):]~~

819 ~~[(i) is no longer a metro township; and]~~

820 ~~[(ii) subject to Subsection (2)(b), is a city or town and operates as and has the authority~~
821 ~~of a city or town.]~~

822 ~~[(b) If a metro township with a population that qualifies as a town in accordance with~~
823 ~~Section 10-2-301 changes the metro township's form of government in accordance with this~~
824 ~~part, the metro township may only change to the five-member council form of government.]~~

825 ~~[(3) A municipality other than a metro township may not operate under the metro~~
826 ~~township council form of government.]~~

827 Section 14. Section **10-5-102** is amended to read:

828 **10-5-102. Applicability.**

829 This chapter ~~[shall apply]~~ applies to all~~[:]~~ towns.

830 ~~[(1) towns; and]~~

831 ~~[(2) metro townships of the second class to the same extent as a town.]~~

832 Section 15. Section **10-5-108** is amended to read:

833 **10-5-108. Budget hearing -- Notice -- Adjustments.**

834 (1) Prior to the adoption of the final budget or an amendment to a budget, a town
835 council shall hold a public hearing to receive public comment.

836 (2) The town council shall provide notice of the place, purpose, and time of the public

hearing by providing notice for the town [~~or metro township~~], as a class A notice under Section 63G-30-102, for at least seven days before the hearing.

(3) After the hearing, the town council, subject to Section 10-5-110, may adjust expenditures and revenues in conformity with this chapter.

Section 16. Section **10-6-103** is amended to read:

10-6-103. Applicability.

This chapter [~~shall apply~~] applies to all[:]

[~~(1)~~] cities, including charter cities[~~; and~~].

[~~(2) metro townships of the first class to the same extent as a city.~~]

Section 17. Section **10-6-113** is amended to read:

10-6-113. Budget -- Notice of hearing to consider adoption.

At the meeting at which each tentative budget is adopted, the governing body shall establish the time and place of a public hearing to consider its adoption and shall order that notice of the public hearing be published for the city [~~or metro township~~], as a class A notice under Section 63G-30-102, for at least seven days before the day of the hearing.

Section 18. Section **10-6-137** is amended to read:

10-6-137. City recorder -- Office -- Meetings and records -- Certified records as evidence.

(1) The office of the city recorder shall be located at the place of the governing body or at some other place convenient [~~thereto~~] to the place of the governing body, as the governing body [~~may direct~~] directs. [~~The~~]

(2) (a) Except as provided in Subsection (2)(b), the city recorder or a deputy city recorder shall attend the meetings and keep the record of the proceedings of the governing body.

(b) An individual designated by a municipal services district to provide recorder or clerk services to a city is not required to attend a meeting of the city governing body if the individual ensures compliance with the meeting minutes and recording requirements of Section 52-4-203.

(3) Copies of all papers filed in the recorder's office and transcripts from all records of the governing body, if certified by the recorder under the corporate seal, are admissible in all courts as originals.

Section 19. Section **10-6-152** is amended to read:

10-6-152. Notice that audit completed and available for inspection.

Within 10 days following the receipt of the audit report furnished by the independent auditor, the city auditor in cities having an auditor and the city recorder in all other cities shall:

(1) prepare a notice to the public that the audit of the city has been completed;

(2) provide the notice for the city [~~or metro township~~], as a class A notice under

Section 63G-30-102, for at least 10 days; and

(3) make a copy of the notice described in Subsection (1) available for inspection at the office of the city auditor or recorder.

Section 20. Section **10-9a-302** is amended to read:

10-9a-302. Planning commission powers and duties -- Training requirements.

(1) The planning commission shall review and make a recommendation to the legislative body for:

(a) a general plan and amendments to the general plan;

(b) land use regulations, including:

(i) ordinances regarding the subdivision of land within the municipality; and

(ii) amendments to existing land use regulations;

(c) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;

(d) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and

(e) application processes that:

(i) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and

(ii) shall protect the right of each:

(A) land use applicant and adversely affected party to require formal consideration of any application by a land use authority;

(B) land use applicant or adversely affected party to appeal a land use authority's decision to a separate appeal authority; and

(C) participant to be heard in each public hearing on a contested application.

(2) Before making a recommendation to a legislative body on an item described in Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance with Section 10-9a-404.

(3) A legislative body may adopt, modify, or reject a planning commission's recommendation to the legislative body under this section.

(4) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation.

(5) Nothing in this section limits the right of a municipality to initiate or propose the actions described in this section.

(6) (a) (i) This Subsection (6) applies to:

(A) a city of the first, second, third, or fourth class; and

(B) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class~~;~~ and].

~~[(C) a metro township with a population of 5,000 or more.]~~

(ii) The population figures described in Subsection (6)(a)(i) shall be derived from:

(A) the most recent official census or census estimate of the United States Census Bureau; or

(B) if a population figure is not available under Subsection (6)(a)(ii)(A), an estimate of the Utah Population Committee.

(b) A municipality described in Subsection (6)(a)(i) shall ensure that each member of the municipality's planning commission completes four hours of annual land use training as follows:

(i) one hour of annual training on general powers and duties under Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; and

(ii) three hours of annual training on land use, which may include:

(A) appeals and variances;

(B) conditional use permits;

(C) exactions;

(D) impact fees;

(E) vested rights;

(F) subdivision regulations and improvement guarantees;

930 (G) land use referenda;
931 (H) property rights;
932 (I) real estate procedures and financing;
933 (J) zoning, including use-based and form-based; and
934 (K) drafting ordinances and code that complies with statute.

935 (c) A newly appointed planning commission member may not participate in a public
936 meeting as an appointed member until the member completes the training described in
937 Subsection (6)(b)(i).

938 (d) A planning commission member may qualify for one completed hour of training
939 required under Subsection (6)(b)(ii) if the member attends, as an appointed member, 12 public
940 meetings of the planning commission within a calendar year.

941 (e) A municipality shall provide the training described in Subsection (6)(b) through:
942 (i) municipal staff;
943 (ii) the Utah League of Cities and Towns; or
944 (iii) a list of training courses selected by:
945 (A) the Utah League of Cities and Towns; or
946 (B) the Division of Real Estate created in Section 61-2-201.

947 (f) A municipality shall, for each planning commission member:
948 (i) monitor compliance with the training requirements in Subsection (6)(b); and
949 (ii) maintain a record of training completion at the end of each calendar year.

950 Section 21. Section **10-9a-408** is amended to read:

951 **10-9a-408. Moderate income housing report -- Contents -- Prioritization for**
952 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

953 (1) As used in this section:
954 (a) "Division" means the Housing and Community Development Division within the
955 Department of Workforce Services.

956 (b) "Implementation plan" means the implementation plan adopted as part of the
957 moderate income housing element of a specified municipality's general plan as provided in
958 Subsection 10-9a-403(2)(c).

959 (c) "Initial report" or "initial moderate income housing report" means the one-time
960 report described in Subsection (2).

(d) "Moderate income housing strategy" means a strategy described in Subsection 10-9a-403(2)(b)(iii).

(e) "Report" means an initial report or a subsequent progress report.

(f) "Specified municipality" means:

(i) a city of the first, second, third, or fourth class; or

(ii) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class~~[-or].~~

~~[(iii) a metro township with a population of 5,000 or more.]~~

(g) "Subsequent progress report" means the annual report described in Subsection (3).

(2) (a) The legislative body of a specified municipality shall submit an initial report to the division.

(b) (i) This Subsection (2)(b) applies to a municipality that is not a specified municipality as of January 1, 2023.

(ii) As of January 1, if a municipality described in Subsection (2)(b)(i) changes from one class to another or grows in population to qualify as a specified municipality, the municipality shall submit an initial plan to the division on or before August 1 of the first calendar year beginning on January 1 in which the municipality qualifies as a specified municipality.

(c) The initial report shall:

(i) identify each moderate income housing strategy selected by the specified municipality for continued, ongoing, or one-time implementation, restating the exact language used to describe the moderate income housing strategy in Subsection 10-9a-403(2)(b)(iii); and

(ii) include an implementation plan.

(3) (a) After the division approves a specified municipality's initial report under this section, the specified municipality shall, as an administrative act, annually submit to the division a subsequent progress report on or before August 1 of each year after the year in which the specified municipality is required to submit the initial report.

(b) The subsequent progress report shall include:

(i) subject to Subsection (3)(c), a description of each action, whether one-time or ongoing, taken by the specified municipality during the previous 12-month period to implement the moderate income housing strategies identified in the initial report for

implementation;

(ii) a description of each land use regulation or land use decision made by the specified municipality during the previous 12-month period to implement the moderate income housing strategies, including an explanation of how the land use regulation or land use decision supports the specified municipality's efforts to implement the moderate income housing strategies;

(iii) a description of any barriers encountered by the specified municipality in the previous 12-month period in implementing the moderate income housing strategies;

(iv) information regarding the number of internal and external or detached accessory dwelling units located within the specified municipality for which the specified municipality:

(A) issued a building permit to construct; or

(B) issued a business license or comparable license or permit to rent;

(v) a description of how the market has responded to the selected moderate income housing strategies, including the number of entitled moderate income housing units or other relevant data; and

(vi) any recommendations on how the state can support the specified municipality in implementing the moderate income housing strategies.

(c) For purposes of describing actions taken by a specified municipality under Subsection (3)(b)(i), the specified municipality may include an ongoing action taken by the specified municipality prior to the 12-month reporting period applicable to the subsequent progress report if the specified municipality:

(i) has already adopted an ordinance, approved a land use application, made an investment, or approved an agreement or financing that substantially promotes the implementation of a moderate income housing strategy identified in the initial report; and

(ii) demonstrates in the subsequent progress report that the action taken under Subsection (3)(c)(i) is relevant to making meaningful progress towards the specified municipality's implementation plan.

(d) A specified municipality's report shall be in a form:

(i) approved by the division; and

(ii) made available by the division on or before May 1 of the year in which the report is required.

1023 (4) Within 90 days after the day on which the division receives a specified
1024 municipality's report, the division shall:

1025 (a) post the report on the division's website;

1026 (b) send a copy of the report to the Department of Transportation, the Governor's
1027 Office of Planning and Budget, the association of governments in which the specified
1028 municipality is located, and, if the specified municipality is located within the boundaries of a
1029 metropolitan planning organization, the appropriate metropolitan planning organization; and

1030 (c) subject to Subsection (5), review the report to determine compliance with this
1031 section.

1032 (5) (a) An initial report does not comply with this section unless the report:

1033 (i) includes the information required under Subsection (2)(c);

1034 (ii) demonstrates to the division that the specified municipality made plans to
1035 implement:

1036 (A) three or more moderate income housing strategies if the specified municipality
1037 does not have a fixed guideway public transit station; or

1038 (B) subject to Subsection 10-9a-403(2)(b)(iv), five or more moderate income housing
1039 strategies if the specified municipality has a fixed guideway public transit station; and

1040 (iii) is in a form approved by the division.

1041 (b) A subsequent progress report does not comply with this section unless the report:

1042 (i) demonstrates to the division that the specified municipality made plans to
1043 implement:

1044 (A) three or more moderate income housing strategies if the specified municipality
1045 does not have a fixed guideway public transit station; or

1046 (B) subject to the requirements of Subsection 10-9a-403(2)(a)(iii)(D), five or more
1047 moderate income housing strategies if the specified municipality has a fixed guideway public
1048 transit station;

1049 (ii) is in a form approved by the division; and

1050 (iii) provides sufficient information for the division to:

1051 (A) assess the specified municipality's progress in implementing the moderate income
1052 housing strategies;

1053 (B) monitor compliance with the specified municipality's implementation plan;

1054 (C) identify a clear correlation between the specified municipality's land use
1055 regulations and land use decisions and the specified municipality's efforts to implement the
1056 moderate income housing strategies;

1057 (D) identify how the market has responded to the specified municipality's selected
1058 moderate income housing strategies; and

1059 (E) identify any barriers encountered by the specified municipality in implementing the
1060 selected moderate income housing strategies.

1061 (6) (a) A specified municipality qualifies for priority consideration under this
1062 Subsection (6) if the specified municipality's report:

1063 (i) complies with this section; and

1064 (ii) demonstrates to the division that the specified municipality made plans to
1065 implement:

1066 (A) five or more moderate income housing strategies if the specified municipality does
1067 not have a fixed guideway public transit station; or

1068 (B) six or more moderate income housing strategies if the specified municipality has a
1069 fixed guideway public transit station.

1070 (b) The Transportation Commission may, in accordance with Subsection
1071 72-1-304(3)(c), give priority consideration to transportation projects located within the
1072 boundaries of a specified municipality described in Subsection (6)(a) until the Department of
1073 Transportation receives notice from the division under Subsection (6)(e).

1074 (c) Upon determining that a specified municipality qualifies for priority consideration
1075 under this Subsection (6), the division shall send a notice of prioritization to the legislative
1076 body of the specified municipality and the Department of Transportation.

1077 (d) The notice described in Subsection (6)(c) shall:

1078 (i) name the specified municipality that qualifies for priority consideration;

1079 (ii) describe the funds or projects for which the specified municipality qualifies to
1080 receive priority consideration; and

1081 (iii) state the basis for the division's determination that the specified municipality
1082 qualifies for priority consideration.

1083 (e) The division shall notify the legislative body of a specified municipality and the
1084 Department of Transportation in writing if the division determines that the specified

1085 municipality no longer qualifies for priority consideration under this Subsection (6).

1086 (7) (a) If the division, after reviewing a specified municipality's report, determines that

1087 the report does not comply with this section, the division shall send a notice of noncompliance

1088 to the legislative body of the specified municipality.

1089 (b) A specified municipality that receives a notice of noncompliance may:

1090 (i) cure each deficiency in the report within 90 days after the day on which the notice of

1091 noncompliance is sent; or

1092 (ii) request an appeal of the division's determination of noncompliance within 10 days

1093 after the day on which the notice of noncompliance is sent.

1094 (c) The notice described in Subsection (7)(a) shall:

1095 (i) describe each deficiency in the report and the actions needed to cure each

1096 deficiency;

1097 (ii) state that the specified municipality has an opportunity to:

1098 (A) submit to the division a corrected report that cures each deficiency in the report

1099 within 90 days after the day on which the notice of compliance is sent; or

1100 (B) submit to the division a request for an appeal of the division's determination of

1101 noncompliance within 10 days after the day on which the notice of noncompliance is sent; and

1102 (iii) state that failure to take action under Subsection (7)(c)(ii) will result in the

1103 specified municipality's ineligibility for funds under Subsection (9).

1104 (d) For purposes of curing the deficiencies in a report under this Subsection (7), if the

1105 action needed to cure the deficiency as described by the division requires the specified

1106 municipality to make a legislative change, the specified municipality may cure the deficiency

1107 by making that legislative change within the 90-day cure period.

1108 (e) (i) If a specified municipality submits to the division a corrected report in

1109 accordance with Subsection (7)(b)(i) and the division determines that the corrected report does

1110 not comply with this section, the division shall send a second notice of noncompliance to the

1111 legislative body of the specified municipality within 30 days after the day on which the

1112 corrected report is submitted.

1113 (ii) A specified municipality that receives a second notice of noncompliance may

1114 submit to the division a request for an appeal of the division's determination of noncompliance

1115 within 10 days after the day on which the second notice of noncompliance is sent.

1116 (iii) The notice described in Subsection (7)(e)(i) shall:

1117 (A) state that the specified municipality has an opportunity to submit to the division a

1118 request for an appeal of the division's determination of noncompliance within 10 days after the

1119 day on which the second notice of noncompliance is sent; and

1120 (B) state that failure to take action under Subsection (7)(e)(iii)(A) will result in the

1121 specified municipality's ineligibility for funds under Subsection (9).

1122 (8) (a) A specified municipality that receives a notice of noncompliance under

1123 Subsection (7)(a) or (7)(e)(i) may request an appeal of the division's determination of

1124 noncompliance within 10 days after the day on which the notice of noncompliance is sent.

1125 (b) Within 90 days after the day on which the division receives a request for an appeal,

1126 an appeal board consisting of the following three members shall review and issue a written

1127 decision on the appeal:

1128 (i) one individual appointed by the Utah League of Cities and Towns;

1129 (ii) one individual appointed by the Utah Homebuilders Association; and

1130 (iii) one individual appointed by the presiding member of the association of

1131 governments, established pursuant to an interlocal agreement under Title 11, Chapter 13,

1132 Interlocal Cooperation Act, of which the specified municipality is a member.

1133 (c) The written decision of the appeal board shall either uphold or reverse the division's

1134 determination of noncompliance.

1135 (d) The appeal board's written decision on the appeal is final.

1136 (9) (a) A specified municipality is ineligible for funds under this Subsection (9) if:

1137 (i) the specified municipality fails to submit a report to the division;

1138 (ii) after submitting a report to the division, the division determines that the report does

1139 not comply with this section and the specified municipality fails to:

1140 (A) cure each deficiency in the report within 90 days after the day on which the notice

1141 of noncompliance is sent; or

1142 (B) request an appeal of the division's determination of noncompliance within 10 days

1143 after the day on which the notice of noncompliance is sent;

1144 (iii) after submitting to the division a corrected report to cure the deficiencies in a

1145 previously-submitted report, the division determines that the corrected report does not comply

1146 with this section and the specified municipality fails to request an appeal of the division's

1147 determination of noncompliance within 10 days after the day on which the second notice of
1148 noncompliance is sent; or

1149 (iv) after submitting a request for an appeal under Subsection (8), the appeal board
1150 issues a written decision upholding the division's determination of noncompliance.

1151 (b) The following apply to a specified municipality described in Subsection (9)(a) until
1152 the division provides notice under Subsection (9)(e):

1153 (i) the executive director of the Department of Transportation may not program funds
1154 from the Transportation Investment Fund of 2005, including the Transit Transportation
1155 Investment Fund, to projects located within the boundaries of the specified municipality in
1156 accordance with Subsection 72-2-124(5);

1157 (ii) beginning with a report submitted in 2024, the specified municipality shall pay a
1158 fee to the Olene Walker Housing Loan Fund in the amount of \$250 per day that the specified
1159 municipality:

1160 (A) fails to submit the report to the division in accordance with this section, beginning
1161 the day after the day on which the report was due; or

1162 (B) fails to cure the deficiencies in the report, beginning the day after the day by which
1163 the cure was required to occur as described in the notice of noncompliance under Subsection
1164 (7); and

1165 (iii) beginning with the report submitted in 2025, the specified municipality shall pay a
1166 fee to the Olene Walker Housing Loan Fund in the amount of \$500 per day that the specified
1167 municipality, in a consecutive year:

1168 (A) fails to submit the report to the division in accordance with this section, beginning
1169 the day after the day on which the report was due; or

1170 (B) fails to cure the deficiencies in the report, beginning the day after the day by which
1171 the cure was required to occur as described in the notice of noncompliance under Subsection
1172 (6).

1173 (c) Upon determining that a specified municipality is ineligible for funds under this
1174 Subsection (9), and is required to pay a fee under Subsection (9)(b), if applicable, the division
1175 shall send a notice of ineligibility to the legislative body of the specified municipality, the
1176 Department of Transportation, the State Tax Commission and the Governor's Office of
1177 Planning and Budget.

(d) The notice described in Subsection (9)(c) shall:

(i) name the specified municipality that is ineligible for funds;

(ii) describe the funds for which the specified municipality is ineligible to receive;

(iii) describe the fee the specified municipality is required to pay under Subsection (9)(b), if applicable[;]; and

(iv) state the basis for the division's determination that the specified municipality is ineligible for funds.

(e) The division shall notify the legislative body of a specified municipality and the Department of Transportation in writing if the division determines that the provisions of this Subsection (9) no longer apply to the specified municipality.

(f) The division may not determine that a specified municipality that is required to pay a fee under Subsection (9)(b) is in compliance with the reporting requirements of this section until the specified municipality pays all outstanding fees required under Subsection (9)(b) to the Olene Walker Housing Loan Fund, created under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.

(10) In a civil action seeking enforcement or claiming a violation of this section or of Subsection 10-9a-404(4)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

Section 22. Section **11-3-8** is amended to read:

11-3-8. Conflicting local ordinances prohibited.

A county, city, or town[; ~~or metro township~~] may not adopt an ordinance or regulation in conflict with Sections 53-7-220 through 53-7-225.

Section 23. Section **11-13a-102** is amended to read:

11-13a-102. Definitions.

As used in this chapter:

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

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

(b) "Governing board" includes a board of directors.

(3) "Governmental entity" means the state, a county, a municipality, a special district, a special service district, a school district, a state institution of higher education, or any other political subdivision or administrative unit of the state.

(4) (a) "Governmental nonprofit corporation" means:

(i) a nonprofit corporation that is wholly owned or wholly controlled by one or more governmental entities, unless the nonprofit corporation receives no operating funding or other financial support from any governmental entity; or

(ii) a nonprofit corporation in which one or more governmental entities exercise a controlling interest and:

(A) that exercises taxing authority;

(B) that imposes a mandatory fee for association or participation with the nonprofit corporation where that association or participation is mandated by law; or

(C) that receives a majority of the nonprofit corporation's operating funding from one or more governmental entities under the nonprofit corporation's governing documents, except where voluntary membership fees, dues, or assessments compose the operating funding.

(b) "Governmental nonprofit corporation" does not include a water company, as that term is defined in Section 16-4-102, unless the water company is wholly owned by one or more governmental entities.

(5) "Municipality" means a city~~;~~ or town~~;~~ ~~or metro township~~.

Section 24. Section **11-14-102** is amended to read:

11-14-102. Definitions.

For the purpose of this chapter:

(1) "Bond" means any bond authorized to be issued under this chapter, including municipal bonds.

(2) "Election results" has the same meaning as defined in Section 20A-1-102.

(3) "Governing body" means:

(a) for a county, city, or town, ~~[or metro township]~~, the legislative body of the county, city, or town;

(b) for a special district, the board of trustees of the special district;

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

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

1240 Act:

1241 (i) the governing body of the county or municipality that created the special service
1242 district, if no administrative control board has been established under Section 17D-1-301; or

1243 (ii) the administrative control board, if one has been established under Section
1244 17D-1-301 and the power to issue bonds not payable from taxes has been delegated to the
1245 administrative control board.

1246 (4) (a) "Local political subdivision" means a county, city, town, [~~metro township,~~
1247 school district, special district, or special service district.

1248 (b) "Local political subdivision" does not include the state and its institutions.

1249 (5) "Special district" means a district operating under Title 17B, Limited Purpose Local
1250 Government Entities - Special Districts.

1251 Section 25. Section **11-14-301** is amended to read:

1252 **11-14-301. Issuance of bonds by governing body -- Computation of indebtedness**
1253 **under constitutional and statutory limitations.**

1254 (1) If the governing body has declared the bond proposition to have carried and no
1255 contest has been filed, or if a contest has been filed and favorably terminated, the governing
1256 body may proceed to issue the bonds voted at the election.

1257 (2) (a) It is not necessary that all of the bonds be issued at one time, but, except as
1258 otherwise provided in this Subsection (2), bonds approved by the voters may not be issued
1259 more than 10 years after the day on which the election is held.

1260 (b) The 10-year period described in Subsection (2)(a) is tolled if, at any time during the
1261 10-year period:

1262 (i) an application for a referendum petition is filed with a local clerk, in accordance
1263 with Section 20A-7-602, with respect to the local obligation law relating to the bonds; or

1264 (ii) the bonds are challenged in a court of law or an administrative proceeding in
1265 relation to:

1266 (A) the legality or validity of the bonds, or the election or proceedings authorizing the
1267 bonds;

1268 (B) the authority of the local political subdivision to issue the bonds;

1269 (C) the provisions made for the security or payment of the bonds; or

1270 (D) any other issue that materially and adversely affects the marketability of the bonds,

1271 as determined by the individual or body that holds the executive powers of the local political
1272 subdivision.

1273 (c) For a bond described in this section that is approved by voters on or after May 8,
1274 2002, but before May 14, 2019, a tolling period described in Subsection (2)(b)(i) ends on the
1275 later of the day on which:

1276 (i) the local clerk determines that the petition is insufficient, in accordance with
1277 Subsection 20A-7-607(3), unless an application, described in Subsection 20A-7-607(4)(a), is
1278 made to a court;

1279 (ii) a court determines, under Subsection 20A-7-607(4)(c), that the petition for the
1280 referendum is not legally sufficient; or

1281 (iii) for a referendum petition that is sufficient, the governing body declares, as
1282 provided by law, the results of the referendum election on the local obligation law.

1283 (d) For a bond described in this section that was approved by voters on or after May
1284 14, 2019, a tolling period described in Subsection (2)(b)(i) ends:

1285 (i) if a county, city, town, [~~metro township,~~] or court determines, under Section
1286 20A-7-602.7, that the proposed referendum is not legally referable to voters, the later of:

1287 (A) the day on which the county, city, or town[, ~~or metro township~~] provides the notice
1288 described in Subsection 20A-7-602.7(1)(b)(ii); or

1289 (B) if a sponsor appeals, under Subsection 20A-7-602.7(4), the day on which a court
1290 decision that the proposed referendum is not legally referable to voters becomes final; or

1291 (ii) if a county, city, town, [~~metro township,~~] or court determines, under Section
1292 20A-7-602.7, that the proposed referendum is legally referable to voters, the later of:

1293 (A) the day on which the local clerk determines, under Section 20A-7-607, that the
1294 number of certified names is insufficient for the proposed referendum to appear on the ballot;
1295 or

1296 (B) if the local clerk determines, under Section 20A-7-607, that the number of certified
1297 names is sufficient for the proposed referendum to appear on the ballot, the day on which the
1298 governing body declares, as provided by law, the results of the referendum election on the local
1299 obligation law.

1300 (e) A tolling period described in Subsection (2)(b)(ii) ends after:

1301 (i) there is a final settlement, a final adjudication, or another type of final resolution of

all challenges described in Subsection (2)(b)(ii); and

(ii) the individual or body that holds the executive powers of the local political subdivision issues a document indicating that all challenges described in Subsection (2)(b)(ii) are resolved and final.

(f) If the 10-year period described in Subsection (2)(a) is tolled under this Subsection (2) and, when the tolling ends and after giving effect to the tolling, the period of time remaining to issue the bonds is less than one year, the period of time remaining to issue the bonds shall be extended to one year.

(g) The tolling provisions described in this Subsection (2) apply to all bonds described in this section that were approved by voters on or after May 8, 2002.

(3) (a) Bonds approved by the voters may not be issued to an amount that will cause the indebtedness of the local political subdivision to exceed that permitted by the Utah Constitution or statutes.

(b) In computing the amount of indebtedness that may be incurred pursuant to constitutional and statutory limitations, the constitutionally or statutorily permitted percentage, as the case may be, shall be applied to the fair market value, as defined under Section 59-2-102, of the taxable property in the local political subdivision, as computed from the last applicable equalized assessment roll before the incurring of the additional indebtedness.

(c) In determining the fair market value of the taxable property in the local political subdivision as provided in this section, the value of all tax equivalent property, as defined in Section 59-3-102, shall be included as a part of the total fair market value of taxable property in the local political subdivision, as provided in Title 59, Chapter 3, Tax Equivalent Property Act.

(4) Bonds of improvement districts issued in a manner that they are payable solely from the revenues to be derived from the operation of the facilities of the district may not be included as bonded indebtedness for the purposes of the computation.

(5) Where bonds are issued by a city, town, or county payable solely from revenues derived from the operation of revenue-producing facilities of the city, town, or county, or payable solely from a special fund into which are deposited excise taxes levied and collected by the city, town, or county, or excise taxes levied by the state and rebated pursuant to law to the city, town, or county, or any combination of those excise taxes, the bonds shall be included as

bonded indebtedness of the city, town, or county only to the extent required by the Utah Constitution, and any bonds not so required to be included as bonded indebtedness of the city, town, or county need not be authorized at an election, except as otherwise provided by the Utah Constitution, the bonds being hereby expressly excluded from the election requirement of Section 11-14-201.

(6) A bond election is not void when the amount of bonds authorized at the election exceeded the limitation applicable to the local political subdivision at the time of holding the election, but the bonds may be issued from time to time in an amount within the applicable limitation at the time the bonds are issued.

(7) (a) A local political subdivision may not receive, from the issuance of bonds approved by the voters at an election, an aggregate amount that exceeds by more than 2% the maximum principal amount stated in the bond proposition.

(b) The provision in Subsection (7)(a) applies to bonds issued pursuant to an election held after January 1, 2019.

Section 26. Section **11-17-2** is amended to read:

11-17-2. Definitions.

As used in this chapter:

(1) "Bonds" means bonds, notes, or other evidences of indebtedness.

(2) "Energy efficiency upgrade" means an improvement that is permanently affixed to real property and that is designed to reduce energy consumption, including:

(a) insulation in:

(i) a wall, ceiling, roof, floor, or foundation; or

(ii) a heating or cooling distribution system;

(b) an insulated window or door, including:

(i) a storm window or door;

(ii) a multiglazed window or door;

(iii) a heat-absorbing window or door;

(iv) a heat-reflective glazed and coated window or door;

(v) additional window or door glazing;

(vi) a window or door with reduced glass area; or

(vii) other window or door modifications that reduce energy loss;

- 1364 (c) an automatic energy control system;
- 1365 (d) in a building or a central plant, a heating, ventilation, or air conditioning and
- 1366 distribution system;
- 1367 (e) caulking or weatherstripping;
- 1368 (f) a light fixture that does not increase the overall illumination of a building unless an
- 1369 increase is necessary to conform with the applicable building code;
- 1370 (g) an energy recovery system;
- 1371 (h) a daylighting system;
- 1372 (i) measures to reduce the consumption of water, through conservation or more
- 1373 efficient use of water, including:
- 1374 (i) installation of a low-flow toilet or showerhead;
- 1375 (ii) installation of a timer or timing system for a hot water heater; or
- 1376 (iii) installation of a rain catchment system; or
- 1377 (j) any other modified, installed, or remodeled fixture that is approved as a utility
- 1378 cost-savings measure by the governing body.
- 1379 (3) "Finance" or "financing" includes the issuing of bonds by a municipality, county, or
- 1380 state university for the purpose of using a portion, or all or substantially all of the proceeds to
- 1381 pay for or to reimburse the user, lender, or the user or lender's designee for the costs of the
- 1382 acquisition of facilities of a project, or to create funds for the project itself where appropriate,
- 1383 whether these costs are incurred by the municipality, the county, the state university, the user,
- 1384 or a designee of the user. If title to or in these facilities at all times remains in the user, the
- 1385 bonds of the municipality or county shall be secured by a pledge of one or more notes,
- 1386 debentures, bonds, other secured or unsecured debt obligations of the user or lender, or the
- 1387 sinking fund or other arrangement as in the judgment of the governing body is appropriate for
- 1388 the purpose of assuring repayment of the bond obligations to investors in accordance with their
- 1389 terms.
- 1390 (4) "Governing body" means:
- 1391 (a) for a county, city, or town, [~~or metro township,~~] the legislative body of the county,
- 1392 city, or town[~~, or metro township~~];
- 1393 (b) for the military installation development authority created in Section 63H-1-201,
- 1394 the board, as defined in Section 63H-1-102;

(c) for a state university except as provided in Subsection (4)(d), the board or body having the control and supervision of the state university; and

(d) for a nonprofit corporation or foundation created by and operating under the auspices of a state university, the board of directors or board of trustees of that corporation or foundation.

(5) (a) "Industrial park" means land, including all necessary rights, appurtenances, easements, and franchises relating to it, acquired and developed by a municipality, county, or state university for the establishment and location of a series of sites for plants and other buildings for industrial, distribution, and wholesale use.

(b) "Industrial park" includes the development of the land for an industrial park under this chapter or the acquisition and provision of water, sewerage, drainage, street, road, sidewalk, curb, gutter, street lighting, electrical distribution, railroad, or docking facilities, or any combination of them, but only to the extent that these facilities are incidental to the use of the land as an industrial park.

(6) "Lender" means a trust company, savings bank, savings and loan association, bank, credit union, or any other lending institution that lends, loans, or leases proceeds of a financing to the user or a user's designee.

(7) "Mortgage" means a mortgage, trust deed, or other security device.

(8) "Municipality" means any incorporated city~~;~~ or town~~;~~ ~~or metro township~~ in the state, including cities or towns operating under home rule charters.

(9) "Pollution" means any form of environmental pollution including water pollution, air pollution, pollution caused by solid waste disposal, thermal pollution, radiation contamination, or noise pollution.

(10) (a) "Project" means:

(i) an industrial park, land, interest in land, building, structure, facility, system, fixture, improvement, appurtenance, machinery, equipment, or any combination of them, whether or not in existence or under construction:

(A) that is suitable for industrial, manufacturing, warehousing, research, business, and professional office building facilities, commercial, shopping services, food, lodging, low income rental housing, recreational, or any other business purposes;

(B) that is suitable to provide services to the general public;

(C) that is suitable for use by any corporation, person, or entity engaged in health care services, including hospitals, nursing homes, extended care facilities, facilities for the care of persons with a physical or mental disability, and administrative and support facilities; or

(D) that is suitable for use by a state university for the purpose of aiding in the accomplishment of its authorized academic, scientific, engineering, technical, and economic development functions;

(ii) any land, interest in land, building, structure, facility, system, fixture, improvement, appurtenance, machinery, equipment, or any combination of them, used by any individual, partnership, firm, company, corporation, public utility, association, trust, estate, political subdivision, state agency, or any other legal entity, or its legal representative, agent, or assigns, for the reduction, abatement, or prevention of pollution, including the removal or treatment of any substance in process material, if that material would cause pollution if used without the removal or treatment;

(iii) an energy efficiency upgrade;

(iv) a renewable energy system;

(v) facilities, machinery, or equipment, the manufacturing and financing of which will maintain or enlarge domestic or foreign markets for Utah industrial products; or

(vi) any economic development or new venture investment fund to be raised other than from:

(A) municipal or county general fund money;

(B) money raised under the taxing power of any county or municipality; or

(C) money raised against the general credit of any county or municipality.

(b) "Project" does not include any property, real, personal, or mixed, for the purpose of the construction, reconstruction, improvement, or maintenance of a public utility as defined in Section 54-2-1.

(11) "Renewable energy system" means a product, system, device, or interacting group of devices that is permanently affixed to real property and that produces energy from renewable resources, including:

(a) a photovoltaic system;

(b) a solar thermal system;

(c) a wind system;

- 1457 (d) a geothermal system, including:
1458 (i) a direct-use system; or
1459 (ii) a ground source heat pump system;
1460 (e) a micro-hydro system; or
1461 (f) another renewable energy system approved by the governing body.
- 1462 (12) "State university" means an institution of higher education as described in Section
1463 53B-2-101 and includes any nonprofit corporation or foundation created by and operating
1464 under their authority.
- 1465 (13) "User" means the person, whether natural or corporate, who will occupy, operate,
1466 maintain, and employ the facilities of, or manage and administer a project after the financing,
1467 acquisition, or construction of it, whether as owner, manager, purchaser, lessee, or otherwise.
- 1468 Section 27. Section **11-39-101** is amended to read:
- 1469 **11-39-101. Definitions.**
- 1470 As used in this chapter:
- 1471 (1) "Bid limit" means:
1472 (a) for a building improvement:
1473 (i) for the year 2003, \$40,000; and
1474 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an
1475 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser
1476 of 3% or the actual percent change in the Consumer Price Index during the previous calendar
1477 year; and
1478 (b) for a public works project:
1479 (i) for the year 2003, \$125,000; and
1480 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an
1481 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser
1482 of 3% or the actual percent change in the Consumer Price Index during the previous calendar
1483 year.
- 1484 (2) "Building improvement":
1485 (a) means the construction or repair of a public building or structure; and
1486 (b) does not include construction or repair at an international airport.
- 1487 (3) "Consumer Price Index" means the Consumer Price Index for All Urban

1488 Consumers as published by the Bureau of Labor Statistics of the United States Department of
1489 Labor.

1490 (4) (a) "Design-build project" means a building improvement or public works project
1491 for which both the design and construction are provided for in a single contract with a
1492 contractor or combination of contractors capable of providing design-build services.

1493 (b) "Design-build project" does not include a building improvement or public works
1494 project:

1495 (i) that a local entity undertakes under contract with a construction manager that
1496 guarantees the contract price and is at risk for any amount over the contract price; and

1497 (ii) each component of which is competitively bid.

1498 (5) "Design-build services" means the engineering, architectural, and other services
1499 necessary to formulate and implement a design-build project, including the actual construction
1500 of the project.

1501 (6) "Emergency repairs" means a building improvement or public works project
1502 undertaken on an expedited basis to:

1503 (a) eliminate an imminent risk of damage to or loss of public or private property;

1504 (b) remedy a condition that poses an immediate physical danger; or

1505 (c) reduce a substantial, imminent risk of interruption of an essential public service.

1506 (7) "Governing body" means:

1507 (a) for a county, city, or town, [~~or metro township,~~] the legislative body of the county,
1508 city, or town[~~, or metro township~~];

1509 (b) for a special district, the board of trustees of the special district; and

1510 (c) for a special service district:

1511 (i) the legislative body of the county, city, or town that established the special service
1512 district, if no administrative control board has been appointed under Section 17D-1-301; or

1513 (ii) the administrative control board of the special service district, if an administrative
1514 control board has been appointed under Section 17D-1-301.

1515 (8) "Local entity" means a county, city, town, [~~metro township,~~] special district, or
1516 special service district.

1517 (9) "Lowest responsive responsible bidder" means a prime contractor who:

1518 (a) has submitted a bid in compliance with the invitation to bid and within the

1519 requirements of the plans and specifications for the building improvement or public works
1520 project;

1521 (b) is the lowest bidder that satisfies the local entity's criteria relating to financial
1522 strength, past performance, integrity, reliability, and other factors that the local entity uses to
1523 assess the ability of a bidder to perform fully and in good faith the contract requirements;

1524 (c) has furnished a bid bond or equivalent in money as a condition to the award of a
1525 prime contract; and

1526 (d) furnishes a payment and performance bond as required by law.

1527 (10) "Procurement code" means the provisions of Title 63G, Chapter 6a, Utah
1528 Procurement Code.

1529 (11) "Public works project":

1530 (a) means the construction of:

1531 (i) a park or recreational facility; or

1532 (ii) a pipeline, culvert, dam, canal, or other system for water, sewage, storm water, or
1533 flood control; and

1534 (b) does not include:

1535 (i) the replacement or repair of existing infrastructure on private property;

1536 (ii) construction commenced before June 1, 2003; and

1537 (iii) construction or repair at an international airport.

1538 (12) "Special district" means the same as that term is defined in Section 17B-1-102.

1539 (13) "Special service district" has the same meaning as defined in Section 17D-1-102.

1540 Section 28. Section **11-41-102** is amended to read:

1541 **11-41-102. Definitions.**

1542 As used in this chapter:

1543 (1) "Agreement" means an oral or written agreement between a public entity and a
1544 person.

1545 (2) "Business entity" means a sole proprietorship, partnership, limited partnership,
1546 limited liability company, corporation, or other entity or association used to carry on a business
1547 for profit.

1548 (3) "Determination of violation" means a determination by the Governor's Office of
1549 Economic Opportunity of substantial likelihood that a retail facility incentive payment has been

1550 made in violation of Section 11-41-103, in accordance with Section 11-41-104.

1551 (4) "Environmental mitigation" means an action or activity intended to remedy known
1552 negative impacts to the environment.

1553 (5) "Executive director" means the executive director of the Governor's Office of
1554 Economic Opportunity.

1555 (6) "General plan" means the same as that term is defined in Section 23A-6-101.

1556 (7) "Mixed-use development" means development with mixed land uses, including
1557 housing.

1558 (8) "Moderate income housing plan" means the moderate income housing plan element
1559 of a general plan.

1560 (9) "Office" means the Governor's Office of Economic Opportunity.

1561 (10) "Political subdivision" means any county, city, town, ~~[metro township,]~~ school
1562 district, special district, special service district, community reinvestment agency, or entity
1563 created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation
1564 Act.

1565 (11) "Public entity" means:

1566 (a) a political subdivision;

1567 (b) a state agency as defined in Section 63J-1-220;

1568 (c) a higher education institution as defined in Section 53B-1-201;

1569 (d) the Military Installation Development Authority created in Section 63H-1-201;

1570 (e) the Utah Inland Port Authority created in Section 11-58-201; or

1571 (f) the Point of the Mountain State Land Authority created in Section 11-59-201.

1572 (12) "Public funds" means any money received by a public entity that is derived from:

1573 (a) a sales and use tax authorized under Title 59, Chapter 12, Sales and Use Tax Act;

1574 or

1575 (b) a property tax levy.

1576 (13) "Public infrastructure" means:

1577 (a) a public facility as defined in Section 11-36a-102; or

1578 (b) public infrastructure included as part of an infrastructure master plan related to a
1579 general plan.

1580 (14) "Retail facility" means any facility operated by a business entity for the primary

1581 purpose of making retail transactions.

1582 (15) (a) "Retail facility incentive payment" means a payment of public funds:

1583 (i) to a person by a public entity;

1584 (ii) for the development, construction, renovation, or operation of a retail facility

1585 within an area of the state; and

1586 (iii) in the form of:

1587 (A) a payment;

1588 (B) a rebate;

1589 (C) a refund;

1590 (D) a subsidy; or

1591 (E) any other similar incentive, award, or offset.

1592 (b) "Retail facility incentive payment" does not include a payment of public funds for:

1593 (i) the development, construction, renovation, or operation of:

1594 (A) public infrastructure; or

1595 (B) a structured parking facility;

1596 (ii) the demolition of an existing facility;

1597 (iii) assistance under a state or local:

1598 (A) main street program; or

1599 (B) historic preservation program;

1600 (iv) environmental mitigation or sanitation, if determined by a state or federal agency

1601 under applicable state or federal law;

1602 (v) assistance under a water conservation program or energy efficiency program, if any

1603 business entity located within the public entity's boundaries or subject to the public entity's

1604 jurisdiction is eligible to participate in the program;

1605 (vi) emergency aid or assistance, if any business entity located within the public entity's

1606 boundaries or subject to the public entity's jurisdiction is eligible to receive the emergency aid

1607 or assistance; or

1608 (vii) assistance under a public safety or security program, if any business entity located

1609 within the public entity's boundaries or subject to the public entity's jurisdiction is eligible to

1610 participate in the program.

1611 (16) "Retail transaction" means any transaction subject to a sales and use tax under

1612 Title 59, Chapter 12, Sales and Use Tax Act.

1613 (17) (a) "Small business" means a business entity that:

1614 (i) has fewer than 30 full-time equivalent employees; and

1615 (ii) maintains the business entity's principal office in the state.

1616 (b) "Small business" does not include:

1617 (i) a franchisee, as defined in 16 C.F.R. Sec. 436.1;

1618 (ii) a dealer, as defined in Section 41-1a-102; or

1619 (iii) a subsidiary or affiliate of another business entity that is not a small business.

1620 Section 29. Section **11-42a-102** is amended to read:

1621 **11-42a-102. Definitions.**

1622 (1) "Air quality standards" means that a vehicle's emissions are equal to or cleaner than
1623 the standards established in bin 4 Table S04-1, of 40 C.F.R. 86.1811-04(c)(6).

1624 (2) (a) "Assessment" means the assessment that a local entity or the C-PACE district
1625 levies on private property under this chapter to cover the costs of an energy efficiency upgrade,
1626 a renewable energy system, or an electric vehicle charging infrastructure.

1627 (b) "Assessment" does not constitute a property tax but shares the same priority lien as
1628 a property tax.

1629 (3) "Assessment fund" means a special fund that a local entity establishes under
1630 Section 11-42a-206.

1631 (4) "Benefitted property" means private property within an energy assessment area that
1632 directly benefits from improvements.

1633 (5) "Bond" means an assessment bond and a refunding assessment bond.

1634 (6) (a) "Commercial or industrial real property" means private real property used
1635 directly or indirectly or held for one of the following purposes or activities, regardless of
1636 whether the purpose or activity is for profit:

1637 (i) commercial;

1638 (ii) mining;

1639 (iii) agricultural;

1640 (iv) industrial;

1641 (v) manufacturing;

1642 (vi) trade;

- 1643 (vii) professional;
1644 (viii) a private or public club;
1645 (ix) a lodge;
1646 (x) a business; or
1647 (xi) a similar purpose.
- 1648 (b) "Commercial or industrial real property" includes:
1649 (i) private real property that is used as or held for dwelling purposes and contains:
1650 (A) more than four rental units; or
1651 (B) one or more owner-occupied or rental condominium units affiliated with a hotel;
1652 and
1653 (ii) real property owned by:
1654 (A) the military installation development authority, created in Section 63H-1-201; or
1655 (B) the Utah Inland Port Authority, created in Section 11-58-201.
- 1656 (7) "Contract price" means:
1657 (a) up to 100% of the cost of installing, acquiring, refinancing, or reimbursing for an
1658 improvement, as determined by the owner of the property benefitting from the improvement; or
1659 (b) the amount payable to one or more contractors for the assessment, design,
1660 engineering, inspection, and construction of an improvement.
- 1661 (8) "C-PACE" means commercial property assessed clean energy.
1662 (9) "C-PACE district" means the statewide authority established in Section 11-42a-106
1663 to implement the C-PACE Act in collaboration with governing bodies, under the direction of
1664 OED.
- 1665 (10) "Electric vehicle charging infrastructure" means equipment that is:
1666 (a) permanently affixed to commercial or industrial real property; and
1667 (b) designed to deliver electric energy to a qualifying electric vehicle or a qualifying
1668 plug-in hybrid vehicle.
- 1669 (11) "Energy assessment area" means an area:
1670 (a) within the jurisdictional boundaries of a local entity that approves an energy
1671 assessment area or, if the C-PACE district or a state interlocal entity levies the assessment, the
1672 C-PACE district or the state interlocal entity;
1673 (b) containing only the commercial or industrial real property of owners who have

voluntarily consented to an assessment under this chapter for the purpose of financing the costs of improvements that benefit property within the energy assessment area; and

(c) in which the proposed benefitted properties in the area are:

(i) contiguous; or

(ii) located on one or more contiguous or adjacent tracts of land that would be contiguous or adjacent property but for an intervening right-of-way, including a sidewalk, street, road, fixed guideway, or waterway.

(12) "Energy assessment bond" means a bond:

(a) issued under Section 11-42a-401; and

(b) payable in part or in whole from assessments levied in an energy assessment area.

(13) "Energy assessment lien" means a lien on property within an energy assessment area that arises from the levy of an assessment in accordance with Section 11-42a-301.

(14) "Energy assessment ordinance" means an ordinance that a local entity adopts under Section 11-42a-201 that:

(a) designates an energy assessment area;

(b) levies an assessment on benefitted property within the energy assessment area; and

(c) if applicable, authorizes the issuance of energy assessment bonds.

(15) "Energy assessment resolution" means one or more resolutions adopted by a local entity under Section 11-42a-201 that:

(a) designates an energy assessment area;

(b) levies an assessment on benefitted property within the energy assessment area; and

(c) if applicable, authorizes the issuance of energy assessment bonds.

(16) "Energy efficiency upgrade" means an improvement that is:

(a) permanently affixed to commercial or industrial real property; and

(b) designed to reduce energy or water consumption, including:

(i) insulation in:

(A) a wall, roof, floor, or foundation; or

(B) a heating and cooling distribution system;

(ii) a window or door, including:

(A) a storm window or door;

(B) a multiglazed window or door;

- 1705 (C) a heat-absorbing window or door;
- 1706 (D) a heat-reflective glazed and coated window or door;
- 1707 (E) additional window or door glazing;
- 1708 (F) a window or door with reduced glass area; or
- 1709 (G) other window or door modifications;
- 1710 (iii) an automatic energy control system;
- 1711 (iv) in a building or a central plant, a heating, ventilation, or air conditioning and
- 1712 distribution system;
- 1713 (v) caulk or weatherstripping;
- 1714 (vi) a light fixture that does not increase the overall illumination of a building, unless
- 1715 an increase is necessary to conform with the applicable building code;
- 1716 (vii) an energy recovery system;
- 1717 (viii) a daylighting system;
- 1718 (ix) measures to reduce the consumption of water, through conservation or more
- 1719 efficient use of water, including installation of:
- 1720 (A) low-flow toilets and showerheads;
- 1721 (B) timer or timing systems for a hot water heater; or
- 1722 (C) rain catchment systems;
- 1723 (x) a modified, installed, or remodeled fixture that is approved as a utility cost-saving
- 1724 measure by the governing body or executive of a local entity;
- 1725 (xi) measures or other improvements to effect seismic upgrades;
- 1726 (xii) structures, measures, or other improvements to provide automated parking or
- 1727 parking that reduces land use;
- 1728 (xiii) the extension of an existing natural gas distribution company line;
- 1729 (xiv) an energy efficient elevator, escalator, or other vertical transport device;
- 1730 (xv) any other improvement that the governing body or executive of a local entity
- 1731 approves as an energy efficiency upgrade; or
- 1732 (xvi) any improvement that relates physically or functionally to any of the
- 1733 improvements listed in Subsections (16)(b)(i) through (xv).
- 1734 (17) "Governing body" means:
- 1735 (a) for a county, city, or town, [~~or metro township,~~] the legislative body of the county,

1736 city, or town[, ~~or metro township~~];

1737 (b) for a special district, the board of trustees of the special district;

1738 (c) for a special service district:

1739 (i) if no administrative control board has been appointed under Section 17D-1-301, the

1740 legislative body of the county, city, town, or metro township that established the special service

1741 district; or

1742 (ii) if an administrative control board has been appointed under Section 17D-1-301, the

1743 administrative control board of the special service district;

1744 (d) for the military installation development authority created in Section 63H-1-201,

1745 the board, as that term is defined in Section 63H-1-102; and

1746 (e) for the Utah Inland Port Authority, created in Section 11-58-201, the board, as

1747 defined in Section 11-58-102.

1748 (18) "Improvement" means a publicly or privately owned energy efficiency upgrade,

1749 renewable energy system, or electric vehicle charging infrastructure that:

1750 (a) a property owner has requested; or

1751 (b) has been or is being installed on a property for the benefit of the property owner.

1752 (19) "Incidental refunding costs" means any costs of issuing a refunding assessment

1753 bond and calling, retiring, or paying prior bonds, including:

1754 (a) legal and accounting fees;

1755 (b) charges of financial advisors, escrow agents, certified public accountant verification

1756 entities, and trustees;

1757 (c) underwriting discount costs, printing costs, and the costs of giving notice;

1758 (d) any premium necessary in the calling or retiring of prior bonds;

1759 (e) fees to be paid to the local entity to issue the refunding assessment bond and to

1760 refund the outstanding prior bonds;

1761 (f) any other costs that the governing body determines are necessary and proper to incur

1762 in connection with the issuance of a refunding assessment bond; and

1763 (g) any interest on the prior bonds that is required to be paid in connection with the

1764 issuance of the refunding assessment bond.

1765 (20) "Installment payment date" means the date on which an installment payment of an

1766 assessment is payable.

1767 (21) "Jurisdictional boundaries" means:
1768 (a) for the C-PACE district or any state interlocal entity, the boundaries of the state;
1769 and
1770 (b) for each local entity, the boundaries of the local entity.
1771 (22) (a) "Local entity" means:
1772 (i) a county, city, or town~~[-or-metro-township]~~;
1773 (ii) a special service district, a special district, or an interlocal entity as that term is
1774 defined in Section 11-13-103;
1775 (iii) a state interlocal entity;
1776 (iv) the military installation development authority, created in Section 63H-1-201;
1777 (v) the Utah Inland Port Authority, created in Section 11-58-201; or
1778 (vi) any political subdivision of the state.
1779 (b) "Local entity" includes the C-PACE district solely in connection with:
1780 (i) the designation of an energy assessment area;
1781 (ii) the levying of an assessment; and
1782 (iii) the assignment of an energy assessment lien to a third-party lender under Section
1783 11-42a-302.
1784 (23) "Local entity obligations" means energy assessment bonds and refunding
1785 assessment bonds that a local entity issues.
1786 (24) "OED" means the Office of Energy Development created in Section 79-6-401.
1787 (25) "OEM vehicle" means the same as that term is defined in Section 19-1-402.
1788 (26) "Overhead costs" means the actual costs incurred or the estimated costs to be
1789 incurred in connection with an energy assessment area, including:
1790 (a) appraisals, legal fees, filing fees, facilitation fees, and financial advisory charges;
1791 (b) underwriting fees, placement fees, escrow fees, trustee fees, and paying agent fees;
1792 (c) publishing and mailing costs;
1793 (d) costs of levying an assessment;
1794 (e) recording costs; and
1795 (f) all other incidental costs.
1796 (27) "Parameters resolution" means a resolution or ordinance that a local entity adopts
1797 in accordance with Section 11-42a-201.

1798 (28) "Prior bonds" means the energy assessment bonds refunded in part or in whole by
1799 a refunding assessment bond.

1800 (29) "Prior energy assessment ordinance" means the ordinance levying the assessments
1801 from which the prior bonds are payable.

1802 (30) "Prior energy assessment resolution" means the resolution levying the assessments
1803 from which the prior bonds are payable.

1804 (31) "Property" includes real property and any interest in real property, including water
1805 rights and leasehold rights.

1806 (32) "Public electrical utility" means a large-scale electric utility as that term is defined
1807 in Section 54-2-1.

1808 (33) "Qualifying electric vehicle" means a vehicle that:

1809 (a) meets air quality standards;

1810 (b) is not fueled by natural gas;

1811 (c) draws propulsion energy from a battery with at least 10 kilowatt hours of capacity;

1812 and

1813 (d) is an OEM vehicle except that the vehicle is fueled by a fuel described in

1814 Subsection (33)(c).

1815 (34) "Qualifying plug-in hybrid vehicle" means a vehicle that:

1816 (a) meets air quality standards;

1817 (b) is not fueled by natural gas or propane;

1818 (c) has a battery capacity that meets or exceeds the battery capacity described in

1819 Subsection 30D(b)(3), Internal Revenue Code; and

1820 (d) is fueled by a combination of electricity and:

1821 (i) diesel fuel;

1822 (ii) gasoline; or

1823 (iii) a mixture of gasoline and ethanol.

1824 (35) "Reduced payment obligation" means the full obligation of an owner of property

1825 within an energy assessment area to pay an assessment levied on the property after the local

1826 entity has reduced the assessment because of the issuance of a refunding assessment bond, in

1827 accordance with Section 11-42a-403.

1828 (36) "Refunding assessment bond" means an assessment bond that a local entity issues

1829 under Section 11-42a-403 to refund, in part or in whole, energy assessment bonds.

1830 (37) (a) "Renewable energy system" means a product, system, device, or interacting
1831 group of devices that is permanently affixed to commercial or industrial real property not
1832 located in the certified service area of a distribution electrical cooperative, as that term is
1833 defined in Section 54-2-1, and:

1834 (i) produces energy from renewable resources, including:

1835 (A) a photovoltaic system;

1836 (B) a solar thermal system;

1837 (C) a wind system;

1838 (D) a geothermal system, including a generation system, a direct-use system, or a
1839 ground source heat pump system;

1840 (E) a microhydro system;

1841 (F) a biofuel system; or

1842 (G) any other renewable source system that the governing body of the local entity
1843 approves;

1844 (ii) stores energy, including:

1845 (A) a battery storage system; or

1846 (B) any other energy storing system that the governing body or chief executive officer
1847 of a local entity approves; or

1848 (iii) any improvement that relates physically or functionally to any of the products,
1849 systems, or devices listed in Subsection (37)(a)(i) or (ii).

1850 (b) "Renewable energy system" does not include a system described in Subsection
1851 (37)(a)(i) if the system provides energy to property outside the energy assessment area, unless
1852 the system:

1853 (i) (A) existed before the creation of the energy assessment area; and

1854 (B) beginning before January 1, 2017, provides energy to property outside of the area
1855 that became the energy assessment area; or

1856 (ii) provides energy to property outside the energy assessment area under an agreement
1857 with a public electrical utility that is substantially similar to agreements for other renewable
1858 energy systems that are not funded under this chapter.

1859 (38) "Special district" means a special district under Title 17B, Limited Purpose Local

1860 Government Entities - Special Districts.

1861 (39) "Special service district" means the same as that term is defined in Section
1862 17D-1-102.

1863 (40) "State interlocal entity" means:

1864 (a) an interlocal entity created under Chapter 13, Interlocal Cooperation Act, by two or
1865 more counties, cities, or towns~~[-or metro townships]~~ that collectively represent at least a
1866 majority of the state's population; or

1867 (b) an entity that another state authorized, before January 1, 2017, to issue bonds,
1868 notes, or other obligations or refunding obligations to finance or refinance projects in the state.

1869 (41) "Third-party lender" means a trust company, savings bank, savings and loan
1870 association, bank, credit union, or any other entity that provides loans directly to property
1871 owners for improvements authorized under this chapter.

1872 Section 30. Section **11-42b-101** is amended to read:

1873 **11-42b-101. Definitions.**

1874 As used in this chapter:

1875 (1) "Assessment" means the assessment that a specified county levies on benefitted
1876 properties under this chapter to pay for beneficial activities.

1877 (2) "Assessment area" means a convention and tourism business assessment area
1878 designated under this chapter.

1879 (3) (a) "Beneficial activity" means any activity or service that increases hotel room
1880 rates or occupancy levels at lodging establishments.

1881 (b) "Beneficial activity" includes an activity to:

1882 (i) promote tourism;

1883 (ii) sponsor or incentivize a cultural or sports event, festival, conference, or
1884 convention;

1885 (iii) facilitate economic or workforce development for the lodging industry, including
1886 workforce recruitment or retention; or

1887 (iv) promote placemaking, visitor management, or destination enhancement.

1888 (4) "Benefitted property" means a lodging establishment that directly or indirectly
1889 benefits from a beneficial activity.

1890 (5) "Guest" means an individual for whom a lodging establishment provides lodging

1891 accommodations for compensation.

1892 (6) "Lodging establishment" means the same as that term is defined in Section
1893 29-2-102.

1894 (7) "Municipality" means a city[;] or town~~[; or metro township]~~.

1895 (8) "Owner" means the owner of a benefitted property, or the authorized agent or
1896 employee of the owner.

1897 (9) "Qualified number of owners" means a number of owners of benefitted properties
1898 that represents 60% or more of the total assessment amount levied against all benefitted
1899 properties within a proposed or existing assessment area, provided that if an owner of one or
1900 more benefitted properties represents 40% or more of the total assessment amount levied
1901 against all benefitted properties within a proposed or existing assessment area, no more than
1902 40% of the total assessment amount shall be attributed to that owner.

1903 (10) "Specified county" means a county of the first or second class.

1904 (11) "Third party administrator" means a private nonprofit organization, primarily
1905 engaged in destination marketing and promotion, that enters into a contract with a specified
1906 county to provide beneficial activities within an assessment area in accordance with the
1907 management plan.

1908 Section 31. Section **11-46a-101** is amended to read:

1909 **11-46a-101. Definitions.**

1910 As used in this chapter:

1911 (1) (a) "Animal" means any nonhuman vertebrate life form.

1912 (b) "Animal" does not include domestic cats, domestic dogs, exotic animals, or
1913 reptiles.

1914 (2) (a) "Animal enterprise" means a commercial enterprise, an academic enterprise, or
1915 a competition that uses or sells animals or animal products for profit, food or fiber production,
1916 agriculture, education, research, sport, or testing.

1917 (b) "Animal enterprise" includes an animal competition, exposition, fair, rodeo, farm,
1918 feedlot, furrier, ranch, or event intended to exhibit or advance agricultural arts and sciences.

1919 (c) "Animal enterprise" does not include an aquarium, circus, horse and carriage
1920 operation, retail pet store, or zoo.

1921 (3) "Exotic animal" means a:

1922 (a) member of the family Felidae not indigenous to Utah, except the species *Felis catus*
1923 (domestic cat);

1924 (b) nonhuman primate;

1925 (c) nonwolf member of the family Canidae not indigenous to Utah, except the species
1926 *Canis familiaris* (domestic dog);

1927 (d) bear; and

1928 (e) member of the order Crocodylia.

1929 (4) "Political subdivision" means:

1930 (a) a city[;] or town[~~, or metro-township~~]; or

1931 (b) a county, as it relates to the licensing and regulation of an animal enterprise or
1932 working animal in the unincorporated area of the county.

1933 (5) (a) "Working animal" means an animal used for performing a specific duty or
1934 function in commerce, including an animal used for entertainment, herding, transportation,
1935 education, or exhibition.

1936 (b) "Working animal" does not include a horse and carriage operation.

1937 Section 32. Section **11-48-101.5** is amended to read:

1938 **11-48-101.5. Definitions.**

1939 As used in this chapter:

1940 (1) (a) "911 ambulance services" means ambulance services rendered in response to a
1941 911 call received by a designated dispatch center that receives 911 or E911 calls.

1942 (b) "911 ambulance services" does not mean a seven or ten digit telephone call
1943 received directly by an ambulance provider licensed under Title 26B, Chapter 4, Part 1, Utah
1944 Emergency Medical Services System.

1945 (2) "Municipality" means a city[;] or town[~~, or metro-township~~].

1946 (3) "Political subdivision" means a county, city, town, special district, or special
1947 service district.

1948 Section 33. Section **11-54-102** is amended to read:

1949 **11-54-102. Definitions.**

1950 As used in this chapter:

1951 (1) "Buyback purchaser" means a person who buys a procurement item from the local
1952 government entity to which the person previously sold the procurement item.

1953 (2) "Excess repurchase amount" means the difference between:
1954 (a) the amount a buyback purchaser pays to a local government entity to purchase a
1955 procurement item that the buyback purchaser previously sold to the local government entity;
1956 and
1957 (b) the amount the local government entity paid to the buyback purchaser to purchase
1958 the procurement item.

1959 (3) "Local government entity" means a county, city, town, ~~[metro township,]~~ special
1960 district, special service district, community reinvestment agency, conservation district, or
1961 school district that is not subject to Title 63G, Chapter 6a, Utah Procurement Code.

1962 (4) "Procurement item" means the same as that term is defined in Section 63G-6a-103.
1963 Section 34. Section **11-56-102** is amended to read:
1964 **11-56-102. Definitions.**
1965 As used in this chapter:

1966 (1) (a) "Enclosed mobile business" means a business that maintains ongoing mobility
1967 and of which the receipt of goods or services offered and point of sales occurs within an
1968 enclosed vehicle, an enclosed trailer, or an enclosed mobile structure.

1969 (b) An enclosed mobile business's goods or services include those offered in the
1970 following industries:

1971 (i) barber;
1972 (ii) beauty and cosmetic, including nail, eyelash, and waxing;
1973 (iii) cycling;
1974 (iv) cell phone;
1975 (v) computer;
1976 (vi) footwear;
1977 (vii) media archive and transfer;
1978 (viii) pet grooming;
1979 (ix) sewing and tailoring;
1980 (x) small engine; and
1981 (xi) tool.

1982 (c) "Enclosed mobile business" does not include a food cart, a food truck, or an ice
1983 cream truck.

1984 (2) "Event permit" means a permit that a political subdivision issues to the organizer of
1985 a mobile business event located on public property.

1986 (3) (a) "Food cart" means a cart:

1987 (i) that is not motorized; and

1988 (ii) that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve
1989 food or beverages for immediate human consumption.

1990 (b) "Food cart" does not include an enclosed mobile business, a food truck, or an ice
1991 cream truck.

1992 (4) (a) "Food truck" means a fully encased food service establishment:

1993 (i) on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and

1994 (ii) from which a food truck vendor, standing within the frame of the vehicle, prepares,
1995 cooks, sells, or serves food or beverages for immediate human consumption.

1996 (b) "Food truck" does not include an enclosed mobile business, a food cart, or an ice
1997 cream truck.

1998 (5) "Health department permit" means a document that a local health department issues
1999 to authorize a mobile business to operate within the jurisdiction of the local health department.

2000 (6) (a) "Ice cream truck" means a fully encased food service establishment:

2001 (i) on a motor vehicle or on a trailer that a motor vehicle pulls to transport;

2002 (ii) from which a vendor, from within the frame of the vehicle, serves ice cream;

2003 (iii) that attracts patrons by traveling through a residential area and signaling the truck's
2004 presence in the area, including by playing music; and

2005 (iv) that may stop to serve ice cream at the signal of a patron.

2006 (b) "Ice cream truck" does not include an enclosed mobile business, a food cart, or a
2007 food truck.

2008 (7) "Local health department" means the same as that term is defined in Section
2009 26A-1-102.

2010 (8) "Mobile business" means an enclosed mobile business, a food cart, a food truck, or
2011 an ice cream truck.

2012 (9) "Mobile business event" means an event at which a mobile business has been
2013 invited by the event organizer to offer the mobile business's goods or services at a private or
2014 public gathering.

(10) "Operator" means a person, including a vendor, who owns, manages, controls, or operates a mobile business.

(11) "Political subdivision" means:

(a) a city[;] or town[~~-, or metro-township~~]; or

(b) a county, as it relates to the licensing and regulation of businesses in the unincorporated area of the county.

(12) (a) "Temporary mass gathering" means:

(i) an actual or reasonably anticipated assembly of 500 or more people that continues, or reasonably can be expected to continue, for two or more hours per day; or

(ii) an event that requires a more extensive review to protect public health and safety because the event's nature or conditions have the potential of generating environmental or health risks.

(b) "Temporary mass gathering" does not include an assembly of people at a location with permanent facilities designed for that specific assembly, unless the assembly is a temporary mass gathering described in Subsection (15)(a)(i).

Section 35. Section **11-58-102** is amended to read:

11-58-102. Definitions.

As used in this chapter:

(1) "Authority" means the Utah Inland Port Authority, created in Section 11-58-201.

(2) "Authority jurisdictional land" means land within the authority boundary delineated:

(a) in the electronic shapefile that is the electronic component of H.B. 2001, Utah Inland Port Authority Amendments, 2018 Second Special Session; and

(b) beginning April 1, 2020, as provided in Subsection 11-58-202(3).

(3) "Base taxable value" means:

(a) (i) except as provided in Subsection (3)(a)(ii), for a project area that consists of the authority jurisdictional land, the taxable value of authority jurisdictional land in calendar year 2018; and

(ii) for an area described in Section 11-58-600.7, the taxable value of that area in calendar year 2017; or

(b) for a project area that consists of land outside the authority jurisdictional land, the

taxable value of property within any portion of a project area, as designated by board resolution, from which the property tax differential will be collected, as shown upon the assessment roll last equalized before the year in which the authority adopts a project area plan for that area.

(4) "Board" means the authority's governing body, created in Section 11-58-301.

(5) "Business plan" means a plan designed to facilitate, encourage, and bring about development of the authority jurisdictional land to achieve the goals and objectives described in Subsection 11-58-203(1), including the development and establishment of an inland port.

(6) "Contaminated land" means land:

(a) within a project area; and

(b) that contains hazardous materials, as defined in Section 19-6-302, hazardous substances, as defined in Section 19-6-302, or landfill material on, in, or under the land.

(7) "Development" means:

(a) the demolition, construction, reconstruction, modification, expansion, or improvement of a building, utility, infrastructure, landscape, parking lot, park, trail, recreational amenity, or other facility, including public infrastructure and improvements; and
(b) the planning of, arranging for, or participation in any of the activities listed in Subsection (7)(a).

(8) "Development project" means a project for the development of land within a project area.

(9) "Inland port" means one or more sites that:

(a) contain multimodal facilities, intermodal facilities, or other facilities that:

(i) are related but may be separately owned and managed; and

(ii) together are intended to:

(A) allow global trade to be processed and altered by value-added services as goods move through the supply chain;

(B) provide a regional merging point for transportation modes for the distribution of goods to and from ports and other locations in other regions;

(C) provide cargo-handling services to allow freight consolidation and distribution, temporary storage, customs clearance, and connection between transport modes; and

(D) provide international logistics and distribution services, including freight

- 2077 forwarding, customs brokerage, integrated logistics, and information systems; and
- 2078 (b) may include a satellite customs clearance terminal, an intermodal facility, a
- 2079 customs pre-clearance for international trade, or other facilities that facilitate, encourage, and
- 2080 enhance regional, national, and international trade.
- 2081 (10) "Inland port use" means a use of land:
- 2082 (a) for an inland port;
- 2083 (b) that directly implements or furthers the purposes of an inland port, as stated in
- 2084 Subsection (9);
- 2085 (c) that complements or supports the purposes of an inland port, as stated in Subsection
- 2086 (9); or
- 2087 (d) that depends upon the presence of the inland port for the viability of the use.
- 2088 (11) "Intermodal facility" means a facility for transferring containerized cargo between
- 2089 rail, truck, air, or other transportation modes.
- 2090 (12) "Landfill material" means garbage, waste, debris, or other materials disposed of or
- 2091 placed in a landfill.
- 2092 (13) "Multimodal facility" means a hub or other facility for trade combining any
- 2093 combination of rail, trucking, air cargo, and other transportation services.
- 2094 (14) "Nonvoting member" means an individual appointed as a member of the board
- 2095 under Subsection 11-58-302(3) who does not have the power to vote on matters of authority
- 2096 business.
- 2097 (15) "Project area" means:
- 2098 (a) the authority jurisdictional land, subject to Section 11-58-605; or
- 2099 (b) land outside the authority jurisdictional land, whether consisting of a single
- 2100 contiguous area or multiple noncontiguous areas, described in a project area plan or draft
- 2101 project area plan, where the development project set forth in the project area plan or draft
- 2102 project area plan takes place or is proposed to take place.
- 2103 (16) "Project area budget" means a multiyear projection of annual or cumulative
- 2104 revenues and expenses and other fiscal matters pertaining to the project area.
- 2105 (17) "Project area plan" means a written plan that, after its effective date, guides and
- 2106 controls the development within a project area.
- 2107 (18) "Property tax" includes a privilege tax and each levy on an ad valorem basis on

2108 tangible or intangible personal or real property.

2109 (19) "Property tax differential":

2110 (a) means the difference between:

2111 (i) the amount of property tax revenues generated each tax year by all taxing entities

2112 from a project area, using the current assessed value of the property; and

2113 (ii) the amount of property tax revenues that would be generated from that same area

2114 using the base taxable value of the property; and

2115 (b) does not include property tax revenue from:

2116 (i) a county additional property tax or multicounty assessing and collecting levy

2117 imposed in accordance with Section 59-2-1602;

2118 (ii) a judgment levy imposed by a taxing entity under Section 59-2-1328 or 59-2-1330;

2119 or

2120 (iii) a levy imposed by a taxing entity under Section 11-14-310 to pay for a general

2121 obligation bond.

2122 (20) "Public entity" means:

2123 (a) the state, including each department, division, or other agency of the state; or

2124 (b) a county, city, town, ~~metro township,~~ school district, special district, special

2125 service district, interlocal cooperation entity, community reinvestment agency, or other political

2126 subdivision of the state, including the authority.

2127 (21) (a) "Public infrastructure and improvements" means infrastructure, improvements,

2128 facilities, or buildings that:

2129 (i) (A) benefit the public and are owned by a public entity or a utility; or

2130 (B) benefit the public and are publicly maintained or operated by a public entity; or

2131 (ii) (A) are privately owned;

2132 (B) benefit the public;

2133 (C) as determined by the board, provide a substantial benefit to the development and

2134 operation of a project area; and

2135 (D) are built according to applicable county or municipal design and safety standards.

2136 (b) "Public infrastructure and improvements" includes:

2137 (i) facilities, lines, or systems that provide:

2138 (A) water, chilled water, or steam; or

2139 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,
2140 microgrids, or telecommunications service;

2141 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking
2142 facilities, rail lines, intermodal facilities, multimodal facilities, and public transportation
2143 facilities;

2144 (iii) an inland port; and

2145 (iv) infrastructure, improvements, facilities, or buildings that are developed as part of a
2146 remediation project.

2147 (22) "Remediation" includes:

2148 (a) activities for the cleanup, rehabilitation, and development of contaminated land;
2149 and

2150 (b) acquiring an interest in land within a remediation project area.

2151 (23) "Remediation differential" means property tax differential generated from a
2152 remediation project area.

2153 (24) "Remediation project" means a project for the remediation of contaminated land
2154 that:

2155 (a) is owned by:

2156 (i) the state or a department, division, or other instrumentality of the state;

2157 (ii) an independent entity, as defined in Section 63E-1-102; or

2158 (iii) a political subdivision of the state; and

2159 (b) became contaminated land before the owner described in Subsection (24)(a)
2160 obtained ownership of the land.

2161 (25) "Remediation project area" means a project area consisting of contaminated land
2162 that is or is expected to become the subject of a remediation project.

2163 (26) "Shapefile" means the digital vector storage format for storing geometric location
2164 and associated attribute information.

2165 (27) "Taxable value" means the value of property as shown on the last equalized
2166 assessment roll.

2167 (28) "Taxing entity":

2168 (a) means a public entity that levies a tax on property within a project area; and

2169 (b) does not include a public infrastructure district that the authority creates under Title

2170 17D, Chapter 4, Public Infrastructure District Act.

2171 (29) "Voting member" means an individual appointed or designated as a member of the
2172 board under Subsection 11-58-302(2).

2173 Section 36. Section **11-58-205** is amended to read:

2174 **11-58-205. Applicability of other law -- Cooperation of state and local**
2175 **governments -- Municipality to consider board input -- Prohibition relating to natural**
2176 **resources -- Inland port as permitted or conditional use -- Municipal services --**
2177 **Disclosure by nonauthority governing body member -- Services from state agencies --**
2178 **Procurement policy.**

2179 (1) Except as otherwise provided in this chapter, the authority does not have and may
2180 not exercise any powers relating to the regulation of land uses on the authority jurisdictional
2181 land.

2182 (2) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107,
2183 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed
2184 by Title 63E, Independent Entities Code.

2185 (3) A department, division, or other agency of the state and a political subdivision of
2186 the state shall cooperate with the authority to the fullest extent possible to provide whatever
2187 support, information, or other assistance the board requests that is reasonably necessary to help
2188 the authority fulfill its duties and responsibilities under this chapter.

2189 (4) In making decisions affecting the authority jurisdictional land, the legislative body
2190 of a municipality in which the authority jurisdictional land is located shall consider input from
2191 the authority board.

2192 (5) (a) No later than December 31, 2018, the ordinances of a municipality with
2193 authority jurisdictional land within its boundary shall allow an inland port as a permitted or
2194 conditional use, subject to standards that are:

2195 (i) determined by the municipality; and

2196 (ii) consistent with the policies and objectives stated in Subsection 11-58-203(1).

2197 (b) A municipality whose ordinances do not comply with Subsection (5)(a) within the
2198 time prescribed in that subsection shall allow an inland port as a permitted use without regard
2199 to any contrary provision in the municipality's land use ordinances.

2200 (6) The transporting, unloading, loading, transfer, or temporary storage of natural

2201 resources may not be prohibited on the authority jurisdictional land.

2202 (7) (a) A municipality whose boundary includes authority jurisdictional land shall
2203 provide the same municipal services to the area of the municipality that is within the authority
2204 jurisdictional land as the municipality provides to other areas of the municipality with similar
2205 zoning and a similar development level.

2206 (b) The level and quality of municipal services that a municipality provides within
2207 authority jurisdictional land shall be fairly and reasonably consistent with the level and quality
2208 of municipal services that the municipality provides to other areas of the municipality with
2209 similar zoning and a similar development level.

2210 (8) (a) As used in this Subsection (8):

2211 (i) "Direct financial benefit" means the same as that term is defined in Section
2212 11-58-304.

2213 (ii) "Nonauthority governing body member" means a member of the board or other
2214 body that has authority to make decisions for a nonauthority government owner.

2215 (iii) "Nonauthority government owner" mean a state agency or nonauthority local
2216 government entity that owns land that is part of the authority jurisdictional land.

2217 (iv) "Nonauthority local government entity":

2218 (A) means a county, city, town, ~~[metro township,]~~ special district, special service
2219 district, community reinvestment agency, or other political subdivision of the state; and

2220 (B) excludes the authority.

2221 (v) "State agency" means a department, division, or other agency or instrumentality of
2222 the state, including an independent state agency.

2223 (b) A nonauthority governing body member who owns or has a financial interest in
2224 land that is part of the authority jurisdictional land or who reasonably expects to receive a
2225 direct financial benefit from development of authority jurisdictional land shall submit a written
2226 disclosure to the authority board and the nonauthority government owner.

2227 (c) A written disclosure under Subsection (8)(b) shall describe, as applicable:

2228 (i) the nonauthority governing body member's ownership or financial interest in
2229 property that is part of the authority jurisdictional land; and

2230 (ii) the direct financial benefit the nonauthority governing body member expects to
2231 receive from development of authority jurisdictional land.

2232 (d) A nonauthority governing body member required under Subsection (8)(b) to submit
2233 a written disclosure shall submit the disclosure no later than 30 days after:

2234 (i) the nonauthority governing body member:

2235 (A) acquires an ownership or financial interest in property that is part of the authority
2236 jurisdictional land; or

2237 (B) first knows that the nonauthority governing body member expects to receive a
2238 direct financial benefit from the development of authority jurisdictional land; or

2239 (ii) the effective date of this Subsection (8), if that date is later than the period
2240 described in Subsection (8)(d)(i).

2241 (e) A written disclosure submitted under this Subsection (8) is a public record.

2242 (9) (a) The authority may request and, upon request, shall receive:

2243 (i) fuel dispensing and motor pool services provided by the Division of Fleet
2244 Operations;

2245 (ii) surplus property services provided by the Division of Purchasing and General
2246 Services;

2247 (iii) information technology services provided by the Division of Technology Services;

2248 (iv) archive services provided by the Division of Archives and Records Service;

2249 (v) financial services provided by the Division of Finance;

2250 (vi) human resources services provided by the Division of Human Resource
2251 Management;

2252 (vii) legal services provided by the Office of the Attorney General; and

2253 (viii) banking services provided by the Office of the State Treasurer.

2254 (b) Nothing in Subsection (9)(a) may be construed to relieve the authority of the
2255 obligation to pay the applicable fee for the service provided.

2256 (10) (a) To govern authority procurements, the board shall adopt a procurement policy
2257 that the board determines to be substantially consistent with applicable provisions of Title 63G,
2258 Chapter 6a, Utah Procurement Code.

2259 (b) The board may delegate to the executive director the responsibility to adopt a
2260 procurement policy.

2261 (c) The board's determination under Subsection (10)(a) of substantial consistency is
2262 final and conclusive.

2263 Section 37. Section **11-59-102** is amended to read:

2264 **11-59-102. Definitions.**

2265 As used in this chapter:

2266 (1) "Authority" means the Point of the Mountain State Land Authority, created in
2267 Section 11-59-201.

2268 (2) "Board" means the authority's board, created in Section 11-59-301.

2269 (3) "Development":

2270 (a) means the construction, reconstruction, modification, expansion, or improvement of
2271 a building, utility, infrastructure, landscape, parking lot, park, trail, recreational amenity, or
2272 other facility, including:

2273 (i) the demolition or preservation or repurposing of a building, infrastructure, or other
2274 facility;

2275 (ii) surveying, testing, locating existing utilities and other infrastructure, and other
2276 preliminary site work; and

2277 (iii) any associated planning, design, engineering, and related activities; and

2278 (b) includes all activities associated with:

2279 (i) marketing and business recruiting activities and efforts;

2280 (ii) leasing, or selling or otherwise disposing of, all or any part of the point of the
2281 mountain state land; and

2282 (iii) planning and funding for mass transit infrastructure to service the point of the
2283 mountain state land.

2284 (4) "Facilities division" means the Division of Facilities Construction and
2285 Management, created in Section 63A-5b-301.

2286 (5) "New correctional facility" means the state correctional facility being developed in
2287 Salt Lake City to replace the state correctional facility in Draper.

2288 (6) "Point of the mountain state land" means the approximately 700 acres of
2289 state-owned land in Draper, including land used for the operation of a state correctional facility
2290 until completion of the new correctional facility and state-owned land in the vicinity of the
2291 current state correctional facility.

2292 (7) "Public entity" means:

2293 (a) the state, including each department, division, or other agency of the state; or

(b) a county, city, town, [~~metro township,~~] school district, special district, special service district, interlocal cooperation entity, community reinvestment agency, or other political subdivision of the state, including the authority.

(8) "Publicly owned infrastructure and improvements":

(a) means infrastructure, improvements, facilities, or buildings that:

(i) benefit the public; and

(ii) (A) are owned by a public entity or a utility; or

(B) are publicly maintained or operated by a public entity; and

(b) includes:

(i) facilities, lines, or systems that provide:

(A) water, chilled water, or steam; or

(B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy, microgrids, or telecommunications service;

(ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking facilities, and public transportation facilities; and

(iii) greenspace, parks, trails, recreational amenities, or other similar facilities.

(9) "Taxing entity" means the same as that term is defined in Section 59-2-102.

Section 38. Section **11-61-102** is amended to read:

11-61-102. Definitions.

As used in this chapter:

(1) "Expressive activity" means:

(a) peacefully assembling, protesting, or speaking;

(b) distributing literature;

(c) carrying a sign; or

(d) signature gathering or circulating a petition.

(2) "Generally applicable time, place, and manner restriction" means a content-neutral ordinance, policy, practice, or other action that:

(a) by its clear language and intent, restricts or infringes on expressive activity;

(b) applies generally to any person; and

(c) is not an individually applicable time, place, and manner restriction.

(3) (a) "Individually applicable time, place, and manner restriction" means a

2325 content-neutral policy, practice, or other action:

2326 (i) that restricts or infringes on expressive activity; and

2327 (ii) that a political subdivision applies:

2328 (A) on a case-by-case basis;

2329 (B) to a specifically identified person or group of persons; and

2330 (C) regarding a specifically identified place and time.

2331 (b) "Individually applicable time, place, and manner restriction" includes a restriction

2332 placed on expressive activity as a condition to obtain a permit.

2333 (4) (a) "Political subdivision" means a county, city, or town[, ~~or metro township~~].

2334 (b) "Political subdivision" does not mean:

2335 (i) a special district under Title 17B, Limited Purpose Local Government Entities -

2336 Special Districts;

2337 (ii) a special service district under Title 17D, Chapter 1, Special Service District Act;

2338 or

2339 (iii) a school district under Title 53G, Chapter 3, School District Creation and Change.

2340 (5) (a) "Public building" means a building or permanent structure that is:

2341 (i) owned, leased, or occupied by a political subdivision or a subunit of a political

2342 subdivision;

2343 (ii) open to public access in whole or in part; and

2344 (iii) used for public education or political subdivision activities.

2345 (b) "Public building" does not mean:

2346 (i) a building owned or leased by a political subdivision or a subunit of a political

2347 subdivision;

2348 (A) that is closed to public access;

2349 (B) where state or federal law restricts expressive activity; or

2350 (C) when the building is used by a person, in whole or in part, for a private function; or

2351 (ii) a public school.

2352 (6) (a) "Public grounds" means the area outside a public building that is a traditional

2353 public forum where members of the public may safely gather to engage in expressive activity.

2354 (b) "Public grounds" includes sidewalks, streets, and parks.

2355 (c) "Public grounds" does not include the interior of a public building.

Section 39. Section **11-63-102** is amended to read:

11-63-102. Definitions.

As used in this chapter:

(1) "Commercial trampoline" means a device that:

(a) incorporates a trampoline bed; and

(b) is used for recreational jumping, springing, bouncing, acrobatics, or gymnastics in a trampoline park.

(2) "Emergency response plan" means a written plan of action for the reasonable and appropriate contact, deployment, and coordination of services, agencies, and personnel to provide the earliest possible response to an injury or emergency.

(3) "Inherent risk" means a danger or condition that is an integral part of an activity occurring at a trampoline park.

(4) "Inspection" means a procedure that an inspector conducts to:

(a) determine whether a trampoline park facility, including any device or material, is constructed, assembled, maintained, tested, and operated in accordance with this chapter and the manufacturer's recommendations;

(b) determine the operational safety of a trampoline park facility, including any device or material; and

(c) determine whether the trampoline park's policies and procedures comply with this chapter.

(5) "Inspector" means an individual who:

(a) conducts an inspection of a trampoline park to certify compliance with this chapter and industry safety standards; and

(b) (i) is certified by:

(A) an organization that develops and publishes consensus standards for a wide range of materials, products, systems, and services that are used for trampolines; or

(B) an organization that promotes trampoline park safety and adopts the standards described in Subsection (5)(b)(i)(A);

(ii) represents the insurer of the trampoline park;

(iii) represents or is certified by a department or agency, regardless of whether the agency is located within the state, that:

- 2387 (A) inspects amusement and recreational facilities and equipment; and
2388 (B) certifies and trains professional private industry inspectors through written testing
2389 and continuing education requirements; or
2390 (iv) represents an organization that the United States Olympic Committee designates as
2391 the national governing body for gymnastics.
- 2392 (6) "Local regulating authority" means the business licensing division of:
2393 (a) the city[;] or town[, ~~or metro township~~] in which the trampoline park is located; or
2394 (b) if the trampoline park is located in an unincorporated area, the county.
- 2395 (7) "Operator" means a person who owns, manages, or controls or who has the duty to
2396 manage or control the operation of a trampoline park.
- 2397 (8) "Participant" means an individual that uses trampoline park equipment.
- 2398 (9) "Trampoline bed" means the flexible surface of a trampoline on which a user jumps
2399 or bounces.
- 2400 (10) "Trampoline court" means an area of a trampoline park comprising:
2401 (a) multiple commercial trampolines; or
2402 (b) at least one commercial trampoline and at least one associated foam or inflatable
2403 bag pit.
- 2404 (11) "Trampoline park" means a place of business that offers the recreational use of a
2405 trampoline court for a fee.
- 2406 Section 40. Section **11-65-101** is amended to read:
2407 **11-65-101. Definitions.**
2408 As used in this chapter:
2409 (1) "Adjacent political subdivision" means a political subdivision of the state with a
2410 boundary that abuts the lake authority boundary or includes lake authority land.
2411 (2) "Board" means the lake authority's governing body, created in Section 11-65-301.
2412 (3) "Lake authority" means the Utah Lake Authority, created in Section 11-65-201.
2413 (4) "Lake authority boundary" means the boundary:
2414 (a) defined by recorded boundary settlement agreements between private landowners
2415 and the Division of Forestry, Fire, and State Lands; and
2416 (b) that separates privately owned land from Utah Lake sovereign land.
2417 (5) "Lake authority land" means land on the lake side of the lake authority boundary.

(6) "Management" means work to coordinate and facilitate the improvement of Utah Lake, including work to enhance the long-term viability and health of Utah Lake and to produce economic, aesthetic, recreational, environmental, and other benefits for the state, consistent with the strategies, policies, and objectives described in this chapter.

(7) "Management plan" means a plan to conceptualize, design, facilitate, coordinate, encourage, and bring about the management of the lake authority land to achieve the policies and objectives described in Section 11-65-203.

(8) "Nonvoting member" means an individual appointed as a member of the board under Subsection 11-65-302(6) who does not have the power to vote on matters of lake authority business.

(9) "Project area" means an area that is identified in a project area plan as the area where the management described in the project area plan will occur.

(10) "Project area budget" means a multiyear projection of annual or cumulative revenues and expenses and other fiscal matters pertaining to a project area.

(11) "Project area plan" means a written plan that, after the plan's effective date, manages activity within a project area within the scope of a management plan.

(12) "Public entity" means:

(a) the state, including each department, division, or other agency of the state; or

(b) a county, city, town, ~~metro township,~~ school district, special district, special service district, interlocal cooperation entity, community reinvestment agency, or other political subdivision of the state.

(13) "Publicly owned infrastructure and improvements":

(a) means infrastructure, improvements, facilities, or buildings that:

(i) benefit the public; and

(ii) (A) are owned by a public entity or a utility; or

(B) are publicly maintained or operated by a public entity;

(b) includes:

(i) facilities, lines, or systems that provide:

(A) water, chilled water, or steam; or

(B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy, microgrids, or telecommunications service; and

2449 (ii) streets, roads, curbs, gutters, sidewalks, walkways, solid waste facilities, parking
2450 facilities, and public transportation facilities.

2451 (14) "Sovereign land" means land:

2452 (a) lying below the ordinary high water mark of a navigable body of water at the date
2453 of statehood; and

2454 (b) owned by the state by virtue of the state's sovereignty.

2455 (15) "Utah Lake" includes all waters of Utah Lake and all land, whether or not
2456 submerged under water, within the lake authority boundary.

2457 (16) "Voting member" means an individual appointed as a member of the board under
2458 Subsection 11-65-302(2).

2459 Section 41. Section **11-66-101** is amended to read:

2460 **11-66-101. Limits on regulation of all-terrain vehicles.**

2461 (1) As used in this chapter:

2462 (a) "Political subdivision" means:

2463 (i) a city[;] or town[; ~~or metro township~~]; or

2464 (ii) a county, as it relates to the licensing and regulation of businesses in the
2465 unincorporated area of the county.

2466 (b) "Street-legal ATV" means any all-terrain type vehicle that meets the requirements,
2467 including the registration, inspection, and license plate requirements, of being a street-legal
2468 ATV as described in Section 41-6a-1509.

2469 (2) For any business, including a business that rents one or more street-legal ATVs, a
2470 political subdivision may not as a condition of the business obtaining or maintaining a business
2471 license or permit:

2472 (a) require any additional inspection, registration, or license plate requirements,
2473 including requiring any additional sticker or other identifying mark, for any street-legal ATV
2474 owned or rented by the business;

2475 (b) require any equipment modifications of a street-legal ATV owned or rented by the
2476 business; or

2477 (c) limit the amount of street-legal ATVs owned or rented by the business.

2478 (3) A political subdivision may not revoke or fail to renew a business license or permit
2479 of a business based on the violation of a traffic ordinance or other local ordinance by any

customer of the business operating a street-legal ATV.

(4) A political subdivision may not enact or enforce an unreasonable noise ordinance that imposes a fine or other penalty for the operation of a street-legal ATV.

Section 42. Section **15A-5-202.5** is amended to read:

15A-5-202.5. Amendments and additions to Chapters 3 and 4 of IFC.

(1) For IFC, Chapter 3, General Requirements:

(a) IFC, Chapter 3, Section 304.1.2, Vegetation, is amended as follows: Delete line six and replace it with: "Utah Administrative Code, R652-122-1300, Minimum Standards for County Wildland Fire Ordinance".

(b) IFC, Chapter 3, Section 310.8, Hazardous environmental conditions, is deleted and rewritten as follows: "1. When the fire code official determines that existing or historical hazardous environmental conditions necessitate controlled use of any ignition source, including fireworks, lighters, matches, sky lanterns, and smoking materials, any of the following may occur:

1.1. If the existing or historical hazardous environmental conditions exist in a municipality, the legislative body of the municipality may prohibit the ignition or use of an ignition source in:

1.1.1. mountainous, brush-covered, forest-covered, or dry grass-covered areas;

1.1.2. within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas;

1.1.3. the wildland urban interface area, which means the line, area, or zone where structures or other human development meet or intermingle with undeveloped wildland or land being used for an agricultural purpose; or

1.1.4. a limited area outside the hazardous areas described in this paragraph 1.1 to facilitate a readily identifiable closed area, in accordance with paragraph 2.

1.2. If the existing or historical hazardous environmental conditions exist in an unincorporated area, the state forester may prohibit the ignition or use of an ignition source in all or part of the areas described in paragraph 1.1 that are within the unincorporated area, after consulting with the county fire code official who has jurisdiction over that area.

~~[1.3. If the existing or historical hazardous environmental conditions exist in a metro township created under Title 10, Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class on and after May 12, 2015, the metro~~

2511 ~~township legislative body may prohibit the ignition or use of an ignition source in all or part of~~
2512 ~~the areas described in paragraph 1.1 that are within the township.]~~

2513 2. If a municipal legislative body[;] or the state forester[~~, or a metro township~~
2514 ~~legislative body~~] closes an area to the discharge of fireworks under paragraph 1, the legislative
2515 body or state forester shall:

2516 2.1. designate the closed area along readily identifiable features like major roadways,
2517 waterways, or geographic features;

2518 2.2. ensure that the boundary of the designated closed area is as close as is practical to
2519 the defined hazardous area, provided that the closed area may include areas outside of the
2520 hazardous area to facilitate a readily identifiable line; and

2521 2.3. identify the closed area through a written description or map that is readily
2522 available to the public.

2523 3. A municipal legislative body[;] or the state forester[~~, or a metro township legislative~~
2524 ~~body~~] may close a defined area to the discharge of fireworks due to a historical hazardous
2525 environmental condition under paragraph 1 if the legislative body or state forester:

2526 3.1. makes a finding that the historical hazardous environmental condition has existed
2527 in the defined area before July 1 of at least two of the preceding five years;

2528 3.2. produces a map indicating the boundaries, in accordance with paragraph 2, of the
2529 defined area described; and

2530 3.3. before May 1 of each year the defined area is closed, provides the map described
2531 in paragraph 3.2 to the county in which the defined area is located.

2532 4. A municipal legislative body[;] or the state forester[~~, or a metro township legislative~~
2533 ~~body~~] may not close an area to the discharge of fireworks due to a historical hazardous
2534 environmental condition unless the legislative body or state forester provides a map, in
2535 accordance with paragraph 3."

2536 (c) IFC, Chapter 3, Section 311.1.1, Abandoned premises, is amended as follows: On
2537 line 10 delete the words "International Property Maintenance Code and the".

2538 (d) IFC, Chapter 3, Section 311.5, Placards, is amended as follows: On line three delete
2539 the word "shall" and replace it with the word "may".

2540 (2) IFC, Chapter 4, Emergency Planning and Preparedness:

2541 (a) In IFC, Chapter 4, the following new Sections are added:

"401.3.1.1 Special Education Classrooms. Special education classrooms may shelter in place, or delay evacuation when all of the following conditions are met:

401.3.1.1.1 There is no visible flame or evidence of products of combustion (smoke).

401.3.1.1.2 The building is completely protected by an approved fire sprinkler system.

401.3.1.1.3 The building is completely protected by an approved fire alarm system.

401.3.1.1.4 The classroom has a minimum of one approved exit that discharges directly to the exterior.

401.3.1.1.5 The classroom has been approved to shelter in place by the fire code official."

(b) In IFC, Chapter 4, Section 401.3.3, Delayed notification, a new exception is added:

"Exception: Group E Occupancies. Teachers may delay evacuation upon fire alarm activation for up to 60 seconds when all of the following conditions are met:

A. There is no visible flame or evidence of products of combustion (smoke).

B. The building is protected throughout by an approved fire sprinkler system.

C. The building is protected throughout by an approved fire alarm system.

D. Students are in the safe zone of the room lined up and prepared for immediate evacuation."

(c) IFC, Chapter 4, Section 403.9.2.1, College and university buildings, is deleted and replaced with the following:

"403.9.2.1 College and university buildings and fraternity and sorority houses.

(i) College and university buildings, including fraternity and sorority houses, shall prepare an approved fire safety and evacuation plan, in accordance with Section 404.

(ii) Group R-2 college and university buildings, including fraternity and sorority houses, shall comply with Sections 403.9.2.1.1 and 403.9.2.1.2."

(d) IFC, Chapter 4, Section 405.3, Table 405.3, is amended to add the following footnotes:

(i) "c. Secondary schools in Group E occupancies shall have an emergency evacuation drill conducted at least every two months, to a total of four emergency evacuation drills during the nine-month school year. The first emergency evacuation drill shall be conducted within 10 school days after the beginning of classes. The third emergency evacuation drill, weather permitting, shall be conducted 10 school days after the beginning of the next calendar year. The

2573 second and fourth emergency evacuation drills may be substituted by a security or safety drill
2574 to include shelter in place, earthquake drill, or lock down for violence. If inclement weather
2575 causes a secondary school to miss the 10-day deadline for the third emergency evacuation drill,
2576 the secondary school shall perform the third emergency evacuation drill as soon as practicable
2577 after the missed deadline."

2578 (ii) "d. In Group E occupancies, excluding secondary schools, if the AHJ approves, the
2579 monthly required emergency evacuation drill can be substituted by a security or safety drill to
2580 include shelter in place, earthquake drill, or lock down for violence. The routine emergency
2581 evacuation drill must be conducted at least every other drill."

2582 (iii) "e. A-3 occupancies in academic buildings of institutions of higher learning are
2583 required to have one emergency evacuation drill per year, provided the following conditions are
2584 met:

2585 (A) The building has a fire alarm system in accordance with Section 907.2.

2586 (B) The rooms classified as assembly shall have fire safety floor plans as required in
2587 Subsection 404.2.2(4) posted.

2588 (C) The building is not classified a high-rise building.

2589 (D) The building does not contain hazardous materials over the allowable quantities by
2590 code."

2591 Section 43. Section **17-2-209** is amended to read:

2592 **17-2-209. Minor adjustments to county boundaries authorized -- Public hearing**
2593 **-- Joint resolution of county legislative bodies -- Notice and plat to lieutenant governor --**
2594 **Recording requirements -- Effective date.**

2595 (1) (a) Counties sharing a common boundary may, in accordance with the provisions of
2596 Subsection (2) and Article XI, Section 3, of the Utah Constitution and for purposes of real
2597 property tax assessment and county record keeping, adjust all or part of the common boundary
2598 to move it, subject to Subsection (1)(b), a sufficient distance to reach to, and correspond with,
2599 the closest existing property boundary of record.

2600 (b) A boundary adjustment under Subsection (1)(a) may not create a boundary line that
2601 divides or splits:

2602 (i) an existing parcel;

2603 (ii) an interest in the property; or

2604 (iii) a claim of record in the office of recorder of either county sharing the common
2605 boundary.

2606 (2) The legislative bodies of both counties desiring to adjust a common boundary in
2607 accordance with Subsection (1) shall:

2608 (a) hold a joint public hearing on the proposed boundary adjustment;

2609 (b) at least seven days before the public hearing described in Subsection (2)(a), provide
2610 written notice of the proposed adjustment to:

2611 (i) each owner of real property whose property, or a portion of whose property, may
2612 change counties as the result of the proposed adjustment; and

2613 (ii) any of the following whose territory, or a portion of whose territory, may change
2614 counties as the result of the proposed boundary adjustment, or whose boundary is aligned with
2615 any portion of the existing county boundary that is being proposed for adjustment:

2616 (A) a city;

2617 (B) a town;

2618 [~~(C)~~] a metro township;

2619 [~~(D)~~] (C) a school district;

2620 [~~(E)~~] (D) a special district governed by Title 17B, Limited Purpose Local Government
2621 Entities - Special Districts;

2622 [~~(F)~~] (E) a special service district governed by Title 17D, Chapter 1, Special Service
2623 District Act;

2624 [~~(G)~~] (F) an interlocal entity governed by Title 11, Chapter 13, Interlocal Cooperation
2625 Act;

2626 [~~(H)~~] (G) a community reinvestment agency governed by Title 17C, Limited Purpose
2627 Local Government Entities - Community Reinvestment Agency Act;

2628 [~~(I)~~] (H) a local building authority governed by Title 17D, Chapter 2, Local Building
2629 Authority Act; and

2630 [~~(J)~~] (I) a conservation district governed by Title 17D, Chapter 3, Conservation District
2631 Act; and

2632 (c) adopt a joint resolution approved by both county legislative bodies approving the
2633 proposed boundary adjustment.

2634 (3) The legislative bodies of both counties adopting a joint resolution under Subsection

2635 (2)(c) shall:

2636 (a) within 15 days after adopting the joint resolution, jointly send to the lieutenant
2637 governor:

2638 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
2639 that meets the requirements of Subsection 67-1a-6.5(3); and

2640 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

2641 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment
2642 under Section 67-1a-6.5, jointly submit to the recorder of the county in which the property is
2643 located after the boundary adjustment:

2644 (i) the original notice of an impending boundary action;

2645 (ii) the original certificate of boundary adjustment;

2646 (iii) the original approved final local entity plat; and

2647 (iv) a certified copy of the joint resolution approving the boundary adjustment.

2648 (4) (a) As used in this Subsection (4):

2649 (i) "Affected area" means an area that, as a result of a boundary adjustment under this
2650 section, is moved from within the boundary of one county to within the boundary of another
2651 county.

2652 (ii) "Receiving county" means a county whose boundary includes an affected area as a
2653 result of a boundary adjustment under this section.

2654 (b) A boundary adjustment under this section takes effect on the date the lieutenant
2655 governor issues a certificate of boundary adjustment under Section 67-1a-6.5.

2656 (c) (i) The effective date of a boundary adjustment for purposes of assessing property
2657 within an affected area is governed by Section 59-2-305.5.

2658 (ii) Until the documents listed in Subsection (3)(b) are recorded in the office of the
2659 recorder of the county in which the property is located, a receiving county may not:

2660 (A) levy or collect a property tax on property within an affected area;

2661 (B) levy or collect an assessment on property within an affected area; or

2662 (C) charge or collect a fee for service provided to property within an affected area.

2663 (5) Upon the effective date of a boundary adjustment under this section:

2664 (a) all territory designated to be adjusted into another county becomes the territory of
2665 the other county; and

(b) the provisions of Sections 17-2-207 and 17-2-208 apply in the same manner as with an annexation under this part.

Section 44. Section **17-23-17** is amended to read:

17-23-17. Map of boundary survey -- Procedure for filing -- Contents -- Marking of monuments -- Record of corner changes -- Penalties.

(1) As used in this section:

(a) "Land surveyor" means a surveyor who is licensed to practice land surveying in this state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act.

(b) ~~(i)~~ "Township" means a term used in the context of identifying a geographic area in common surveyor practice.

~~[(ii) "Township" does not mean a metro township as that term is defined in Section 10-2a-403.]~~

(2) (a) (i) Each land surveyor making a boundary survey of lands within this state to establish or reestablish a boundary line or to obtain data for constructing a map or plat showing a boundary line shall file a map of the survey that meets the requirements of this section with the county surveyor or designated office within 90 days of the establishment or reestablishment of a boundary.

(ii) A land surveyor who fails to file a map of the survey as required by Subsection (2)(a)(i) is guilty of an infraction.

(iii) Each failure to file a map of the survey as required by Subsection (2)(a)(i) is a separate violation.

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

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

(3) This type of map shall show:

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

(b) the date of survey;

(c) the scale of drawing and north point;

(d) the distance and course of all lines traced or established, giving the basis of bearing and the distance and course to two or more section corners or quarter corners, including

2697 township and range, or to identified monuments within a recorded subdivision;
2698 (e) all measured bearings, angles, and distances separately indicated from those of
2699 record;
2700 (f) a written boundary description of property surveyed;
2701 (g) all monuments set and their relation to older monuments found;
2702 (h) a detailed description of monuments found and monuments set, indicated
2703 separately;
2704 (i) the surveyor's seal or stamp; and
2705 (j) the surveyor's business name and address.
2706 (4) (a) The map shall contain a written narrative that explains and identifies:
2707 (i) the purpose of the survey;
2708 (ii) the basis on which the lines were established; and
2709 (iii) the found monuments and deed elements that controlled the established or
2710 reestablished lines.
2711 (b) If the narrative is a separate document, it shall contain:
2712 (i) the location of the survey by quarter section and by township and range;
2713 (ii) the date of the survey;
2714 (iii) the surveyor's stamp or seal; and
2715 (iv) the surveyor's business name and address.
2716 (c) The map and narrative shall be referenced to each other if they are separate
2717 documents.
2718 (5) The map and narrative shall be created on material of a permanent nature on stable
2719 base reproducible material in the sizes required by the county surveyor.
2720 (6) (a) Any monument set by a licensed professional land surveyor to mark or reference
2721 a point on a property or land line shall be durably and visibly marked or tagged with the
2722 registered business name or the letters "L.S." followed by the registration number of the
2723 surveyor in charge.
2724 (b) If the monument is set by a licensed land surveyor who is a public officer, it shall
2725 be marked with the official title of the office.
2726 (7) (a) If, in the performance of a survey, a surveyor finds or makes any changes to the
2727 section corner or quarter-section corner, or their accessories, the surveyor shall complete and

2728 submit to the county surveyor or designated office a record of the changes made.

2729 (b) The record shall be submitted within 45 days of the corner visits and shall include
2730 the surveyor's seal, business name, and address.

2731 (8) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the
2732 license of any land surveyor who fails to comply with the requirements of this section,
2733 according to the procedures set forth in Title 58, Chapter 1, Division of Professional Licensing
2734 Act.

2735 (9) Each federal or state agency, board, or commission, special district, special service
2736 district, or municipal corporation that makes a boundary survey of lands within this state shall
2737 comply with this section.

2738 Section 45. Section **17-23-17.5** is amended to read:

2739 **17-23-17.5. Corner perpetuation and filing -- Definitions -- Establishment of**
2740 **corner file -- Preservation of map records -- Filing fees -- Exemptions.**

2741 (1) As used in this section:

2742 (a) "Accessory to a corner" means any exclusively identifiable physical object whose
2743 spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing
2744 objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles,
2745 steel or wooden stakes, or other objects.

2746 (b) "Corner," unless otherwise qualified, means a property corner, a property
2747 controlling corner, a public land survey corner, or any combination of these.

2748 (c) "Geographic coordinates" means mathematical values that designate a position on
2749 the earth relative to a given reference system. Coordinates shall be established pursuant to
2750 Title 57, Chapter 10, Utah Coordinate System.

2751 (d) "Land surveyor" means a surveyor who is licensed to practice land surveying in this
2752 state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land
2753 Surveyors Licensing Act.

2754 (e) "Monument" means an accessory that is presumed to occupy the exact position of a
2755 corner.

2756 (f) "Property controlling corner" means a public land survey corner or any property
2757 corner which does not lie on a property line of the property in question, but which controls the
2758 location of one or more of the property corners of the property in question.

(g) "Property corner" means a geographic point of known geographic coordinates on the surface of the earth, and is on, a part of, and controls a property line.

(h) "Public land survey corner" means any corner actually established and monumented in an original survey or resurvey used as a basis of legal descriptions for issuing a patent for the land to a private person from the United States government.

(i) "Reference monument" means a special monument that does not occupy the same geographical position as the corner itself, but whose spatial relationship to the corner is recorded and which serves to witness the corner.

(j) [(i)] "Township" means a term used in the context of identifying a geographic area in common surveyor practice.

~~[(ii) "Township" does not mean a metro township as that term is defined in Section 10-2a-403.]~~

(2) (a) Any land surveyor making a boundary survey of lands within this state and utilizing a corner shall, within 90 days, complete, sign, and file with the county surveyor of the county where the corner is situated, a written record to be known as a corner file for every public land survey corner and accessory to the corner which is used as control in any survey by the surveyor, unless the corner and its accessories are already a matter of record in the county.

(b) Where reasonably possible, the corner file shall include the geographic coordinates of the corner.

(c) A surveyor may file a corner record as to any property corner, reference monument, or accessory to a corner.

(d) Corner records may be filed concerning corners used before the effective date of this section.

(3) The county surveyor of the county containing the corners shall have on record as part of the official files maps of each township within the county, the bearings and lengths of the connecting lines to government corners, and government corners looked for and not found.

(4) The county surveyor shall make these records available for public inspection at the county facilities during normal business hours.

(5) Filing fees for corner records shall be established by the county legislative body consistent with existing fees for similar services. All corners, monuments, and their accessories used prior to the effective date of this section shall be accepted and filed with the

2790 county surveyor without requiring the payment of the fees.

2791 (6) When a corner record of a public land survey corner is required to be filed under
2792 the provisions of this section and the monument needs to be reconstructed or rehabilitated, the
2793 land surveyor shall contact the county surveyor in accordance with Section 17-23-14.

2794 (7) A corner record may not be filed unless it is signed by a land surveyor.

2795 (8) All filings relative to official cadastral surveys of the Bureau of Land Management
2796 of the United States of America performed by authorized personnel shall be exempt from filing
2797 fees.

2798 Section 46. Section **17-36-29** is amended to read:

2799 **17-36-29. Special fund ceases -- Transfer.**

2800 (1) (a) Except as provided in Subsection (1)(b), if a county legislative body determines
2801 that the purpose no longer exists for which the legislative body created a special fund or any
2802 portion of the special fund, the legislative body may authorize the transfer of the remaining
2803 balance or a portion of the remaining balance to the fund balance account in the county general
2804 fund.

2805 (b) The legislative body may redistribute the remaining balance or a portion of the
2806 remaining balance described in Subsection (1)(a) in accordance with Subsection (1)(c) if:

2807 (i) the county levied the fund primarily on property in the unincorporated areas of the
2808 county;

2809 (ii) the county established a municipal services fund to provide municipal services
2810 under Sections 17-34-1 and 17-36-9; and

2811 (iii) the area from which the county levied the fund has since incorporated as a city[;]
2812 or town[~~or metro township~~].

2813 (c) The legislative body of a county described in Subsection (1)(b) may set aside the
2814 remaining balance or a portion of the remaining balance described in Subsection (1)(a) in a
2815 fund from which the county may make disbursements to support and benefit the area and the
2816 residents in the area from which the county originally derived the special fund.

2817 (2) Any balance which remains in a special assessment fund and any unrequired
2818 balance in a special improvement guaranty fund shall be treated as provided in Subsection
2819 11-42-701(5).

2820 (3) Any balance which remains in a capital projects fund shall be transferred to the

2821 appropriate debt service fund or such other fund as the bond ordinance requires or to the county
2822 general fund balance account.

2823 Section 47. Section **17B-1-102** is amended to read:

2824 **17B-1-102. Definitions.**

2825 As used in this title:

2826 (1) "Appointing authority" means the person or body authorized to make an
2827 appointment to the board of trustees.

2828 (2) "Basic special district":

2829 (a) means a special district that is not a specialized special district; and

2830 (b) includes an entity that was, under the law in effect before April 30, 2007, created
2831 and operated as a special district, as defined under the law in effect before April 30, 2007.

2832 (3) "Bond" means:

2833 (a) a written obligation to repay borrowed money, whether denominated a bond, note,
2834 warrant, certificate of indebtedness, or otherwise; and

2835 (b) a lease agreement, installment purchase agreement, or other agreement that:

2836 (i) includes an obligation by the district to pay money; and

2837 (ii) the district's board of trustees, in its discretion, treats as a bond for purposes of Title
2838 11, Chapter 14, Local Government Bonding Act, or Title 11, Chapter 27, Utah Refunding Bond
2839 Act.

2840 (4) "Cemetery maintenance district" means a special district that operates under and is
2841 subject to the provisions of this chapter and Chapter 2a, Part 1, Cemetery Maintenance District
2842 Act, including an entity that was created and operated as a cemetery maintenance district under
2843 the law in effect before April 30, 2007.

2844 (5) "Drainage district" means a special district that operates under and is subject to the
2845 provisions of this chapter and Chapter 2a, Part 2, Drainage District Act, including an entity that
2846 was created and operated as a drainage district under the law in effect before April 30, 2007.

2847 (6) "Facility" or "facilities" includes any structure, building, system, land, water right,
2848 water, or other real or personal property required to provide a service that a special district is
2849 authorized to provide, including any related or appurtenant easement or right-of-way,
2850 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

2851 (7) "Fire protection district" means a special district that operates under and is subject

2852 to the provisions of this chapter and Chapter 2a, Part 3, Fire Protection District Act, including
2853 an entity that was created and operated as a fire protection district under the law in effect before
2854 April 30, 2007.

2855 (8) "General obligation bond":

2856 (a) means a bond that is directly payable from and secured by ad valorem property
2857 taxes that are:

2858 (i) levied:

2859 (A) by the district that issues the bond; and

2860 (B) on taxable property within the district; and

2861 (ii) in excess of the ad valorem property taxes of the district for the current fiscal year;

2862 and

2863 (b) does not include:

2864 (i) a short-term bond;

2865 (ii) a tax and revenue anticipation bond; or

2866 (iii) a special assessment bond.

2867 (9) "Improvement assurance" means a surety bond, letter of credit, cash, or other
2868 security:

2869 (a) to guarantee the proper completion of an improvement;

2870 (b) that is required before a special district may provide a service requested by a
2871 service applicant; and

2872 (c) that is offered to a special district to induce the special district before construction
2873 of an improvement begins to:

2874 (i) provide the requested service; or

2875 (ii) commit to provide the requested service.

2876 (10) "Improvement assurance warranty" means a promise that the materials and
2877 workmanship of an improvement:

2878 (a) comply with standards adopted by a special district; and

2879 (b) will not fail in any material respect within an agreed warranty period.

2880 (11) "Improvement district" means a special district that operates under and is subject
2881 to the provisions of this chapter and Chapter 2a, Part 4, Improvement District Act, including an
2882 entity that was created and operated as a county improvement district under the law in effect

2883 before April 30, 2007.

2884 (12) "Irrigation district" means a special district that operates under and is subject to
2885 the provisions of this chapter and Chapter 2a, Part 5, Irrigation District Act, including an entity
2886 that was created and operated as an irrigation district under the law in effect before April 30,
2887 2007.

2888 (13) "Metropolitan water district" means a special district that operates under and is
2889 subject to the provisions of this chapter and Chapter 2a, Part 6, Metropolitan Water District
2890 Act, including an entity that was created and operated as a metropolitan water district under the
2891 law in effect before April 30, 2007.

2892 (14) "Mosquito abatement district" means a special district that operates under and is
2893 subject to the provisions of this chapter and Chapter 2a, Part 7, Mosquito Abatement District
2894 Act, including an entity that was created and operated as a mosquito abatement district under
2895 the law in effect before April 30, 2007.

2896 (15) "Municipal" means of or relating to a municipality.

2897 (16) "Municipality" means a city[;] or town[~~; or metro township~~].

2898 (17) "Municipal services district" means a special district that operates under and is
2899 subject to the provisions of this chapter and Chapter 2a, Part 11, Municipal Services District
2900 Act.

2901 (18) "Person" means an individual, corporation, partnership, organization, association,
2902 trust, governmental agency, or other legal entity.

2903 (19) "Political subdivision" means a county, city, town, [~~metro township~~] special
2904 district under this title, special service district under Title 17D, Chapter 1, Special Service
2905 District Act, an entity created by interlocal cooperation agreement under Title 11, Chapter 13,
2906 Interlocal Cooperation Act, or any other governmental entity designated in statute as a political
2907 subdivision of the state.

2908 (20) "Private," with respect to real property, means not owned by the United States or
2909 any agency of the federal government, the state, a county, or a political subdivision.

2910 (21) "Public entity" means:

2911 (a) the United States or an agency of the United States;

2912 (b) the state or an agency of the state;

2913 (c) a political subdivision of the state or an agency of a political subdivision of the

2914 state;

2915 (d) another state or an agency of that state; or

2916 (e) a political subdivision of another state or an agency of that political subdivision.

2917 (22) "Public transit district" means a special district that operates under and is subject
2918 to the provisions of this chapter and Chapter 2a, Part 8, Public Transit District Act, including
2919 an entity that was created and operated as a public transit district under the law in effect before
2920 April 30, 2007.

2921 (23) "Revenue bond":

2922 (a) means a bond payable from designated taxes or other revenues other than the
2923 special district's ad valorem property taxes; and

2924 (b) does not include:

2925 (i) an obligation constituting an indebtedness within the meaning of an applicable
2926 constitutional or statutory debt limit;

2927 (ii) a tax and revenue anticipation bond; or

2928 (iii) a special assessment bond.

2929 (24) "Rules of order and procedure" means a set of rules that govern and prescribe in a
2930 public meeting:

2931 (a) parliamentary order and procedure;

2932 (b) ethical behavior; and

2933 (c) civil discourse.

2934 (25) "Service applicant" means a person who requests that a special district provide a
2935 service that the special district is authorized to provide.

2936 (26) "Service area" means a special district that operates under and is subject to the
2937 provisions of this chapter and Chapter 2a, Part 9, Service Area Act, including an entity that was
2938 created and operated as a county service area or a regional service area under the law in effect
2939 before April 30, 2007.

2940 (27) "Short-term bond" means a bond that is required to be repaid during the fiscal year
2941 in which the bond is issued.

2942 (28) "Special assessment" means an assessment levied against property to pay all or a
2943 portion of the costs of making improvements that benefit the property.

2944 (29) "Special assessment bond" means a bond payable from special assessments.

2945 (30) "Special district" means a limited purpose local government entity, as described in
2946 Section 17B-1-103, that operates under, is subject to, and has the powers described in:

2947 (a) this chapter; or

2948 (b) (i) this chapter; and

2949 (ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;

2950 (B) Chapter 2a, Part 2, Drainage District Act;

2951 (C) Chapter 2a, Part 3, Fire Protection District Act;

2952 (D) Chapter 2a, Part 4, Improvement District Act;

2953 (E) Chapter 2a, Part 5, Irrigation District Act;

2954 (F) Chapter 2a, Part 6, Metropolitan Water District Act;

2955 (G) Chapter 2a, Part 7, Mosquito Abatement District Act;

2956 (H) Chapter 2a, Part 8, Public Transit District Act;

2957 (I) Chapter 2a, Part 9, Service Area Act;

2958 (J) Chapter 2a, Part 10, Water Conservancy District Act; or

2959 (K) Chapter 2a, Part 11, Municipal Services District Act.

2960 (31) "Specialized special district" means a special district that is a cemetery
2961 maintenance district, a drainage district, a fire protection district, an improvement district, an
2962 irrigation district, a metropolitan water district, a mosquito abatement district, a public transit
2963 district, a service area, a water conservancy district, a municipal services district, or a public
2964 infrastructure district.

2965 (32) "Taxable value" means the taxable value of property as computed from the most
2966 recent equalized assessment roll for county purposes.

2967 (33) "Tax and revenue anticipation bond" means a bond:

2968 (a) issued in anticipation of the collection of taxes or other revenues or a combination
2969 of taxes and other revenues; and

2970 (b) that matures within the same fiscal year as the fiscal year in which the bond is
2971 issued.

2972 (34) "Unincorporated" means not included within a municipality.

2973 (35) "Water conservancy district" means a special district that operates under and is
2974 subject to the provisions of this chapter and Chapter 2a, Part 10, Water Conservancy District
2975 Act, including an entity that was created and operated as a water conservancy district under the

2976 law in effect before April 30, 2007.

2977 (36) "Works" includes a dam, reservoir, well, canal, conduit, pipeline, drain, tunnel,
2978 power plant, and any facility, improvement, or property necessary or convenient for supplying
2979 or treating water for any beneficial use, and for otherwise accomplishing the purposes of a
2980 special district.

2981 Section 48. Section **17B-1-502** is amended to read:

2982 **17B-1-502. Withdrawal of area from special district -- Automatic withdrawal in**
2983 **certain circumstances.**

2984 (1) (a) An area within the boundaries of a special district may be withdrawn from the
2985 special district only as provided in this part or, if applicable, as provided in Chapter 2a, Part 11,
2986 Municipal Services District Act.

2987 (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a special
2988 district within a municipality because of a municipal incorporation under Title 10, Chapter 2a,
2989 Municipal Incorporation, or a municipal annexation or boundary adjustment under Title 10,
2990 Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the process
2991 of withdrawing that area from the special district.

2992 (2) (a) An area within the boundaries of a special district is automatically withdrawn
2993 from the special district by the annexation of the area to a municipality or the adding of the area
2994 to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, if:

2995 (i) the special district provides:

2996 (A) fire protection, paramedic, and emergency services; or

2997 (B) law enforcement service;

2998 (ii) an election for the creation of the special district was not required because of
2999 Subsection 17B-1-214(3)(d) or (g); and

3000 (iii) before annexation or boundary adjustment, the boundaries of the special district do
3001 not include any of the annexing municipality.

3002 (b) The effective date of a withdrawal under this Subsection (2) is governed by
3003 Subsection 17B-1-512(2)(b).

3004 (3) (a) Except as provided in Subsection (3)(c) or (d), an area within the boundaries of
3005 a special district located in a county of the first class is automatically withdrawn from the
3006 special district by the incorporation of a municipality whose boundaries include the area if:

3007 (i) the special district provides municipal services, as defined in Section 17B-2a-1102,
 3008 excluding fire protection, paramedic, emergency, and law enforcement services;
 3009 (ii) an election for the creation of the special district was not required because of
 3010 Subsection 17B-1-214(3) (g); and
 3011 (iii) the legislative body of the newly incorporated municipality:
 3012 ~~[(A) for a city or town incorporated under Title 10, Chapter 2a, Part 4, Incorporation of~~
 3013 ~~Metro Townships and Unincorporated Islands in a County of the First Class on and after May~~
 3014 ~~12, 2015, complies with the feasibility study requirements of Section 17B-2a-1110;]~~
 3015 ~~[(B)]~~ (A) adopts a resolution no later than 180 days after the effective date of
 3016 incorporation approving the withdrawal that includes the legal description of the area to be
 3017 withdrawn; and
 3018 ~~[(C)]~~ (B) delivers a copy of the resolution to the board of trustees of the special district.
 3019 (b) The effective date of a withdrawal under this Subsection (3) is governed by
 3020 Subsection 17B-1-512(2)(a).
 3021 (c) Section 17B-1-505 ~~[shall govern]~~ governs the withdrawal of an incorporated area
 3022 within a county of the first class if:
 3023 (i) the special district from which the area is withdrawn provides:
 3024 (A) fire protection, paramedic, and emergency services;
 3025 (B) law enforcement service; or
 3026 (C) municipal services, as defined in Section 17B-2a-1102;
 3027 (ii) an election for the creation of the special district was not required under Subsection
 3028 17B-1-214(3)(d) or (g); and
 3029 (iii) for a special district that provides municipal services, as defined in Section
 3030 17B-2a-1102, excluding fire protection, paramedic, emergency, and law enforcement services,
 3031 the 180-day period described in Subsection ~~[(3)(a)(iii)(B)]~~ (3)(a)(iii)(A) is expired.
 3032 (d) An area may not be withdrawn from a special district that provides municipal
 3033 services, as defined in Section 17B-2a-1102, excluding fire protection, paramedic, emergency,
 3034 and law enforcement services, if[:]
 3035 ~~[(i)]~~ the area is ~~[incorporated as a metro township; and]~~ within a converted
 3036 municipality, as defined in Section 10-1-201.5.
 3037 ~~[(ii) at the election to incorporate as a metro township, the residents of the area chose~~

3038 to be included in a municipal services district.]

3039 Section 49. Section **17B-2a-1102** is amended to read:

3040 **17B-2a-1102. Definitions.**

3041 As used in this part[.]

3042 ~~[(1) "Municipal"]~~, "municipal services" means one or more of the services identified in
3043 Section 17-34-1, 17-36-3, or 17B-1-202.

3044 ~~[(2) "Metro township" means:]~~

3045 ~~[(a) a metro township for which the electors at an election under Section 10-2a-404~~
3046 ~~chose a metro township that is included in a municipal services district; or]~~

3047 ~~[(b) a metro township that subsequently joins a municipal services district.]~~

3048 Section 50. Section **17B-2a-1104** is amended to read:

3049 **17B-2a-1104. Additional municipal services district powers.**

3050 (1) In addition to the powers conferred on a municipal services district under Section
3051 17B-1-103, a municipal services district may:

3052 ~~[(1)]~~ (a) notwithstanding Subsection 17B-1-202(3), provide no more than six
3053 municipal services;

3054 ~~[(2)]~~ (b) assist a municipality or a county located within a municipal services district by
3055 providing staffing and administrative services, including:

3056 ~~[(a)]~~ (i) human resources staffing and services;

3057 ~~[(b)]~~ (ii) finance and budgeting staffing and services; ~~[and]~~

3058 ~~[(c)]~~ (iii) information technology staffing and services; and

3059 (iv) treasurer, recorder or clerk, surveyor, engineer, or auditor services; and

3060 ~~[(3)]~~ (c) issue bonds as provided in and subject to Chapter 1, Part 11, Special District
3061 Bonds, to carry out the purposes of the district.

3062 (2) A municipal services district that includes a converted municipality, as defined in
3063 Section 10-1-201.5, shall, upon request by the converted municipality, collect on behalf of the
3064 converted municipality all fines, fees, charges, levies, and other payments imposed by the
3065 converted municipality.

3066 Section 51. Section **17B-2a-1106** is amended to read:

3067 **17B-2a-1106. Municipal services district board of trustees -- Governance.**

3068 (1) Notwithstanding any other provision of law regarding the membership of a special

3069 district board of trustees, the initial board of trustees of a municipal services district shall
3070 consist of the county legislative body.

3071 (2) (a) If, after the initial creation of a municipal services district, an area within the
3072 district is incorporated as a municipality as defined in Section 10-1-104 and the area is not
3073 withdrawn from the district in accordance with Section 17B-1-502 or 17B-1-505, or an area
3074 within the municipality is annexed into the municipal services district in accordance with
3075 Section 17B-2a-1103, the district's board of trustees shall be as follows:

3076 (i) subject to Subsection (2)(b), a member of that municipality's governing body;

3077 (ii) one member of the county council of the county in which the municipal services
3078 district is located; and

3079 (iii) the total number of board members is not required to be an odd number.

3080 (b) A member described in Subsection (2)(a)(i) shall be[:]

3081 [~~(i) for a municipality other than a metro township,~~] designated by the municipal
3082 legislative body[~~;~~ and].

3083 [~~(ii) for a metro township, the mayor of the metro township or, during any period of~~
3084 ~~time when the mayor is absent, unable, or refuses to act, the mayor pro tempore that the metro~~
3085 ~~township council elects in accordance with Subsection 10-3b-503(4).]~~

3086 (3) For a board of trustees described in Subsection (2), each board member's vote is
3087 weighted using the proportion of the municipal services district population that resides:

3088 (a) for each member described in Subsection (2)(a)(i), within that member's
3089 municipality; and

3090 (b) for the member described in Subsection (2)(a)(ii), within the unincorporated
3091 county.

3092 (4) The board may adopt a resolution providing for future board members to be
3093 appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.

3094 (5) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of trustees
3095 may adopt a resolution to determine the internal governance of the board.

3096 (6) The municipal services district and the county may enter into an agreement for the
3097 provision of legal services to the municipal services district.

3098 Section 52. Section **17C-1-102** is amended to read:

3099 **17C-1-102. Definitions.**

3100 As used in this title:

3101 (1) "Active project area" means a project area that has not been dissolved in accordance
3102 with Section 17C-1-702.

3103 (2) "Adjusted tax increment" means the percentage of tax increment, if less than
3104 100%, that an agency is authorized to receive:

3105 (a) for a pre-July 1, 1993, project area plan, under Section 17C-1-403, excluding tax
3106 increment under Subsection 17C-1-403(3);

3107 (b) for a post-June 30, 1993, project area plan, under Section 17C-1-404, excluding tax
3108 increment under Section 17C-1-406;

3109 (c) under a project area budget approved by a taxing entity committee; or

3110 (d) under an interlocal agreement that authorizes the agency to receive a taxing entity's
3111 tax increment.

3112 (3) "Affordable housing" means housing owned or occupied by a low or moderate
3113 income family, as determined by resolution of the agency.

3114 (4) "Agency" or "community reinvestment agency" means a separate body corporate
3115 and politic, created under Section 17C-1-201.5 or as a redevelopment agency or community
3116 development and renewal agency under previous law:

3117 (a) that is a political subdivision of the state;

3118 (b) that is created to undertake or promote project area development as provided in this
3119 title; and

3120 (c) whose geographic boundaries are coterminous with:

3121 (i) for an agency created by a county, the unincorporated area of the county; and

3122 (ii) for an agency created by a municipality, the boundaries of the municipality.

3123 (5) "Agency funds" means money that an agency collects or receives for agency
3124 operations, implementing a project area plan or an implementation plan as defined in Section
3125 17C-1-1001, or other agency purposes, including:

3126 (a) project area funds;

3127 (b) income, proceeds, revenue, or property derived from or held in connection with the
3128 agency's undertaking and implementation of project area development or agency-wide project
3129 development as defined in Section 17C-1-1001;

3130 (c) a contribution, loan, grant, or other financial assistance from any public or private

3131 source;

3132 (d) project area incremental revenue as defined in Section 17C-1-1001; or

3133 (e) property tax revenue as defined in Section 17C-1-1001.

3134 (6) "Annual income" means the same as that term is defined in regulations of the

3135 United States Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as

3136 amended or as superseded by replacement regulations.

3137 (7) "Assessment roll" means the same as that term is defined in Section 59-2-102.

3138 (8) "Base taxable value" means, unless otherwise adjusted in accordance with

3139 provisions of this title, a property's taxable value as shown upon the assessment roll last

3140 equalized during the base year.

3141 (9) "Base year" means, except as provided in Subsection 17C-1-402(4)(c), the year

3142 during which the assessment roll is last equalized:

3143 (a) for a pre-July 1, 1993, urban renewal or economic development project area plan,

3144 before the project area plan's effective date;

3145 (b) for a post-June 30, 1993, urban renewal or economic development project area

3146 plan, or a community reinvestment project area plan that is subject to a taxing entity

3147 committee:

3148 (i) before the date on which the taxing entity committee approves the project area

3149 budget; or

3150 (ii) if taxing entity committee approval is not required for the project area budget,

3151 before the date on which the community legislative body adopts the project area plan;

3152 (c) for a project on an inactive airport site, after the later of:

3153 (i) the date on which the inactive airport site is sold for remediation and development;

3154 or

3155 (ii) the date on which the airport that operated on the inactive airport site ceased

3156 operations; or

3157 (d) for a community development project area plan or a community reinvestment

3158 project area plan that is subject to an interlocal agreement, as described in the interlocal

3159 agreement.

3160 (10) "Basic levy" means the portion of a school district's tax levy constituting the

3161 minimum basic levy under Section 59-2-902.

3162 (11) "Board" means the governing body of an agency, as described in Section
3163 17C-1-203.

3164 (12) "Budget hearing" means the public hearing on a proposed project area budget
3165 required under Subsection 17C-2-201(2)(d) for an urban renewal project area budget,
3166 Subsection 17C-3-201(2)(d) for an economic development project area budget, or Subsection
3167 17C-5-302(2)(e) for a community reinvestment project area budget.

3168 (13) "Closed military base" means land within a former military base that the Defense
3169 Base Closure and Realignment Commission has voted to close or realign when that action has
3170 been sustained by the president of the United States and Congress.

3171 (14) "Combined incremental value" means the combined total of all incremental values
3172 from all project areas, except project areas that contain some or all of a military installation or
3173 inactive industrial site, within the agency's boundaries under project area plans and project area
3174 budgets at the time that a project area budget for a new project area is being considered.

3175 (15) "Community" means a county or municipality.

3176 (16) "Community development project area plan" means a project area plan adopted
3177 under Chapter 4, Part 1, Community Development Project Area Plan.

3178 (17) "Community legislative body" means the legislative body of the community that
3179 created the agency.

3180 (18) "Community reinvestment project area plan" means a project area plan adopted
3181 under Chapter 5, Part 1, Community Reinvestment Project Area Plan.

3182 (19) "Contest" means to file a written complaint in the district court of the county in
3183 which the agency is located.

3184 (20) "Development impediment" means a condition of an area that meets the
3185 requirements described in Section 17C-2-303 for an urban renewal project area or Section
3186 17C-5-405 for a community reinvestment project area.

3187 (21) "Development impediment hearing" means a public hearing regarding whether a
3188 development impediment exists within a proposed:

3189 (a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section
3190 17C-2-302; or

3191 (b) community reinvestment project area under Section 17C-5-404.

3192 (22) "Development impediment study" means a study to determine whether a

3193 development impediment exists within a survey area as described in Section 17C-2-301 for an
3194 urban renewal project area or Section 17C-5-403 for a community reinvestment project area.

3195 (23) "Economic development project area plan" means a project area plan adopted
3196 under Chapter 3, Part 1, Economic Development Project Area Plan.

3197 (24) "Fair share ratio" means the ratio derived by:

3198 (a) for a municipality, comparing the percentage of all housing units within the
3199 municipality that are publicly subsidized income targeted housing units to the percentage of all
3200 housing units within the county in which the municipality is located that are publicly
3201 subsidized income targeted housing units; or

3202 (b) for the unincorporated part of a county, comparing the percentage of all housing
3203 units within the unincorporated county that are publicly subsidized income targeted housing
3204 units to the percentage of all housing units within the whole county that are publicly subsidized
3205 income targeted housing units.

3206 (25) "Family" means the same as that term is defined in regulations of the United
3207 States Department of Housing and Urban Development, 24 C.F.R. Section 5.403, as amended
3208 or as superseded by replacement regulations.

3209 (26) "Greenfield" means land not developed beyond agricultural, range, or forestry use.

3210 (27) "Hazardous waste" means any substance defined, regulated, or listed as a
3211 hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant,
3212 or toxic substance, or identified as hazardous to human health or the environment, under state
3213 or federal law or regulation.

3214 (28) "Housing allocation" means project area funds allocated for housing under Section
3215 17C-2-203, 17C-3-202, or 17C-5-307 for the purposes described in Section 17C-1-412.

3216 (29) "Housing fund" means a fund created by an agency for purposes described in
3217 Section 17C-1-411 or 17C-1-412 that is comprised of:

3218 (a) project area funds, project area incremental revenue as defined in Section
3219 17C-1-1001, or property tax revenue as defined in Section 17C-1-1001 allocated for the
3220 purposes described in Section 17C-1-411; or

3221 (b) an agency's housing allocation.

3222 (30) (a) "Inactive airport site" means land that:

3223 (i) consists of at least 100 acres;

- 3224 (ii) is occupied by an airport:
- 3225 (A) (I) that is no longer in operation as an airport; or
- 3226 (II) (Aa) that is scheduled to be decommissioned; and
- 3227 (Bb) for which a replacement commercial service airport is under construction; and
- 3228 (B) that is owned or was formerly owned and operated by a public entity; and
- 3229 (iii) requires remediation because:
- 3230 (A) of the presence of hazardous waste or solid waste; or
- 3231 (B) the site lacks sufficient public infrastructure and facilities, including public roads,
- 3232 electric service, water system, and sewer system, needed to support development of the site.
- 3233 (b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land
- 3234 described in Subsection (30)(a).
- 3235 (31) (a) "Inactive industrial site" means land that:
- 3236 (i) consists of at least 1,000 acres;
- 3237 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial
- 3238 facility; and
- 3239 (iii) requires remediation because of the presence of hazardous waste or solid waste.
- 3240 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land
- 3241 described in Subsection (31)(a).
- 3242 (32) "Income targeted housing" means housing that is owned or occupied by a family
- 3243 whose annual income is at or below 80% of the median annual income for a family within the
- 3244 county in which the housing is located.
- 3245 (33) "Incremental value" means a figure derived by multiplying the marginal value of
- 3246 the property located within a project area on which tax increment is collected by a number that
- 3247 represents the adjusted tax increment from that project area that is paid to the agency.
- 3248 (34) "Loan fund board" means the Olene Walker Housing Loan Fund Board,
- 3249 established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.
- 3250 (35) (a) "Local government building" means a building owned and operated by a
- 3251 community for the primary purpose of providing one or more primary community functions,
- 3252 including:
- 3253 (i) a fire station;
- 3254 (ii) a police station;

3255 (iii) a city hall; or
3256 (iv) a court or other judicial building.
3257 (b) "Local government building" does not include a building the primary purpose of
3258 which is cultural or recreational in nature.
3259 (36) "Major transit investment corridor" means the same as that term is defined in
3260 Section 10-9a-103.
3261 (37) "Marginal value" means the difference between actual taxable value and base
3262 taxable value.
3263 (38) "Military installation project area" means a project area or a portion of a project
3264 area located within a federal military installation ordered closed by the federal Defense Base
3265 Realignment and Closure Commission.
3266 (39) "Municipality" means a city[;] or town~~[;] or metro township as defined in Section~~
3267 ~~10-2a-403~~10-2a-403].
3268 (40) "Participant" means one or more persons that enter into a participation agreement
3269 with an agency.
3270 (41) "Participation agreement" means a written agreement between a person and an
3271 agency that:
3272 (a) includes a description of:
3273 (i) the project area development that the person will undertake;
3274 (ii) the amount of project area funds the person may receive; and
3275 (iii) the terms and conditions under which the person may receive project area funds;
3276 and
3277 (b) is approved by resolution of the board.
3278 (42) "Plan hearing" means the public hearing on a proposed project area plan required
3279 under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan, Subsection
3280 17C-3-102(1)(d) for an economic development project area plan, Subsection 17C-4-102(1)(d)
3281 for a community development project area plan, or Subsection 17C-5-104(3)(e) for a
3282 community reinvestment project area plan.
3283 (43) "Post-June 30, 1993, project area plan" means a project area plan adopted on or
3284 after July 1, 1993, and before May 10, 2016, whether or not amended subsequent to the project
3285 area plan's adoption.

3286 (44) "Pre-July 1, 1993, project area plan" means a project area plan adopted before July
3287 1, 1993, whether or not amended subsequent to the project area plan's adoption.

3288 (45) "Private," with respect to real property, means property not owned by a public
3289 entity or any other governmental entity.

3290 (46) "Project area" means the geographic area described in a project area plan within
3291 which the project area development described in the project area plan takes place or is
3292 proposed to take place.

3293 (47) "Project area budget" means a multiyear projection of annual or cumulative
3294 revenues and expenses and other fiscal matters pertaining to a project area prepared in
3295 accordance with:

3296 (a) for an urban renewal project area, Section 17C-2-201;

3297 (b) for an economic development project area, Section 17C-3-201;

3298 (c) for a community development project area, Section 17C-4-204; or

3299 (d) for a community reinvestment project area, Section 17C-5-302.

3300 (48) "Project area development" means activity within a project area that, as
3301 determined by the board, encourages, promotes, or provides development or redevelopment for
3302 the purpose of implementing a project area plan, including:

3303 (a) promoting, creating, or retaining public or private jobs within the state or a
3304 community;

3305 (b) providing office, manufacturing, warehousing, distribution, parking, or other
3306 facilities or improvements;

3307 (c) planning, designing, demolishing, clearing, constructing, rehabilitating, or
3308 remediating environmental issues;

3309 (d) providing residential, commercial, industrial, public, or other structures or spaces,
3310 including recreational and other facilities incidental or appurtenant to the structures or spaces;

3311 (e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating
3312 existing structures;

3313 (f) providing open space, including streets or other public grounds or space around
3314 buildings;

3315 (g) providing public or private buildings, infrastructure, structures, or improvements;

3316 (h) relocating a business;

3317 (i) improving public or private recreation areas or other public grounds;
3318 (j) eliminating a development impediment or the causes of a development impediment;
3319 (k) redevelopment as defined under the law in effect before May 1, 2006; or
3320 (l) any activity described in this Subsection (48) outside of a project area that the board
3321 determines to be a benefit to the project area.

3322 (49) "Project area funds" means tax increment or sales and use tax revenue that an
3323 agency receives under a project area budget adopted by a taxing entity committee or an
3324 interlocal agreement.

3325 (50) "Project area funds collection period" means the period of time that:

3326 (a) begins the day on which the first payment of project area funds is distributed to an
3327 agency under a project area budget approved by a taxing entity committee or an interlocal
3328 agreement; and

3329 (b) ends the day on which the last payment of project area funds is distributed to an
3330 agency under a project area budget approved by a taxing entity committee or an interlocal
3331 agreement.

3332 (51) "Project area plan" means an urban renewal project area plan, an economic
3333 development project area plan, a community development project area plan, or a community
3334 reinvestment project area plan that, after the project area plan's effective date, guides and
3335 controls the project area development.

3336 (52) (a) "Property tax" means each levy on an ad valorem basis on tangible or
3337 intangible personal or real property.

3338 (b) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4, Privilege
3339 Tax.

3340 (53) "Public entity" means:

3341 (a) the United States, including an agency of the United States;

3342 (b) the state, including any of the state's departments or agencies; or

3343 (c) a political subdivision of the state, including a county, municipality, school district,
3344 special district, special service district, community reinvestment agency, or interlocal
3345 cooperation entity.

3346 (54) "Publicly owned infrastructure and improvements" means water, sewer, storm
3347 drainage, electrical, natural gas, telecommunication, or other similar systems and lines, streets,

3348 roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation facilities, or
3349 other facilities, infrastructure, and improvements benefitting the public and to be publicly
3350 owned or publicly maintained or operated.

3351 (55) "Record property owner" or "record owner of property" means the owner of real
3352 property, as shown on the records of the county in which the property is located, to whom the
3353 property's tax notice is sent.

3354 (56) "Sales and use tax revenue" means revenue that is:

3355 (a) generated from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act;
3356 and

3357 (b) distributed to a taxing entity in accordance with Sections 59-12-204 and 59-12-205.

3358 (57) "Superfund site":

3359 (a) means an area included in the National Priorities List under the Comprehensive
3360 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

3361 (b) includes an area formerly included in the National Priorities List, as described in
3362 Subsection (57)(a), but removed from the list following remediation that leaves on site the
3363 waste that caused the area to be included in the National Priorities List.

3364 (58) "Survey area" means a geographic area designated for study by a survey area
3365 resolution to determine whether:

3366 (a) one or more project areas within the survey area are feasible; or

3367 (b) a development impediment exists within the survey area.

3368 (59) "Survey area resolution" means a resolution adopted by a board that designates a
3369 survey area.

3370 (60) "Taxable value" means:

3371 (a) the taxable value of all real property a county assessor assesses in accordance with
3372 Title 59, Chapter 2, Part 3, County Assessment, for the current year;

3373 (b) the taxable value of all real and personal property the commission assesses in
3374 accordance with Title 59, Chapter 2, Part 2, Assessment of Property, for the current year; and

3375 (c) the year end taxable value of all personal property a county assessor assesses in
3376 accordance with Title 59, Chapter 2, Part 3, County Assessment, contained on the prior year's
3377 tax rolls of the taxing entity.

3378 (61) (a) "Tax increment" means the difference between:

(i) the amount of property tax revenue generated each tax year by a taxing entity from the area within a project area designated in the project area plan as the area from which tax increment is to be collected, using the current assessed value of the property and each taxing entity's current certified tax rate as defined in Section 59-2-924; and

(ii) the amount of property tax revenue that would be generated from that same area using the base taxable value of the property and each taxing entity's current certified tax rate as defined in Section 59-2-924.

(b) "Tax increment" does not include taxes levied and collected under Section 59-2-1602 on or after January 1, 1994, upon the taxable property in the project area unless:

(i) the project area plan was adopted before May 4, 1993, whether or not the project area plan was subsequently amended; and

(ii) the taxes were pledged to support bond indebtedness or other contractual obligations of the agency.

(62) "Taxing entity" means a public entity that:

(a) levies a tax on property located within a project area; or

(b) imposes a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.

(63) "Taxing entity committee" means a committee representing the interests of taxing entities, created in accordance with Section 17C-1-402.

(64) "Unincorporated" means not within a municipality.

(65) "Urban renewal project area plan" means a project area plan adopted under Chapter 2, Part 1, Urban Renewal Project Area Plan.

Section 53. Section **18-1-1** is amended to read:

18-1-1. Liability and damages for dog injury -- Exceptions.

(1) (a) Except as provided in Subsections (2) and (3), a person who owns or keeps a dog is liable for an injury caused by the dog, regardless of whether:

(i) the dog is vicious or mischievous; or

(ii) the owner knows the dog is vicious or mischievous.

(b) Damages for an injury described in Subsection (1)(a) shall be determined in accordance with Section 78B-5-818.

(2) Neither the state nor any county, city, [~~metro township,~~] or town in the state nor any peace officer employed by the state, a county, a city, [~~a metro township,~~] or a town [~~shall be~~] is

3410 liable in damages for an injury caused by a dog, if:

3411 (a) the dog and the dog's law enforcement handler are trained to assist in law
3412 enforcement and are certified according to the standards adopted in Title 53, Chapter 6, Part 4,
3413 Law Enforcement Canine Team Certification Act;

3414 (b) the governmental agency has adopted a written policy on the necessary and
3415 appropriate use of dogs in official law enforcement duties;

3416 (c) the actions of the dog's handler do not violate the agency's written policy; and

3417 (d) the injury occurs while the dog is reasonably and carefully being used in the
3418 apprehension, arrest, or location of a suspected offender or in maintaining or controlling the
3419 public order.

3420 (3) A person who owns or keeps a dog is not liable for an injury or death caused by the
3421 dog if:

3422 (a) the injury or death is to another animal;

3423 (b) the injury or death occurs:

3424 (i) on the person's private property; and

3425 (ii) while the dog is reasonably secured within a fence or other enclosure; and

3426 (c) the animal described in Subsection (3)(a) entered the person's private property
3427 without consent.

3428 Section 54. Section **19-5-108.5** is amended to read:

3429 **19-5-108.5. Storm water permits.**

3430 (1) As used in this section:

3431 (a) "Applicant" means a person who is conducting or proposing to conduct a use of
3432 land and who a permittee requires or allows to use low impact development.

3433 (b) "Independent review" is a review conducted:

3434 (i) in accordance with this section; and

3435 (ii) by an engineer, or engineering firm, designated by the division as having technical
3436 expertise in the area of storm water calculations.

3437 (c) "Low impact development" means structural or natural engineered systems located
3438 close to the source of storm water that use or mimic natural processes to encourage infiltration,
3439 evapotranspiration, or reuse of the storm water.

3440 (d) "Permittee" means a municipality~~[-metro township,]~~ or county with a storm water

3441 permit under the Utah Pollutant Discharge Elimination System.

3442 (e) "Storm water" means storm water runoff, snow melt runoff, and surface runoff and
3443 drainage.

3444 (f) "Storm water permit" means a permit issued to a permittee by the division for the
3445 permittee's municipal separate storm sewer system.

3446 (g) "Utah Pollutant Discharge Elimination System" means the state-wide program for
3447 issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits
3448 under this chapter.

3449 (2) A permittee shall reduce any requirement for an applicant to manage or control
3450 storm water runoff rates or storm water runoff volumes for flood control purposes to account
3451 for the reduction in storm water associated with approved low impact development practices.

3452 (3) The director shall create and maintain a list of engineers, including engineering
3453 firms, capable of providing independent review of low impact development designs and storm
3454 water calculations for use by an applicant and a permittee pursuant to an appeal described in
3455 Subsection (4).

3456 (4) (a) An applicant who appeals a permittee's determination regarding
3457 post-construction retention requirements under the permittee's storm water permit may request
3458 the permittee to refer the appeal to independent review for purposes of determining the
3459 technical aspects of the appeal, including:

3460 (i) the required size of any low impact development system;

3461 (ii) the calculations of reductions in storm water runoff rates or storm water runoff
3462 volumes for flood control due to the use of low impact development; and

3463 (iii) the feasibility of constructing low impact development practices required by the
3464 permittee.

3465 (b) If an applicant makes a request under Subsection (4)(a):

3466 (i) the permittee shall:

3467 (A) select an engineer or engineering firm from the list described in Subsection (3);

3468 and

3469 (B) pay one-half of the cost of the independent review.

3470 (ii) An engineer or engineering firm selected by the permittee under Subsection

3471 (4)(b)(i) may not be:

3472 (A) associated with the application that is the subject of the appeal; or

3473 (B) employed by the permittee.

3474 (iii) The applicant shall pay:

3475 (A) one-half of the cost of the independent review; and

3476 (B) the municipality's published appeal fee.

3477 Section 55. Section **20A-1-102** is amended to read:

3478 **20A-1-102. Definitions.**

3479 As used in this title:

3480 (1) "Active voter" means a registered voter who has not been classified as an inactive
3481 voter by the county clerk.

3482 (2) "Automatic tabulating equipment" means apparatus that automatically examines
3483 and counts votes recorded on ballots and tabulates the results.

3484 (3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic
3485 storage medium, that records an individual voter's vote.

3486 (b) "Ballot" does not include a record to tally multiple votes.

3487 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
3488 on the ballot for their approval or rejection including:

3489 (a) an opinion question specifically authorized by the Legislature;

3490 (b) a constitutional amendment;

3491 (c) an initiative;

3492 (d) a referendum;

3493 (e) a bond proposition;

3494 (f) a judicial retention question;

3495 (g) an incorporation of a city or town; or

3496 (h) any other ballot question specifically authorized by the Legislature.

3497 (5) "Bind," "binding," or "bound" means securing more than one piece of paper
3498 together using staples or another means in at least three places across the top of the paper in the
3499 blank space reserved for securing the paper.

3500 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and
3501 20A-4-306 to canvass election returns.

3502 (7) "Bond election" means an election held for the purpose of approving or rejecting

3503 the proposed issuance of bonds by a government entity.

3504 (8) "Business reply mail envelope" means an envelope that may be mailed free of
3505 charge by the sender.

3506 (9) "Canvass" means the review of election returns and the official declaration of
3507 election results by the board of canvassers.

3508 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at
3509 the canvass.

3510 (11) "Contracting election officer" means an election officer who enters into a contract
3511 or interlocal agreement with a provider election officer.

3512 (12) "Convention" means the political party convention at which party officers and
3513 delegates are selected.

3514 (13) "Counting center" means one or more locations selected by the election officer in
3515 charge of the election for the automatic counting of ballots.

3516 (14) "Counting judge" means a poll worker designated to count the ballots during
3517 election day.

3518 (15) "Counting room" means a suitable and convenient private place or room for use
3519 by the poll workers and counting judges to count ballots.

3520 (16) "County officers" means those county officers that are required by law to be
3521 elected.

3522 (17) "Date of the election" or "election day" or "day of the election":

3523 (a) means the day that is specified in the calendar year as the day that the election
3524 occurs; and

3525 (b) does not include:

3526 (i) deadlines established for voting by mail, military-overseas voting, or emergency
3527 voting; or

3528 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early
3529 Voting.

3530 (18) "Elected official" means:

3531 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,
3532 Municipal Alternate Voting Methods Pilot Project;

3533 (b) a person who is considered to be elected to a municipal office in accordance with

3534 Subsection 20A-1-206(1)(c)(ii); or

3535 (c) a person who is considered to be elected to a special district office in accordance
3536 with Subsection 20A-1-206(3)(b)(ii).

3537 (19) "Election" means a regular general election, a municipal general election, a
3538 statewide special election, a local special election, a regular primary election, a municipal
3539 primary election, and a special district election.

3540 (20) "Election Assistance Commission" means the commission established by the Help
3541 America Vote Act of 2002, Pub. L. No. 107-252.

3542 (21) "Election cycle" means the period beginning on the first day persons are eligible to
3543 file declarations of candidacy and ending when the canvass is completed.

3544 (22) "Election judge" means a poll worker that is assigned to:

3545 (a) preside over other poll workers at a polling place;

3546 (b) act as the presiding election judge; or

3547 (c) serve as a canvassing judge, counting judge, or receiving judge.

3548 (23) "Election officer" means:

3549 (a) the lieutenant governor, for all statewide ballots and elections;

3550 (b) the county clerk for:

3551 (i) a county ballot and election; and

3552 (ii) a ballot and election as a provider election officer as provided in Section
3553 20A-5-400.1 or 20A-5-400.5;

3554 (c) the municipal clerk for:

3555 (i) a municipal ballot and election; and

3556 (ii) a ballot and election as a provider election officer as provided in Section
3557 20A-5-400.1 or 20A-5-400.5;

3558 (d) the special district clerk or chief executive officer for:

3559 (i) a special district ballot and election; and

3560 (ii) a ballot and election as a provider election officer as provided in Section
3561 20A-5-400.1 or 20A-5-400.5; or

3562 (e) the business administrator or superintendent of a school district for:

3563 (i) a school district ballot and election; and

3564 (ii) a ballot and election as a provider election officer as provided in Section

3565 20A-5-400.1 or 20A-5-400.5.

3566 (24) "Election official" means any election officer, election judge, or poll worker.

3567 (25) "Election results" means:

3568 (a) for an election other than a bond election, the count of votes cast in the election and
3569 the election returns requested by the board of canvassers; or

3570 (b) for bond elections, the count of those votes cast for and against the bond
3571 proposition plus any or all of the election returns that the board of canvassers may request.

3572 (26) "Election returns" includes:

3573 (a) the pollbook, the military and overseas absentee voter registration and voting
3574 certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess
3575 ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes
3576 cast form; and

3577 (b) the record, described in Subsection 20A-3a-401(8)(c), of voters contacted to cure a
3578 ballot.

3579 (27) "Electronic signature" means an electronic sound, symbol, or process attached to
3580 or logically associated with a record and executed or adopted by a person with the intent to sign
3581 the record.

3582 (28) "Inactive voter" means a registered voter who is listed as inactive by a county
3583 clerk under Subsection 20A-2-505(4)(c)(i) or (ii).

3584 (29) "Judicial office" means the office filled by any judicial officer.

3585 (30) "Judicial officer" means any justice or judge of a court of record or any county
3586 court judge.

3587 (31) "Local election" means a regular county election, a regular municipal election, a
3588 municipal primary election, a local special election, a special district election, and a bond
3589 election.

3590 (32) "Local political subdivision" means a county, a municipality, a special district, or
3591 a local school district.

3592 (33) "Local special election" means a special election called by the governing body of a
3593 local political subdivision in which all registered voters of the local political subdivision may
3594 vote.

3595 (34) "Manual ballot" means a paper document produced by an election officer on

which an individual records an individual's vote by directly placing a mark on the paper document using a pen or other marking instrument.

(35) "Mechanical ballot" means a record, including a paper record, electronic record, or mechanical record, that:

(a) is created via electronic or mechanical means; and

(b) records an individual voter's vote cast via a method other than an individual directly placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

(36) "Municipal executive" means:

(a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

or

(b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(7)[; ~~or~~].

~~[(c) the mayor of a metro township form of government defined in Section 10-3b-102.]~~

(37) "Municipal general election" means the election held in municipalities and, as applicable, special districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.

(38) "Municipal legislative body" means[;]

~~[(a)]~~ the council of the city or town in any form of municipal government[; ~~or~~].

~~[(b) the council of a metro township.]~~

(39) "Municipal office" means an elective office in a municipality.

(40) "Municipal officers" means those municipal officers that are required by law to be elected.

(41) "Municipal primary election" means an election held to nominate candidates for municipal office.

(42) "Municipality" means a city[;] or town[; ~~or metro township~~].

(43) "Official ballot" means the ballots distributed by the election officer for voters to record their votes.

(44) "Official endorsement" means the information on the ballot that identifies:

(a) the ballot as an official ballot;

(b) the date of the election; and

(c) (i) for a ballot prepared by an election officer other than a county clerk, the

- 3627 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or
3628 (ii) for a ballot prepared by a county clerk, the words required by Subsection
3629 20A-6-301(1)(b)(iii).
- 3630 (45) "Official register" means the official record furnished to election officials by the
3631 election officer that contains the information required by Section 20A-5-401.
- 3632 (46) "Political party" means an organization of registered voters that has qualified to
3633 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
3634 and Procedures.
- 3635 (47) (a) "Poll worker" means a person assigned by an election official to assist with an
3636 election, voting, or counting votes.
- 3637 (b) "Poll worker" includes election judges.
- 3638 (c) "Poll worker" does not include a watcher.
- 3639 (48) "Pollbook" means a record of the names of voters in the order that they appear to
3640 cast votes.
- 3641 (49) "Polling place" means a building where voting is conducted.
- 3642 (50) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
3643 in which the voter marks the voter's choice.
- 3644 (51) "Presidential Primary Election" means the election established in Chapter 9, Part
3645 8, Presidential Primary Election.
- 3646 (52) "Primary convention" means the political party conventions held during the year
3647 of the regular general election.
- 3648 (53) "Protective counter" means a separate counter, which cannot be reset, that:
3649 (a) is built into a voting machine; and
3650 (b) records the total number of movements of the operating lever.
- 3651 (54) "Provider election officer" means an election officer who enters into a contract or
3652 interlocal agreement with a contracting election officer to conduct an election for the
3653 contracting election officer's local political subdivision in accordance with Section
3654 20A-5-400.1.
- 3655 (55) "Provisional ballot" means a ballot voted provisionally by a person:
3656 (a) whose name is not listed on the official register at the polling place;
3657 (b) whose legal right to vote is challenged as provided in this title; or

3658 (c) whose identity was not sufficiently established by a poll worker.

3659 (56) "Provisional ballot envelope" means an envelope printed in the form required by
3660 Section 20A-6-105 that is used to identify provisional ballots and to provide information to
3661 verify a person's legal right to vote.

3662 (57) (a) "Public figure" means an individual who, due to the individual being
3663 considered for, holding, or having held a position of prominence in a public or private capacity,
3664 or due to the individual's celebrity status, has an increased risk to the individual's safety.

3665 (b) "Public figure" does not include an individual:

3666 (i) elected to public office; or

3667 (ii) appointed to fill a vacancy in an elected public office.

3668 (58) "Qualify" or "qualified" means to take the oath of office and begin performing the
3669 duties of the position for which the individual was elected.

3670 (59) "Receiving judge" means the poll worker that checks the voter's name in the
3671 official register at a polling place and provides the voter with a ballot.

3672 (60) "Registration form" means a form by which an individual may register to vote
3673 under this title.

3674 (61) "Regular ballot" means a ballot that is not a provisional ballot.

3675 (62) "Regular general election" means the election held throughout the state on the first
3676 Tuesday after the first Monday in November of each even-numbered year for the purposes
3677 established in Section 20A-1-201.

3678 (63) "Regular primary election" means the election, held on the date specified in
3679 Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan
3680 local school board positions to advance to the regular general election.

3681 (64) "Resident" means a person who resides within a specific voting precinct in Utah.

3682 (65) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4),
3683 provided to a voter with a manual ballot:

3684 (a) into which the voter places the manual ballot after the voter has voted the manual
3685 ballot in order to preserve the secrecy of the voter's vote; and

3686 (b) that includes the voter affidavit and a place for the voter's signature.

3687 (66) "Sample ballot" means a mock ballot similar in form to the official ballot,
3688 published as provided in Section 20A-5-405.

3689 (67) "Special district" means a local government entity under Title 17B, Limited
3690 Purpose Local Government Entities - Special Districts, and includes a special service district
3691 under Title 17D, Chapter 1, Special Service District Act.

3692 (68) "Special district officers" means those special district board members who are
3693 required by law to be elected.

3694 (69) "Special election" means an election held as authorized by Section 20A-1-203.

3695 (70) "Spoiled ballot" means each ballot that:

3696 (a) is spoiled by the voter;

3697 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

3698 (c) lacks the official endorsement.

3699 (71) "Statewide special election" means a special election called by the governor or the
3700 Legislature in which all registered voters in Utah may vote.

3701 (72) "Tabulation system" means a device or system designed for the sole purpose of
3702 tabulating votes cast by voters at an election.

3703 (73) "Ticket" means a list of:

3704 (a) political parties;

3705 (b) candidates for an office; or

3706 (c) ballot propositions.

3707 (74) "Transfer case" means the sealed box used to transport voted ballots to the
3708 counting center.

3709 (75) "Vacancy" means:

3710 (a) except as provided in Subsection (75)(b), the absence of an individual to serve in a
3711 position created by state constitution or state statute, whether that absence occurs because of
3712 death, disability, disqualification, resignation, or other cause; or

3713 (b) in relation to a candidate for a position created by state constitution or state statute,
3714 the removal of a candidate due to the candidate's death, resignation, or disqualification.

3715 (76) "Valid voter identification" means:

3716 (a) a form of identification that bears the name and photograph of the voter which may
3717 include:

3718 (i) a currently valid Utah driver license;

3719 (ii) a currently valid identification card that is issued by:

3720 (A) the state; or
3721 (B) a branch, department, or agency of the United States;
3722 (iii) a currently valid Utah permit to carry a concealed weapon;
3723 (iv) a currently valid United States passport; or
3724 (v) a currently valid United States military identification card;
3725 (b) one of the following identification cards, whether or not the card includes a
3726 photograph of the voter:
3727 (i) a valid tribal identification card;
3728 (ii) a Bureau of Indian Affairs card; or
3729 (iii) a tribal treaty card; or
3730 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear
3731 the name of the voter and provide evidence that the voter resides in the voting precinct, which
3732 may include:
3733 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
3734 election;
3735 (ii) a bank or other financial account statement, or a legible copy thereof;
3736 (iii) a certified birth certificate;
3737 (iv) a valid social security card;
3738 (v) a check issued by the state or the federal government or a legible copy thereof;
3739 (vi) a paycheck from the voter's employer, or a legible copy thereof;
3740 (vii) a currently valid Utah hunting or fishing license;
3741 (viii) certified naturalization documentation;
3742 (ix) a currently valid license issued by an authorized agency of the United States;
3743 (x) a certified copy of court records showing the voter's adoption or name change;
3744 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
3745 (xii) a currently valid identification card issued by:
3746 (A) a local government within the state;
3747 (B) an employer for an employee; or
3748 (C) a college, university, technical school, or professional school located within the
3749 state; or
3750 (xiii) a current Utah vehicle registration.

3751 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in
3752 candidate by following the procedures and requirements of this title.

3753 (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:
3754 (a) mailing the ballot to the location designated in the mailing; or
3755 (b) depositing the ballot in a ballot drop box designated by the election officer.

3756 (79) "Voter" means an individual who:
3757 (a) meets the requirements for voting in an election;
3758 (b) meets the requirements of election registration;
3759 (c) is registered to vote; and
3760 (d) is listed in the official register book.

3761 (80) "Voter registration deadline" means the registration deadline provided in Section
3762 20A-2-102.5.

3763 (81) "Voting area" means the area within six feet of the voting booths, voting
3764 machines, and ballot box.

3765 (82) "Voting booth" means:
3766 (a) the space or compartment within a polling place that is provided for the preparation
3767 of ballots, including the voting enclosure or curtain; or
3768 (b) a voting device that is free standing.

3769 (83) "Voting device" means any device provided by an election officer for a voter to
3770 vote a mechanical ballot.

3771 (84) "Voting precinct" means the smallest geographical voting unit, established under
3772 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

3773 (85) "Watcher" means an individual who complies with the requirements described in
3774 Section 20A-3a-801 to become a watcher for an election.

3775 (86) "Write-in ballot" means a ballot containing any write-in votes.

3776 (87) "Write-in vote" means a vote cast for an individual, whose name is not printed on
3777 the ballot, in accordance with the procedures established in this title.

3778 Section 56. Section **20A-1-201.5** is amended to read:
3779 **20A-1-201.5. Primary election dates.**

3780 (1) The regular primary election shall be held throughout the state on the fourth
3781 Tuesday of June of each even numbered year as provided in Section 20A-9-403, 20A-9-407, or

3782 20A-9-408, as applicable, to nominate persons for:

3783 (a) national, state, school board, and county offices; and

3784 (b) offices for a [~~metro-township,~~] city[;] or town incorporated under Section
3785 10-2a-404.

3786 (2) A municipal primary election shall be held, if necessary, on the second Tuesday
3787 following the first Monday in August before the regular municipal election to nominate persons
3788 for municipal offices.

3789 (3) A presidential primary election shall be held throughout the state on the first
3790 Tuesday in March in the year in which a presidential election will be held.

3791 Section 57. Section **20A-5-301** is amended to read:

3792 **20A-5-301. Combined voting precincts -- Municipalities.**

3793 (1) (a) The municipal legislative body of a city of the first or second class may combine
3794 up to four regular county voting precincts into one municipal voting precinct for purposes of a
3795 municipal election if they designate the location and address of each of those combined voting
3796 precincts.

3797 (b) The polling place shall be within the combined voting precinct or within 1/2 mile
3798 of the boundaries of the voting precinct.

3799 (2) (a) The municipal legislative body of a city of the third, fourth, or fifth class[;] or a
3800 town[, ~~or a metro-township~~] may combine two or more regular county voting precincts into one
3801 municipal voting precinct for purposes of an election if it designates the location and address of
3802 that combined voting precinct.

3803 (b) If only two precincts are combined, the polling place shall be within the combined
3804 precinct or within 1/2 mile of the boundaries of the combined voting precinct.

3805 (c) If more than two precincts are combined, the polling place should be as near as
3806 practical to the middle of the combined precinct.

3807 Section 58. Section **20A-6-401** is amended to read:

3808 **20A-6-401. Ballots for municipal primary elections.**

3809 (1) Each election officer shall ensure that:

3810 (a) the following endorsements are printed in 18 point bold type:

3811 (i) "Official Primary Ballot for ____ (City[;] or Town[, ~~or Metro-Township~~]), Utah";

3812 (ii) the date of the election; and

(iii) a facsimile of the signature of the election officer and the election officer's title in eight point type;

(b) immediately below the election officer's title, two one-point parallel horizontal rules separate endorsements from the rest of the ballot;

(c) immediately below the horizontal rules, an "Instructions to Voters" section is printed in 10 point bold type that states: "To vote for a candidate, mark the space following the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by two one-point parallel rules;

(d) after the rules, the designation of the office for which the candidates seek nomination is printed and the words, "Vote for one" or "Vote for up to ____ (the number of candidates for which the voter may vote)" are printed in 10-point bold type, followed by a hair-line rule;

(e) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305 with surnames last and grouped according to the office that they seek;

(f) a square with sides not less than one-fourth inch long is printed immediately adjacent to the names of the candidates; and

(g) the candidate groups are separated from each other by one light and one heavy line or rule.

(2) A municipal primary ballot may not contain any space for write-in votes.

Section 59. Section **20A-6-402** is amended to read:

20A-6-402. Ballots for municipal general elections.

(1) Except as otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, for a manual ballot at a municipal general election, an election officer shall ensure that:

(a) the names of the two candidates who received the highest number of votes for mayor in the municipal primary are placed upon the ballot;

(b) if no municipal primary election was held, the names of the candidates who filed declarations of candidacy for municipal offices are placed upon the ballot;

(c) for other offices:

(i) twice the number of candidates as there are positions to be filled are certified as

3844 eligible for election in the municipal general election from those candidates who received the
3845 greater number of votes in the primary election; and

3846 (ii) the names of those candidates are placed upon the municipal general election
3847 ballot;

3848 (d) the names of the candidates are placed on the ballot in the order specified under
3849 Section 20A-6-305;

3850 (e) in an election in which a voter is authorized to cast a write-in vote and where a
3851 write-in candidate is qualified under Section 20A-9-601, a write-in area is placed upon the
3852 ballot that contains, for each office in which there is a qualified write-in candidate:

3853 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and

3854 (ii) a square or other conforming area that is adjacent to or opposite the blank
3855 horizontal line to enable the voter to indicate the voter's vote;

3856 (f) ballot propositions that have qualified for the ballot, including propositions
3857 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are
3858 listed on the ballot in accordance with Section 20A-6-107; and

3859 (g) bond propositions that have qualified for the ballot are listed on the ballot under the
3860 title assigned to each bond proposition under Section 11-14-206.

3861 (2) Except as otherwise required for a race conducted by instant runoff voting under
3862 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when using a
3863 mechanical ballot at municipal general elections, each election officer shall ensure that:

3864 (a) the following endorsements are displayed on the first portion of the ballot:

3865 (i) "Official Ballot for ____ (City[;] or Town[; ~~or Metro-Township~~]), Utah";

3866 (ii) the date of the election; and

3867 (iii) a facsimile of the signature of the election officer and the election officer's title;

3868 (b) immediately below the election officer's title, a distinct border or line separates the
3869 endorsements from the rest of the ballot;

3870 (c) immediately below the border or line, an "Instructions to Voters" section is
3871 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
3872 the candidate(s) for each respective office." followed by another border or line;

3873 (d) after the border or line, the designation of the office for which the candidates seek
3874 election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the number of

3875 candidates for which the voter may vote)" are displayed, followed by a line or border;
 3876 (e) after the line or border, the names of the candidates are displayed in the order
 3877 specified under Section 20A-6-305 with surnames last and grouped according to the office that
 3878 they seek;

3879 (f) a voting square or position is located adjacent to the name of each candidate;

3880 (g) following the name of the last candidate for each office in which a write-in
 3881 candidate is qualified under Section 20A-9-601, the ballot contains a write-in space where the
 3882 voter may enter the name of and vote for a valid write-in candidate for the office; and

3883 (h) the candidate groups are separated from each other by a line or border.

3884 (3) When a municipality has chosen to nominate candidates by convention or
 3885 committee, the election officer shall ensure that the party name is included with the candidate's
 3886 name on the ballot.

3887 Section 60. Section **20A-7-101** is amended to read:

3888 **20A-7-101. Definitions.**

3889 As used in this chapter:

3890 (1) "Approved device" means a device described in Subsection 20A-21-201(4) used to
 3891 gather signatures for the electronic initiative process, the electronic referendum process, or the
 3892 electronic candidate qualification process.

3893 (2) "Budget officer" means:

3894 (a) for a county, the person designated as finance officer as defined in Section 17-36-3;

3895 (b) for a city, the person designated as budget officer in Subsection 10-6-106(4); or

3896 (c) for a town, the town council[~~;~~ or].

3897 [~~(d) for a metro township, the person described in Subsection (2)(a) for the county in~~
 3898 ~~which the metro township is located.~~]

3899 (3) "Certified" means that the county clerk has acknowledged a signature as being the
 3900 signature of a registered voter.

3901 (4) "Circulation" means the process of submitting an initiative petition or a referendum
 3902 petition to legal voters for their signature.

3903 (5) "Electronic initiative process" means:

3904 (a) as it relates to a statewide initiative, the process, described in Sections 20A-7-215

3905 and 20A-21-201, for gathering signatures; or

3906 (b) as it relates to a local initiative, the process, described in Sections 20A-7-514 and
3907 20A-21-201, for gathering signatures.

3908 (6) "Electronic referendum process" means:

3909 (a) as it relates to a statewide referendum, the process, described in Sections
3910 20A-7-313 and 20A-21-201, for gathering signatures; or

3911 (b) as it relates to a local referendum, the process, described in Sections 20A-7-614 and
3912 20A-21-201, for gathering signatures.

3913 (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county,
3914 city, or town that is holding an election on a ballot proposition.

3915 (8) "Final fiscal impact statement" means a financial statement prepared after voters
3916 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or
3917 20A-7-502.5(2).

3918 (9) "Initial fiscal impact statement" means
3919 a financial statement prepared under Section 20A-7-202.5 after the filing of a statewide
3920 initiative application.

3921 (10) "Initial fiscal impact and legal statement" means a financial and legal statement
3922 prepared under Section 20A-7-502.5 or 20A-7-602.5 for a local initiative or a local
3923 referendum.

3924 (11) "Initiative" means a new law proposed for adoption by the public as provided in
3925 this chapter.

3926 (12) "Initiative application" means:

3927 (a) for a statewide initiative, an application described in Subsection 20A-7-202(2) that
3928 includes all the information, statements, documents, and notarized signatures required under
3929 Subsection 20A-7-202(2); or

3930 (b) for a local initiative, an application described in Subsection 20A-7-502(2) that
3931 includes all the information, statements, documents, and notarized signatures required under
3932 Subsection 20A-7-502(2).

3933 (13) "Initiative packet" means a copy of the initiative petition, a copy of the proposed
3934 law, and the signature sheets, all of which have been bound together as a unit.

3935 (14) "Initiative petition":

3936 (a) as it relates to a statewide initiative, using the manual initiative process:

3937 (i) means the form described in Subsection 20A-7-203(2)(a), petitioning for
3938 submission of the initiative to the Legislature or the legal voters; and

3939 (ii) if the initiative proposes a tax increase, includes the statement described in
3940 Subsection 20A-7-203(2)(b);

3941 (b) as it relates to a statewide initiative, using the electronic initiative process:

3942 (i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for
3943 submission of the initiative to the Legislature or the legal voters; and

3944 (ii) if the initiative proposes a tax increase, includes the statement described in
3945 Subsection 20A-7-215(5)(b);

3946 (c) as it relates to a local initiative, using the manual initiative process:

3947 (i) means the form described in Subsection 20A-7-503(2)(a), petitioning for
3948 submission of the initiative to the legislative body or the legal voters; and

3949 (ii) if the initiative proposes a tax increase, includes the statement described in
3950 Subsection 20A-7-503(2)(b); or

3951 (d) as it relates to a local initiative, using the electronic initiative process:

3952 (i) means the form described in Subsection 20A-7-514(2)(a), petitioning for
3953 submission of the initiative to the legislative body or the legal voters; and

3954 (ii) if the initiative proposes a tax increase, includes the statement described in
3955 Subsection 20A-7-514(4)(a).

3956 (15) (a) "Land use law" means a law of general applicability, enacted based on the
3957 weighing of broad, competing policy considerations, that relates to the use of land, including
3958 land use regulation, a general plan, a land use development code, an annexation ordinance, the
3959 rezoning of a single property or multiple properties, or a comprehensive zoning ordinance or
3960 resolution.

3961 (b) "Land use law" does not include a land use decision, as defined in Section
3962 10-9a-103 or 17-27a-103.

3963 (16) "Legal signatures" means the number of signatures of legal voters that:

3964 (a) meet the numerical requirements of this chapter; and

3965 (b) have been obtained, certified, and verified as provided in this chapter.

3966 (17) "Legal voter" means an individual who is registered to vote in Utah.

3967 (18) "Legally referable to voters" means:

3968 (a) for a proposed local initiative, that the proposed local initiative is legally referable
3969 to voters under Section 20A-7-502.7; or

3970 (b) for a proposed local referendum, that the proposed local referendum is legally
3971 referable to voters under Section 20A-7-602.7.

3972 (19) "Local attorney" means the county attorney, city attorney, or town attorney in
3973 whose jurisdiction a local initiative or referendum petition is circulated.

3974 (20) "Local clerk" means the county clerk, city recorder, or town clerk in whose
3975 jurisdiction a local initiative or referendum petition is circulated.

3976 (21) (a) "Local law" includes:

3977 (i) an ordinance;

3978 (ii) a resolution;

3979 (iii) a land use law;

3980 (iv) a land use regulation, as defined in Section 10-9a-103; or

3981 (v) other legislative action of a local legislative body.

3982 (b) "Local law" does not include a land use decision, as defined in Section 10-9a-103.

3983 (22) "Local legislative body" means the legislative body of a county, city, or town~~, or~~
3984 ~~metro township~~.

3985 (23) "Local obligation law" means a local law passed by the local legislative body
3986 regarding a bond that was approved by a majority of qualified voters in an election.

3987 (24) "Local tax law" means a law, passed by a political subdivision with an annual or
3988 biannual calendar fiscal year, that increases a tax or imposes a new tax.

3989 (25) "Manual initiative process" means the process for gathering signatures for an
3990 initiative using paper signature packets that a signer physically signs.

3991 (26) "Manual referendum process" means the process for gathering signatures for a
3992 referendum using paper signature packets that a signer physically signs.

3993 (27) "Measure" means a proposed constitutional amendment, an initiative, or
3994 referendum.

3995 (28) "Referendum" means a process by which a law passed by the Legislature or by a
3996 local legislative body is submitted or referred to the voters for their approval or rejection.

3997 (29) "Referendum application" means:

3998 (a) for a statewide referendum, an application described in Subsection 20A-7-302(2)

that includes all the information, statements, documents, and notarized signatures required under Subsection 20A-7-302(2); or

(b) for a local referendum, an application described in Subsection 20A-7-602(2) that includes all the information, statements, documents, and notarized signatures required under Subsection 20A-7-602(2).

(30) "Referendum packet" means a copy of the referendum petition, a copy of the law being submitted or referred to the voters for their approval or rejection, and the signature sheets, all of which have been bound together as a unit.

(31) "Referendum petition" means:

(a) as it relates to a statewide referendum, using the manual referendum process, the form described in Subsection 20A-7-303(2)(a), petitioning for submission of a law passed by the Legislature to legal voters for their approval or rejection;

(b) as it relates to a statewide referendum, using the electronic referendum process, the form described in Subsection 20A-7-313(2), petitioning for submission of a law passed by the Legislature to legal voters for their approval or rejection;

(c) as it relates to a local referendum, using the manual referendum process, the form described in Subsection 20A-7-603(2)(a), petitioning for submission of a local law to legal voters for their approval or rejection; or

(d) as it relates to a local referendum, using the electronic referendum process, the form described in Subsection 20A-7-614(2), petitioning for submission of a local law to legal voters for their approval or rejection.

(32) "Signature":

(a) for a statewide initiative:

(i) as it relates to the electronic initiative process, means an electronic signature collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); or

(ii) as it relates to the manual initiative process:

(A) means a holographic signature collected physically on a signature sheet described in Section 20A-7-203; and

(B) does not include an electronic signature;

(b) for a statewide referendum:

(i) as it relates to the electronic referendum process, means an electronic signature

4030 collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or
4031 (ii) as it relates to the manual referendum process:
4032 (A) means a holographic signature collected physically on a signature sheet described
4033 in Section 20A-7-303; and
4034 (B) does not include an electronic signature;
4035 (c) for a local initiative:
4036 (i) as it relates to the electronic initiative process, means an electronic signature
4037 collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or
4038 (ii) as it relates to the manual initiative process:
4039 (A) means a holographic signature collected physically on a signature sheet described
4040 in Section 20A-7-503; and
4041 (B) does not include an electronic signature; or
4042 (d) for a local referendum:
4043 (i) as it relates to the electronic referendum process, means an electronic signature
4044 collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or
4045 (ii) as it relates to the manual referendum process:
4046 (A) means a holographic signature collected physically on a signature sheet described
4047 in Section 20A-7-603; and
4048 (B) does not include an electronic signature.
4049 (33) "Signature sheets" means sheets in the form required by this chapter that are used
4050 under the manual initiative process or the manual referendum process to collect signatures in
4051 support of an initiative or referendum.
4052 (34) "Special local ballot proposition" means a local ballot proposition that is not a
4053 standard local ballot proposition.
4054 (35) "Sponsors" means the legal voters who support the initiative or referendum and
4055 who sign the initiative application or referendum application.
4056 (36) (a) "Standard local ballot proposition" means a local ballot proposition for an
4057 initiative or a referendum.
4058 (b) "Standard local ballot proposition" does not include a property tax referendum
4059 described in Section 20A-7-613.
4060 (37) "Tax percentage difference" means the difference between the tax rate proposed

by an initiative or an initiative petition and the current tax rate.

(38) "Tax percentage increase" means a number calculated by dividing the tax percentage difference by the current tax rate and rounding the result to the nearest thousandth.

(39) "Verified" means acknowledged by the person circulating the petition as required in Section 20A-7-105.

Section 61. Section **20A-7-401.3** is amended to read:

20A-7-401.3. Voter participation areas.

(1) (a) Except as provided in Subsection (2):

(i) ~~[a metro township with a population of 65,000 or more,]~~ a city of the first or second class[;] or a county of the first or second class shall, no later than January 1, 2020, again on January 1, 2022, and January 1 each 10 years after 2022, divide the ~~[metro township,]~~ city[;] or county into eight contiguous and compact voter participation areas of substantially equal population; and

(ii) ~~[a metro township with a population of 10,000 or more,]~~ a city of the third or fourth class[;] or a county of the third or fourth class shall, no later than January 1, 2020, again on January 1, 2022, and January 1 each 10 years after 2022, divide the ~~[metro township,]~~ city[;] or county into four contiguous and compact voter participation areas of substantially equal population.

(b) A ~~[metro township,]~~ city[;] or county shall use the voter participation areas described in Subsection (1)(a) or (2)(b) for the purpose described in Sections 20A-7-501 and 20A-7-601.

(2) (a) This section does not apply to ~~[a metro township with a population of less than 10,000,]~~ a county of the fifth or sixth class, a city of the fifth class, or a town.

(b) A ~~[metro township,]~~ city[;] or county that has established council districts that are not at-large districts may, regardless of the number of council districts that are not at-large districts, use the council districts as voter participation areas under this section.

Section 62. Section **20A-7-501** is amended to read:

20A-7-501. Initiatives -- Signature requirements -- Time requirements.

(1) As used in this section:

(a) "Number of active voters" means the number of active voters in the county, city, or town on the immediately preceding January 1.

(b) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a) or (2)(b).

(2) An eligible voter seeking to have an initiative submitted to a local legislative body or to a vote of the people for approval or rejection shall, after filing an initiative application, obtain legal signatures equal to:

(a) for a county of the first class:

(i) 7.75% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75% of the county's voter participation areas;

(b) for ~~a metro township with a population of 100,000 or more, or~~ a city of the first class:

(i) 7.5% of the number of active voters in the ~~[metro township or]~~ city; and

(ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75% of the ~~[metro township's or]~~ city's voter participation areas;

(c) for a county of the second class:

(i) 8% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of the county's voter participation areas;

(d) for ~~a metro township with a population of 65,000 or more but less than 100,000, or~~ a city of the second class:

(i) 8.25% of the number of active voters in the ~~[metro township or]~~ city; and

(ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75% of the ~~[metro township's or]~~ city's voter participation areas;

(e) for a county of the third class:

(i) 9.5% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75% of the county's voter participation areas;

(f) for ~~a metro township with a population of 30,000 or more but less than 65,000, or~~ a city of the third class:

(i) 10% of the number of active voters in the ~~[metro township or]~~ city; and

(ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%

4123 of the ~~[metro township's or]~~ city's voter participation areas;

4124 (g) for a county of the fourth class:

4125 (i) 11.5% of the number of active voters in the county; and

4126 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%

4127 of the county's voter participation areas;

4128 (h) for ~~[a metro township with a population of 10,000 or more but less than 30,000, or]~~

4129 a city of the fourth class:

4130 (i) 11.5% of the number of active voters in the ~~[metro township or]~~ city; and

4131 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%

4132 of the ~~[metro township's or]~~ city's voter participation areas;

4133 (i) for ~~[a metro township with a population of 1,000 or more but less than 10,000,]~~ a

4134 city of the fifth class[;] or a county of the fifth class, 25% of the number of active voters in the

4135 ~~[metro township,]~~ city[;] or county; or

4136 (j) for ~~[a metro township with a population of less than 1,000,]~~ a town[;] or a county of

4137 the sixth class, 35% of the number of active voters in the ~~[metro township,]~~ town[;] or county.

4138 (3) If the total number of certified signatures collected for the initiative petition equals

4139 or exceeds the number of signatures required by this section, the clerk or recorder shall deliver

4140 the proposed law to the local legislative body at the local legislative body's next meeting.

4141 (4) (a) The local legislative body shall either adopt or reject the proposed law without

4142 change or amendment within 30 days after the day on which the local legislative body receives

4143 the proposed law under Subsection (3).

4144 (b) The local legislative body may:

4145 (i) adopt the proposed law and refer the proposed law to the people;

4146 (ii) adopt the proposed law without referring the proposed law to the people; or

4147 (iii) reject the proposed law.

4148 (c) If the local legislative body adopts the proposed law but does not refer the proposed

4149 law to the people, the proposed law is subject to referendum as with other local laws.

4150 (d) (i) If a county legislative body rejects a proposed law, or takes no action on a

4151 proposed law, the county clerk shall submit the proposed law to the voters of the county at the

4152 next regular general election immediately after the initiative application for the proposed law is

4153 filed under Section 20A-7-502.

(ii) If a local legislative body of a municipality rejects a proposed law, or takes no action on a proposed law, the municipal recorder or clerk shall submit the proposed law to the voters of the municipality at the next municipal general election immediately after the initiative application is filed under Section 20A-7-502.

(e) (i) If a local legislative body rejects a proposed law, or takes no action on a proposed law, the local legislative body may adopt a competing local law.

(ii) The local legislative body shall prepare and adopt the competing local law within the 30-day period described in Subsection (4)(a).

(iii) If a local legislative body adopts a competing local law, the clerk or recorder shall refer the competing local law to the voters of the county or municipality at the same election at which the law proposed by initiative is submitted under Subsection (4)(d).

(f) If conflicting local laws are submitted to the people at the same election and two or more of the conflicting measures are approved by the people, the proposed law that receives the greatest number of affirmative votes shall control all conflicts.

Section 63. Section **20A-7-502.7** is amended to read:

20A-7-502.7. Referability to voters.

(1) Within 20 days after the day on which an eligible voter files an initiative application under Section 20A-7-502, counsel for the county, city, or town~~[-or metro township]~~ to which the initiative pertains shall:

(a) review the proposed law that is the subject of the initiative application to determine whether the law is legally referable to voters; and

(b) notify the first three sponsors, in writing, whether the proposed law is:

(i) legally referable to voters; or

(ii) rejected as not legally referable to voters.

(2) A proposed law that is the subject of an initiative application is legally referable to voters unless:

(a) the proposed law:

(i) is patently unconstitutional;

(ii) is nonsensical;

(iii) is administrative, rather than legislative, in nature;

(iv) could not become law if passed;

(v) contains more than one subject as evaluated in accordance with Subsection 20A-7-502(3); or

(b) is identical or substantially similar to a legally referable proposed law sought by an initiative application submitted to the local clerk, under Section 20A-7-502, within two years before the day on which the initiative application for the current proposed law is filed;

(c) the subject of the proposed law is not clearly expressed in the law's title; or

(d) the initiative application was not timely filed or does not comply with the requirements of this part.

(3) After the end of the 20-day period described in Subsection (1), a county, city, or town[, ~~or metro township~~] may not:

(a) reject a proposed initiative as not legally referable to voters; or

(b) bring a legal action, other than to appeal a court decision, challenging a proposed initiative on the grounds that the proposed initiative is not legally referable to voters.

(4) If a county, city, or town[, ~~or metro township~~] rejects a proposed initiative, a sponsor of the proposed initiative may, within 10 days after the day on which a sponsor is notified under Subsection (1)(b), appeal the decision to:

(a) district court; or

(b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.

(5) If, on appeal, the court determines that the law proposed by the initiative application is legally referable to voters, the local clerk shall comply with Subsection 20A-7-504(3), or give the sponsors access to the website defined in Section 20A-21-101, within five days after the day on which the determination, and any appeal of the determination, is final.

Section 64. Section **20A-7-504** is amended to read:

20A-7-504. Manual initiative process -- Circulation requirements -- Local clerk to provide sponsors with materials.

(1) This section applies only to the manual initiative process.

(2) In order to obtain the necessary number of signatures required by this part, the sponsors or an agent of the sponsors shall, after the sponsors receive the documents described in Subsections (3) and 20A-7-401.5(4)(b), circulate initiative packets that meet the form requirements of this part.

(3) Within five days after the day on which a county, city, town, ~~[metro township,]~~ or court determines, in accordance with Section 20A-7-502.7, that a law proposed in an initiative petition is legally referable to voters, the local clerk shall provide to the sponsors:

(a) a copy of the initiative petition; and

(b) a signature sheet.

(4) The sponsors of the initiative shall:

(a) arrange and pay for the printing of all documents that are part of the initiative packets; and

(b) ensure that the initiative packets and the documents described in Subsection (4)(a) meet the requirements of this part.

(5) (a) The sponsors or an agent of the sponsors may prepare the initiative packets for circulation by creating multiple initiative packets.

(b) The sponsors or an agent of the sponsors shall create initiative packets by binding a copy of the initiative petition with the text of the proposed law and no more than 50 signature sheets together at the top in a manner that the initiative packets may be conveniently opened for signing.

(c) An initiative packet is not required to have a uniform number of signature sheets.

(d) The sponsors or an agent of the sponsors shall include, with each initiative packet, a copy of the proposition information pamphlet provided to the sponsors under Subsection 20A-7-401.5(4)(b).

(6) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

(i) contact the county clerk to receive a range of numbers that the sponsors may use to number initiative packets; and

(ii) number each initiative packet, sequentially, within the range of numbers provided by the county clerk, starting with the lowest number in the range.

(b) The sponsors or an agent of the sponsors may not:

(i) number an initiative packet in a manner not directed by the county clerk; or

(ii) circulate or submit an initiative packet that is not numbered in the manner directed by the county clerk.

(c) The county clerk shall keep a record of the number range provided under Subsection (6)(a).

4247 Section 65. Section **20A-7-601** is amended to read:

4248 **20A-7-601. Referenda -- General signature requirements -- Signature**
4249 **requirements for land use laws, subjurisdictional laws, and transit area land use laws --**
4250 **Time requirements.**

4251 (1) As used in this section:

4252 (a) "Number of active voters" means the number of active voters in the county, city, or
4253 town on the immediately preceding January 1.

4254 (b) "Qualifying county" means a county that has created a small public transit district,
4255 as defined in Section 17B-2a-802, on or before January 1, 2022.

4256 (c) "Qualifying transit area" means:

4257 (i) a station area, as defined in Section 10-9a-403.1, for which the municipality with
4258 jurisdiction over the station area has satisfied the requirements of Subsection
4259 10-9a-403.1(2)(a)(i), as demonstrated by the adoption of a station area plan or resolution under
4260 Subsection 10-9a-403.1(2); or

4261 (ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created
4262 within a qualifying county.

4263 (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
4264 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

4265 (e) (i) "Subjurisdictional law" means a local law or local obligation law passed by a
4266 local legislative body that imposes a tax or other payment obligation on property in an area that
4267 does not include all precincts and subprecincts under the jurisdiction of the county, city, or
4268 town[, ~~or metro township~~].

4269 (ii) "Subjurisdictional law" does not include a land use law.

4270 (f) "Transit area land use law" means a land use law that relates to the use of land
4271 within a qualifying transit area.

4272 (g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)
4273 or (2)(b).

4274 (2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have
4275 a local law passed by the local legislative body submitted to a vote of the people shall, after
4276 filing a referendum application, obtain legal signatures equal to:

4277 (a) for a county of the first class:

- 4278 (i) 7.75% of the number of active voters in the county; and
4279 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75%
4280 of the county's voter participation areas;
- 4281 (b) for [~~a metro township with a population of 100,000 or more, or~~] a city of the first
4282 class:
- 4283 (i) 7.5% of the number of active voters in the [~~metro township or~~] city; and
4284 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%
4285 of the [~~metro township's or~~] city's voter participation areas;
- 4286 (c) for a county of the second class:
- 4287 (i) 8% of the number of active voters in the county; and
4288 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of
4289 the county's voter participation areas;
- 4290 (d) for [~~a metro township with a population of 65,000 or more but less than 100,000,~~
4291 ~~or~~] a city of the second class:
- 4292 (i) 8.25% of the number of active voters in the [~~metro township or~~] city; and
4293 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75%
4294 of the [~~metro township's or~~] city's voter participation areas;
- 4295 (e) for a county of the third class:
- 4296 (i) 9.5% of the number of active voters in the county; and
4297 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%
4298 of the county's voter participation areas;
- 4299 (f) for [~~a metro township with a population of 30,000 or more but less than 65,000, or~~]
4300 a city of the third class:
- 4301 (i) 10% of the number of active voters in the [~~metro township or~~] city; and
4302 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%
4303 of the [~~metro township's or~~] city's voter participation areas;
- 4304 (g) for a county of the fourth class:
- 4305 (i) 11.5% of the number of active voters in the county; and
4306 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%
4307 of the county's voter participation areas;
- 4308 (h) for [~~a metro township with a population of 10,000 or more but less than 30,000, or~~]

4309 a city of the fourth class:

4310 (i) 11.5% of the number of active voters in the ~~[metro township or]~~ city; and

4311 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%

4312 of the ~~[metro township's or]~~ city's voter participation areas;

4313 (i) for ~~[a metro township with a population of 1,000 or more but less than 10,000,]~~ a

4314 city of the fifth class~~;~~ or a county of the fifth class, 25% of the number of active voters in the

4315 ~~[metro township,]~~ city~~;~~ or county; or

4316 (j) for ~~[a metro township with a population of less than 1,000,]~~ a town~~;~~ or a county of

4317 the sixth class, 35% of the number of active voters in the ~~[metro township,]~~ town~~;~~ or county.

4318 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land

4319 use law or local obligation law passed by the local legislative body submitted to a vote of the

4320 people shall, after filing a referendum application, obtain legal signatures equal to:

4321 (a) for a county of the first, second, third, or fourth class:

4322 (i) 16% of the number of active voters in the county; and

4323 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%

4324 of the county's voter participation areas;

4325 (b) for a county of the fifth or sixth class:

4326 (i) 16% of the number of active voters in the county; and

4327 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%

4328 of the county's voter participation areas;

4329 (c) for ~~[a metro township with a population of 100,000 or more, or]~~ a city of the first

4330 class:

4331 (i) 15% of the number of active voters in the ~~[metro township or]~~ city; and

4332 (ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75%

4333 of the ~~[metro township's or]~~ city's voter participation areas;

4334 (d) for ~~[a metro township with a population of 65,000 or more but less than 100,000,]~~

4335 or a city of the second class:

4336 (i) 16% of the number of active voters in the ~~[metro township or]~~ city; and

4337 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%

4338 of the ~~[metro township's or]~~ city's voter participation areas;

4339 (e) for ~~[a metro township with a population of 30,000 or more but less than 65,000, or]~~

4340 a city of the third class:

4341 (i) 27.5% of the number of active voters in the ~~[metro township or]~~ city; and

4342 (ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least 75%

4343 of the ~~[metro township's or]~~ city's voter participation areas;

4344 (f) for ~~[a metro township with a population of 10,000 or more but less than 30,000, or]~~

4345 a city of the fourth class:

4346 (i) 29% of the number of active voters in the ~~[metro township or]~~ city; and

4347 (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75%

4348 of the ~~[metro township's or]~~ city's voter participation areas;

4349 (g) for ~~[a metro township with a population of 1,000 or more but less than 10,000, or]~~ a

4350 city of the fifth class, 35% of the number of active voters in the ~~[metro township or]~~ city; or

4351 (h) for ~~[a metro township with a population of less than 1,000 or]~~ a town, 40% of the

4352 number of active voters in the ~~[metro township or]~~ town.

4353 (4) A person seeking to have a subjurisdictional law passed by the local legislative

4354 body submitted to a vote of the people shall, after filing a referendum application, obtain legal

4355 signatures of the residents in the subjurisdiction equal to:

4356 (a) 10% of the number of active voters in the subjurisdiction if the number of active

4357 voters exceeds 25,000;

4358 (b) 12-1/2% of the number of active voters in the subjurisdiction if the number of

4359 active voters does not exceed 25,000 but is more than 10,000;

4360 (c) 15% of the number of active voters in the subjurisdiction if the number of active

4361 voters does not exceed 10,000 but is more than 2,500;

4362 (d) 20% of the number of active voters in the subjurisdiction if the number of active

4363 voters does not exceed 2,500 but is more than 500;

4364 (e) 25% of the number of active voters in the subjurisdiction if the number of active

4365 voters does not exceed 500 but is more than 250; and

4366 (f) 30% of the number of active voters in the subjurisdiction if the number of active

4367 voters does not exceed 250.

4368 (5) An eligible voter seeking to have a transit area land use law passed by the local

4369 legislative body submitted to a vote of the people shall, after filing a referendum application,

4370 obtain legal signatures equal to:

4371 (a) for a county:
4372 (i) 20% of the number of active voters in the county; and
4373 (ii) 21% of the number of active voters in at least 75% of the county's voter
4374 participation areas;
4375 (b) for ~~[a metro township with a population of 100,000 or more, or]~~ a city of the first
4376 class:
4377 (i) 20% of the number of active voters in the ~~[metro township or]~~ city; and
4378 (ii) 20% of the number of active voters in at least 75% of the ~~[metro township's or]~~
4379 city's voter participation areas;
4380 (c) for ~~[a metro township with a population of 65,000 or more but less than 100,000,~~
4381 ~~or]~~ a city of the second class:
4382 (i) 20% of the number of active voters in the ~~[metro township or]~~ city; and
4383 (ii) 21% of the number of active voters in at least 75% of the ~~[metro township's or]~~
4384 city's voter participation areas;
4385 (d) for ~~[a metro township with a population of 30,000 or more but less than 65,000, or]~~
4386 a city of the third class:
4387 (i) 34% of the number of active voters in the ~~[metro township or]~~ city; and
4388 (ii) 34% of the number of active voters in at least 75% of the ~~[metro township's or]~~
4389 city's voter participation areas;
4390 (e) for ~~[a metro township with a population of 10,000 or more but less than 30,000, or]~~
4391 a city of the fourth class:
4392 (i) 36% of the number of active voters in the ~~[metro township or]~~ city; and
4393 (ii) 36% of the number of active voters in at least 75% of the ~~[metro township's or]~~
4394 city's voter participation areas; or
4395 (f) for ~~[a metro township with a population less than 10,000,]~~ a city of the fifth class[;]
4396 or a town, 40% of the number of active voters in the ~~[metro township,]~~ city[;] or town.
4397 (6) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), or
4398 (5), any local law passed by a local legislative body shall file the application before 5 p.m.
4399 within seven days after the day on which the local law was passed.
4400 (7) Nothing in this section authorizes a local legislative body to impose a tax or other
4401 payment obligation on a subjurisdiction in order to benefit an area outside of the

4402 subjurisdiction.

4403 Section 66. Section **20A-7-602.7** is amended to read:

4404 **20A-7-602.7. Referability to voters of local law other than land use law.**

4405 (1) Within 20 days after the day on which an eligible voter files a referendum
4406 application under Section 20A-7-602 for a local law other than a land use law, counsel for the
4407 county, city, or town[, ~~or metro township~~] to which the referendum pertains shall:

4408 (a) review the referendum application to determine whether the proposed referendum is
4409 legally referable to voters; and

4410 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

4411 (i) legally referable to voters; or

4412 (ii) rejected as not legally referable to voters.

4413 (2) For a local law other than a land use law, a proposed referendum is legally referable
4414 to voters unless:

4415 (a) the proposed referendum challenges an action that is administrative, rather than
4416 legislative, in nature;

4417 (b) the proposed referendum challenges more than one law passed by the local
4418 legislative body; or

4419 (c) the referendum application was not timely filed or does not comply with the
4420 requirements of this part.

4421 (3) After the end of the 20-day period described in Subsection (1), a county, city, or
4422 town[, ~~or metro township~~] may not, for a local law other than a land use law:

4423 (a) reject a proposed referendum as not legally referable to voters; or

4424 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
4425 proposed referendum on the grounds that the proposed referendum is not legally referable to
4426 voters.

4427 (4) (a) If, under Subsection (1)(b)(ii), a county, city, or town[, ~~or metro township~~]
4428 rejects a proposed referendum concerning a local law other than a land use law, a sponsor of
4429 the proposed referendum may, within 10 days after the day on which a sponsor is notified
4430 under Subsection (1)(b), challenge or appeal the decision to:

4431 (i) the Supreme Court, by means of an extraordinary writ, if possible; or

4432 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ

4433 under Subsection (4)(a)(i).

4434 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection
4435 (4)(a) terminates the referendum.

4436 (5) If, on a challenge or appeal, the court determines that the proposed referendum
4437 described in Subsection (4) is legally referable to voters, the local clerk shall comply with
4438 Subsection 20A-7-604(3), or give the sponsors access to the website defined in Section
4439 20A-21-101, within five days after the day on which the determination, and any challenge or
4440 appeal of the determination, is final.

4441 Section 67. Section **20A-7-602.8** is amended to read:

4442 **20A-7-602.8. Referability to voters of local land use law.**

4443 (1) Within 20 days after the day on which a referendum eligible voter files an
4444 application under Section 20A-7-602 for a land use law, counsel for the county, city, or town[;
4445 ~~or metro township~~] to which the referendum pertains shall:

4446 (a) review the referendum application to determine whether the proposed referendum is
4447 legally referable to voters; and

4448 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

4449 (i) legally referable to voters; or

4450 (ii) rejected as not legally referable to voters.

4451 (2) (a) Subject to Subsection (2)(b), for a land use law, a proposed referendum is
4452 legally referable to voters unless:

4453 (i) the proposed referendum challenges an action that is administrative, rather than
4454 legislative, in nature;

4455 (ii) the proposed referendum challenges a land use decision, rather than a land use
4456 regulation, as those terms are defined in Section 10-9a-103 or 17-27a-103;

4457 (iii) the proposed referendum challenges more than one law passed by the local
4458 legislative body; or

4459 (iv) the referendum application was not timely filed or does not comply with the
4460 requirements of this part.

4461 (b) In addition to the limitations of Subsection (2)(a), a proposed referendum is not
4462 legally referable to voters for a:

4463 (i) municipal land use law, as defined in Section 20A-7-101, if the land use law was

passed by a unanimous vote of the local legislative body; or

(ii) transit area land use law, as defined in Section 20A-7-601, if the transit area land use law was passed by a two-thirds vote of the local legislative body.

(3) After the end of the 20-day period described in Subsection (1), a county, city, or town~~[, or metro township]~~ may not, for a land use law:

(a) reject a proposed referendum as not legally referable to voters; or

(b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a proposed referendum on the grounds that the proposed referendum is not legally referable to voters.

(4) (a) If a county, city, or town~~[, or metro township]~~ rejects a proposed referendum concerning a land use law, a sponsor of the proposed referendum may, within seven days after the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision to:

(i) the Supreme Court, by means of an extraordinary writ, if possible; or

(ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ under Subsection (4)(a)(i).

(b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a) terminates the referendum.

(5) If, on challenge or appeal, the court determines that the proposed referendum is legally referable to voters, the local clerk shall comply with Subsection 20A-7-604(3), or give the sponsors access to the website defined in Section 20A-21-101, within five days after the day on which the determination, and any challenge or appeal of the determination, is final.

Section 68. Section **20A-7-604** is amended to read:

20A-7-604. Manual referendum process -- Circulation requirements -- Local clerk to provide sponsors with materials.

(1) This section applies only to the manual referendum process.

(2) In order to obtain the necessary number of signatures required by this part, the sponsors or an agent of the sponsors shall, after the sponsors receive the documents described in Subsections (3) and 20A-7-401.5(4)(b), circulate referendum packets that meet the form requirements of this part.

(3) Within five days after the day on which a county, city, town, ~~[metro township]~~ or

4495 court determines, in accordance with Section 20A-7-602.7, that a proposed referendum is
4496 legally referable to voters, the local clerk shall provide the sponsors with
4497 a copy of the referendum petition and a signature sheet.

4498 (4) The sponsors of the referendum petition shall:

4499 (a) arrange and pay for the printing of all documents that are part of the referendum
4500 packets; and

4501 (b) ensure that the referendum packets and the documents described in Subsection
4502 (4)(a) meet the form requirements of this section.

4503 (5) (a) The sponsors or an agent of the sponsors may prepare the referendum packets
4504 for circulation by creating multiple referendum packets.

4505 (b) The sponsors or an agent of the sponsors shall create referendum packets by
4506 binding a copy of the referendum petition with the text of the law that is the subject of the
4507 referendum and no more than 50 signature sheets together at the top in a manner that the
4508 referendum packets may be conveniently opened for signing.

4509 (c) A referendum packet is not required to have a uniform number of signature sheets.

4510 (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of
4511 the proposition information pamphlet provided to the sponsors under Subsection
4512 20A-7-401.5(4)(b).

4513 (6) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

4514 (i) contact the county clerk to receive a range of numbers that the sponsors may use to
4515 number referendum packets;

4516 (ii) sign an agreement with the local clerk, specifying the range of numbers that the
4517 sponsor will use to number the referendum packets; and

4518 (iii) number each referendum packet, sequentially, within the range of numbers
4519 provided by the county clerk, starting with the lowest number in the range.

4520 (b) The sponsors or an agent of the sponsors may not:

4521 (i) number a referendum packet in a manner not directed by the county clerk; or

4522 (ii) circulate or submit a referendum packet that is not numbered in the manner
4523 directed by the county clerk.

4524 Section 69. Section **20A-11-101** is amended to read:

4525 **20A-11-101. Definitions.**

4526 As used in this chapter:

4527 (1) (a) "Address" means the number and street where an individual resides or where a
4528 reporting entity has its principal office.

4529 (b) "Address" does not include a post office box.

4530 (2) "Agent of a reporting entity" means:

4531 (a) a person acting on behalf of a reporting entity at the direction of the reporting
4532 entity;

4533 (b) a person employed by a reporting entity in the reporting entity's capacity as a
4534 reporting entity;

4535 (c) the personal campaign committee of a candidate or officeholder;

4536 (d) a member of the personal campaign committee of a candidate or officeholder in the
4537 member's capacity as a member of the personal campaign committee of the candidate or
4538 officeholder; or

4539 (e) a political consultant of a reporting entity.

4540 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
4541 amendments, and any other ballot propositions submitted to the voters that are authorized by
4542 the Utah Code Annotated 1953.

4543 (4) "Candidate" means any person who:

4544 (a) files a declaration of candidacy for a public office; or

4545 (b) receives contributions, makes expenditures, or gives consent for any other person to
4546 receive contributions or make expenditures to bring about the person's nomination or election
4547 to a public office.

4548 (5) "Chief election officer" means:

4549 (a) the lieutenant governor for state office candidates, legislative office candidates,
4550 officeholders, political parties, political action committees, corporations, political issues
4551 committees, state school board candidates, judges, and labor organizations, as defined in
4552 Section 20A-11-1501; and

4553 (b) the county clerk for local school board candidates.

4554 (6) (a) "Contribution" means any of the following when done for political purposes:

4555 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
4556 value given to the filing entity;

- 4557 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
4558 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
4559 anything of value to the filing entity;
- 4560 (iii) any transfer of funds from another reporting entity to the filing entity;
- 4561 (iv) compensation paid by any person or reporting entity other than the filing entity for
4562 personal services provided without charge to the filing entity;
- 4563 (v) remuneration from:
- 4564 (A) any organization or its directly affiliated organization that has a registered lobbyist;
4565 or
- 4566 (B) any agency or subdivision of the state, including school districts;
- 4567 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
4568 (vii) in-kind contributions.
- 4569 (b) "Contribution" does not include:
- 4570 (i) services provided by individuals volunteering a portion or all of their time on behalf
4571 of the filing entity if the services are provided without compensation by the filing entity or any
4572 other person;
- 4573 (ii) money lent to the filing entity by a financial institution in the ordinary course of
4574 business;
- 4575 (iii) goods or services provided for the benefit of a political entity at less than fair
4576 market value that are not authorized by or coordinated with the political entity; or
- 4577 (iv) data or information described in Subsection (24)(b).
- 4578 (7) "Coordinated with" means that goods or services provided for the benefit of a
4579 political entity are provided:
- 4580 (a) with the political entity's prior knowledge, if the political entity does not object;
4581 (b) by agreement with the political entity;
4582 (c) in coordination with the political entity; or
4583 (d) using official logos, slogans, and similar elements belonging to a political entity.
- 4584 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
4585 organization that is registered as a corporation or is authorized to do business in a state and
4586 makes any expenditure from corporate funds for:
- 4587 (i) the purpose of expressly advocating for political purposes; or

(ii) the purpose of expressly advocating the approval or the defeat of any ballot proposition.

(b) "Corporation" does not mean:

(i) a business organization's political action committee or political issues committee; or

(ii) a business entity organized as a partnership or a sole proprietorship.

(9) "County political party" means, for each registered political party, all of the persons within a single county who, under definitions established by the political party, are members of the registered political party.

(10) "County political party officer" means a person whose name is required to be submitted by a county political party to the lieutenant governor in accordance with Section 20A-8-402.

(11) "Detailed listing" means:

(a) for each contribution or public service assistance:

(i) the name and address of the individual or source making the contribution or public service assistance, except to the extent that the name or address of the individual or source is unknown;

(ii) the amount or value of the contribution or public service assistance; and

(iii) the date the contribution or public service assistance was made; and

(b) for each expenditure:

(i) the amount of the expenditure;

(ii) the goods or services acquired by the expenditure; and

(iii) the date the expenditure was made.

(12) (a) "Donor" means a person that gives money, including a fee, due, or assessment for membership in the corporation, to a corporation without receiving full and adequate consideration for the money.

(b) "Donor" does not include a person that signs a statement that the corporation may not use the money for an expenditure or political issues expenditure.

(13) "Election" means each:

(a) regular general election;

(b) regular primary election; and

(c) special election at which candidates are eliminated and selected.

4619 (14) "Electioneering communication" means a communication that:
4620 (a) has at least a value of \$10,000;
4621 (b) clearly identifies a candidate or judge; and
4622 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
4623 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
4624 identified candidate's or judge's election date.

4625 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
4626 agent of a reporting entity on behalf of the reporting entity:
4627 (i) any disbursement from contributions, receipts, or from the separate bank account
4628 required by this chapter;
4629 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
4630 or anything of value made for political purposes;
4631 (iii) an express, legally enforceable contract, promise, or agreement to make any
4632 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
4633 value for political purposes;
4634 (iv) compensation paid by a filing entity for personal services rendered by a person
4635 without charge to a reporting entity;
4636 (v) a transfer of funds between the filing entity and a candidate's personal campaign
4637 committee;
4638 (vi) goods or services provided by the filing entity to or for the benefit of another
4639 reporting entity for political purposes at less than fair market value; or
4640 (vii) an independent expenditure, as defined in Section 20A-11-1702.

4641 (b) "Expenditure" does not include:
4642 (i) services provided without compensation by individuals volunteering a portion or all
4643 of their time on behalf of a reporting entity;
4644 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
4645 business; or
4646 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
4647 candidates for office or officeholders in states other than Utah.

4648 (16) "Federal office" means the office of president of the United States, United States
4649 Senator, or United States Representative.

(17) "Filing entity" means the reporting entity that is required to file a financial statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

(18) "Financial statement" includes any summary report, interim report, verified financial statement, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

(19) "Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee, political party, or corporation.

(20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal Incorporation, by which a geographical area becomes legally recognized as a city[;] or town[; ~~or metro township~~].

(21) "Incorporation election" means the election conducted under Section 10-2a-210 or 10-2a-404.

(22) "Incorporation petition" means a petition described in Section 10-2a-208.

(23) "Individual" means a natural person.

(24) (a) "In-kind contribution" means anything of value, other than money, that is accepted by or coordinated with a filing entity.

(b) "In-kind contribution" does not include survey results, voter lists, voter contact information, demographic data, voting trend data, or other information that:

(i) is not commissioned for the benefit of a particular candidate or officeholder; and

(ii) is offered at no cost to a candidate or officeholder.

(25) "Interim report" means a report identifying the contributions received and expenditures made since the last report.

(26) "Legislative office" means the office of state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

(27) "Legislative office candidate" means a person who:

(a) files a declaration of candidacy for the office of state senator or state representative;

(b) declares oneself to be a candidate for, or actively campaigns for, the position of speaker of the House of Representatives, president of the Senate, or the leader, whip, and

4681 assistant whip of any party caucus in either house of the Legislature; or
4682 (c) receives contributions, makes expenditures, or gives consent for any other person to
4683 receive contributions or make expenditures to bring about the person's nomination, election, or
4684 appointment to a legislative office.

4685 (28) "Loan" means any of the following provided by a person that benefits a filing
4686 entity if the person expects repayment or reimbursement:

- 4687 (a) an expenditure made using any form of payment;
- 4688 (b) money or funds received by the filing entity;
- 4689 (c) the provision of a good or service with an agreement or understanding that payment
4690 or reimbursement will be delayed; or
- 4691 (d) use of any line of credit.

4692 (29) "Major political party" means either of the two registered political parties that
4693 have the greatest number of members elected to the two houses of the Legislature.

4694 (30) "Officeholder" means a person who holds a public office.

4695 (31) "Party committee" means any committee organized by or authorized by the
4696 governing board of a registered political party.

4697 (32) "Person" means both natural and legal persons, including individuals, business
4698 organizations, personal campaign committees, party committees, political action committees,
4699 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

4700 (33) "Personal campaign committee" means the committee appointed by a candidate to
4701 act for the candidate as provided in this chapter.

4702 (34) "Personal use expenditure" has the same meaning as provided under Section
4703 20A-11-104.

4704 (35) (a) "Political action committee" means an entity, or any group of individuals or
4705 entities within or outside this state, a major purpose of which is to:

- 4706 (i) solicit or receive contributions from any other person, group, or entity for political
4707 purposes; or
- 4708 (ii) make expenditures to expressly advocate for any person to refrain from voting or to
4709 vote for or against any candidate or person seeking election to a municipal or county office.

4710 (b) "Political action committee" includes groups affiliated with a registered political
4711 party but not authorized or organized by the governing board of the registered political party

4712 that receive contributions or makes expenditures for political purposes.

4713 (c) "Political action committee" does not mean:

4714 (i) a party committee;

4715 (ii) any entity that provides goods or services to a candidate or committee in the regular
4716 course of its business at the same price that would be provided to the general public;

4717 (iii) an individual;

4718 (iv) individuals who are related and who make contributions from a joint checking
4719 account;

4720 (v) a corporation, except a corporation a major purpose of which is to act as a political
4721 action committee; or

4722 (vi) a personal campaign committee.

4723 (36) (a) "Political consultant" means a person who is paid by a reporting entity, or paid
4724 by another person on behalf of and with the knowledge of the reporting entity, to provide
4725 political advice to the reporting entity.

4726 (b) "Political consultant" includes a circumstance described in Subsection (36)(a),
4727 where the person:

4728 (i) has already been paid, with money or other consideration;

4729 (ii) expects to be paid in the future, with money or other consideration; or

4730 (iii) understands that the person may, in the discretion of the reporting entity or another
4731 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
4732 money or other consideration.

4733 (37) "Political convention" means a county or state political convention held by a
4734 registered political party to select candidates.

4735 (38) "Political entity" means a candidate, a political party, a political action committee,
4736 or a political issues committee.

4737 (39) (a) "Political issues committee" means an entity, or any group of individuals or
4738 entities within or outside this state, a major purpose of which is to:

4739 (i) solicit or receive donations from any other person, group, or entity to assist in
4740 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
4741 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

4742 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a

4743 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
4744 proposed ballot proposition or an incorporation in an incorporation election; or
4745 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
4746 ballot or to assist in keeping a ballot proposition off the ballot.
4747 (b) "Political issues committee" does not mean:
4748 (i) a registered political party or a party committee;
4749 (ii) any entity that provides goods or services to an individual or committee in the
4750 regular course of its business at the same price that would be provided to the general public;
4751 (iii) an individual;
4752 (iv) individuals who are related and who make contributions from a joint checking
4753 account;
4754 (v) a corporation, except a corporation a major purpose of which is to act as a political
4755 issues committee; or
4756 (vi) a group of individuals who:
4757 (A) associate together for the purpose of challenging or supporting a single ballot
4758 proposition, ordinance, or other governmental action by a county, city, town, special district,
4759 special service district, or other local political subdivision of the state;
4760 (B) have a common liberty, property, or financial interest that is directly impacted by
4761 the ballot proposition, ordinance, or other governmental action;
4762 (C) do not associate together, for the purpose described in Subsection (39)(b)(vi)(A),
4763 via a legal entity;
4764 (D) do not receive funds for challenging or supporting the ballot proposition,
4765 ordinance, or other governmental action from a person other than an individual in the group;
4766 and
4767 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection
4768 (39)(b)(vi)(A).
4769 (40) (a) "Political issues contribution" means any of the following:
4770 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
4771 anything of value given to a political issues committee;
4772 (ii) an express, legally enforceable contract, promise, or agreement to make a political
4773 issues donation to influence the approval or defeat of any ballot proposition;

4774 (iii) any transfer of funds received by a political issues committee from a reporting
4775 entity;

4776 (iv) compensation paid by another reporting entity for personal services rendered
4777 without charge to a political issues committee; and

4778 (v) goods or services provided to or for the benefit of a political issues committee at
4779 less than fair market value.

4780 (b) "Political issues contribution" does not include:

4781 (i) services provided without compensation by individuals volunteering a portion or all
4782 of their time on behalf of a political issues committee; or

4783 (ii) money lent to a political issues committee by a financial institution in the ordinary
4784 course of business.

4785 (41) (a) "Political issues expenditure" means any of the following when made by a
4786 political issues committee or on behalf of a political issues committee by an agent of the
4787 reporting entity:

4788 (i) any payment from political issues contributions made for the purpose of influencing
4789 the approval or the defeat of:

4790 (A) a ballot proposition; or

4791 (B) an incorporation petition or incorporation election;

4792 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
4793 the express purpose of influencing the approval or the defeat of:

4794 (A) a ballot proposition; or

4795 (B) an incorporation petition or incorporation election;

4796 (iii) an express, legally enforceable contract, promise, or agreement to make any
4797 political issues expenditure;

4798 (iv) compensation paid by a reporting entity for personal services rendered by a person
4799 without charge to a political issues committee; or

4800 (v) goods or services provided to or for the benefit of another reporting entity at less
4801 than fair market value.

4802 (b) "Political issues expenditure" does not include:

4803 (i) services provided without compensation by individuals volunteering a portion or all
4804 of their time on behalf of a political issues committee; or

4805 (ii) money lent to a political issues committee by a financial institution in the ordinary
4806 course of business.

4807 (42) "Political purposes" means an act done with the intent or in a way to influence or
4808 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
4809 against any:

4810 (a) candidate or a person seeking a municipal or county office at any caucus, political
4811 convention, or election; or

4812 (b) judge standing for retention at any election.

4813 (43) (a) "Poll" means the survey of a person regarding the person's opinion or
4814 knowledge of an individual who has filed a declaration of candidacy for public office, or of a
4815 ballot proposition that has legally qualified for placement on the ballot, which is conducted in
4816 person or by telephone, facsimile, Internet, postal mail, or email.

4817 (b) "Poll" does not include:

4818 (i) a ballot; or

4819 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

4820 (A) the focus group consists of more than three, and less than thirteen, individuals; and

4821 (B) all individuals in the focus group are present during the interview.

4822 (44) "Primary election" means any regular primary election held under the election
4823 laws.

4824 (45) "Publicly identified class of individuals" means a group of 50 or more individuals
4825 sharing a common occupation, interest, or association that contribute to a political action
4826 committee or political issues committee and whose names can be obtained by contacting the
4827 political action committee or political issues committee upon whose financial statement the
4828 individuals are listed.

4829 (46) "Public office" means the office of governor, lieutenant governor, state auditor,
4830 state treasurer, attorney general, state school board member, state senator, state representative,
4831 speaker of the House of Representatives, president of the Senate, and the leader, whip, and
4832 assistant whip of any party caucus in either house of the Legislature.

4833 (47) (a) "Public service assistance" means the following when given or provided to an
4834 officeholder to defray the costs of functioning in a public office or aid the officeholder to
4835 communicate with the officeholder's constituents:

4836 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
4837 money or anything of value to an officeholder; or

4838 (ii) goods or services provided at less than fair market value to or for the benefit of the
4839 officeholder.

4840 (b) "Public service assistance" does not include:

4841 (i) anything provided by the state;

4842 (ii) services provided without compensation by individuals volunteering a portion or all
4843 of their time on behalf of an officeholder;

4844 (iii) money lent to an officeholder by a financial institution in the ordinary course of
4845 business;

4846 (iv) news coverage or any publication by the news media; or

4847 (v) any article, story, or other coverage as part of any regular publication of any
4848 organization unless substantially all the publication is devoted to information about the
4849 officeholder.

4850 (48) "Receipts" means contributions and public service assistance.

4851 (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11,
4852 Lobbyist Disclosure and Regulation Act.

4853 (50) "Registered political action committee" means any political action committee that
4854 is required by this chapter to file a statement of organization with the Office of the Lieutenant
4855 Governor.

4856 (51) "Registered political issues committee" means any political issues committee that
4857 is required by this chapter to file a statement of organization with the Office of the Lieutenant
4858 Governor.

4859 (52) "Registered political party" means an organization of voters that:

4860 (a) participated in the last regular general election and polled a total vote equal to 2%
4861 or more of the total votes cast for all candidates for the United States House of Representatives
4862 for any of its candidates for any office; or

4863 (b) has complied with the petition and organizing procedures of Chapter 8, Political
4864 Party Formation and Procedures.

4865 (53) (a) "Remuneration" means a payment:

4866 (i) made to a legislator for the period the Legislature is in session; and

(ii) that is approximately equivalent to an amount a legislator would have earned during the period the Legislature is in session in the legislator's ordinary course of business.

(b) "Remuneration" does not mean anything of economic value given to a legislator by:

(i) the legislator's primary employer in the ordinary course of business; or

(ii) a person or entity in the ordinary course of business:

(A) because of the legislator's ownership interest in the entity; or

(B) for services rendered by the legislator on behalf of the person or entity.

(54) "Reporting entity" means a candidate, a candidate's personal campaign committee, a judge, a judge's personal campaign committee, an officeholder, a party committee, a political action committee, a political issues committee, a corporation, or a labor organization, as defined in Section 20A-11-1501.

(55) "School board office" means the office of state school board.

(56) (a) "Source" means the person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution.

(b) "Source" means, for political action committees and corporations, the political action committee and the corporation as entities, not the contributors to the political action committee or the owners or shareholders of the corporation.

(57) "State office" means the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

(58) "State office candidate" means a person who:

(a) files a declaration of candidacy for a state office; or

(b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a state office.

(59) "Summary report" means the year end report containing the summary of a reporting entity's contributions and expenditures.

(60) "Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.

Section 70. Section **26B-2-101** is amended to read:

26B-2-101. Definitions.

As used in this part:

- 4898 (1) "Adoption services" means the same as that term is defined in Section 80-2-801.
- 4899 (2) "Adult day care" means nonresidential care and supervision:
- 4900 (a) for three or more adults for at least four but less than 24 hours a day; and
- 4901 (b) that meets the needs of functionally impaired adults through a comprehensive
- 4902 program that provides a variety of health, social, recreational, and related support services in a
- 4903 protective setting.
- 4904 (3) "Applicant" means a person that applies for an initial license or a license renewal
- 4905 under this part.
- 4906 (4) (a) "Associated with the licensee" means that an individual is:
- 4907 (i) affiliated with a licensee as an owner, director, member of the governing body,
- 4908 employee, agent, provider of care, department contractor, or volunteer; or
- 4909 (ii) applying to become affiliated with a licensee in a capacity described in Subsection
- 4910 (4)(a)(i).
- 4911 (b) "Associated with the licensee" does not include:
- 4912 (i) service on the following bodies, unless that service includes direct access to a child
- 4913 or a vulnerable adult:
- 4914 (A) a local mental health authority described in Section 17-43-301;
- 4915 (B) a local substance abuse authority described in Section 17-43-201; or
- 4916 (C) a board of an organization operating under a contract to provide mental health or
- 4917 substance use programs, or services for the local mental health authority or substance abuse
- 4918 authority; or
- 4919 (ii) a guest or visitor whose access to a child or a vulnerable adult is directly supervised
- 4920 at all times.
- 4921 (5) (a) "Boarding school" means a private school that:
- 4922 (i) uses a regionally accredited education program;
- 4923 (ii) provides a residence to the school's students:
- 4924 (A) for the purpose of enabling the school's students to attend classes at the school; and
- 4925 (B) as an ancillary service to educating the students at the school;
- 4926 (iii) has the primary purpose of providing the school's students with an education, as
- 4927 defined in Subsection (5)(b)(i); and
- 4928 (iv) (A) does not provide the treatment or services described in Subsection (38)(a); or

4929 (B) provides the treatment or services described in Subsection (38)(a) on a limited
4930 basis, as described in Subsection (5)(b)(ii).

4931 (b) (i) For purposes of Subsection (5)(a)(iii), "education" means a course of study for
4932 one or more grades from kindergarten through grade 12.

4933 (ii) For purposes of Subsection (5)(a)(iv)(B), a private school provides the treatment or
4934 services described in Subsection (38)(a) on a limited basis if:

4935 (A) the treatment or services described in Subsection (38)(a) are provided only as an
4936 incidental service to a student; and

4937 (B) the school does not:

4938 (I) specifically solicit a student for the purpose of providing the treatment or services
4939 described in Subsection (38)(a); or

4940 (II) have a primary purpose of providing the treatment or services described in
4941 Subsection (38)(a).

4942 (c) "Boarding school" does not include a therapeutic school.

4943 (6) "Child" means an individual under 18 years old.

4944 (7) "Child placing" means receiving, accepting, or providing custody or care for any
4945 child, temporarily or permanently, for the purpose of:

4946 (a) finding a person to adopt the child;

4947 (b) placing the child in a home for adoption; or

4948 (c) foster home placement.

4949 (8) "Child-placing agency" means a person that engages in child placing.

4950 (9) "Client" means an individual who receives or has received services from a licensee.

4951 (10) (a) "Congregate care program" means any of the following that provide services to
4952 a child:

4953 (i) an outdoor youth program;

4954 (ii) a residential support program;

4955 (iii) a residential treatment program; or

4956 (iv) a therapeutic school.

4957 (b) "Congregate care program" does not include a human services program that:

4958 (i) is licensed to serve adults; and

4959 (ii) is approved by the office to service a child for a limited time.

- 4960 (11) "Day treatment" means specialized treatment that is provided to:
4961 (a) a client less than 24 hours a day; and
4962 (b) four or more persons who:
4963 (i) are unrelated to the owner or provider; and
4964 (ii) have emotional, psychological, developmental, physical, or behavioral
4965 dysfunctions, impairments, or chemical dependencies.
- 4966 (12) "Department contractor" means an individual who:
4967 (a) provides services under a contract with the department; and
4968 (b) due to the contract with the department, has or will likely have direct access to a
4969 child or vulnerable adult.
- 4970 (13) "Direct access" means that an individual has, or likely will have:
4971 (a) contact with or access to a child or vulnerable adult that provides the individual
4972 with an opportunity for personal communication or touch; or
4973 (b) an opportunity to view medical, financial, or other confidential personal identifying
4974 information of the child, the child's parents or legal guardians, or the vulnerable adult.
- 4975 (14) "Directly supervised" means that an individual is being supervised under the
4976 uninterrupted visual and auditory surveillance of another individual who has a current
4977 background screening approval issued by the office.
- 4978 (15) "Director" means the director of the office.
- 4979 (16) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 4980 (17) "Domestic violence treatment program" means a nonresidential program designed
4981 to provide psychological treatment and educational services to perpetrators and victims of
4982 domestic violence.
- 4983 (18) "Elder adult" means a person 65 years old or older.
- 4984 (19) "Foster home" means a residence that is licensed or certified by the office for the
4985 full-time substitute care of a child.
- 4986 (20) "Health benefit plan" means the same as that term is defined in Section
4987 31A-22-634.
- 4988 (21) "Health care provider" means the same as that term is defined in Section
4989 78B-3-403.
- 4990 (22) "Health insurer" means the same as that term is defined in Section 31A-22-615.5.

- 4991 (23) (a) "Human services program" means:
- 4992 (i) a foster home;
- 4993 (ii) a therapeutic school;
- 4994 (iii) a youth program;
- 4995 (iv) an outdoor youth program;
- 4996 (v) a residential treatment program;
- 4997 (vi) a residential support program;
- 4998 (vii) a resource family home;
- 4999 (viii) a recovery residence; or
- 5000 (ix) a facility or program that provides:
- 5001 (A) adult day care;
- 5002 (B) day treatment;
- 5003 (C) outpatient treatment;
- 5004 (D) domestic violence treatment;
- 5005 (E) child-placing services;
- 5006 (F) social detoxification; or
- 5007 (G) any other human services that are required by contract with the department to be
- 5008 licensed with the department.
- 5009 (b) "Human services program" does not include:
- 5010 (i) a boarding school; or
- 5011 (ii) a residential, vocational and life skills program, as defined in Section 13-53-102.
- 5012 (24) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 5013 (25) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.
- 5014 (26) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 5015 (27) "Intermediate secure treatment" means 24-hour specialized residential treatment or
- 5016 care for an individual who:
- 5017 (a) cannot live independently or in a less restrictive environment; and
- 5018 (b) requires, without the individual's consent or control, the use of locked doors to care
- 5019 for the individual.
- 5020 (28) "Licensee" means an individual or a human services program licensed by the
- 5021 office.

- 5022 (29) "Local government" means a city, town[, ~~metro township~~], or county.
- 5023 (30) "Minor" means child.
- 5024 (31) "Office" means the Office of Licensing within the department.
- 5025 (32) "Outdoor youth program" means a program that provides:
- 5026 (a) services to a child that has:
- 5027 (i) a chemical dependency; or
- 5028 (ii) a dysfunction or impairment that is emotional, psychological, developmental,
- 5029 physical, or behavioral;
- 5030 (b) a 24-hour outdoor group living environment; and
- 5031 (c) (i) regular therapy, including group, individual, or supportive family therapy; or
- 5032 (ii) informal therapy or similar services, including wilderness therapy, adventure
- 5033 therapy, or outdoor behavioral healthcare.
- 5034 (33) "Outpatient treatment" means individual, family, or group therapy or counseling
- 5035 designed to improve and enhance social or psychological functioning for those whose physical
- 5036 and emotional status allows them to continue functioning in their usual living environment.
- 5037 (34) "Practice group" or "group practice" means two or more health care providers
- 5038 legally organized as a partnership, professional corporation, or similar association, for which:
- 5039 (a) substantially all of the services of the health care providers who are members of the
- 5040 group are provided through the group and are billed in the name of the group and amounts
- 5041 received are treated as receipts of the group; and
- 5042 (b) the overhead expenses of and the income from the practice are distributed in
- 5043 accordance with methods previously determined by members of the group.
- 5044 (35) "Private-placement child" means a child whose parent or guardian enters into a
- 5045 contract with a congregate care program for the child to receive services.
- 5046 (36) (a) "Recovery residence" means a home, residence, or facility that meets at least
- 5047 two of the following requirements:
- 5048 (i) provides a supervised living environment for individuals recovering from a
- 5049 substance use disorder;
- 5050 (ii) provides a living environment in which more than half of the individuals in the
- 5051 residence are recovering from a substance use disorder;
- 5052 (iii) provides or arranges for residents to receive services related to the resident's

5053 recovery from a substance use disorder, either on or off site;
5054 (iv) is held out as a living environment in which individuals recovering from substance
5055 abuse disorders live together to encourage continued sobriety; or
5056 (v) (A) receives public funding; or
5057 (B) is run as a business venture, either for-profit or not-for-profit.
5058 (b) "Recovery residence" does not mean:
5059 (i) a residential treatment program;
5060 (ii) residential support program; or
5061 (iii) a home, residence, or facility, in which:
5062 (A) residents, by a majority vote of the residents, establish, implement, and enforce
5063 policies governing the living environment, including the manner in which applications for
5064 residence are approved and the manner in which residents are expelled;
5065 (B) residents equitably share rent and housing-related expenses; and
5066 (C) a landlord, owner, or operator does not receive compensation, other than fair
5067 market rental income, for establishing, implementing, or enforcing policies governing the
5068 living environment.
5069 (37) "Regular business hours" means:
5070 (a) the hours during which services of any kind are provided to a client; or
5071 (b) the hours during which a client is present at the facility of a licensee.
5072 (38) (a) "Residential support program" means a program that arranges for or provides
5073 the necessities of life as a protective service to individuals or families who have a disability or
5074 who are experiencing a dislocation or emergency that prevents them from providing these
5075 services for themselves or their families.
5076 (b) "Residential support program" includes a program that provides a supervised living
5077 environment for individuals with dysfunctions or impairments that are:
5078 (i) emotional;
5079 (ii) psychological;
5080 (iii) developmental; or
5081 (iv) behavioral.
5082 (c) Treatment is not a necessary component of a residential support program.
5083 (d) "Residential support program" does not include:

5084 (i) a recovery residence; or
5085 (ii) a program that provides residential services that are performed:
5086 (A) exclusively under contract with the department and provided to individuals through
5087 the Division of Services for People with Disabilities; or
5088 (B) in a facility that serves fewer than four individuals.
5089 (39) (a) "Residential treatment" means a 24-hour group living environment for four or
5090 more individuals unrelated to the owner or provider that offers room or board and specialized
5091 treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation
5092 services for persons with emotional, psychological, developmental, or behavioral dysfunctions,
5093 impairments, or chemical dependencies.
5094 (b) "Residential treatment" does not include a:
5095 (i) boarding school;
5096 (ii) foster home; or
5097 (iii) recovery residence.
5098 (40) "Residential treatment program" means a program or facility that provides:
5099 (a) residential treatment; or
5100 (b) intermediate secure treatment.
5101 (41) "Seclusion" means the involuntary confinement of an individual in a room or an
5102 area:
5103 (a) away from the individual's peers; and
5104 (b) in a manner that physically prevents the individual from leaving the room or area.
5105 (42) "Social detoxification" means short-term residential services for persons who are
5106 experiencing or have recently experienced drug or alcohol intoxication, that are provided
5107 outside of a health care facility licensed under Part 2, Health Care Facility Licensing and
5108 Inspection, and that include:
5109 (a) room and board for persons who are unrelated to the owner or manager of the
5110 facility;
5111 (b) specialized rehabilitation to acquire sobriety; and
5112 (c) aftercare services.
5113 (43) "Substance abuse disorder" or "substance use disorder" mean the same as
5114 "substance use disorder" is defined in Section 26B-5-501.

- 5115 (44) "Substance abuse treatment program" or "substance use disorder treatment
5116 program" means a program:
- 5117 (a) designed to provide:
- 5118 (i) specialized drug or alcohol treatment;
- 5119 (ii) rehabilitation; or
- 5120 (iii) habilitation services; and
- 5121 (b) that provides the treatment or services described in Subsection (44)(a) to persons
5122 with:
- 5123 (i) a diagnosed substance use disorder; or
- 5124 (ii) chemical dependency disorder.
- 5125 (45) "Therapeutic school" means a residential group living facility:
- 5126 (a) for four or more individuals that are not related to:
- 5127 (i) the owner of the facility; or
- 5128 (ii) the primary service provider of the facility;
- 5129 (b) that serves students who have a history of failing to function:
- 5130 (i) at home;
- 5131 (ii) in a public school; or
- 5132 (iii) in a nonresidential private school; and
- 5133 (c) that offers:
- 5134 (i) room and board; and
- 5135 (ii) an academic education integrated with:
- 5136 (A) specialized structure and supervision; or
- 5137 (B) services or treatment related to:
- 5138 (I) a disability;
- 5139 (II) emotional development;
- 5140 (III) behavioral development;
- 5141 (IV) familial development; or
- 5142 (V) social development.
- 5143 (46) "Unrelated persons" means persons other than parents, legal guardians,
5144 grandparents, brothers, sisters, uncles, or aunts.
- 5145 (47) "Vulnerable adult" means an elder adult or an adult who has a temporary or

5146 permanent mental or physical impairment that substantially affects the person's ability to:

5147 (a) provide personal protection;

5148 (b) provide necessities such as food, shelter, clothing, or mental or other health care;

5149 (c) obtain services necessary for health, safety, or welfare;

5150 (d) carry out the activities of daily living;

5151 (e) manage the adult's own resources; or

5152 (f) comprehend the nature and consequences of remaining in a situation of abuse,

5153 neglect, or exploitation.

5154 (48) (a) "Youth program" means a program designed to provide behavioral, substance
5155 use, or mental health services to minors that:

5156 (i) serves adjudicated or nonadjudicated youth;

5157 (ii) charges a fee for the program's services;

5158 (iii) may provide host homes or other arrangements for overnight accommodation of
5159 the youth;

5160 (iv) may provide all or part of the program's services in the outdoors;

5161 (v) may limit or censor access to parents or guardians; and

5162 (vi) prohibits or restricts a minor's ability to leave the program at any time of the
5163 minor's own free will.

5164 (b) "Youth program" does not include recreational programs such as Boy Scouts, Girl
5165 Scouts, 4-H, and other such organizations.

5166 (49) (a) "Youth transportation company" means any person that transports a child for
5167 payment to or from a congregate care program in Utah.

5168 (b) "Youth transportation company" does not include:

5169 (i) a relative of the child;

5170 (ii) a state agency; or

5171 (iii) a congregate care program's employee who transports the child from the
5172 congregate care program that employs the employee and returns the child to the same
5173 congregate care program.

5174 Section 71. Section **32B-1-102** is amended to read:

5175 **32B-1-102. Definitions.**

5176 As used in this title:

- 5177 (1) "Airport lounge" means a business location:
- 5178 (a) at which an alcoholic product is sold at retail for consumption on the premises; and
- 5179 (b) that is located at an international airport or domestic airport.
- 5180 (2) "Airport lounge license" means a license issued in accordance with Chapter 5,
- 5181 Retail License Act, and Chapter 6, Part 5, Airport Lounge License.
- 5182 (3) "Alcoholic beverage" means the following:
- 5183 (a) beer; or
- 5184 (b) liquor.
- 5185 (4) (a) "Alcoholic product" means a product that:
- 5186 (i) contains at least .5% of alcohol by volume; and
- 5187 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other
- 5188 process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol
- 5189 in an amount equal to or greater than .5% of alcohol by volume.
- 5190 (b) "Alcoholic product" includes an alcoholic beverage.
- 5191 (c) "Alcoholic product" does not include any of the following common items that
- 5192 otherwise come within the definition of an alcoholic product:
- 5193 (i) except as provided in Subsection (4)(d), an extract;
- 5194 (ii) vinegar;
- 5195 (iii) preserved nonintoxicating cider;
- 5196 (iv) essence;
- 5197 (v) tincture;
- 5198 (vi) food preparation; or
- 5199 (vii) an over-the-counter medicine.
- 5200 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
- 5201 when it is used as a flavoring in the manufacturing of an alcoholic product.
- 5202 (5) "Alcohol training and education seminar" means a seminar that is:
- 5203 (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and
- 5204 (b) described in Section 26B-5-205.
- 5205 (6) "Arena" means an enclosed building:
- 5206 (a) that is managed by:
- 5207 (i) the same person who owns the enclosed building;

- 5208 (ii) a person who has a majority interest in each person who owns or manages a space
5209 in the enclosed building; or
- 5210 (iii) a person who has authority to direct or exercise control over the management or
5211 policy of each person who owns or manages a space in the enclosed building;
- 5212 (b) that operates as a venue; and
- 5213 (c) that has an occupancy capacity of at least 12,500.
- 5214 (7) "Arena license" means a license issued in accordance with Chapter 5, Retail
5215 License Act, and Chapter 8c, Arena License Act.
- 5216 (8) "Banquet" means an event:
- 5217 (a) that is a private event or a privately sponsored event;
- 5218 (b) that is held at one or more designated locations approved by the commission in or
5219 on the premises of:
- 5220 (i) a hotel;
- 5221 (ii) a resort facility;
- 5222 (iii) a sports center;
- 5223 (iv) a convention center;
- 5224 (v) a performing arts facility;
- 5225 (vi) an arena; or
- 5226 (vii) a restaurant venue;
- 5227 (c) for which there is a contract:
- 5228 (i) between a person operating a facility listed in Subsection (8)(b) and another person
5229 that has common ownership of less than 20% with the person operating the facility; and
- 5230 (ii) under which the person operating a facility listed in Subsection (8)(b) is required to
5231 provide an alcoholic product at the event; and
- 5232 (d) at which food and alcoholic products may be sold, offered for sale, or furnished.
- 5233 (9) (a) "Bar establishment license" means a license issued in accordance with Chapter
5234 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.
- 5235 (b) "Bar establishment license" includes:
- 5236 (i) a dining club license;
- 5237 (ii) an equity license;
- 5238 (iii) a fraternal license; or

- 5239 (iv) a bar license.
- 5240 (10) "Bar license" means a license issued in accordance with Chapter 5, Retail License
- 5241 Act, and Chapter 6, Part 4, Bar Establishment License.
- 5242 (11) (a) "Beer" means a product that:
- 5243 (i) contains:
- 5244 (A) at least .5% of alcohol by volume; and
- 5245 (B) no more than 5% of alcohol by volume or 4% by weight;
- 5246 (ii) is obtained by fermentation, infusion, or decoction of:
- 5247 (A) malt; or
- 5248 (B) a malt substitute; and
- 5249 (iii) is clearly marketed, labeled, and identified as:
- 5250 (A) beer;
- 5251 (B) ale;
- 5252 (C) porter;
- 5253 (D) stout;
- 5254 (E) lager;
- 5255 (F) a malt;
- 5256 (G) a malted beverage; or
- 5257 (H) seltzer.
- 5258 (b) "Beer" may contain:
- 5259 (i) hops extract;
- 5260 (ii) caffeine, if the caffeine is a natural constituent of an added ingredient; or
- 5261 (iii) a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that:
- 5262 (A) is used in the production of beer;
- 5263 (B) is in a formula approved by the federal Alcohol and Tobacco Tax and Trade
- 5264 Bureau after the formula is filed for approval under 27 C.F.R. Sec. 25.55; and
- 5265 (C) does not contribute more than 10% of the overall alcohol content of the beer.
- 5266 (c) "Beer" does not include:
- 5267 (i) a flavored malt beverage;
- 5268 (ii) a product that contains alcohol derived from:
- 5269 (A) except as provided in Subsection (11)(b)(iii), spirituous liquor; or

5270 (B) wine; or

5271 (iii) a product that contains an additive masking or altering a physiological effect of

5272 alcohol, including kratom, kava, cannabidiol, or natural or synthetic tetrahydrocannabinol.

5273 (12) "Beer-only restaurant license" means a license issued in accordance with Chapter

5274 5, Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.

5275 (13) "Beer retailer" means a business that:

5276 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether

5277 for consumption on or off the business premises; and

5278 (b) is licensed as:

5279 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise Beer

5280 Retailer Local Authority; or

5281 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and

5282 Chapter 6, Part 7, On-Premise Beer Retailer License.

5283 (14) "Beer wholesaling license" means a license:

5284 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and

5285 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more

5286 retail licensees or off-premise beer retailers.

5287 (15) "Billboard" means a public display used to advertise, including:

5288 (a) a light device;

5289 (b) a painting;

5290 (c) a drawing;

5291 (d) a poster;

5292 (e) a sign;

5293 (f) a signboard; or

5294 (g) a scoreboard.

5295 (16) "Brewer" means a person engaged in manufacturing:

5296 (a) beer;

5297 (b) heavy beer; or

5298 (c) a flavored malt beverage.

5299 (17) "Brewery manufacturing license" means a license issued in accordance with

5300 Chapter 11, Part 5, Brewery Manufacturing License.

5301 (18) "Certificate of approval" means a certificate of approval obtained from the
5302 department under Section 32B-11-201.

5303 (19) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by
5304 a bus company to a group of persons pursuant to a common purpose:

5305 (a) under a single contract;

5306 (b) at a fixed charge in accordance with the bus company's tariff; and

5307 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other
5308 motor vehicle, and a driver to travel together to one or more specified destinations.

5309 (20) "Church" means a building:

5310 (a) set apart for worship;

5311 (b) in which religious services are held;

5312 (c) with which clergy is associated; and

5313 (d) that is tax exempt under the laws of this state.

5314 (21) "Commission" means the Alcoholic Beverage Services Commission created in
5315 Section 32B-2-201.

5316 (22) "Commissioner" means a member of the commission.

5317 (23) "Community location" means:

5318 (a) a public or private school;

5319 (b) a church;

5320 (c) a public library;

5321 (d) a public playground; or

5322 (e) a public park.

5323 (24) "Community location governing authority" means:

5324 (a) the governing body of the community location; or

5325 (b) if the commission does not know who is the governing body of a community
5326 location, a person who appears to the commission to have been given on behalf of the
5327 community location the authority to prohibit an activity at the community location.

5328 (25) "Container" means a receptacle that contains an alcoholic product, including:

5329 (a) a bottle;

5330 (b) a vessel; or

5331 (c) a similar item.

- 5332 (26) "Controlled group of manufacturers" means as the commission defines by rule
5333 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 5334 (27) "Convention center" means a facility that is:
5335 (a) in total at least 30,000 square feet; and
5336 (b) otherwise defined as a "convention center" by the commission by rule.
- 5337 (28) (a) "Counter" means a surface or structure in a dining area of a licensed premises
5338 where seating is provided to a patron for service of food.
5339 (b) "Counter" does not include a dispensing structure.
- 5340 (29) "Crime involving moral turpitude" is as defined by the commission by rule.
- 5341 (30) "Department" means the Department of Alcoholic Beverage Services created in
5342 Section 32B-2-203.
- 5343 (31) "Department compliance officer" means an individual who is:
5344 (a) an auditor or inspector; and
5345 (b) employed by the department.
- 5346 (32) "Department sample" means liquor that is placed in the possession of the
5347 department for testing, analysis, and sampling.
- 5348 (33) "Dining club license" means a license issued in accordance with Chapter 5, Retail
5349 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
5350 commission as a dining club license.
- 5351 (34) "Director," unless the context requires otherwise, means the director of the
5352 department.
- 5353 (35) "Disciplinary proceeding" means an adjudicative proceeding permitted under this
5354 title:
5355 (a) against a person subject to administrative action; and
5356 (b) that is brought on the basis of a violation of this title.
- 5357 (36) (a) Subject to Subsection (36)(b), "dispense" means:
5358 (i) drawing an alcoholic product; and
5359 (ii) using the alcoholic product at the location from which it was drawn to mix or
5360 prepare an alcoholic product to be furnished to a patron of the retail licensee.
- 5361 (b) The definition of "dispense" in this Subsection (36) applies only to:
5362 (i) a full-service restaurant license;

- 5363 (ii) a limited-service restaurant license;
- 5364 (iii) a reception center license;
- 5365 (iv) a beer-only restaurant license;
- 5366 (v) a bar license;
- 5367 (vi) an on-premise beer retailer;
- 5368 (vii) an airport lounge license;
- 5369 (viii) an on-premise banquet license; and
- 5370 (ix) a hospitality amenity license.
- 5371 (37) "Dispensing structure" means a surface or structure on a licensed premises:
- 5372 (a) where an alcoholic product is dispensed; or
- 5373 (b) from which an alcoholic product is served.
- 5374 (38) "Distillery manufacturing license" means a license issued in accordance with
- 5375 Chapter 11, Part 4, Distillery Manufacturing License.
- 5376 (39) "Distressed merchandise" means an alcoholic product in the possession of the
- 5377 department that is saleable, but for some reason is unappealing to the public.
- 5378 (40) "Domestic airport" means an airport that:
- 5379 (a) has at least 15,000 commercial airline passenger boardings in any five-year period;
- 5380 (b) receives scheduled commercial passenger aircraft service; and
- 5381 (c) is not an international airport.
- 5382 (41) "Equity license" means a license issued in accordance with Chapter 5, Retail
- 5383 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
- 5384 commission as an equity license.
- 5385 (42) "Event permit" means:
- 5386 (a) a single event permit; or
- 5387 (b) a temporary beer event permit.
- 5388 (43) "Exempt license" means a license exempt under Section 32B-1-201 from being
- 5389 considered in determining the total number of retail licenses that the commission may issue at
- 5390 any time.
- 5391 (44) (a) "Flavored malt beverage" means a beverage:
- 5392 (i) that contains at least .5% alcohol by volume;
- 5393 (ii) for which the producer is required to file a formula for approval with the federal

Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because the beverage is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of a beer, ale, porter, stout, lager, or malt liquor; and

(iii) for which the producer is required to file a formula for approval with the federal Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because the beverage includes an ingredient containing alcohol.

(b) "Flavored malt beverage" may contain a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that contributes to the overall alcohol content of the beverage.

(c) "Flavored malt beverage" does not include beer or heavy beer.

(d) "Flavored malt beverage" is considered liquor for purposes of this title.

(45) "Fraternal license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the commission as a fraternal license.

(46) "Full-service restaurant license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.

(47) (a) "Furnish" means by any means to provide with, supply, or give an individual an alcoholic product, by sale or otherwise.

(b) "Furnish" includes to:

(i) serve;

(ii) deliver; or

(iii) otherwise make available.

(48) "Guest" means an individual who meets the requirements of Subsection 32B-6-407(9).

(49) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.

(50) "Health care practitioner" means:

(a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

(b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;

(c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

(d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice Act;

- 5425 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
5426 Nurse Practice Act;
- 5427 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
5428 Practice Act;
- 5429 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
5430 Therapy Practice Act;
- 5431 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
- 5432 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health
5433 Professional Practice Act;
- 5434 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
- 5435 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical
5436 Practice Act;
- 5437 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
5438 Hygienist Practice Act; and
- 5439 (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
5440 Assistant Act.
- 5441 (51) (a) "Heavy beer" means a product that:
- 5442 (i) (A) contains more than 5% alcohol by volume;
- 5443 (B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
5444 volume or 4% by weight, and a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring
5445 agent that contributes more than 10% of the overall alcohol content of the product; or
- 5446 (C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
5447 volume or 4% by weight, and has a label or packaging that is rejected under Subsection
5448 32B-1-606(3)(b); and
- 5449 (ii) is obtained by fermentation, infusion, or decoction of:
- 5450 (A) malt; or
- 5451 (B) a malt substitute.
- 5452 (b) "Heavy beer" may, if the heavy beer contains more than 5% alcohol by volume,
5453 contain a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that contributes to
5454 the overall alcohol content of the heavy beer.
- 5455 (c) "Heavy beer" does not include:

- 5456 (i) a flavored malt beverage;
- 5457 (ii) a product that contains alcohol derived from:
- 5458 (A) except as provided in Subsections (51)(a)(i)(B) and (51)(b), spirituous liquor; or
- 5459 (B) wine; or
- 5460 (iii) a product that contains an additive masking or altering a physiological effect of
- 5461 alcohol, including kratom, kava, cannabidiol, or natural or synthetic tetrahydrocannabinol.
- 5462 (d) "Heavy beer" is considered liquor for the purposes of this title.
- 5463 (52) "Hospitality amenity license" means a license issued in accordance with Chapter
- 5464 5, Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.
- 5465 (53) (a) "Hotel" means a commercial lodging establishment that:
- 5466 (i) offers at least 40 rooms as temporary sleeping accommodations for compensation;
- 5467 (ii) is capable of hosting conventions, conferences, and food and beverage functions
- 5468 under a banquet contract; and
- 5469 (iii) (A) has adequate kitchen or culinary facilities on the premises to provide complete
- 5470 meals;
- 5471 (B) has at least 1,000 square feet of function space consisting of meeting or dining
- 5472 rooms that can be reserved for a banquet and can accommodate at least 75 individuals; or
- 5473 (C) if the establishment is located in a small or unincorporated locality, has an
- 5474 appropriate amount of function space consisting of meeting or dining rooms that can be
- 5475 reserved for private use under a banquet contract, as determined by the commission.
- 5476 (b) "Hotel" includes a commercial lodging establishment that:
- 5477 (i) meets the requirements under Subsection (53)(a); and
- 5478 (ii) has one or more privately owned dwelling units.
- 5479 (54) "Hotel license" means a license issued in accordance with Chapter 5, Retail
- 5480 License Act, and Chapter 8b, Hotel License Act.
- 5481 (55) "Identification card" means an identification card issued under Title 53, Chapter 3,
- 5482 Part 8, Identification Card Act.
- 5483 (56) "Industry representative" means an individual who is compensated by salary,
- 5484 commission, or other means for representing and selling an alcoholic product of a
- 5485 manufacturer, supplier, or importer of liquor.
- 5486 (57) "Industry representative sample" means liquor that is placed in the possession of

5487 the department for testing, analysis, and sampling by a local industry representative on the
5488 premises of the department to educate the local industry representative of the quality and
5489 characteristics of the product.

5490 (58) "Interdicted person" means a person to whom the sale, offer for sale, or furnishing
5491 of an alcoholic product is prohibited by:

5492 (a) law; or

5493 (b) court order.

5494 (59) "International airport" means an airport:

5495 (a) with a United States Customs and Border Protection office on the premises of the
5496 airport; and

5497 (b) at which international flights may enter and depart.

5498 (60) "Intoxicated" or "intoxication" means that

5499 an individual exhibits plain and easily observable outward manifestations of behavior
5500 or physical signs produced by or as a result of the use of:

5501 (a) an alcoholic product;

5502 (b) a controlled substance;

5503 (c) a substance having the property of releasing toxic vapors; or

5504 (d) a combination of products or substances described in Subsections (60)(a) through

5505 (c).

5506 (61) "Investigator" means an individual who is:

5507 (a) a department compliance officer; or

5508 (b) a nondepartment enforcement officer.

5509 (62) "License" means:

5510 (a) a retail license;

5511 (b) a sublicense;

5512 (c) a license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer
5513 State License;

5514 (d) a license issued in accordance with Chapter 11, Manufacturing and Related

5515 Licenses Act;

5516 (e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;

5517 (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or

- 5518 (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.
- 5519 (63) "Licensee" means a person who holds a license.
- 5520 (64) "Limited-service restaurant license" means a license issued in accordance with
- 5521 Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.
- 5522 (65) "Limousine" means a motor vehicle licensed by the state or a local authority, other
- 5523 than a bus or taxicab:
- 5524 (a) in which the driver and a passenger are separated by a partition, glass, or other
- 5525 barrier;
- 5526 (b) that is provided by a business entity to one or more individuals at a fixed charge in
- 5527 accordance with the business entity's tariff; and
- 5528 (c) to give the one or more individuals the exclusive use of the limousine and a driver
- 5529 to travel to one or more specified destinations.
- 5530 (66) (a) (i) "Liquor" means a liquid that:
- 5531 (A) is:
- 5532 (I) alcohol;
- 5533 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;
- 5534 (III) a combination of liquids a part of which is spirituous, vinous, or fermented; or
- 5535 (IV) other drink or drinkable liquid; and
- 5536 (B) (I) contains at least .5% alcohol by volume; and
- 5537 (II) is suitable to use for beverage purposes.
- 5538 (ii) "Liquor" includes:
- 5539 (A) heavy beer;
- 5540 (B) wine; and
- 5541 (C) a flavored malt beverage.
- 5542 (b) "Liquor" does not include beer.
- 5543 (67) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.
- 5544 (68) "Liquor transport license" means a license issued in accordance with Chapter 17,
- 5545 Liquor Transport License Act.
- 5546 (69) "Liquor warehousing license" means a license that is issued:
- 5547 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and
- 5548 (b) to a person, other than a licensed manufacturer, who engages in the importation for

- 5549 storage, sale, or distribution of liquor regardless of amount.
- 5550 (70) "Local authority" means:
- 5551 (a) for premises that are located in an unincorporated area of a county, the governing
- 5552 body of a county;
- 5553 (b) for premises that are located in an incorporated city[;] or town[; ~~or metro~~
- 5554 ~~township~~], the governing body of the city[;] or town[; ~~or metro-township~~]; or
- 5555 (c) for premises that are located in a project area as defined in Section 63H-1-102 and
- 5556 in a project area plan adopted by the Military Installation Development Authority under Title
- 5557 63H, Chapter 1, Military Installation Development Authority Act, the Military Installation
- 5558 Development Authority.
- 5559 (71) "Lounge or bar area" is as defined by rule made by the commission.
- 5560 (72) "Malt substitute" means:
- 5561 (a) rice;
- 5562 (b) grain;
- 5563 (c) bran;
- 5564 (d) glucose;
- 5565 (e) sugar; or
- 5566 (f) molasses.
- 5567 (73) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or
- 5568 otherwise make an alcoholic product for personal use or for sale or distribution to others.
- 5569 (74) "Member" means an individual who, after paying regular dues, has full privileges
- 5570 in an equity licensee or fraternal licensee.
- 5571 (75) (a) "Military installation" means a base, air field, camp, post, station, yard, center,
- 5572 or homeport facility for a ship:
- 5573 (i) (A) under the control of the United States Department of Defense; or
- 5574 (B) of the National Guard;
- 5575 (ii) that is located within the state; and
- 5576 (iii) including a leased facility.
- 5577 (b) "Military installation" does not include a facility used primarily for:
- 5578 (i) civil works;
- 5579 (ii) a rivers and harbors project; or

- 5580 (iii) a flood control project.
- 5581 (76) "Minibar" means an area of a hotel guest room where one or more alcoholic
5582 products are kept and offered for self-service sale or consumption.
- 5583 (77) "Minor" means an individual under 21 years old.
- 5584 (78) "Nondepartment enforcement agency" means an agency that:
- 5585 (a) (i) is a state agency other than the department; or
- 5586 (ii) is an agency of a county, city, or town~~[, or metro township]~~; and
- 5587 (b) has a responsibility to enforce one or more provisions of this title.
- 5588 (79) "Nondepartment enforcement officer" means an individual who is:
- 5589 (a) a peace officer, examiner, or investigator; and
- 5590 (b) employed by a nondepartment enforcement agency.
- 5591 (80) (a) "Off-premise beer retailer" means a beer retailer who is:
- 5592 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and
- 5593 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
5594 premises.
- 5595 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.
- 5596 (81) "Off-premise beer retailer state license" means a state license issued in accordance
5597 with Chapter 7, Part 4, Off-premise Beer Retailer State License.
- 5598 (82) "On-premise banquet license" means a license issued in accordance with Chapter
5599 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.
- 5600 (83) "On-premise beer retailer" means a beer retailer who is:
- 5601 (a) authorized to sell, offer for sale, or furnish beer under a license issued in
5602 accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer
5603 Retailer License; and
- 5604 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
5605 premises:
- 5606 (i) regardless of whether the beer retailer sells beer for consumption off the licensed
5607 premises; and
- 5608 (ii) on and after March 1, 2012, operating:
- 5609 (A) as a tavern; or
- 5610 (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).

- 5611 (84) "Opaque" means impenetrable to sight.
- 5612 (85) "Package agency" means a retail liquor location operated:
- 5613 (a) under an agreement with the department; and
- 5614 (b) by a person:
- 5615 (i) other than the state; and
- 5616 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package
- 5617 Agency, to sell packaged liquor for consumption off the premises of the package agency.
- 5618 (86) "Package agent" means a person who holds a package agency.
- 5619 (87) "Patron" means an individual to whom food, beverages, or services are sold,
- 5620 offered for sale, or furnished, or who consumes an alcoholic product including:
- 5621 (a) a customer;
- 5622 (b) a member;
- 5623 (c) a guest;
- 5624 (d) an attendee of a banquet or event;
- 5625 (e) an individual who receives room service;
- 5626 (f) a resident of a resort; or
- 5627 (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity
- 5628 license.
- 5629 (88) (a) "Performing arts facility" means a multi-use performance space that:
- 5630 (i) is primarily used to present various types of performing arts, including dance,
- 5631 music, and theater;
- 5632 (ii) contains over 2,500 seats;
- 5633 (iii) is owned and operated by a governmental entity; and
- 5634 (iv) is located in a city of the first class.
- 5635 (b) "Performing arts facility" does not include a space that is used to present sporting
- 5636 events or sporting competitions.
- 5637 (89) "Permittee" means a person issued a permit under:
- 5638 (a) Chapter 9, Event Permit Act; or
- 5639 (b) Chapter 10, Special Use Permit Act.
- 5640 (90) "Person subject to administrative action" means:
- 5641 (a) a licensee;

- 5642 (b) a permittee;
- 5643 (c) a manufacturer;
- 5644 (d) a supplier;
- 5645 (e) an importer;
- 5646 (f) one of the following holding a certificate of approval:
- 5647 (i) an out-of-state brewer;
- 5648 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
- 5649 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
- 5650 (g) staff of:
- 5651 (i) a person listed in Subsections (90)(a) through (f); or
- 5652 (ii) a package agent.
- 5653 (91) "Premises" means a building, enclosure, or room used in connection with the
- 5654 storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product,
- 5655 unless otherwise defined in this title or rules made by the commission.
- 5656 (92) "Prescription" means an order issued by a health care practitioner when:
- 5657 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,
- 5658 to prescribe a controlled substance, other drug, or device for medicinal purposes;
- 5659 (b) the order is made in the course of that health care practitioner's professional
- 5660 practice; and
- 5661 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.
- 5662 (93) (a) "Primary spirituous liquor" means the main distilled spirit in a beverage.
- 5663 (b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.
- 5664 (94) "Principal license" means:
- 5665 (a) a resort license;
- 5666 (b) a hotel license; or
- 5667 (c) an arena license.
- 5668 (95) (a) "Private event" means a specific social, business, or recreational event:
- 5669 (i) for which an entire room, area, or hall is leased or rented in advance by an identified
- 5670 group; and
- 5671 (ii) that is limited in attendance to people who are specifically designated and their
- 5672 guests.

5673 (b) "Private event" does not include an event to which the general public is invited,
5674 whether for an admission fee or not.

5675 (96) "Privately sponsored event" means a specific social, business, or recreational
5676 event:

5677 (a) that is held in or on the premises of an on-premise banquet licensee; and

5678 (b) to which entry is restricted by an admission fee.

5679 (97) (a) "Proof of age" means:

5680 (i) an identification card;

5681 (ii) an identification that:

5682 (A) is substantially similar to an identification card;

5683 (B) is issued in accordance with the laws of a state other than Utah in which the
5684 identification is issued;

5685 (C) includes date of birth; and

5686 (D) has a picture affixed;

5687 (iii) a valid driver license certificate that:

5688 (A) includes date of birth;

5689 (B) has a picture affixed; and

5690 (C) is issued:

5691 (I) under Title 53, Chapter 3, Uniform Driver License Act;

5692 (II) in accordance with the laws of the state in which it is issued; or

5693 (III) in accordance with federal law by the United States Department of State;

5694 (iv) a military identification card that:

5695 (A) includes date of birth; and

5696 (B) has a picture affixed; or

5697 (v) a valid passport.

5698 (b) "Proof of age" does not include a driving privilege card issued in accordance with
5699 Section 53-3-207.

5700 (98) "Provisions applicable to a sublicense" means:

5701 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service
5702 restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;

5703 (b) for a limited-service restaurant sublicense, the provisions applicable to a

5704 limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant License;
5705 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment
5706 license under Chapter 6, Part 4, Bar Establishment License;
5707 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise
5708 banquet license under Chapter 6, Part 6, On-Premise Banquet License;
5709 (e) for an on-premise beer retailer sublicense, the provisions applicable to an
5710 on-premise beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
5711 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only
5712 restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
5713 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity
5714 license under Chapter 6, Part 10, Hospitality Amenity License; and
5715 (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d,
5716 Part 2, Resort Spa Sublicense.

5717 (99) (a) "Public building" means a building or permanent structure that is:
5718 (i) owned or leased by:
5719 (A) the state; or
5720 (B) a local government entity; and
5721 (ii) used for:
5722 (A) public education;
5723 (B) transacting public business; or
5724 (C) regularly conducting government activities.

5725 (b) "Public building" does not include a building owned by the state or a local
5726 government entity when the building is used by a person, in whole or in part, for a proprietary
5727 function.

5728 (100) "Public conveyance" means a conveyance that the public or a portion of the
5729 public has access to and a right to use for transportation, including an airline, railroad, bus,
5730 boat, or other public conveyance.

5731 (101) "Reception center" means a business that:
5732 (a) operates facilities that are at least 5,000 square feet; and
5733 (b) has as its primary purpose the leasing of the facilities described in Subsection
5734 (101)(a) to a third party for the third party's event.

5735 (102) "Reception center license" means a license issued in accordance with Chapter 5,
5736 Retail License Act, and Chapter 6, Part 8, Reception Center License.

5737 (103) (a) "Record" means information that is:

5738 (i) inscribed on a tangible medium; or

5739 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.

5740 (b) "Record" includes:

5741 (i) a book;

5742 (ii) a book of account;

5743 (iii) a paper;

5744 (iv) a contract;

5745 (v) an agreement;

5746 (vi) a document; or

5747 (vii) a recording in any medium.

5748 (104) "Residence" means a person's principal place of abode within Utah.

5749 (105) "Resident," in relation to a resort, means the same as that term is defined in
5750 Section 32B-8-102.

5751 (106) "Resort" means the same as that term is defined in Section 32B-8-102.

5752 (107) "Resort facility" is as defined by the commission by rule.

5753 (108) "Resort license" means a license issued in accordance with Chapter 5, Retail
5754 License Act, and Chapter 8, Resort License Act.

5755 (109) "Responsible alcohol service plan" means a written set of policies and
5756 procedures that outlines measures to prevent employees from:

5757 (a) over-serving alcoholic beverages to customers;

5758 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously
5759 intoxicated; and

5760 (c) serving alcoholic beverages to minors.

5761 (110) "Restaurant" means a business location:

5762 (a) at which a variety of foods are prepared;

5763 (b) at which complete meals are served; and

5764 (c) that is engaged primarily in serving meals.

5765 (111) "Restaurant license" means one of the following licenses issued under this title:

- 5766 (a) a full-service restaurant license;
5767 (b) a limited-service restaurant license; or
5768 (c) a beer-only restaurant license.
- 5769 (112) "Restaurant venue" means a room within a restaurant that:
5770 (a) is located on the licensed premises of a restaurant licensee;
5771 (b) is separated from the area within the restaurant for a patron's consumption of food
5772 by a permanent, opaque, floor-to-ceiling wall such that the inside of the room is not visible to a
5773 patron in the area within the restaurant for a patron's consumption of food; and
5774 (c) (i) has at least 1,000 square feet that:
5775 (A) may be reserved for a banquet; and
5776 (B) accommodates at least 75 individuals; or
5777 (ii) if the restaurant is located in a small or unincorporated locality, has an appropriate
5778 amount of space, as determined by the commission, that may be reserved for a banquet.
- 5779 (113) "Retail license" means one of the following licenses issued under this title:
5780 (a) a full-service restaurant license;
5781 (b) a master full-service restaurant license;
5782 (c) a limited-service restaurant license;
5783 (d) a master limited-service restaurant license;
5784 (e) a bar establishment license;
5785 (f) an airport lounge license;
5786 (g) an on-premise banquet license;
5787 (h) an on-premise beer license;
5788 (i) a reception center license;
5789 (j) a beer-only restaurant license;
5790 (k) a hospitality amenity license;
5791 (l) a resort license;
5792 (m) a hotel license; or
5793 (n) an arena license.
- 5794 (114) "Room service" means furnishing an alcoholic product to a person in a guest
5795 room or privately owned dwelling unit of a:
5796 (a) hotel; or

5797 (b) resort facility.

5798 (115) (a) "School" means a building in which any part is used for more than three
5799 hours each weekday during a school year as a public or private:

5800 (i) elementary school;

5801 (ii) secondary school; or

5802 (iii) kindergarten.

5803 (b) "School" does not include:

5804 (i) a nursery school;

5805 (ii) a day care center;

5806 (iii) a trade and technical school;

5807 (iv) a preschool; or

5808 (v) a home school.

5809 (116) "Secondary flavoring ingredient" means any spirituous liquor added to a
5810 beverage for additional flavoring that is different in type, flavor, or brand from the primary
5811 spirituous liquor in the beverage.

5812 (117) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for
5813 consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered,
5814 delivered for value, or by a means or under a pretext is promised or obtained, whether done by
5815 a person as a principal, proprietor, or as staff, unless otherwise defined in this title or the rules
5816 made by the commission.

5817 (118) "Serve" means to place an alcoholic product before an individual.

5818 (119) "Sexually oriented entertainer" means a person who while in a state of
5819 seminudity appears at or performs:

5820 (a) for the entertainment of one or more patrons;

5821 (b) on the premises of:

5822 (i) a bar licensee; or

5823 (ii) a tavern;

5824 (c) on behalf of or at the request of the licensee described in Subsection (119)(b);

5825 (d) on a contractual or voluntary basis; and

5826 (e) whether or not the person is designated as:

5827 (i) an employee;

5828 (ii) an independent contractor;

5829 (iii) an agent of the licensee; or

5830 (iv) a different type of classification.

5831 (120) "Shared seating area" means the licensed premises of two or more restaurant
5832 licensees that the restaurant licensees share as an area for alcoholic beverage consumption in
5833 accordance with Subsection 32B-5-207(3).

5834 (121) "Single event permit" means a permit issued in accordance with Chapter 9, Part
5835 3, Single Event Permit.

5836 (122) "Small brewer" means a brewer who manufactures less than 60,000 barrels of
5837 beer, heavy beer, and flavored malt beverage per year, as the department calculates by:

5838 (a) if the brewer is part of a controlled group of manufacturers, including the combined
5839 volume totals of production for all breweries that constitute the controlled group of
5840 manufacturers; and

5841 (b) excluding beer, heavy beer, or flavored malt beverage the brewer:

5842 (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission
5843 determines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
5844 Rulemaking Act; and

5845 (ii) does not sell for consumption as, or in, a beverage.

5846 (123) "Small or unincorporated locality" means:

5847 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;

5848 (b) a town, as classified under Section 10-2-301; or

5849 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified
5850 under Section 17-50-501.

5851 (124) "Spa sublicense" means a sublicense:

5852 (a) to a resort license or hotel license; and

5853 (b) that the commission issues in accordance with Chapter 8d, Part 2, Resort Spa
5854 Sublicense.

5855 (125) "Special use permit" means a permit issued in accordance with Chapter 10,
5856 Special Use Permit Act.

5857 (126) (a) "Spirituuous liquor" means liquor that is distilled.

5858 (b) "Spirituuous liquor" includes an alcoholic product defined as a "distilled spirit" by

5859 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.

5860 (127) "Sports center" is as defined by the commission by rule.

5861 (128) (a) "Staff" means an individual who engages in activity governed by this title:

5862 (i) on behalf of a business, including a package agent, licensee, permittee, or certificate
5863 holder;

5864 (ii) at the request of the business, including a package agent, licensee, permittee, or
5865 certificate holder; or

5866 (iii) under the authority of the business, including a package agent, licensee, permittee,
5867 or certificate holder.

5868 (b) "Staff" includes:

5869 (i) an officer;

5870 (ii) a director;

5871 (iii) an employee;

5872 (iv) personnel management;

5873 (v) an agent of the licensee, including a managing agent;

5874 (vi) an operator; or

5875 (vii) a representative.

5876 (129) "State of nudity" means:

5877 (a) the appearance of:

5878 (i) the nipple or areola of a female human breast;

5879 (ii) a human genital;

5880 (iii) a human pubic area; or

5881 (iv) a human anus; or

5882 (b) a state of dress that fails to opaquely cover:

5883 (i) the nipple or areola of a female human breast;

5884 (ii) a human genital;

5885 (iii) a human pubic area; or

5886 (iv) a human anus.

5887 (130) "State of seminudity" means a state of dress in which opaque clothing covers no
5888 more than:

5889 (a) the nipple and areola of the female human breast in a shape and color other than the

5890 natural shape and color of the nipple and areola; and
5891 (b) the human genitals, pubic area, and anus:
5892 (i) with no less than the following at its widest point:
5893 (A) four inches coverage width in the front of the human body; and
5894 (B) five inches coverage width in the back of the human body; and
5895 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.
5896 (131) (a) "State store" means a facility for the sale of packaged liquor:
5897 (i) located on premises owned or leased by the state; and
5898 (ii) operated by a state employee.
5899 (b) "State store" does not include:
5900 (i) a package agency;
5901 (ii) a licensee; or
5902 (iii) a permittee.
5903 (132) (a) "Storage area" means an area on licensed premises where the licensee stores
5904 an alcoholic product.
5905 (b) "Store" means to place or maintain in a location an alcoholic product.
5906 (133) "Sublicense" means:
5907 (a) any of the following licenses issued as a subordinate license to, and contingent on
5908 the issuance of, a principal license:
5909 (i) a full-service restaurant license;
5910 (ii) a limited-service restaurant license;
5911 (iii) a bar establishment license;
5912 (iv) an on-premise banquet license;
5913 (v) an on-premise beer retailer license;
5914 (vi) a beer-only restaurant license; or
5915 (vii) a hospitality amenity license; or
5916 (b) a spa sublicense.
5917 (134) "Supplier" means a person who sells an alcoholic product to the department.
5918 (135) "Tavern" means an on-premise beer retailer who is:
5919 (a) issued a license by the commission in accordance with Chapter 5, Retail License
5920 Act, and Chapter 6, Part 7, On-Premise Beer Retailer License; and

5921 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,
5922 On-Premise Beer Retailer License.

5923 (136) "Temporary beer event permit" means a permit issued in accordance with
5924 Chapter 9, Part 4, Temporary Beer Event Permit.

5925 (137) "Temporary domicile" means the principal place of abode within Utah of a
5926 person who does not have a present intention to continue residency within Utah permanently or
5927 indefinitely.

5928 (138) "Translucent" means a substance that allows light to pass through, but does not
5929 allow an object or person to be seen through the substance.

5930 (139) "Unsaleable liquor merchandise" means a container that:

5931 (a) is unsaleable because the container is:

5932 (i) unlabeled;

5933 (ii) leaky;

5934 (iii) damaged;

5935 (iv) difficult to open; or

5936 (v) partly filled;

5937 (b) (i) has faded labels or defective caps or corks;

5938 (ii) has contents that are:

5939 (A) cloudy;

5940 (B) spoiled; or

5941 (C) chemically determined to be impure; or

5942 (iii) contains:

5943 (A) sediment; or

5944 (B) a foreign substance; or

5945 (c) is otherwise considered by the department as unfit for sale.

5946 (140) (a) "Wine" means an alcoholic product obtained by the fermentation of the
5947 natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or not
5948 another ingredient is added.

5949 (b) "Wine" includes:

5950 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R. Sec.

5951 4.10; and

(ii) hard cider.

(c) "Wine" is considered liquor for purposes of this title, except as otherwise provided in this title.

(141) "Winery manufacturing license" means a license issued in accordance with Chapter 11, Part 3, Winery Manufacturing License.

Section 72. Section **32B-1-702** is amended to read:

32B-1-702. Alcohol training and education -- Revocation, suspension, or nonrenewal of retail license.

(1) The commission may suspend, revoke, or not renew a license of a retail licensee if any of the following individuals fail to complete an alcohol training and education seminar:

(a) a retail manager; or

(b) retail staff.

(2) A city, town~~[, metro township]~~, or county in which a retail licensee conducts business may suspend, revoke, or not renew the business license of the retail licensee if a retail manager or retail staff fails to complete an alcohol training and education seminar.

(3) A local authority that issues an off-premise beer retailer license to a business that is engaged in the retail sale of beer for consumption off the beer retailer's premises may immediately suspend the off-premise beer retailer license if any of the following individuals fails to complete an alcohol training and education seminar:

(a) an off-premise retail manager; or

(b) off-premise retail staff.

Section 73. Section **32B-1-704** is amended to read:

32B-1-704. Department training programs.

(1) No later than January 1, 2018, the department shall develop the following training programs that are provided either in-person or online:

(a) a training program for retail managers that addresses:

(i) the statutes and rules that govern alcohol sales and consumption in the state;

(ii) the requirements for operating as a retail licensee;

(iii) using compliance assistance from the department; and

(iv) any other topic the department determines beneficial to a retail manager; and

(b) a training program for an individual employed by a retail licensee or an off-premise

5983 beer retailer who violates a provision of this title related to the sale, service, or furnishing of an
5984 alcoholic beverage to an intoxicated individual or a minor, that addresses:

5985 (i) the statutes and rules that govern the most common types of violations under this
5986 title;

5987 (ii) how to avoid common violations; and

5988 (iii) any other topic the department determines beneficial to the training program.

5989 (2) No later than January 1, 2019, the department shall develop a training program for
5990 off-premise retail managers that is provided either in-person or online and addresses:

5991 (a) the statutes and rules that govern sales at an off-premise beer retailer;

5992 (b) the requirements for operating an off-premise beer retailer;

5993 (c) using compliance assistance from the department; and

5994 (d) any other topic the department determines beneficial to an off-premise retail
5995 manager.

5996 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
5997 the provisions of this section, the department shall make rules to develop and implement the
5998 training programs described in this section, including rules that establish:

5999 (a) the requirements for each training program described in this section;

6000 (b) measures that accurately identify each individual who takes and completes a
6001 training program;

6002 (c) measures that ensure an individual taking a training program is focused and actively
6003 engaged in the training material throughout the training program;

6004 (d) a record that certifies that an individual has completed a training program; and

6005 (e) a fee for participation in a training program to cover the department's cost of
6006 providing the training program.

6007 (4) (a) Each retail manager shall complete the training described in Subsection (1)(a)
6008 no later than the later of:

6009 (i) 30 days after the day on which the retail manager is hired; or

6010 (ii) the day on which the retail licensee obtains a retail license.

6011 (b) Each off-premise retail manager shall complete the training described in
6012 Subsection (2) no later than the later of:

6013 (i) 30 days after the day on which the off-premise retail manager is hired; or

(ii) 30 days after the day on which the off-premise beer retailer obtains an off-premise beer retailer state license.

(c) (i) If the commission finds that a retail licensee violated a provision of this title related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated individual or a minor for a second time within 36 consecutive months after the day on which the first violation was adjudicated, the violator, all retail staff, and each retail manager shall complete the training program described in Subsection (1)(b).

(ii) If the commission finds that an off-premise beer retailer violated a provision of this title related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated individual or a minor for a second time within 36 consecutive months after the day on which the first violation was adjudicated, the violator and each off-premise retail manager shall complete the training program described in Subsection (1)(b).

(5) If an individual fails to complete a required training program under this section:

(a) the commission may suspend, revoke, or not renew the retail license or off-premise beer retailer state license;

(b) a city, town[, metro township], or county in which the retail licensee or off-premise beer retailer is located may suspend, revoke, or not renew the retail licensee's or off-premise beer retailer's business license; or

(c) a local authority may suspend, revoke, or not renew the off-premise beer retailer's license.

Section 74. Section **32B-2-402** is amended to read:

32B-2-402. Definitions -- Calculations.

(1) As used in this part:

(a) "Account" means the Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account created in Section 32B-2-403.

(b) "Advisory council" means the Utah Substance Use and Mental Health Advisory Council created in Section 63M-7-301.

(c) "Alcohol-related offense" means:

(i) a violation of:

(A) Section 41-6a-502; or

(B) an ordinance that complies with the requirements of:

6045 (I) Subsection 41-6a-510(1); or
6046 (II) Section 76-5-207; or
6047 (ii) an offense involving the illegal:
6048 (A) sale of an alcoholic product;
6049 (B) consumption of an alcoholic product;
6050 (C) distribution of an alcoholic product;
6051 (D) transportation of an alcoholic product; or
6052 (E) possession of an alcoholic product.
6053 (d) "Annual conviction time period" means the time period that:
6054 (i) begins on July 1 and ends on June 30; and
6055 (ii) immediately precedes the fiscal year for which an appropriation under this part is
6056 made.
6057 (e) "Municipality" means[:] a city or town.
6058 ~~[(i) a city;]~~
6059 ~~[(ii) a town; or]~~
6060 ~~[(iii) a metro township.]~~
6061 (f) (i) "Prevention" is as defined by rule, in accordance with Title 63G, Chapter 3, Utah
6062 Administrative Rulemaking Act, by the Division of Integrated Healthcare within the
6063 Department of Health and Human Services.
6064 (ii) In defining the term "prevention," the Division of Substance Abuse and Mental
6065 Health shall:
6066 (A) include only evidence-based or evidence-informed programs; and
6067 (B) provide for coordination with local substance abuse authorities designated to
6068 provide substance abuse services in accordance with Section 17-43-201.
6069 (2) For purposes of Subsection 32B-2-404(1)(b)(iii), the number of premises located
6070 within the limits of a municipality or county:
6071 (a) is the number determined by the department to be so located;
6072 (b) includes the aggregate number of premises of the following:
6073 (i) a state store;
6074 (ii) a package agency; and
6075 (iii) a retail licensee; and

6076 (c) for a county, consists only of the number located within an unincorporated area of
6077 the county.

6078 (3) The department shall determine:

6079 (a) a population figure according to the most current population estimate prepared by
6080 the Utah Population Committee;

6081 (b) a county's population for the 25% distribution to municipalities and counties under
6082 Subsection 32B-2-404(1)(b)(i) only with reference to the population in the unincorporated
6083 areas of the county; and

6084 (c) a county's population for the 25% distribution to counties under Subsection
6085 32B-2-404(1)(b)(iv) only with reference to the total population in the county, including that of
6086 a municipality.

6087 (4) (a) A conviction occurs in the municipality or county that actually prosecutes the
6088 offense to judgment.

6089 (b) If a conviction is based upon a guilty plea, the conviction is considered to occur in
6090 the municipality or county that, except for the guilty plea, would have prosecuted the offense.

6091 Section 75. Section **32B-4-202** is amended to read:

6092 **32B-4-202. Duties to enforce this title.**

6093 It is the duty of the following to diligently enforce this title in their respective
6094 capacities:

6095 (1) the governor;

6096 (2) a commissioner;

6097 (3) the director;

6098 (4) an official, inspector, or department employee;

6099 (5) a prosecuting official of the state or its political subdivisions;

6100 (6) a county, city, or town~~[-, or metro township]~~;

6101 (7) a peace officer, sheriff, deputy sheriff, constable, marshal, or law enforcement
6102 official;

6103 (8) a state health official; and

6104 (9) a clerk of the court.

6105 Section 76. Section **35A-8-805** is amended to read:

6106 **35A-8-805. Reporting requirements.**

6107 (1) As used in this section:

6108 (a) "Affordable housing" means, as determined by the department, the number of
6109 housing units within a county or municipality where a household whose income is at or below
6110 50% of area median income is able to live in a unit without spending more than 30% of their
6111 income on housing costs.

6112 (b) "County" means the unincorporated area of a county.

6113 (c) "Low-income housing" means, as determined by the department, the number of
6114 Section 42, Internal Revenue Code, housing units within a county or municipality.

6115 (d) "Municipality" means a city[;] or town[, ~~or metro township~~].

6116 (2) (a) On or before October 1 of each year, the division shall provide a report to the
6117 department for inclusion in the department's annual report described in Section 35A-1-109.

6118 (b) The report shall include:

6119 (i) an estimate of how many affordable housing units and how many low-income
6120 housing units are available in each county and municipality in the state;

6121 (ii) a determination of the percentage of affordable housing available in each county
6122 and municipality in the state as compared to the statewide average;

6123 (iii) a determination of the percentage of low-income housing available in each county
6124 and municipality in the state as compared to the statewide average; and

6125 (iv) a description of how information in the report was calculated.

6126 Section 77. Section **35A-16-401** is amended to read:

6127 **35A-16-401. Definitions.**

6128 As used in this part:

6129 (1) "Account" means the Homeless Shelter Cities Mitigation Restricted Account
6130 created in Section 35A-16-402.

6131 (2) "Authorized provider" means a nonprofit provider of homeless services that is
6132 authorized by a third-tier eligible municipality to operate a temporary winter response shelter
6133 within the municipality in accordance with Part 5, Winter Response Plan Requirements.

6134 (3) "Eligible municipality" means:

6135 (a) a first-tier eligible municipality;

6136 (b) a second-tier eligible municipality; or

6137 (c) a third-tier eligible municipality.

(4) "Eligible services" means any activities or services that mitigate the impacts of the location of an eligible shelter, including direct services, public safety services, and emergency services, as further defined by rule made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5) "Eligible shelter" means:

(a) for a first-tier eligible municipality, a homeless shelter that:

(i) has the capacity to provide temporary shelter to at least 80 individuals per night, as verified by the office;

(ii) operates year-round; and

(iii) is not subject to restrictions that limit the hours, days, weeks, or months of operation;

(b) for a second-tier municipality, a homeless shelter that:

(i) has the capacity to provide temporary shelter to at least 25 individuals per night, as verified by the office;

(ii) operates year-round; and

(iii) is not subject to restrictions that limit the hours, days, weeks, or months of operation; and

(c) for a third-tier eligible municipality, a homeless shelter that:

(i) (A) has the capacity to provide temporary shelter to at least 50 individuals per night, as verified by the office; and

(B) operates for no less than three months during the period beginning October 1 and ending April 30 of the following year; or

(ii) (A) meets the definition of a homeless shelter under Section 35A-16-501; and

(B) increases capacity during a winter response period, as defined in Section 35A-16-501, in accordance with Subsection 35A-16-502(6)(a).

(6) "First-tier eligible municipality" means a municipality that:

(a) is located within a county of the first or second class;

(b) as determined by the office, has or is proposed to have an eligible shelter within the municipality's geographic boundaries within the following fiscal year;

(c) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services; and

6169 (d) is certified as a first-tier eligible municipality in accordance with Section
6170 35A-16-404.

6171 (7) "Homeless shelter" means a facility that provides or is proposed to provide
6172 temporary shelter to individuals experiencing homelessness.

6173 (8) "Municipality" means a city[;] or town[; ~~or metro township~~].

6174 (9) "Public safety services" means law enforcement, emergency medical services, or
6175 fire protection.

6176 (10) "Second-tier eligible municipality" means a municipality that:

6177 (a) is located within a county of the third, fourth, fifth, or sixth class;

6178 (b) as determined by the office, has or is proposed to have an eligible shelter within the
6179 municipality's geographic boundaries within the following fiscal year;

6180 (c) due to the location of an eligible shelter within the municipality's geographic
6181 boundaries, requires eligible services; and

6182 (d) is certified as a second-tier eligible municipality in accordance with Section
6183 35A-16-404.

6184 (11) "Third-tier eligible municipality" means a municipality that:

6185 (a) as determined by the office, has or is proposed to have an eligible shelter within the
6186 municipality's geographic boundaries within the following fiscal year; and

6187 (b) due to the location of an eligible shelter within the municipality's geographic
6188 boundaries, requires eligible services.

6189 Section 78. Section **35A-16-501** is amended to read:

6190 **35A-16-501. Definitions.**

6191 As used in this part:

6192 (1) "Applicable county" means a county of the first or second class.

6193 (2) "Applicable local homeless council" means the local homeless council that is
6194 responsible for coordinating homeless response within an applicable county.

6195 (3) "Capacity limit" means a limit as to the number of individuals that a homeless
6196 shelter may provide overnight shelter to under a conditional use permit.

6197 (4) "Chief executive officer" means the same as that term is defined in Section
6198 11-51-102.

6199 (5) "Community location" means the same as that term is defined in Section 10-8-41.6.

6200 (6) "Conference of mayors" means an association consisting of the mayor of each
6201 municipality located within a county.

6202 (7) "Council of governments" means the same as that term is defined in Section
6203 72-2-117.5.

6204 (8) "County winter response task force" or "task force" means a task force described in
6205 Section 35A-16-501.5.

6206 (9) "Homeless shelter" means a facility that:

6207 (a) provides temporary shelter to individuals experiencing homelessness;

6208 (b) operates year-round; and

6209 (c) is not subject to restrictions that limit the hours, days, weeks, or months of
6210 operation.

6211 (10) "Municipality" means a city[;] or town[; ~~or metro township~~].

6212 (11) "State facility" means the same as that term is defined in Section 63A-5b-1001.

6213 (12) "Subsequent winter response period" means the winter response period that begins
6214 on October 15 of the year in which a county winter response task force is required to submit a
6215 winter response plan to the office under Section 35A-16-502.

6216 (13) "Targeted winter response bed count" means the targeted bed count number for an
6217 applicable county during the winter response period, as determined jointly by the applicable
6218 local homeless council and the office.

6219 (14) "Temporary winter response shelter" means a facility that:

6220 (a) provides temporary emergency shelter to individuals experiencing homelessness
6221 during a winter response period; and

6222 (b) does not operate year-round.

6223 (15) "Winter response period" means the period beginning October 15 and ending
6224 April 30 of the following year.

6225 (16) "Winter response plan" means the plan described in Section 35A-16-502.

6226 Section 79. Section **35A-16-701** is amended to read:

6227 **35A-16-701. Definitions.**

6228 As used in this part:

6229 (1) "Affected county" means a county of the first, second, third, or fourth class in
6230 which a code blue event is anticipated.

(2) "Applicable local homeless council" means the local homeless council that is responsible for coordinating homeless response within an affected county.

(3) "Capacity limit" means a limit as to the number of individuals that a homeless shelter may provide temporary shelter to under a conditional use permit.

(4) "Code blue alert" means a proclamation issued by the Department of Health and Human Services under Section 35A-16-702 to alert the public of a code blue event.

(5) "Code blue event" means a weather event in which the National Weather Service predicts temperatures of 15 degrees Fahrenheit or less, including wind chill, or any other extreme weather conditions established in rules made by the Department of Health and Human Services under Subsection 35A-16-702(4), to occur in any county of the first, second, third, or fourth class for two hours or longer within the next 24 to 48 hours.

(6) "Homeless shelter" means a facility that provides temporary shelter to individuals experiencing homelessness.

(7) "Municipality" means a city[;] or town[; ~~or metro township~~].

Section 80. Section **36-11-102** is amended to read:

36-11-102. Definitions.

As used in this chapter:

(1) "Aggregate daily expenditures" means:

(a) for a single lobbyist, principal, or government officer, the total of all expenditures made within a calendar day by the lobbyist, principal, or government officer for the benefit of an individual public official;

(b) for an expenditure made by a member of a lobbyist group, the total of all expenditures made within a calendar day by every member of the lobbyist group for the benefit of an individual public official; or

(c) for a multiclient lobbyist, the total of all expenditures made by the multiclient lobbyist within a calendar day for the benefit of an individual public official, regardless of whether the expenditures were attributed to different clients.

(2) "Approved activity" means an event, a tour, or a meeting:

(a) (i) to which a legislator or another nonexecutive branch public official is invited; and

(ii) attendance at which is approved by:

6262 (A) the speaker of the House of Representatives, if the public official is a member of
6263 the House of Representatives or another nonexecutive branch public official; or

6264 (B) the president of the Senate, if the public official is a member of the Senate or
6265 another nonexecutive branch public official; or

6266 (b) (i) to which a public official who holds a position in the executive branch of state
6267 government is invited; and

6268 (ii) attendance at which is approved by the governor or the lieutenant governor.

6269 (3) "Board of education" means:

6270 (a) a local school board described in Title 53G, Chapter 4, School Districts;

6271 (b) the State Board of Education;

6272 (c) the State Charter School Board created under Section 53G-5-201; or

6273 (d) a charter school governing board described in Title 53G, Chapter 5, Charter
6274 Schools.

6275 (4) "Capitol hill complex" means the same as that term is defined in Section
6276 63C-9-102.

6277 (5) (a) "Compensation" means anything of economic value, however designated, that is
6278 paid, loaned, granted, given, donated, or transferred to an individual for the provision of
6279 services or ownership before any withholding required by federal or state law.

6280 (b) "Compensation" includes:

6281 (i) a salary or commission;

6282 (ii) a bonus;

6283 (iii) a benefit;

6284 (iv) a contribution to a retirement program or account;

6285 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue
6286 Code, and subject to social security deductions, including a payment in excess of the maximum
6287 amount subject to deduction under social security law;

6288 (vi) an amount that the individual authorizes to be deducted or reduced for salary
6289 deferral or other benefits authorized by federal law; or

6290 (vii) income based on an individual's ownership interest.

6291 (6) "Compensation payor" means a person who pays compensation to a public official
6292 in the ordinary course of business:

- 6293 (a) because of the public official's ownership interest in the compensation payor; or
6294 (b) for services rendered by the public official on behalf of the compensation payor.
- 6295 (7) "Education action" means:
6296 (a) a resolution, policy, or other official action for consideration by a board of
6297 education;
6298 (b) a nomination or appointment by an education official or a board of education;
6299 (c) a vote on an administrative action taken by a vote of a board of education;
6300 (d) an adjudicative proceeding over which an education official has direct or indirect
6301 control;
6302 (e) a purchasing or contracting decision;
6303 (f) drafting or making a policy, resolution, or rule;
6304 (g) determining a rate or fee; or
6305 (h) making an adjudicative decision.
- 6306 (8) "Education official" means:
6307 (a) a member of a board of education;
6308 (b) an individual appointed to or employed in a position under a board of education, if
6309 that individual:
6310 (i) occupies a policymaking position or makes purchasing or contracting decisions;
6311 (ii) drafts resolutions or policies or drafts or makes rules;
6312 (iii) determines rates or fees;
6313 (iv) makes decisions relating to an education budget or the expenditure of public
6314 money; or
6315 (v) makes adjudicative decisions; or
6316 (c) an immediate family member of an individual described in Subsection (8)(a) or (b).
- 6317 (9) "Event" means entertainment, a performance, a contest, or a recreational activity
6318 that an individual participates in or is a spectator at, including a sporting event, an artistic
6319 event, a play, a movie, dancing, or singing.
- 6320 (10) "Executive action" means:
6321 (a) a nomination or appointment by the governor;
6322 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule
6323 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

6324 (c) agency ratemaking proceedings; or
6325 (d) an adjudicative proceeding of a state agency.
6326 (11) (a) "Expenditure" means any of the items listed in this Subsection (11)(a) when
6327 given to or for the benefit of a public official unless consideration of equal or greater value is
6328 received:
6329 (i) a purchase, payment, or distribution;
6330 (ii) a loan, gift, or advance;
6331 (iii) a deposit, subscription, or forbearance;
6332 (iv) services or goods;
6333 (v) money;
6334 (vi) real property;
6335 (vii) a ticket or admission to an event; or
6336 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide
6337 any item listed in Subsections (11)(a)(i) through (vii).
6338 (b) "Expenditure" does not mean:
6339 (i) a commercially reasonable loan made in the ordinary course of business;
6340 (ii) a campaign contribution:
6341 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial
6342 Reporting Requirements, Section 10-3-208, Section 17-16-6.5, or any applicable ordinance
6343 adopted under Subsection 10-3-208(6) or 17-16-6.5(1); or
6344 (B) lawfully given to a person that is not required to report the contribution under a law
6345 or ordinance described in Subsection (11)(b)(ii)(A);
6346 (iii) printed informational material that is related to the performance of the recipient's
6347 official duties;
6348 (iv) a devise or inheritance;
6349 (v) any item listed in Subsection (11)(a) if:
6350 (A) given by a relative;
6351 (B) given by a compensation payor for a purpose solely unrelated to the public
6352 official's position as a public official;
6353 (C) the item is food or beverage with a value that does not exceed the food
6354 reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed

6355 the food reimbursement rate; or

6356 (D) the item is not food or beverage, has a value of less than \$10, and the aggregate

6357 daily expenditures do not exceed \$10;

6358 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the

6359 following are invited:

6360 (A) all members of the Legislature;

6361 (B) all members of a standing or interim committee;

6362 (C) all members of an official legislative task force;

6363 (D) all members of a party caucus; or

6364 (E) all members of a group described in Subsections (11)(b)(vi)(A) through (D) who

6365 are attending a meeting of a national organization whose primary purpose is addressing general

6366 legislative policy;

6367 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public

6368 official who is:

6369 (A) giving a speech at the event, tour, or meeting;

6370 (B) participating in a panel discussion at the event, tour, or meeting; or

6371 (C) presenting or receiving an award at the event, tour, or meeting;

6372 (viii) a plaque, commendation, or award that:

6373 (A) is presented in public; and

6374 (B) has the name of the individual receiving the plaque, commendation, or award

6375 inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or

6376 award;

6377 (ix) a gift that:

6378 (A) is an item that is not consumable and not perishable;

6379 (B) a public official, other than a local official or an education official, accepts on

6380 behalf of the state;

6381 (C) the public official promptly remits to the state;

6382 (D) a property administrator does not reject under Section 63G-23-103;

6383 (E) does not constitute a direct benefit to the public official before or after the public

6384 official remits the gift to the state; and

6385 (F) after being remitted to the state, is not transferred, divided, distributed, or used to

6386 distribute a gift or benefit to one or more public officials in a manner that would otherwise
6387 qualify the gift as an expenditure if the gift were given directly to a public official;
6388 (x) any of the following with a cash value not exceeding \$30:
6389 (A) a publication; or
6390 (B) a commemorative item;
6391 (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose of
6392 which is:
6393 (A) to solicit a contribution that is reportable under Title 20A, Chapter 11, Campaign
6394 and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section 10-3-208, Section
6395 17-16-6.5, or an applicable ordinance adopted under Subsection 10-3-208(6) or 17-16-6.5(1);
6396 (B) to solicit a campaign contribution that a person is not required to report under a law
6397 or ordinance described in Subsection (11)(b)(xi)(A); or
6398 (C) charitable solicitation, as defined in Section 13-22-2;
6399 (xii) travel to, lodging at, food or beverage served at, and admission to an approved
6400 activity;
6401 (xiii) sponsorship of an approved activity;
6402 (xiv) notwithstanding Subsection (11)(a)(vii), admission to, attendance at, or travel to
6403 or from an event, a tour, or a meeting:
6404 (A) that is sponsored by a governmental entity;
6405 (B) that is widely attended and related to a governmental duty of a public official;
6406 (C) for a local official, that is sponsored by an organization that represents only local
6407 governments, including the Utah Association of Counties, the Utah League of Cities and
6408 Towns, or the Utah Association of Special Districts; or
6409 (D) for an education official, that is sponsored by a public school, a charter school, or
6410 an organization that represents only public schools or charter schools, including the Utah
6411 Association of Public Charter Schools, the Utah School Boards Association, or the Utah
6412 School Superintendents Association; or
6413 (xv) travel to a widely attended tour or meeting related to a governmental duty of a
6414 public official if that travel results in a financial savings to:
6415 (A) for a public official who is not a local official or an education official, the state; or
6416 (B) for a public official who is a local official or an education official, the local

6417 government or board of education to which the public official belongs.

6418 (12) "Food reimbursement rate" means the total amount set by the director of the
6419 Division of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an
6420 employee of the executive branch, for an entire day.

6421 (13) (a) "Foreign agent" means an individual who engages in lobbying under contract
6422 with a foreign government.

6423 (b) "Foreign agent" does not include an individual who is recognized by the United
6424 States Department of State as a duly accredited diplomatic or consular officer of a foreign
6425 government, including a duly accredited honorary consul.

6426 (14) "Foreign government" means a government other than the government of:

6427 (a) the United States;

6428 (b) a state within the United States;

6429 (c) a territory or possession of the United States; or

6430 (d) a political subdivision of the United States.

6431 (15) (a) "Government officer" means:

6432 (i) an individual elected to a position in state or local government, when acting in the
6433 capacity of the state or local government position;

6434 (ii) an individual elected to a board of education, when acting in the capacity of a
6435 member of a board of education;

6436 (iii) an individual appointed to fill a vacancy in a position described in Subsection
6437 (15)(a)(i) or (ii), when acting in the capacity of the position; or

6438 (iv) an individual appointed to or employed in a full-time position by state government,
6439 local government, or a board of education, when acting in the capacity of the individual's
6440 appointment or employment.

6441 (b) "Government officer" does not mean a member of the legislative branch of state
6442 government.

6443 (16) "Immediate family" means:

6444 (a) a spouse;

6445 (b) a child residing in the household; or

6446 (c) an individual claimed as a dependent for tax purposes.

6447 (17) "Legislative action" means:

6448 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or
6449 proposed in either house of the Legislature or its committees or requested by a legislator; and

6450 (b) the action of the governor in approving or vetoing legislation.

6451 (18) "Lobbying" means communicating with a public official for the purpose of
6452 influencing a legislative action, executive action, local action, or education action.

6453 (19) (a) "Lobbyist" means:

6454 (i) an individual who is employed by a principal; or

6455 (ii) an individual who contracts for economic consideration, other than reimbursement
6456 for reasonable travel expenses, with a principal to lobby a public official.

6457 (b) "Lobbyist" does not include:

6458 (i) a government officer;

6459 (ii) a member or employee of the legislative branch of state government;

6460 (iii) a person, including a principal, while appearing at, or providing written comments
6461 to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah Administrative
6462 Rulemaking Act or Title 63G, Chapter 4, Administrative Procedures Act;

6463 (iv) a person participating on or appearing before an advisory or study task force,
6464 commission, board, or committee, constituted by the Legislature, a local government, a board
6465 of education, or any agency or department of state government, except legislative standing,
6466 appropriation, or interim committees;

6467 (v) a representative of a political party;

6468 (vi) an individual representing a bona fide church solely for the purpose of protecting
6469 the right to practice the religious doctrines of the church, unless the individual or church makes
6470 an expenditure that confers a benefit on a public official;

6471 (vii) a newspaper, television station or network, radio station or network, periodical of
6472 general circulation, or book publisher for the purpose of publishing news items, editorials,
6473 other comments, or paid advertisements that directly or indirectly urge legislative action,
6474 executive action, local action, or education action;

6475 (viii) an individual who appears on the individual's own behalf before a committee of
6476 the Legislature, an agency of the executive branch of state government, a board of education,
6477 the governing body of a local government, a committee of a local government, or a committee
6478 of a board of education, solely for the purpose of testifying in support of or in opposition to

6479 legislative action, executive action, local action, or education action; or
6480 (ix) an individual representing a business, entity, or industry, who:
6481 (A) interacts with a public official, in the public official's capacity as a public official,
6482 while accompanied by a registered lobbyist who is lobbying in relation to the subject of the
6483 interaction or while presenting at a legislative committee meeting at the same time that the
6484 registered lobbyist is attending another legislative committee meeting; and
6485 (B) does not make an expenditure for, or on behalf of, a public official in relation to the
6486 interaction or during the period of interaction.
6487 (20) "Lobbyist group" means two or more lobbyists, principals, government officers, or
6488 any combination of lobbyists, principals, and government officers, who each contribute a
6489 portion of an expenditure made to benefit a public official or member of the public official's
6490 immediate family.
6491 (21) "Local action" means:
6492 (a) an ordinance or resolution for consideration by a local government;
6493 (b) a nomination or appointment by a local official or a local government;
6494 (c) a vote on an administrative action taken by a vote of a local government's
6495 legislative body;
6496 (d) an adjudicative proceeding over which a local official has direct or indirect control;
6497 (e) a purchasing or contracting decision;
6498 (f) drafting or making a policy, resolution, or rule;
6499 (g) determining a rate or fee; or
6500 (h) making an adjudicative decision.
6501 (22) "Local government" means:
6502 (a) a county, city, or town~~[-or metro township]~~;
6503 (b) a special district governed by Title 17B, Limited Purpose Local Government
6504 Entities - Special Districts;
6505 (c) a special service district governed by Title 17D, Chapter 1, Special Service District
6506 Act;
6507 (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local
6508 Government Entities - Community Reinvestment Agency Act;
6509 (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;

- 6510 (f) a redevelopment agency; or
6511 (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter
6512 13, Interlocal Cooperation Act.
- 6513 (23) "Local official" means:
6514 (a) an elected member of a local government;
6515 (b) an individual appointed to or employed in a position in a local government if that
6516 individual:
6517 (i) occupies a policymaking position or makes purchasing or contracting decisions;
6518 (ii) drafts ordinances or resolutions or drafts or makes rules;
6519 (iii) determines rates or fees; or
6520 (iv) makes adjudicative decisions; or
6521 (c) an immediate family member of an individual described in Subsection (23)(a) or
6522 (b).
- 6523 (24) "Meeting" means a gathering of people to discuss an issue, receive instruction, or
6524 make a decision, including a conference, seminar, or summit.
- 6525 (25) "Multiclient lobbyist" means a single lobbyist, principal, or government officer
6526 who represents two or more clients and divides the aggregate daily expenditure made to benefit
6527 a public official or member of the public official's immediate family between two or more of
6528 those clients.
- 6529 (26) "Principal" means a person that employs an individual to perform lobbying, either
6530 as an employee or as an independent contractor.
- 6531 (27) "Public official" means:
6532 (a) (i) a member of the Legislature;
6533 (ii) an individual elected to a position in the executive branch of state government; or
6534 (iii) an individual appointed to or employed in a position in the executive or legislative
6535 branch of state government if that individual:
6536 (A) occupies a policymaking position or makes purchasing or contracting decisions;
6537 (B) drafts legislation or makes rules;
6538 (C) determines rates or fees; or
6539 (D) makes adjudicative decisions;
6540 (b) an immediate family member of a person described in Subsection (27)(a);

6541 (c) a local official; or
6542 (d) an education official.

6543 (28) "Public official type" means a notation to identify whether a public official is:
6544 (a) (i) a member of the Legislature;
6545 (ii) an individual elected to a position in the executive branch of state government;
6546 (iii) an individual appointed to or employed in a position in the legislative branch of
6547 state government who meets the definition of public official under Subsection (27)(a)(iii);
6548 (iv) an individual appointed to or employed in a position in the executive branch of
6549 state government who meets the definition of public official under Subsection (27)(a)(iii);
6550 (v) a local official, including a description of the type of local government for which
6551 the individual is a local official; or
6552 (vi) an education official, including a description of the type of board of education for
6553 which the individual is an education official; or
6554 (b) an immediate family member of an individual described in Subsection (27)(a), (c),
6555 or (d).

6556 (29) "Quarterly reporting period" means the three-month period covered by each
6557 financial report required under Subsection 36-11-201(2)(a).

6558 (30) "Related person" means a person, agent, or employee who knowingly and
6559 intentionally assists a lobbyist, principal, or government officer in lobbying.

6560 (31) "Relative" means:
6561 (a) a spouse;
6562 (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law,
6563 brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin; or
6564 (c) a spouse of an individual described in Subsection (31)(b).

6565 (32) "Tour" means visiting a location, for a purpose relating to the duties of a public
6566 official, and not primarily for entertainment, including:
6567 (a) viewing a facility;
6568 (b) viewing the sight of a natural disaster; or
6569 (c) assessing a circumstance in relation to which a public official may need to take
6570 action within the scope of the public official's duties.

6571 Section 81. Section **41-1a-1222** is amended to read:

41-1a-1222. Local option highway construction and transportation corridor preservation fee -- Exemptions -- Deposit -- Transfer -- County ordinance -- Notice.

(1) As used in this section[:]

~~[(a) "Metro township" means the same as that term is defined in Section 10-2a-403.]~~

~~[(b) "Unincorporated"], "unincorporated"~~ means the same as that term is defined in

Section 10-1-104.

(2) (a) (i) Except as provided in Subsection (2)(a)(ii), a county legislative body may impose a local option highway construction and transportation corridor preservation fee of up to \$10 on each motor vehicle registration within the county.

(ii) A county legislative body may impose a local option highway construction and transportation corridor preservation fee of up to \$7.75 on each motor vehicle registration for a six-month registration period under Section 41-1a-215.5 within the county.

(iii) A fee imposed under Subsection (2)(a)(i) or (ii) shall be set in whole dollar increments.

(b) If imposed under Subsection (2)(a), at the time application is made for registration or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the local option highway construction and transportation corridor preservation fee established by the county legislative body.

(c) The following are exempt from the fee required under Subsection (2)(a):

(i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection 41-1a-419(3);

(ii) a commercial vehicle with an apportioned registration under Section 41-1a-301; and

(iii) a motor vehicle with a Purple Heart special group license plate issued:

(A) on or before December 31, 2023; or

(B) in accordance with Part 16, Sponsored Special Group License Plates.

(3) (a) Except as provided in Subsection (3)(b), the revenue generated under this section shall be:

(i) deposited in the Local Highway and Transportation Corridor Preservation Fund created in Section 72-2-117.5;

(ii) credited to the county from which it is generated; and

6603 (iii) used and distributed in accordance with Section 72-2-117.5.

6604 (b) The revenue generated by a fee imposed under this section in a county of the first

6605 class shall be deposited or transferred as follows:

6606 (i) 50% of the revenue shall be:

6607 (A) deposited in the County of the First Class Highway Projects Fund created in

6608 Section 72-2-121; and

6609 (B) used in accordance with Section 72-2-121;

6610 (ii) 30% of the revenue shall be deposited, credited, and used as provided in Subsection

6611 (3)(a); and

6612 (iii) 20% of the revenue shall be transferred to the legislative body of a county of the

6613 first class.

6614 (4) Beginning in a fiscal year beginning on or after July 1, 2023, and for 15 years

6615 thereafter, the legislative body of the county of the first class shall annually transfer, from the

6616 revenue transferred to the legislative body of a county of the first class as described in

6617 Subsection (3)(b)(iii):

6618 (a) \$300,000 to Kearns [township]; and

6619 (b) \$225,000 to Magna [township].

6620 (5) To impose or change the amount of a fee under this section, the county legislative

6621 body shall pass an ordinance:

6622 (a) approving the fee;

6623 (b) setting the amount of the fee; and

6624 (c) providing an effective date for the fee as provided in Subsection (6).

6625 (6) (a) If a county legislative body enacts, changes, or repeals a fee under this section,

6626 the enactment, change, or repeal shall take effect on July 1 if the commission receives notice

6627 meeting the requirements of Subsection (6)(b) from the county prior to April 1.

6628 (b) The notice described in Subsection (6)(a) shall:

6629 (i) state that the county will enact, change, or repeal a fee under this part;

6630 (ii) include a copy of the ordinance imposing the fee; and

6631 (iii) if the county enacts or changes the fee under this section, state the amount of the

6632 fee.

6633 Section 82. Section **41-6a-1115.1** is amended to read:

41-6a-1115.1. Scooter-share programs -- Local ordinances regulating motor assisted scooters.

(1) For the purposes of this section:

(a) "Local authority" means a county, city, or town~~[, or metro township]~~.

(b) "Scooter-share operator" means a person offering a shared scooter for hire.

(c) "Scooter-share program" means the offering of a shared scooter for hire.

(d) "Shared scooter" means a motor assisted scooter offered for hire.

(2) A local authority may regulate the operation of a motor assisted scooter within its jurisdiction.

(3) A local authority may authorize the operation of a motor assisted scooter on sidewalks and regulate the operation, including the maximum speed on the sidewalks.

(4) A regulation adopted by a local authority pursuant to this section regarding the operation of a motor assisted scooter shall be consistent with the regulation of bicycles and this title.

(5) (a) A local authority may regulate the operation of a scooter-share program within its jurisdiction. Regulation of scooter-share programs shall be consistent with this Subsection (5).

(b) A shared scooter shall bear a single unique alphanumeric identification visible from a distance of five feet, that may not be obfuscated by branding or other markings, and that shall be used throughout the state, including by local authorities, to identify the shared scooter.

(c) A scooter-share operator shall maintain the following insurance coverage dedicated exclusively for operation of shared scooters:

(i) commercial general liability insurance coverage with a limit of at least \$1,000,000 each occurrence and \$5,000,000 aggregate;

(ii) automobile insurance coverage with a limit of at least \$1,000,000 each occurrence and \$1,000,000 aggregate;

(iii) umbrella or excess liability coverage with a limit of at least \$5,000,000 each occurrence and \$5,000,000 aggregate; and

(iv) when the scooter-share operator employs an individual, workers' compensation coverage of no less than required by law.

(d) Penalties for a moving or parking violation involving a motor assisted scooter or a

6665 shared scooter shall be assessed to the person responsible for the violation, and may not exceed
6666 penalties assessed to a rider of a bicycle.

6667 (e) A scooter-share operator may be required to pay fees, provided that the total
6668 amount of the fees collected may not exceed the reasonable and necessary cost to the local
6669 authority of administering scooter-share programs, including a reasonable fee for the use of the
6670 right-of-way, commensurate and proportional to fees charged for similar uses.

6671 (f) A scooter-share operator may be required to indemnify the local authority for
6672 claims, demands, costs, including reasonable attorney fees, losses, or damages brought against
6673 the local authority, and arising out of a negligent act, error, omission, or willful misconduct by
6674 the scooter-share operator or the scooter-share operator's employees, except to the extent the
6675 claims, demands, costs, losses, or damages arise out of such local authority's negligence or
6676 willful misconduct.

6677 (g) In the interests of safety and right-of-way management, a local authority may
6678 designate locations where scooter-share operators may not stage shared scooters, provided that
6679 at least one location shall be permitted on each side of each city block in commercial zones and
6680 business districts.

6681 (h) A local authority may require scooter-share operators, as a condition for operating a
6682 scooter-share program, to provide to the local authority anonymized fleet and ride activity data
6683 for completed trips starting or ending within the jurisdiction of the local authority on a vehicle
6684 of the scooter-share operator or of any person or company controlled by, controlling, or under
6685 common control with the scooter-share operator, provided that, to ensure individual privacy the
6686 trip data:

6687 (i) is provided via an application programming interface, subject to the scooter-share
6688 operator's license agreement for such interface, in compliance with a national data format
6689 specification;

6690 (ii) provided shall be treated as trade secret and proprietary business information, and
6691 may not be shared to third parties without the scooter-share operator's consent, and may not be
6692 treated as owned by the local authority; and

6693 (iii) shall be considered private information, and may not be disclosed under Title 63G,
6694 Chapter 2, Government Records Access and Management Act, pursuant to a public records
6695 request received by the local authority without prior aggregation or obfuscation to protect

6696 individual privacy.

6697 (i) In regulating a shared scooter or a scooter-share program, a local authority may not
6698 impose any unduly restrictive requirement on a scooter-share operator, including:

6699 (i) requiring operation below cost; or

6700 (ii) subjecting riders of shared scooters to requirements more restrictive than those
6701 applicable to riders of privately owned motor assisted scooters or bicycles.

6702 Section 83. Section **52-1-1** is amended to read:

6703 **52-1-1. Official bonds to run to state, county, municipality, or other agency.**

6704 ~~[When the law directs that a public officer shall give a bond without prescribing to~~
6705 ~~whom it shall run it shall be made, if the public officer is a state officer, to the state; if a~~
6706 ~~county, precinct or district officer, to the county; if a municipal officer, to the city, town, or~~
6707 ~~metro township; and if a school officer, to the board of education.]~~

6708 If a public officer is required to give a bond but the requirement does not prescribe to
6709 whom the bond is to be made, the bond shall be made to:(1) the state, if the public officer is a
6710 state officer;

6711 (2) the county, if the public officer is a county, precinct, or district officer;

6712 (3) the city or town, if the public officer is a municipal officer; or

6713 (4) the board of education, if the public officer is a school officer.

6714 Section 84. Section **52-4-203** is amended to read:

6715 **52-4-203. Written minutes of open meetings -- Public records -- Recording of**
6716 **meetings.**

6717 (1) Except as provided under Subsection (7), written minutes and a recording shall be
6718 kept of all open meetings.

6719 (2) (a) Written minutes of an open meeting shall include:

6720 (i) the date, time, and place of the meeting;

6721 (ii) the names of members present and absent;

6722 (iii) the substance of all matters proposed, discussed, or decided by the public body
6723 which may include a summary of comments made by members of the public body;

6724 (iv) a record, by individual member, of each vote taken by the public body;

6725 (v) the name of each person who:

6726 (A) is not a member of the public body; and

6727 (B) after being recognized by the presiding member of the public body, provided
6728 testimony or comments to the public body;

6729 (vi) the substance, in brief, of the testimony or comments provided by the public under
6730 Subsection (2)(a)(v); and

6731 (vii) any other information that is a record of the proceedings of the meeting that any
6732 member requests be entered in the minutes or recording.

6733 (b) A public body may satisfy the requirement under Subsection (2)(a)(iii) or (vi) that
6734 minutes include the substance of matters proposed, discussed, or decided or the substance of
6735 testimony or comments by maintaining a publicly available online version of the minutes that
6736 provides a link to the meeting recording at the place in the recording where the matter is
6737 proposed, discussed, or decided or the testimony or comments provided.

6738 (c) A public body that has members who were elected to the public body shall satisfy
6739 the requirement described in Subsection (2)(a)(iv) by recording each vote:

6740 (i) in list format;

6741 (ii) by category for each action taken by a member, including yes votes, no votes, and
6742 absent members; and

6743 (iii) by each member's name.

6744 (3) A recording of an open meeting shall:

6745 (a) be a complete and unedited record of all open portions of the meeting from the
6746 commencement of the meeting through adjournment of the meeting; and

6747 (b) be properly labeled or identified with the date, time, and place of the meeting.

6748 (4) (a) As used in this Subsection (4):

6749 (i) "Approved minutes" means written minutes:

6750 (A) of an open meeting; and

6751 (B) that have been approved by the public body that held the open meeting.

6752 (ii) "Electronic information" means information presented or provided in an electronic
6753 format.

6754 (iii) "Pending minutes" means written minutes:

6755 (A) of an open meeting; and

6756 (B) that have been prepared in draft form and are subject to change before being
6757 approved by the public body that held the open meeting.

6758 (iv) "Specified local public body" means a legislative body of a county, city, or town[-
6759 ~~or metro township~~].

6760 (v) "State public body" means a public body that is an administrative, advisory,
6761 executive, or legislative body of the state.

6762 (vi) "State website" means the Utah Public Notice Website created under Section
6763 63A-16-601.

6764 (b) Pending minutes, approved minutes, and a recording of a public meeting are public
6765 records under Title 63G, Chapter 2, Government Records Access and Management Act.

6766 (c) Pending minutes shall contain a clear indication that the public body has not yet
6767 approved the minutes or that the minutes are subject to change until the public body approves
6768 them.

6769 (d) A public body shall require an individual who, at an open meeting of the public
6770 body, publicly presents or provides electronic information, relating to an item on the public
6771 body's meeting agenda, to provide the public body, at the time of the meeting, an electronic or
6772 hard copy of the electronic information for inclusion in the public record.

6773 (e) A state public body shall:

6774 (i) make pending minutes available to the public within 30 days after holding the open
6775 meeting that is the subject of the pending minutes;

6776 (ii) within three business days after approving written minutes of an open meeting:

6777 (A) post to the state website a copy of the approved minutes and any public materials
6778 distributed at the meeting;

6779 (B) make the approved minutes and public materials available to the public at the
6780 public body's primary office; and

6781 (C) if the public body provides online minutes under Subsection (2)(b), post approved
6782 minutes that comply with Subsection (2)(b) and the public materials on the public body's
6783 website; and

6784 (iii) within three business days after holding an open meeting, post on the state website
6785 an audio recording of the open meeting, or a link to the recording.

6786 (f) A specified local public body shall:

6787 (i) make pending minutes available to the public within 30 days after holding the open
6788 meeting that is the subject of the pending minutes;

6789 (ii) within three business days after approving written minutes of an open meeting,
6790 post and make available a copy of the approved minutes and any public materials distributed at
6791 the meeting, as provided in Subsection (4)(e)(ii); and

6792 (iii) within three business days after holding an open meeting, make an audio recording
6793 of the open meeting available to the public for listening.

6794 (g) A public body that is not a state public body or a specified local public body shall:

6795 (i) make pending minutes available to the public within a reasonable time after holding
6796 the open meeting that is the subject of the pending minutes;

6797 (ii) within three business days after approving written minutes of an open meeting:

6798 (A) post and make available a copy of the approved minutes and any public materials
6799 distributed at the meeting, as provided in Subsection (4)(e)(ii); or

6800 (B) comply with Subsections (4)(e)(ii)(B) and (C) and post to the state website a link to
6801 a website on which the approved minutes and any public materials distributed at the meeting
6802 are posted; and

6803 (iii) within three business days after holding an open meeting, make an audio recording
6804 of the open meeting available to the public for listening.

6805 (h) A public body shall establish and implement procedures for the public body's
6806 approval of the written minutes of each meeting.

6807 (i) Approved minutes of an open meeting are the official record of the meeting.

6808 (5) All or any part of an open meeting may be independently recorded by any person in
6809 attendance if the recording does not interfere with the conduct of the meeting.

6810 (6) The written minutes or recording of an open meeting that are required to be
6811 retained permanently shall be maintained in or converted to a format that meets long-term
6812 records storage requirements.

6813 (7) Notwithstanding Subsection (1), a recording is not required to be kept of:

6814 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken
6815 by the public body; or

6816 (b) an open meeting of a special district under Title 17B, Limited Purpose Local
6817 Government Entities - Special Districts, or special service district under Title 17D, Chapter 1,
6818 Special Service District Act, if the district's annual budgeted expenditures for all funds,
6819 excluding capital expenditures and debt service, are \$50,000 or less.

Section 85. Section **53-2a-208** is amended to read:

53-2a-208. Local emergency -- Declarations -- Termination of a local emergency.

(1) (a) Except as provided in Subsection (1)(b), a chief executive officer of a municipality or county may declare by proclamation a state of emergency if the chief executive officer finds:

(i) a disaster has occurred or the occurrence or threat of a disaster is imminent in an area of the municipality or county; and

(ii) the municipality or county requires additional assistance to supplement the response and recovery efforts of the municipality or county.

(b) A chief executive officer of a municipality may not declare by proclamation a state of emergency in response to an epidemic or a pandemic.

(2) A declaration of a local emergency:

(a) constitutes an official recognition that a disaster situation exists within the affected municipality or county;

(b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance from other political subdivisions or from the state or federal government;

(c) activates the response and recovery aspects of any and all applicable local disaster emergency plans; and

(d) authorizes the furnishing of aid and assistance in relation to the proclamation.

(3) A local emergency proclamation issued under this section shall state:

(a) the nature of the local emergency;

(b) the area or areas that are affected or threatened; and

(c) the conditions which caused the emergency.

(4) The emergency declaration process within the state shall be as follows:

(a) a city[.] or town, [~~or metro township~~] shall declare to the county;

(b) a county shall declare to the state;

(c) the state shall declare to the federal government; and

(d) a tribe, as defined in Section 23A-1-202, shall declare as determined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.

(5) Nothing in this part affects:

(a) the governor's authority to declare a state of emergency under Section 53-2a-206; or

(b) the duties, requests, reimbursements, or other actions taken by a political subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a, Part 3, Statewide Mutual Aid Act.

(6) (a) Except as provided in Subsection (6)(b), a state of emergency described in Subsection (1) expires the earlier of:

(i) the day on which the chief executive officer finds that:

(A) the threat or danger has passed;

(B) the disaster reduced to the extent that emergency conditions no longer exist; or

(C) the municipality or county no longer requires state government assistance to supplement the response and recovery efforts of the municipality or county;

(ii) 30 days after the day on which the chief executive officer declares the state of emergency; or

(iii) the day on which the legislative body of the municipality or county terminates the state of emergency by majority vote.

(b) (i) (A) The legislative body of a municipality may at any time terminate by majority vote a state of emergency declared by the chief executive officer of the municipality.

(B) The legislative body of a county may at any time terminate by majority vote a state of emergency declared by the chief executive officer of the county.

(ii) The legislative body of a municipality or county may by majority vote extend a state of emergency for a time period stated in the motion.

(iii) If the legislative body of a municipality or county extends a state of emergency in accordance with this subsection, the state of emergency expires on the date designated by the legislative body in the motion.

(iv) An action by a legislative body of a municipality or county to terminate a state of emergency as described in this Subsection (6)(b) is not subject to veto by the relevant chief executive officer.

(c) Except as provided in Subsection (7), after a state of emergency expires in accordance with this Subsection (6), the chief executive officer may not declare a new state of emergency in response to the same disaster or occurrence as the expired state of emergency.

(7) (a) After a state of emergency expires in accordance with Subsection (6), the chief executive officer may declare a new state of emergency in response to the same disaster or

6882 occurrence as the expired state of emergency, if the chief executive officer finds that exigent
6883 circumstances exist.

6884 (b) A state of emergency declared in accordance with Subsection (7)(a) expires in
6885 accordance with Subsections (6)(a) and (b).

6886 (c) After a state of emergency declared in accordance with Subsection (7)(a) expires,
6887 the chief executive officer may not declare a new state of emergency in response to the same
6888 disaster or occurrence as the expired state of emergency, regardless of whether exigent
6889 circumstances exist.

6890 Section 86. Section **53-2a-802** is amended to read:

6891 **53-2a-802. Definitions.**

6892 (1) (a) "Absent" means:

6893 (i) not physically present or not able to be communicated with for 48 hours; or

6894 (ii) for local government officers, as defined by local ordinances.

6895 (b) "Absent" does not include a person who can be communicated with via telephone,
6896 radio, or telecommunications.

6897 (2) "Department" means the Department of Government Operations, the Department of
6898 Agriculture and Food, the Alcoholic Beverage Services Commission, the Department of
6899 Commerce, the Department of Cultural and Community Engagement, the Department of
6900 Corrections, the Department of Environmental Quality, the Department of Financial
6901 Institutions, the Department of Health, the Department of Workforce Services, the Labor
6902 Commission, the National Guard, the Department of Insurance, the Department of Natural
6903 Resources, the Department of Public Safety, the Public Service Commission, the Department
6904 of Human Services, the State Tax Commission, the Department of Transportation, any other
6905 major administrative subdivisions of state government, the State Board of Education, the Utah
6906 Board of Higher Education, the Utah Housing Corporation, the State Retirement Board, and
6907 each institution of higher education within the system of higher education.

6908 (3) "Division" means the Division of Emergency Management established in Title 53,
6909 Chapter 2a, Part 1, Emergency Management Act.

6910 (4) "Emergency interim successor" means a person designated by this part to exercise
6911 the powers and discharge the duties of an office when the person legally exercising the powers
6912 and duties of the office is unavailable.

(5) "Executive director" means the person with ultimate responsibility for managing and overseeing the operations of each department, however denominated.

(6) (a) "Office" includes all state and local offices, the powers and duties of which are defined by constitution, statutes, charters, optional plans, ordinances, articles, or by-laws.

(b) "Office" does not include the office of governor or the legislative or judicial offices.

(7) "Place of governance" means the physical location where the powers of an office are being exercised.

(8) "Political subdivision" includes counties, cities, towns~~[-, metro townships]~~, districts, authorities, and other public corporations and entities whether organized and existing under charter or general law.

(9) "Political subdivision officer" means a person holding an office in a political subdivision.

(10) "State officer" means the attorney general, the state treasurer, the state auditor, and the executive director of each department.

(11) "Unavailable" means:

(a) absent from the place of governance during a disaster that seriously disrupts normal governmental operations, whether or not that absence or inability would give rise to a vacancy under existing constitutional or statutory provisions; or

(b) as otherwise defined by local ordinance.

Section 87. Section **53-2a-1403** is amended to read:

53-2a-1403. Emergency operations plan.

(1) Each county shall create and maintain an emergency operations plan.

(2) Each city~~[-]~~ and town~~[-, and metro township]~~ shall:

(a) create and maintain an emergency operations plan; or

(b) adopt the emergency operations plan created by the county in which the city~~[-]~~ or town~~[-, or metro township]~~ is located.

Section 88. Section **53-2d-101 (Effective 07/01/24)** is amended to read:

53-2d-101 (Effective 07/01/24). Definitions.

As used in this chapter:

(1) (a) "911 ambulance or paramedic services" means:

(i) either:

- 6944 (A) 911 ambulance service;
- 6945 (B) 911 paramedic service; or
- 6946 (C) both 911 ambulance and paramedic service; and
- 6947 (ii) a response to a 911 call received by a designated dispatch center that receives 911
- 6948 or E911 calls.
- 6949 (b) "911 ambulance or paramedic services" does not mean a seven or 10 digit
- 6950 telephone call received directly by an ambulance provider licensed under this chapter.
- 6951 (2) "Account" means the Automatic External Defibrillator Restricted Account, created
- 6952 in Section 53-2d-809.
- 6953 (3) "Ambulance" means a ground, air, or water vehicle that:
- 6954 (a) transports patients and is used to provide emergency medical services; and
- 6955 (b) is required to obtain a permit under Section 53-2d-404 to operate in the state.
- 6956 (4) "Ambulance provider" means an emergency medical service provider that:
- 6957 (a) transports and provides emergency medical care to patients; and
- 6958 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.
- 6959 (5) "Automatic external defibrillator" or "AED" means an automated or automatic
- 6960 computerized medical device that:
- 6961 (a) has received pre-market notification approval from the United States Food and
- 6962 Drug Administration, pursuant to 21 U.S.C. Sec. 360(k);
- 6963 (b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid
- 6964 ventricular tachycardia;
- 6965 (c) is capable of determining, without intervention by an operator, whether
- 6966 defibrillation should be performed; and
- 6967 (d) upon determining that defibrillation should be performed, automatically charges,
- 6968 enabling delivery of, or automatically delivers, an electrical impulse through the chest wall and
- 6969 to an individual's heart.
- 6970 (6) (a) "Behavioral emergency services" means delivering a behavioral health
- 6971 intervention to a patient in an emergency context within a scope and in accordance with
- 6972 guidelines established by the department.
- 6973 (b) "Behavioral emergency services" does not include engaging in the:
- 6974 (i) practice of mental health therapy as defined in Section 58-60-102;

- 6975 (ii) practice of psychology as defined in Section 58-61-102;
- 6976 (iii) practice of clinical social work as defined in Section 58-60-202;
- 6977 (iv) practice of certified social work as defined in Section 58-60-202;
- 6978 (v) practice of marriage and family therapy as defined in Section 58-60-302;
- 6979 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or
- 6980 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.
- 6981 (7) "Bureau" means the Bureau of Emergency Medical Services created in Section
- 6982 53-2d-102.
- 6983 (8) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external
- 6984 chest compression applied to a person who is unresponsive and not breathing.
- 6985 (9) "Committee" means the State Emergency Medical Services Committee created by
- 6986 Section 53-2d-104.
- 6987 (10) "Community paramedicine" means medical care:
- 6988 (a) provided by emergency medical service personnel; and
- 6989 (b) provided to a patient who is not:
- 6990 (i) in need of ambulance transportation; or
- 6991 (ii) located in a health care facility as defined in Section 26B-2-201.
- 6992 (11) "Division" means the Division of Emergency Management created in Section
- 6993 53-2a-103.
- 6994 (12) "Direct medical observation" means in-person observation of a patient by a
- 6995 physician, registered nurse, physician's assistant, or individual licensed under Section
- 6996 26B-4-116.
- 6997 (13) "Emergency medical condition" means:
- 6998 (a) a medical condition that manifests itself by symptoms of sufficient severity,
- 6999 including severe pain, that a prudent layperson, who possesses an average knowledge of health
- 7000 and medicine, could reasonably expect the absence of immediate medical attention to result in:
- 7001 (i) placing the individual's health in serious jeopardy;
- 7002 (ii) serious impairment to bodily functions; or
- 7003 (iii) serious dysfunction of any bodily organ or part; or
- 7004 (b) a medical condition that in the opinion of a physician or the physician's designee
- 7005 requires direct medical observation during transport or may require the intervention of an

7006 individual licensed under Section 53-2d-402 during transport.

7007 (14) "Emergency medical dispatch center" means a public safety answering point, as
7008 defined in Section 63H-7a-103, that is designated as an emergency medical dispatch center by
7009 the bureau.

7010 (15) (a) "Emergency medical service personnel" means an individual who provides
7011 emergency medical services or behavioral emergency services to a patient and is required to be
7012 licensed or certified under Section 53-2d-402.

7013 (b) "Emergency medical service personnel" includes a paramedic, medical director of a
7014 licensed emergency medical service provider, emergency medical service instructor, behavioral
7015 emergency services technician, other categories established by the committee, and a certified
7016 emergency medical dispatcher.

7017 (16) "Emergency medical service providers" means:

7018 (a) licensed ambulance providers and paramedic providers;

7019 (b) a facility or provider that is required to be designated under Subsection
7020 53-2d-403(1)(a); and

7021 (c) emergency medical service personnel.

7022 (17) "Emergency medical services" means:

7023 (a) medical services;

7024 (b) transportation services;

7025 (c) behavioral emergency services; or

7026 (d) any combination of the services described in Subsections (17)(a) through (c).

7027 (18) "Emergency medical service vehicle" means a land, air, or water vehicle that is:

7028 (a) maintained and used for the transportation of emergency medical personnel,
7029 equipment, and supplies to the scene of a medical emergency; and

7030 (b) required to be permitted under Section 53-2d-404.

7031 (19) "Governing body":

7032 (a) means the same as that term is defined in Section 11-42-102; and

7033 (b) for purposes of a "special service district" under Section 11-42-102, means a
7034 special service district that has been delegated the authority to select a provider under this
7035 chapter by the special service district's legislative body or administrative control board.

7036 (20) "Interested party" means:

7037 (a) a licensed or designated emergency medical services provider that provides
7038 emergency medical services within or in an area that abuts an exclusive geographic service area
7039 that is the subject of an application submitted pursuant to Part 5, Ambulance and Paramedic
7040 Providers;

7041 (b) any municipality, county, or fire district that lies within or abuts a geographic
7042 service area that is the subject of an application submitted pursuant to Part 5, Ambulance and
7043 Paramedic Providers; or

7044 (c) the department when acting in the interest of the public.

7045 (21) "Level of service" means the level at which an ambulance provider type of service
7046 is licensed as:

7047 (a) emergency medical technician;

7048 (b) advanced emergency medical technician; or

7049 (c) paramedic.

7050 (22) "Medical control" means a person who provides medical supervision to an
7051 emergency medical service provider.

7052 (23) "Non-911 service" means transport of a patient that is not 911 transport under
7053 Subsection (1).

7054 (24) "Nonemergency secured behavioral health transport" means an entity that:

7055 (a) provides nonemergency secure transportation services for an individual who:

7056 (i) is not required to be transported by an ambulance under Section 53-2d-405; and

7057 (ii) requires behavioral health observation during transport between any of the
7058 following facilities:

7059 (A) a licensed acute care hospital;

7060 (B) an emergency patient receiving facility;

7061 (C) a licensed mental health facility; and

7062 (D) the office of a licensed health care provider; and

7063 (b) is required to be designated under Section 53-2d-403.

7064 (25) "Paramedic provider" means an entity that:

7065 (a) employs emergency medical service personnel; and

7066 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

7067 (26) "Patient" means an individual who, as the result of illness, injury, or a behavioral

7068 emergency condition, meets any of the criteria in Section 26B-4-119.

7069 (27) "Political subdivision" means:

7070 (a) a city[,] or town[, ~~or metro township~~];

7071 (b) a county;

7072 (c) a special service district created under Title 17D, Chapter 1, Special Service

7073 District Act, for the purpose of providing fire protection services under Subsection

7074 17D-1-201(9);

7075 (d) a special district created under Title 17B, Limited Purpose Local Government

7076 Entities - Special Districts, for the purpose of providing fire protection, paramedic, and

7077 emergency services;

7078 (e) areas coming together as described in Subsection 53-2d-505.2(2)(b)(ii); or

7079 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.

7080 (28) "Sudden cardiac arrest" means a life-threatening condition that results when a

7081 person's heart stops or fails to produce a pulse.

7082 (29) "Trauma" means an injury requiring immediate medical or surgical intervention.

7083 (30) "Trauma system" means a single, statewide system that:

7084 (a) organizes and coordinates the delivery of trauma care within defined geographic

7085 areas from the time of injury through transport and rehabilitative care; and

7086 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in

7087 delivering care for trauma patients, regardless of severity.

7088 (31) "Triage" means the sorting of patients in terms of disposition, destination, or

7089 priority. For prehospital trauma victims, triage requires a determination of injury severity to

7090 assess the appropriate level of care according to established patient care protocols.

7091 (32) "Triage, treatment, transportation, and transfer guidelines" means written

7092 procedures that:

7093 (a) direct the care of patients; and

7094 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma

7095 center, or an emergency medical service provider.

7096 (33) "Type of service" means the category at which an ambulance provider is licensed

7097 as:

7098 (a) ground ambulance transport;

7099 (b) ground ambulance interfacility transport; or

7100 (c) both ground ambulance transport and ground ambulance interfacility transport.

7101 Section 89. Section **53-5a-202** is amended to read:

7102 **53-5a-202. Definitions.**

7103 As used in this part:

7104 (1) (a) "Federal regulation" means a federal executive order, rule, or regulation that
7105 infringes upon, prohibits, restricts, or requires individual licensure for, or registration of, the
7106 purchase, ownership, possession, transfer, or use of a firearm, ammunition, or firearm
7107 accessory.

7108 (b) "Federal regulation" does not include:

7109 (i) a federal firearm statute; or

7110 (ii) a federal executive order, rule, or regulation that is incorporated into the Utah Code
7111 by reference.

7112 (2) "Firearm" means the same as that term is defined in Section 76-10-501.

7113 (3) "Law enforcement officer" means the same as that term is defined in Section
7114 53-13-103.

7115 (4) "Political subdivision" means a city, town, [~~metro township~~], county, special
7116 district, or water conservancy district.

7117 Section 90. Section **53-7-225** is amended to read:

7118 **53-7-225. Times for sale and discharge of fireworks -- Criminal penalty --**
7119 **Permissible closure of certain areas -- Maps and signage.**

7120 (1) Except as provided in Section 53-7-221, this section supersedes any other code
7121 provision regarding the sale or discharge of fireworks.

7122 (2) A person may sell class C common state approved explosives in the state as
7123 follows:

7124 (a) beginning on June 24 and ending on July 25;

7125 (b) beginning on December 29 and ending on December 31; and

7126 (c) two days before and on the Chinese New Year's eve.

7127 (3) A person may not discharge class C common state approved explosives in the state
7128 except as follows:

7129 (a) between the hours of 11 a.m. and 11 p.m., except that on July 4 and July 24, the

7130 hours are 11 a.m. to midnight:

7131 (i) beginning on July 2 and ending on July 5; and

7132 (ii) beginning on July 22 and ending on July 25;

7133 (b) (i) beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following day;

7134 or

7135 (ii) if New Year's eve is on a Sunday and the county[;] or municipality[, ~~or metro~~

7136 ~~township~~] determines to celebrate New Year's eve on the prior Saturday, then a person may

7137 discharge class C common state approved explosives on that prior Saturday within the

7138 county[;] or municipality[, ~~or metro township~~];

7139 (c) between the hours of 11 a.m. and 11 p.m. on January 1; and

7140 (d) beginning at 11 a.m. on the Chinese New Year's eve and ending at 1 a.m. on the

7141 following day.

7142 (4) A person is guilty of an infraction, punishable by a fine of up to \$1,000, if the

7143 person discharges a class C common state approved explosive:

7144 (a) outside the legal discharge dates and times described in Subsection (3); or

7145 (b) in an area in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b).

7146 (5) (a) Except as provided in Subsection (5)(b) or (c), a county, a municipality[, ~~a~~

7147 ~~metro township~~], or the state forester may not prohibit a person from discharging class C

7148 common state approved explosives during the permitted periods described in Subsection (3).

7149 (b) (i) As used in this Subsection (5)(b), "negligent discharge":

7150 (A) means the improper use and discharge of a class C common state approved

7151 explosive; and

7152 (B) does not include the date or location of discharge or the type of explosive used.

7153 (ii) A municipality [~~or metro township~~] may prohibit:

7154 (A) the discharge of class C common state approved explosives in certain areas with

7155 hazardous environmental conditions, in accordance with Subsection 15A-5-202.5(1)(b); or

7156 (B) the negligent discharge of class C common state approved explosives.

7157 (iii) A county may prohibit the negligent discharge of class C common state approved

7158 explosives.

7159 (c) The state forester may prohibit the discharge of class C common state approved

7160 explosives as provided in Subsection 15A-5-202.5(1)(b) or Section 65A-8-212.

(6) If a municipal legislative body[;] ~~or the state forester[, or a metro township legislative body]~~ provides a map to a county identifying an area in which the discharge of fireworks is prohibited due to a historical hazardous environmental condition under Subsection 15A-5-202.5(1)(b), the county shall, before June 1 of that same year:

(a) create a county-wide map, based on each map the county has received, indicating each area within the county in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b);

(b) provide the map described in Subsection (6)(a) to:

(i) each retailer that sells fireworks within the county; and

(ii) the state fire marshal; and

(c) publish the map on the county's website.

(7) A retailer that sells fireworks shall display:

(a) a sign that:

(i) is clearly visible to the general public in a prominent location near the point of sale;

(ii) indicates the legal discharge dates and times described in Subsection (3); and

(iii) indicates the criminal charge and fine associated with discharge:

(A) outside the legal dates and times described in Subsection (3); and

(B) within an area in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b); and

(b) the map that the county provides, in accordance with Subsection (6)(b).

Section 91. Section **53B-21-107** is amended to read:

53B-21-107. Investment in bonds by private and public entities -- Approval as collateral security.

(1) Any bank, savings and loan association, trust, or insurance company organized under the laws of this state or federal law may invest its capital and surplus in bonds issued under this chapter.

(2) The officers having charge of a sinking fund or any county, city[~~, metro township~~], town[;] or school district may invest the sinking fund in bonds issued under this chapter.

(3) The bonds shall also be approved as collateral security for the deposit of any public funds and for the investment of trust funds.

Section 92. Section **56-1-39** is amended to read:

56-1-39. Assessment for right of way infrastructure improvements.

(1) As used in this section:

(a) "Benefit" includes enhanced property value, enhanced safety or efficiency, reduced costs, and liability avoidance.

(b) "Government entity" means the state or a county, city, town, ~~[metro township,~~
~~local]~~ special district, or special service district.

(c) (i) "Railroad" means a rail carrier that is a Class I railroad, as classified by the federal Surface Transportation Board.

(ii) "Railroad" does not include a rail carrier that is:

(A) exempt from assessment under 49 U.S.C. Sec. 24301; or

(B) owned by a government entity.

(d) (i) "Right of way infrastructure improvement" means construction, reconstruction, repair, or maintenance of public infrastructure that:

(A) is paid for by a government entity; and

(B) is partially or wholly within a railroad's right of way or crosses over a railroad's right of way.

(ii) "Right of way infrastructure improvement" includes any component of construction, reconstruction, repair, or maintenance of public infrastructure, including:

(A) any environmental impact study, environmental mitigation, or environmental project management; and

(B) any required or requested review by a non-governmental entity.

(e) "Public infrastructure" means any of the following improvements:

(i) a system or line for water, sewer, drainage, electrical, or telecommunications;

(ii) a street, road, curb, gutter, sidewalk, walkway, or bridge;

(iii) signage or signaling related to an improvement described in Subsection (1)(e)(i) or (ii);

(iv) an environmental improvement; or

(v) any other improvement similar to the improvements described in Subsections (1)(e)(i) through (iv).

(2) A government entity may, to the extent allowed under federal law, assess a railroad for any portion of the cost of a right of way infrastructure improvement, including any cost

7223 attributable to delay, if:

7224 (a) the government entity determines that the right of way infrastructure improvement
7225 provides a benefit to the railroad;

7226 (b) the amount of the assessment is proportionate to the benefit the railroad receives, as
7227 determined by the government entity; and

7228 (c) the government entity uses the assessment to pay for or as reimbursement for the
7229 cost of the right of way infrastructure improvement and not for the general support of the
7230 government entity.

7231 (3) (a) If two or more government entities have authority under this section to assess a
7232 railroad for the same right of way infrastructure improvement, the Office of Rail Safety created
7233 in Section 72-17-101 shall:

7234 (i) determine the amount of each government entity's assessment in accordance with
7235 Subsection (2);

7236 (ii) assess the railroad for the total of all amounts described in Subsection (3)(a)(i); and

7237 (iii) distribute the collected assessments to each government entity.

7238 (b) The total amount of an assessment under this Subsection (3) may not exceed the
7239 amount described in Subsection (2)(b).

7240 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
7241 Department of Transportation may make rules to establish a process for implementing the
7242 provisions of this Subsection (3).

7243 Section 93. Section **59-1-403** is amended to read:

7244 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

7245 (1) As used in this section:

7246 (a) "Distributed tax, fee, or charge" means a tax, fee, or charge:

7247 (i) the commission administers under:

7248 (A) this title, other than a tax under Chapter 12, Part 2, Local Sales and Use Tax Act;

7249 (B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

7250 (C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

7251 (D) Section 19-6-805;

7252 (E) Section 63H-1-205; or

7253 (F) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges;

7254 and

7255 (ii) with respect to which the commission distributes the revenue collected from the
7256 tax, fee, or charge to a qualifying jurisdiction.

7257 (b) "Qualifying jurisdiction" means:

7258 (i) a county, city, or town~~[, or metro township]~~;

7259 (ii) the military installation development authority created in Section 63H-1-201; or

7260 (iii) the Utah Inland Port Authority created in Section 11-58-201.

7261 (2) (a) Any of the following may not divulge or make known in any manner any
7262 information gained by that person from any return filed with the commission:

7263 (i) a tax commissioner;

7264 (ii) an agent, clerk, or other officer or employee of the commission; or

7265 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or
7266 town.

7267 (b) An official charged with the custody of a return filed with the commission is not
7268 required to produce the return or evidence of anything contained in the return in any action or
7269 proceeding in any court, except:

7270 (i) in accordance with judicial order;

7271 (ii) on behalf of the commission in any action or proceeding under:

7272 (A) this title; or

7273 (B) other law under which persons are required to file returns with the commission;

7274 (iii) on behalf of the commission in any action or proceeding to which the commission
7275 is a party; or

7276 (iv) on behalf of any party to any action or proceeding under this title if the report or
7277 facts shown by the return are directly involved in the action or proceeding.

7278 (c) Notwithstanding Subsection (2)(b), a court may require the production of, and may
7279 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically
7280 pertinent to the action or proceeding.

7281 (3) This section does not prohibit:

7282 (a) a person or that person's duly authorized representative from receiving a copy of
7283 any return or report filed in connection with that person's own tax;

7284 (b) the publication of statistics as long as the statistics are classified to prevent the

7285 identification of particular reports or returns; and
7286 (c) the inspection by the attorney general or other legal representative of the state of the
7287 report or return of any taxpayer:
7288 (i) who brings action to set aside or review a tax based on the report or return;
7289 (ii) against whom an action or proceeding is contemplated or has been instituted under
7290 this title; or
7291 (iii) against whom the state has an unsatisfied money judgment.
7292 (4) (a) Notwithstanding Subsection (2) and for purposes of administration, the
7293 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
7294 Rulemaking Act, provide for a reciprocal exchange of information with:
7295 (i) the United States Internal Revenue Service; or
7296 (ii) the revenue service of any other state.
7297 (b) Notwithstanding Subsection (2) and for all taxes except individual income tax and
7298 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,
7299 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and
7300 other written statements with the federal government, any other state, any of the political
7301 subdivisions of another state, or any political subdivision of this state, except as limited by
7302 Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal
7303 government grant substantially similar privileges to this state.
7304 (c) Notwithstanding Subsection (2) and for all taxes except individual income tax and
7305 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,
7306 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the
7307 identity and other information of taxpayers who have failed to file tax returns or to pay any tax
7308 due.
7309 (d) Notwithstanding Subsection (2), the commission shall provide to the director of the
7310 Division of Environmental Response and Remediation, as defined in Section 19-6-402, as
7311 requested by the director of the Division of Environmental Response and Remediation, any
7312 records, returns, or other information filed with the commission under Chapter 13, Motor and
7313 Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program
7314 participation fee.
7315 (e) Notwithstanding Subsection (2), at the request of any person the commission shall

7316 provide that person sales and purchase volume data reported to the commission on a report,
7317 return, or other information filed with the commission under:

- 7318 (i) Chapter 13, Part 2, Motor Fuel; or
- 7319 (ii) Chapter 13, Part 4, Aviation Fuel.

7320 (f) Notwithstanding Subsection (2), upon request from a tobacco product manufacturer,
7321 as defined in Section 59-22-202, the commission shall report to the manufacturer:

- 7322 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
7323 manufacturer and reported to the commission for the previous calendar year under Section
7324 59-14-407; and
- 7325 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
7326 manufacturer for which a tax refund was granted during the previous calendar year under
7327 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).
- 7328 (g) Notwithstanding Subsection (2), the commission shall notify manufacturers,
7329 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited
7330 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).
- 7331 (h) Notwithstanding Subsection (2), the commission may:
- 7332 (i) provide to the Division of Consumer Protection within the Department of
7333 Commerce and the attorney general data:
 - 7334 (A) reported to the commission under Section 59-14-212; or
 - 7335 (B) related to a violation under Section 59-14-211; and
- 7336 (ii) upon request, provide to any person data reported to the commission under
7337 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).
- 7338 (i) Notwithstanding Subsection (2), the commission shall, at the request of a committee
7339 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of
7340 Planning and Budget, provide to the committee or office the total amount of revenues collected
7341 by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the time period
7342 specified by the committee or office.
- 7343 (j) Notwithstanding Subsection (2), the commission shall make the directory required
7344 by Section 59-14-603 available for public inspection.
- 7345 (k) Notwithstanding Subsection (2), the commission may share information with
7346 federal, state, or local agencies as provided in Subsection 59-14-606(3).

7347 (l) (i) Notwithstanding Subsection (2), the commission shall provide the Office of
7348 Recovery Services within the Department of Health and Human Services any relevant
7349 information obtained from a return filed under Chapter 10, Individual Income Tax Act,
7350 regarding a taxpayer who has become obligated to the Office of Recovery Services.

7351 (ii) The information described in Subsection (4)(l)(i) may be provided by the Office of
7352 Recovery Services to any other state's child support collection agency involved in enforcing
7353 that support obligation.

7354 (m) (i) Notwithstanding Subsection (2), upon request from the state court
7355 administrator, the commission shall provide to the state court administrator, the name, address,
7356 telephone number, county of residence, and social security number on resident returns filed
7357 under Chapter 10, Individual Income Tax Act.

7358 (ii) The state court administrator may use the information described in Subsection
7359 (4)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.

7360 (n) (i) As used in this Subsection (4)(n):

7361 (A) "GO Utah office" means the Governor's Office of Economic Opportunity created in
7362 Section 63N-1a-301.

7363 (B) "Income tax information" means information gained by the commission that is
7364 required to be attached to or included in a return filed with the commission under Chapter 7,
7365 Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

7366 (C) "Other tax information" means information gained by the commission that is
7367 required to be attached to or included in a return filed with the commission except for a return
7368 filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual
7369 Income Tax Act.

7370 (D) "Tax information" means income tax information or other tax information.

7371 (ii) (A) Notwithstanding Subsection (2) and except as provided in Subsection
7372 (4)(n)(ii)(B) or (C), the commission shall at the request of the GO Utah office provide to the
7373 GO Utah office all income tax information.

7374 (B) For purposes of a request for income tax information made under Subsection
7375 (4)(n)(ii)(A), the GO Utah office may not request and the commission may not provide to the
7376 GO Utah office a person's address, name, social security number, or taxpayer identification
7377 number.

(C) In providing income tax information to the GO Utah office, the commission shall in all instances protect the privacy of a person as required by Subsection (4)(n)(ii)(B).

(iii) (A) Notwithstanding Subsection (2) and except as provided in Subsection (4)(n)(iii)(B), the commission shall at the request of the GO Utah office provide to the GO Utah office other tax information.

(B) Before providing other tax information to the GO Utah office, the commission shall redact or remove any name, address, social security number, or taxpayer identification number.

(iv) The GO Utah office may provide tax information received from the commission in accordance with this Subsection (4)(n) only:

(A) as a fiscal estimate, fiscal note information, or statistical information; and

(B) if the tax information is classified to prevent the identification of a particular return.

(v) (A) A person may not request tax information from the GO Utah office under Title 63G, Chapter 2, Government Records Access and Management Act, or this section, if the GO Utah office received the tax information from the commission in accordance with this Subsection (4)(n).

(B) The GO Utah office may not provide to a person that requests tax information in accordance with Subsection (4)(n)(v)(A) any tax information other than the tax information the GO Utah office provides in accordance with Subsection (4)(n)(iv).

(o) Notwithstanding Subsection (2), the commission may provide to the governing board of the agreement or a taxing official of another state, the District of Columbia, the United States, or a territory of the United States:

(i) the following relating to an agreement sales and use tax:

(A) information contained in a return filed with the commission;

(B) information contained in a report filed with the commission;

(C) a schedule related to Subsection (4)(o)(i)(A) or (B); or

(D) a document filed with the commission; or

(ii) a report of an audit or investigation made with respect to an agreement sales and use tax.

(p) Notwithstanding Subsection (2), the commission may provide information

7409 concerning a taxpayer's state income tax return or state income tax withholding information to
7410 the Driver License Division if the Driver License Division:

7411 (i) requests the information; and

7412 (ii) provides the commission with a signed release form from the taxpayer allowing the
7413 Driver License Division access to the information.

7414 (q) Notwithstanding Subsection (2), the commission shall provide to the Utah
7415 Communications Authority, or a division of the Utah Communications Authority, the
7416 information requested by the authority under Sections 63H-7a-302, 63H-7a-402, and
7417 63H-7a-502.

7418 (r) Notwithstanding Subsection (2), the commission shall provide to the Utah
7419 Educational Savings Plan information related to a resident or nonresident individual's
7420 contribution to a Utah Educational Savings Plan account as designated on the resident or
7421 nonresident's individual income tax return as provided under Section 59-10-1313.

7422 (s) Notwithstanding Subsection (2), for the purpose of verifying eligibility under
7423 Sections 26B-3-106 and 26B-3-903, the commission shall provide an eligibility worker with
7424 the Department of Health and Human Services or its designee with the adjusted gross income
7425 of an individual if:

7426 (i) an eligibility worker with the Department of Health and Human Services or its
7427 designee requests the information from the commission; and

7428 (ii) the eligibility worker has complied with the identity verification and consent
7429 provisions of Sections 26B-3-106 and 26B-3-903.

7430 (t) Notwithstanding Subsection (2), the commission may provide to a county, as
7431 determined by the commission, information declared on an individual income tax return in
7432 accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption
7433 authorized under Section 59-2-103.

7434 (u) Notwithstanding Subsection (2), the commission shall provide a report regarding
7435 any access line provider that is over 90 days delinquent in payment to the commission of
7436 amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid Wireless
7437 Telecommunications Service Charges, to the board of the Utah Communications Authority
7438 created in Section 63H-7a-201.

7439 (v) Notwithstanding Subsection (2), the commission shall provide the Department of

7440 Environmental Quality a report on the amount of tax paid by a radioactive waste facility for the
7441 previous calendar year under Section 59-24-103.5.

7442 (w) Notwithstanding Subsection (2), the commission may, upon request, provide to the
7443 Department of Workforce Services any information received under Chapter 10, Part 4,
7444 Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.

7445 (x) Notwithstanding Subsection (2), the commission may provide the Public Service
7446 Commission or the Division of Public Utilities information related to a seller that collects and
7447 remits to the commission a charge described in Subsection 69-2-405(2), including the seller's
7448 identity and the number of charges described in Subsection 69-2-405(2) that the seller collects.

7449 (y) (i) Notwithstanding Subsection (2), the commission shall provide to each qualifying
7450 jurisdiction the collection data necessary to verify the revenue collected by the commission for
7451 a distributed tax, fee, or charge collected within the qualifying jurisdiction.

7452 (ii) In addition to the information provided under Subsection (4)(y)(i), the commission
7453 shall provide a qualifying jurisdiction with copies of returns and other information relating to a
7454 distributed tax, fee, or charge collected within the qualifying jurisdiction.

7455 (iii) (A) To obtain the information described in Subsection (4)(y)(ii), the chief
7456 executive officer or the chief executive officer's designee of the qualifying jurisdiction shall
7457 submit a written request to the commission that states the specific information sought and how
7458 the qualifying jurisdiction intends to use the information.

7459 (B) The information described in Subsection (4)(y)(ii) is available only in official
7460 matters of the qualifying jurisdiction.

7461 (iv) Information that a qualifying jurisdiction receives in response to a request under
7462 this subsection is:

7463 (A) classified as a private record under Title 63G, Chapter 2, Government Records
7464 Access and Management Act; and

7465 (B) subject to the confidentiality requirements of this section.

7466 (z) Notwithstanding Subsection (2), the commission shall provide the Alcoholic
7467 Beverage Services Commission, upon request, with taxpayer status information related to state
7468 tax obligations necessary to comply with the requirements described in Section 32B-1-203.

7469 (aa) Notwithstanding Subsection (2), the commission shall inform the Department of
7470 Workforce Services, as soon as practicable, whether an individual claimed and is entitled to

7471 claim a federal earned income tax credit for the year requested by the Department of Workforce
7472 Services if:

7473 (i) the Department of Workforce Services requests this information; and
7474 (ii) the commission has received the information release described in Section
7475 35A-9-604.

7476 (bb) (i) As used in this Subsection (4)(bb), "unclaimed property administrator" means
7477 the administrator or the administrator's agent, as those terms are defined in Section 67-4a-102.

7478 (ii) (A) Notwithstanding Subsection (2), upon request from the unclaimed property
7479 administrator and to the extent allowed under federal law, the commission shall provide the
7480 unclaimed property administrator the name, address, telephone number, county of residence,
7481 and social security number or federal employer identification number on any return filed under
7482 Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

7483 (B) The unclaimed property administrator may use the information described in
7484 Subsection (4)(aa)(ii)(A) only for the purpose of returning unclaimed property to the property's
7485 owner in accordance with Title 67, Chapter 4a, Revised Uniform Unclaimed Property Act.

7486 (iii) The unclaimed property administrator is subject to the confidentiality provisions of
7487 this section with respect to any information the unclaimed property administrator receives
7488 under this Subsection (4)(aa).

7489 (5) (a) Each report and return shall be preserved for at least three years.

7490 (b) After the three-year period provided in Subsection (5)(a) the commission may
7491 destroy a report or return.

7492 (6) (a) Any individual who violates this section is guilty of a class A misdemeanor.

7493 (b) If the individual described in Subsection (6)(a) is an officer or employee of the
7494 state, the individual shall be dismissed from office and be disqualified from holding public
7495 office in this state for a period of five years thereafter.

7496 (c) Notwithstanding Subsection (6)(a) or (b), the GO Utah office, when requesting
7497 information in accordance with Subsection (4)(n)(iii), or an individual who requests
7498 information in accordance with Subsection (4)(n)(v):

7499 (i) is not guilty of a class A misdemeanor; and

7500 (ii) is not subject to:

7501 (A) dismissal from office in accordance with Subsection (6)(b); or

(B) disqualification from holding public office in accordance with Subsection (6)(b).

(d) Notwithstanding Subsection (6)(a) or (b), for a disclosure of information to the

Office of the Legislative Auditor General in accordance with Title 36, Chapter 12, Legislative Organization, an individual described in Subsection (2):

(i) is not guilty of a class A misdemeanor; and

(ii) is not subject to:

(A) dismissal from office in accordance with Subsection (6)(b); or

(B) disqualification from holding public office in accordance with Subsection (6)(b).

(7) Except as provided in Section 59-1-404, this part does not apply to the property tax.

Section 94. Section **59-12-203** is amended to read:

59-12-203. County, city, or town may levy tax -- Contracts pursuant to Interlocal Cooperation Act.

(1) As used in this section, "converted municipality" means the same as that term is defined in Section 10-1-201.5.

(2) A county, city, or town~~[, or metro township]~~ may impose a sales and use tax under this part.

~~[(2) The State Tax Commission shall treat a metro township that imposes a tax under this part as a city under this part.]~~

~~[(3) The State Tax Commission shall calculate the amount of a distribution to a metro township under this part in the same manner as the State Tax Commission calculates a distribution to a city under Section 59-12-205.]~~

~~[(4)]~~ (3) (a) Except as provided in Subsection ~~[(4)(b)]~~ (3)(b), if a ~~[metro township]~~ converted municipality imposes a tax under this part, the State Tax Commission shall distribute the amount that the State Tax Commission calculates under Section 59-12-205 to the ~~[metro township]~~ converted municipality.

(b) The State Tax Commission shall transfer the amount that would otherwise be distributed to a ~~[metro township]~~ converted municipality under this part to a municipal services district created under Title 17B, Chapter 2a, Part 11, Municipal Services District Act, if the ~~[metro township]~~ converted municipality:

(i) provides written notice to the State Tax Commission requesting the transfer; and

(ii) designates the municipal services district to which the ~~[metro township]~~ converted

7533 municipality requests the State Tax Commission to transfer the revenues.

7534 ~~[(5)]~~ (4) A county, city, or town~~[, or metro township]~~ that imposes a sales and use tax
7535 under this part may:

7536 (a) enter into agreements authorized by Title 11, Chapter 13, Interlocal Cooperation
7537 Act; and

7538 (b) use any or all of the revenue collected from the tax for the mutual benefit of local
7539 governments that elect to contract with one another pursuant to Title 11, Chapter 13, Interlocal
7540 Cooperation Act.

7541 Section 95. Section **59-12-2220** is amended to read:

7542 **59-12-2220. County option sales and use tax to fund highways or a system for**
7543 **public transit -- Base -- Rate.**

7544 (1) Subject to the other provisions of this part and subject to the requirements of this
7545 section, the following counties may impose a sales and use tax under this section:

7546 (a) a county legislative body may impose the sales and use tax on the transactions
7547 described in Subsection 59-12-103(1) located within the county, including the cities and towns
7548 within the county if:

7549 (i) the entire boundary of a county is annexed into a large public transit district; and

7550 (ii) the maximum amount of sales and use tax authorizations allowed pursuant to

7551 Section 59-12-2203 and authorized under the following sections has been imposed:

7552 (A) Section 59-12-2213;

7553 (B) Section 59-12-2214;

7554 (C) Section 59-12-2215;

7555 (D) Section 59-12-2216;

7556 (E) Section 59-12-2217;

7557 (F) Section 59-12-2218; and

7558 (G) Section 59-12-2219;

7559 (b) if the county is not annexed into a large public transit district, the county legislative
7560 body may impose the sales and use tax on the transactions described in Subsection

7561 59-12-103(1) located within the county, including the cities and towns within the county if:

7562 (i) the county is an eligible political subdivision; or

7563 (ii) a city or town within the boundary of the county is an eligible political subdivision;

7564 or

7565 (c) a county legislative body of a county not described in Subsection (1)(a) may impose
7566 the sales and use tax on the transactions described in Subsection 59-12-103(1) located within
7567 the county, including the cities and towns within the county.

7568 (2) For purposes of Subsection (1) and subject to the other provisions of this section, a
7569 county legislative body that imposes a sales and use tax under this section may impose the tax
7570 at a rate of .2%.

7571 (3) (a) The commission shall distribute sales and use tax revenue collected under this
7572 section as determined by a county legislative body as described in Subsection (3)(b).

7573 (b) If a county legislative body imposes a sales and use tax as described in this section,
7574 the county legislative body may elect to impose a sales and use tax revenue distribution as
7575 described in Subsection (4), (5), (6), or (7), depending on the class of county, and presence and
7576 type of a public transit provider in the county.

7577 (4) If a county legislative body imposes a sales and use tax as described in this section,
7578 and the entire boundary of the county is annexed into a large public transit district, and the
7579 county is a county of the first class, the commission shall distribute the sales and use tax
7580 revenue as follows:

7581 (a) .10% to a public transit district as described in Subsection (11);

7582 (b) .05% to the cities and towns as provided in Subsection (8); and

7583 (c) .05% to the county legislative body.

7584 (5) If a county legislative body imposes a sales and use tax as described in this section
7585 and the entire boundary of the county is annexed into a large public transit district, and the
7586 county is a county not described in Subsection (4), the commission shall distribute the sales
7587 and use tax revenue as follows:

7588 (a) .10% to a public transit district as described in Subsection (11);

7589 (b) .05% to the cities and towns as provided in Subsection (8); and

7590 (c) .05% to the county legislative body.

7591 (6) (a) Except as provided in Subsection (12)(c), if the entire boundary of a county that
7592 imposes a sales and use tax as described in this section is not annexed into a single public
7593 transit district, but a city or town within the county is annexed into a single public transit
7594 district, or if the city or town is an eligible political subdivision, the commission shall distribute

7595 the sales and use tax revenue collected within the county as provided in Subsection (6)(b) or
7596 (c).

7597 (b) For a city, town, or portion of the county described in Subsection (6)(a) that is
7598 annexed into the single public transit district, or an eligible political subdivision, the
7599 commission shall distribute the sales and use tax revenue collected within the portion of the
7600 county that is within a public transit district or eligible political subdivision as follows:

7601 (i) .05% to a public transit provider as described in Subsection (11);

7602 (ii) .075% to the cities and towns as provided in Subsection (8); and

7603 (iii) .075% to the county legislative body.

7604 (c) Except as provided in Subsection (12)(c), for a city, town, or portion of the county
7605 described in Subsection (6)(a) that is not annexed into a single public transit district or eligible
7606 political subdivision in the county, the commission shall distribute the sales and use tax
7607 revenue collected within that portion of the county as follows:

7608 (i) .08% to the cities and towns as provided in Subsection (8); and

7609 (ii) .12% to the county legislative body.

7610 (7) For a county without a public transit service that imposes a sales and use tax as
7611 described in this section, the commission shall distribute the sales and use tax revenue
7612 collected within the county as follows:

7613 (a) .08% to the cities and towns as provided in Subsection (8); and

7614 (b) .12% to the county legislative body.

7615 (8) (a) Subject to Subsections (8)(b) and (c), the commission shall make the
7616 distributions required by Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)(a) as follows:

7617 (i) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii),
7618 (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4) through (7)
7619 shall be distributed to the unincorporated areas, cities, and towns within those counties on the
7620 basis of the percentage that the population of each unincorporated area, city, or town bears to
7621 the total population of all of the counties that impose a tax under this section; and

7622 (ii) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii),
7623 (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4) through (7)
7624 shall be distributed to the unincorporated areas, cities, and towns within those counties on the
7625 basis of the location of the transaction as determined under Sections 59-12-211 through

7626 59-12-215.

7627 (b) (i) Population for purposes of this Subsection (8) shall be determined on the basis
7628 of the most recent official census or census estimate of the United States Census Bureau.

7629 (ii) If a needed population estimate is not available from the United States Census
7630 Bureau, population figures shall be derived from an estimate from the Utah Population
7631 Estimates Committee created by executive order of the governor.

7632 (c) (i) Beginning on January 1, 2024, if the Housing and Community Development
7633 Division within the Department of Workforce Services determines that a city[;] or town[; ~~or~~
7634 ~~metro township~~] is ineligible for funds in accordance with Subsection 10-9a-408(7), beginning
7635 the first day of the calendar quarter after receiving 90 days' notice, the commission shall
7636 distribute the distribution that city[;] or town[; ~~or metro township~~] would have received under
7637 Subsection (8)(a) to cities[;] or towns[; ~~or metro townships~~] to which Subsection 10-9a-408(7)
7638 does not apply.

7639 (ii) Beginning on January 1, 2024, if the Housing and Community Development
7640 Division within the Department of Workforce Services determines that a county is ineligible
7641 for funds in accordance with Subsection 17-27a-408(7), beginning the first day of the calendar
7642 quarter after receiving 90 days' notice, the commission shall distribute the distribution that
7643 county would have received under Subsection (8)(a) to counties to which Subsection
7644 17-27a-408(7) does not apply.

7645 (9) If a public transit service is organized after the date a county legislative body first
7646 imposes a tax under this section, a change in a distribution required by this section may not
7647 take effect until the first distribution the commission makes under this section after a 90-day
7648 period that begins on the date the commission receives written notice from the public transit
7649 provider that the public transit service has been organized.

7650 (10) A county, city, or town that received distributions described in Subsections (4)(b),
7651 (4)(c), (5)(b), (5)(c), (6)(b)(ii), (6)(b)(iii), (6)(c), and (7) may only expend those funds for a
7652 purpose described in Section 59-12-2212.2.

7653 (11) (a) Subject to Subsections (11)(b), (c), and (d), revenue designated for public
7654 transit as described in this section may be used for capital expenses and service delivery
7655 expenses of:

7656 (i) a public transit district;

(ii) an eligible political subdivision; or

(iii) another entity providing a service for public transit or a transit facility within the relevant county, as those terms are defined in Section 17B-2a-802.

(b) (i) If a county of the first class imposes a sales and use tax described in this section, for a three-year period following the date on which the county imposes the sales and use tax under this section, revenue designated for public transit within a county of the first class as described in Subsection (4)(a) shall be transferred to the County of the First Class Highway Projects Fund created in Section 72-2-121.

(ii) If a county of the first class imposes a sales and use tax described in this section, beginning on the day three years after the date on which the county imposed the tax as described in Subsection (11)(b)(i), for revenue designated for public transit as described in Subsection (4)(a):

(A) 50% of the revenue from a sales and use tax imposed under this section in a county of the first class shall be transferred to the County of the First Class Highway Projects Fund created in Section 72-2-121; and

(B) 50% of the revenue from a sales and use tax imposed under this section in a county of the first class shall be transferred to the Transit Transportation Investment Fund created in Subsection 72-2-124(9).

(c) (i) If a county that is not a county of the first class for which the entire boundary of the county is annexed into a large public transit district imposes a sales and use tax described in this section, for a three-year period following the date on which the county imposes the sales and use tax under this section, revenue designated for public transit as described in Subsection (5)(a) shall be transferred to the relevant county legislative body to be used for a purpose described in Subsection (11)(a).

(ii) If a county that is not a county of the first class for which the entire boundary of the county is annexed into a large public transit district imposes a sales and use tax described in this section, beginning on the day three years after the date on which the county imposed the tax as described in Subsection (11)(c)(i), for the revenue that is designated for public transit in Subsection (5)(a):

(A) 50% shall be transferred to the Transit Transportation Investment Fund created in Subsection 72-2-124(9); and

(B) 50% shall be transferred to the relevant county legislative body to be used for a purpose described in Subsection (11)(a).

(d) Except as provided in Subsection (12)(c), for a county that imposes a sales and use tax under this section, for revenue designated for public transit as described in Subsection (6)(b)(i), the revenue shall be transferred to the relevant county legislative body to be used for a purpose described in Subsection (11)(a).

(12) (a) Notwithstanding Section 59-12-2208, a county legislative body may, but is not required to, submit an opinion question to the county's registered voters in accordance with Section 59-12-2208 to impose a sales and use tax under this section.

(b) If a county passes an ordinance to impose a sales and use tax as described in this section, the sales and use tax shall take effect on the first day of the calendar quarter after a 90-day period that begins on the date the commission receives written notice from the county of the passage of the ordinance.

(c) A county that imposed the local option sales and use tax described in this section before January 1, 2023, may maintain that county's distribution allocation in place as of January 1, 2023.

(13) (a) Revenue collected from a sales and use tax under this section may not be used to supplant existing General Fund appropriations that a county, city, or town budgeted for transportation or public transit as of the date the tax becomes effective for a county, city, or town.

(b) The limitation under Subsection (13)(a) does not apply to a designated transportation or public transit capital or reserve account a county, city, or town established before the date the tax becomes effective.

Section 96. Section **63A-5b-901** is amended to read:

63A-5b-901. Definitions.

As used in this part:

(1) "Applicant" means a person who submits a timely, qualified proposal to the division.

(2) "Condemnee" means the same as that term is defined in Section 78B-6-520.3.

(3) "Division-owned property" means real property, including an interest in real property, to which the division holds title, regardless of who occupies or uses the real property.

7719 (4) "Local government entity" means a county, city, town[, ~~metro township~~], special
7720 district, special service district, community development and renewal agency, conservation
7721 district, school district, or other political subdivision of the state.

7722 (5) "Primary state agency" means a state agency for which the division holds title to
7723 real property that the state agency occupies or uses, as provided in Subsection
7724 63A-5b-303(1)(a)(iv).

7725 (6) "Private party" means a person who is not a state agency, local government entity,
7726 or public purpose nonprofit entity.

7727 (7) "Public purpose nonprofit entity" means a corporation, association, organization, or
7728 entity that:

7729 (a) is located within the state;

7730 (b) is not a state agency or local government entity;

7731 (c) is exempt from federal income taxation under Section 501(c)(3), Internal Revenue
7732 Code; and

7733 (d) operates to fulfill a public purpose.

7734 (8) "Qualified proposal" means a written proposal that:

7735 (a) meets the criteria established by the division by rule under Section 63A-5b-903;

7736 (b) if submitted by a local government entity or public purpose nonprofit entity,
7737 explains the public purpose for which the local government entity or public purpose nonprofit
7738 entity seeks a transfer of ownership or lease of the vacant division-owned property; and

7739 (c) the director determines will, if accepted and implemented, provide a material
7740 benefit to the state.

7741 (9) "Secondary state agency" means a state agency:

7742 (a) that is authorized to hold title to real property that the state agency occupies or uses,
7743 as provided in Section 63A-5b-304; and

7744 (b) for which the division does not hold title to real property that the state agency
7745 occupies or uses.

7746 (10) "State agency" means a department, division, office, entity, agency, or other unit
7747 of state government.

7748 (11) "Transfer of ownership" includes a transfer of the ownership of vacant
7749 division-owned property that occurs as part of an exchange of the vacant division-owned

7750 property for another property.

7751 (12) "Vacant division-owned property" means division-owned property that:

7752 (a) a primary state agency is not occupying or using; and

7753 (b) the director has determined should be made available for:

7754 (i) use or occupancy by a primary state agency; or

7755 (ii) a transfer of ownership or lease to a secondary state agency, local government
7756 entity, public purpose nonprofit entity, or private party.

7757 (13) "Written proposal" means a brief statement in writing that explains:

7758 (a) the proposed use or occupancy, transfer of ownership, or lease of vacant
7759 division-owned property; and

7760 (b) how the state will benefit from the proposed use or occupancy, transfer of
7761 ownership, or lease.

7762 Section 97. Section **63G-6a-103** is amended to read:

7763 **63G-6a-103. Definitions.**

7764 As used in this chapter:

7765 (1) "Approved vendor" means a person who has been approved for inclusion on an
7766 approved vendor list through the approved vendor list process.

7767 (2) "Approved vendor list" means a list of approved vendors established under Section
7768 63G-6a-507.

7769 (3) "Approved vendor list process" means the procurement process described in
7770 Section 63G-6a-507.

7771 (4) "Bidder" means a person who submits a bid or price quote in response to an
7772 invitation for bids.

7773 (5) "Bidding process" means the procurement process described in Part 6, Bidding.

7774 (6) "Board" means the Utah State Procurement Policy Board, created in Section
7775 63G-6a-202.

7776 (7) "Change directive" means a written order signed by the procurement officer that
7777 directs the contractor to suspend work or make changes, as authorized by contract, without the
7778 consent of the contractor.

7779 (8) "Change order" means a written alteration in specifications, delivery point, rate of
7780 delivery, period of performance, price, quantity, or other provisions of a contract, upon mutual

7781 agreement of the parties to the contract.

7782 (9) "Chief procurement officer" means the individual appointed under Section
7783 63A-2-102.

7784 (10) "Conducting procurement unit" means a procurement unit that conducts all
7785 aspects of a procurement:

7786 (a) except:

7787 (i) reviewing a solicitation to verify that it is in proper form; and

7788 (ii) causing the publication of a notice of a solicitation; and

7789 (b) including:

7790 (i) preparing any solicitation document;

7791 (ii) appointing an evaluation committee;

7792 (iii) conducting the evaluation process, except the process relating to scores calculated
7793 for costs of proposals;

7794 (iv) selecting and recommending the person to be awarded a contract;

7795 (v) negotiating the terms and conditions of a contract, subject to the issuing
7796 procurement unit's approval; and

7797 (vi) contract administration.

7798 (11) "Conservation district" means the same as that term is defined in Section
7799 17D-3-102.

7800 (12) "Construction project":

7801 (a) means a project for the construction, renovation, alteration, improvement, or repair
7802 of a public facility on real property, including all services, labor, supplies, and materials for the
7803 project; and

7804 (b) does not include services and supplies for the routine, day-to-day operation, repair,
7805 or maintenance of an existing public facility.

7806 (13) "Construction manager/general contractor":

7807 (a) means a contractor who enters into a contract:

7808 (i) for the management of a construction project; and

7809 (ii) that allows the contractor to subcontract for additional labor and materials that are
7810 not included in the contractor's cost proposal submitted at the time of the procurement of the
7811 contractor's services; and

7812 (b) does not include a contractor whose only subcontract work not included in the
7813 contractor's cost proposal submitted as part of the procurement of the contractor's services is to
7814 meet subcontracted portions of change orders approved within the scope of the project.

7815 (14) "Construction subcontractor":

7816 (a) means a person under contract with a contractor or another subcontractor to provide
7817 services or labor for the design or construction of a construction project;

7818 (b) includes a general contractor or specialty contractor licensed or exempt from
7819 licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and

7820 (c) does not include a supplier who provides only materials, equipment, or supplies to a
7821 contractor or subcontractor for a construction project.

7822 (15) "Contract" means an agreement for a procurement.

7823 (16) "Contract administration" means all functions, duties, and responsibilities
7824 associated with managing, overseeing, and carrying out a contract between a procurement unit
7825 and a contractor, including:

7826 (a) implementing the contract;

7827 (b) ensuring compliance with the contract terms and conditions by the conducting
7828 procurement unit and the contractor;

7829 (c) executing change orders;

7830 (d) processing contract amendments;

7831 (e) resolving, to the extent practicable, contract disputes;

7832 (f) curing contract errors and deficiencies;

7833 (g) terminating a contract;

7834 (h) measuring or evaluating completed work and contractor performance;

7835 (i) computing payments under the contract; and

7836 (j) closing out a contract.

7837 (17) "Contractor" means a person who is awarded a contract with a procurement unit.

7838 (18) "Cooperative procurement" means procurement conducted by, or on behalf of:

7839 (a) more than one procurement unit; or

7840 (b) a procurement unit and a cooperative purchasing organization.

7841 (19) "Cooperative purchasing organization" means an organization, association, or
7842 alliance of purchasers established to combine purchasing power in order to obtain the best

7843 value for the purchasers by engaging in procurements in accordance with Section 63G-6a-2105.

7844 (20) "Cost-plus-a-percentage-of-cost contract" means a contract under which the
7845 contractor is paid a percentage of the total actual expenses or costs in addition to the
7846 contractor's actual expenses or costs.

7847 (21) "Cost-reimbursement contract" means a contract under which a contractor is
7848 reimbursed for costs which are allowed and allocated in accordance with the contract terms and
7849 the provisions of this chapter, and a fee, if any.

7850 (22) "Days" means calendar days, unless expressly provided otherwise.

7851 (23) "Definite quantity contract" means a fixed price contract that provides for a
7852 specified amount of supplies over a specified period, with deliveries scheduled according to a
7853 specified schedule.

7854 (24) "Design professional" means:

7855 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects
7856 Licensing Act;

7857 (b) an individual licensed as a professional engineer or professional land surveyor
7858 under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing
7859 Act; or

7860 (c) an individual certified as a commercial interior designer under Title 58, Chapter 86,
7861 State Certification of Commercial Interior Designers Act.

7862 (25) "Design professional procurement process" means the procurement process
7863 described in Part 15, Design Professional Services.

7864 (26) "Design professional services" means:

7865 (a) professional services within the scope of the practice of architecture as defined in
7866 Section 58-3a-102;

7867 (b) professional engineering as defined in Section 58-22-102;

7868 (c) master planning and programming services; or

7869 (d) services within the scope of the practice of commercial interior design, as defined
7870 in Section 58-86-102.

7871 (27) "Design-build" means the procurement of design professional services and
7872 construction by the use of a single contract.

7873 (28) "Division" means the Division of Purchasing and General Services, created in

7874 Section 63A-2-101.

7875 (29) "Educational procurement unit" means:

7876 (a) a school district;

7877 (b) a public school, including a local school board or a charter school;

7878 (c) the Utah Schools for the Deaf and the Blind;

7879 (d) the Utah Education and Telehealth Network;

7880 (e) an institution of higher education of the state described in Section 53B-1-102; or

7881 (f) the State Board of Education.

7882 (30) "Established catalogue price" means the price included in a catalogue, price list,
7883 schedule, or other form that:

7884 (a) is regularly maintained by a manufacturer or contractor;

7885 (b) is published or otherwise available for inspection by customers; and

7886 (c) states prices at which sales are currently or were last made to a significant number
7887 of any category of buyers or buyers constituting the general buying public for the supplies or
7888 services involved.

7889 (31) (a) "Executive branch procurement unit" means a department, division, office,
7890 bureau, agency, or other organization within the state executive branch.

7891 (b) "Executive branch procurement unit" does not include the Colorado River
7892 Authority of Utah as provided in Section 63M-14-210.

7893 (32) "Facilities division" means the Division of Facilities Construction and
7894 Management, created in Section 63A-5b-301.

7895 (33) "Fixed price contract" means a contract that provides a price, for each
7896 procurement item obtained under the contract, that is not subject to adjustment except to the
7897 extent that:

7898 (a) the contract provides, under circumstances specified in the contract, for an
7899 adjustment in price that is not based on cost to the contractor; or

7900 (b) an adjustment is required by law.

7901 (34) "Fixed price contract with price adjustment" means a fixed price contract that
7902 provides for an upward or downward revision of price, precisely described in the contract, that:

7903 (a) is based on the consumer price index or another commercially acceptable index,
7904 source, or formula; and

- 7905 (b) is not based on a percentage of the cost to the contractor.
- 7906 (35) "Grant" means an expenditure of public funds or other assistance, or an agreement
- 7907 to expend public funds or other assistance, for a public purpose authorized by law, without
- 7908 acquiring a procurement item in exchange.
- 7909 (36) "Immaterial error":
- 7910 (a) means an irregularity or abnormality that is:
- 7911 (i) a matter of form that does not affect substance; or
- 7912 (ii) an inconsequential variation from a requirement of a solicitation that has no, little,
- 7913 or a trivial effect on the procurement process and that is not prejudicial to other vendors; and
- 7914 (b) includes:
- 7915 (i) a missing signature, missing acknowledgment of an addendum, or missing copy of a
- 7916 professional license, bond, or insurance certificate;
- 7917 (ii) a typographical error;
- 7918 (iii) an error resulting from an inaccuracy or omission in the solicitation; and
- 7919 (iv) any other error that the procurement official reasonably considers to be immaterial.
- 7920 (37) "Indefinite quantity contract" means a fixed price contract that:
- 7921 (a) is for an indefinite amount of procurement items to be supplied as ordered by a
- 7922 procurement unit; and
- 7923 (b) (i) does not require a minimum purchase amount; or
- 7924 (ii) provides a maximum purchase limit.
- 7925 (38) "Independent procurement unit" means:
- 7926 (a) (i) a legislative procurement unit;
- 7927 (ii) a judicial branch procurement unit;
- 7928 (iii) an educational procurement unit;
- 7929 (iv) a local government procurement unit;
- 7930 (v) a conservation district;
- 7931 (vi) a local building authority;
- 7932 (vii) a special district;
- 7933 (viii) a public corporation;
- 7934 (ix) a special service district; or
- 7935 (x) the Utah Communications Authority, established in Section 63H-7a-201;

(b) the facilities division, but only to the extent of the procurement authority provided under Title 63A, Chapter 5b, Administration of State Facilities;

(c) the attorney general, but only to the extent of the procurement authority provided under Title 67, Chapter 5, Attorney General;

(d) the Department of Transportation, but only to the extent of the procurement authority provided under Title 72, Transportation Code; or

(e) any other executive branch department, division, office, or entity that has statutory procurement authority outside this chapter, but only to the extent of that statutory procurement authority.

(39) "Invitation for bids":

(a) means a document used to solicit:

(i) bids to provide a procurement item to a procurement unit; or

(ii) quotes for a price of a procurement item to be provided to a procurement unit; and

(b) includes all documents attached to or incorporated by reference in a document described in Subsection (39)(a).

(40) "Issuing procurement unit" means a procurement unit that:

(a) reviews a solicitation to verify that it is in proper form;

(b) causes the notice of a solicitation to be published; and

(c) negotiates and approves the terms and conditions of a contract.

(41) "Judicial procurement unit" means:

(a) the Utah Supreme Court;

(b) the Utah Court of Appeals;

(c) the Judicial Council;

(d) a state judicial district; or

(e) an office, committee, subcommittee, or other organization within the state judicial branch.

(42) "Labor hour contract" is a contract under which:

(a) the supplies and materials are not provided by, or through, the contractor; and

(b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and profit for a specified number of labor hours or days.

(43) "Legislative procurement unit" means:

7967 (a) the Legislature;
7968 (b) the Senate;
7969 (c) the House of Representatives;
7970 (d) a staff office of the Legislature, the Senate, or the House of Representatives; or
7971 (e) a committee, subcommittee, commission, or other organization:
7972 (i) within the state legislative branch; or
7973 (ii) (A) that is created by statute to advise or make recommendations to the Legislature;
7974 (B) the membership of which includes legislators; and
7975 (C) for which the Office of Legislative Research and General Counsel provides staff
7976 support.

7977 (44) "Local building authority" means the same as that term is defined in Section
7978 17D-2-102.

7979 (45) "Local government procurement unit" means:

7980 (a) a county, municipality, or project entity, and each office of the county, municipality,
7981 or project entity, unless:

7982 (i) the county or municipality adopts a procurement code by ordinance; or

7983 (ii) the project entity adopts a procurement code through the process described in
7984 Section 11-13-316;

7985 (b) (i) a county or municipality that has adopted this entire chapter by ordinance, and
7986 each office or agency of that county or municipality; and

7987 (ii) a project entity that has adopted this entire chapter through the process described in
7988 Subsection 11-13-316; or

7989 (c) a county, municipality, or project entity, and each office of the county, municipality,
7990 or project entity that has adopted a portion of this chapter to the extent that:

7991 (i) a term in the ordinance is used in the adopted chapter; or

7992 (ii) a term in the ordinance is used in the language a project entity adopts in its
7993 procurement code through the process described in Section 11-13-316.

7994 (46) "Multiple award contracts" means the award of a contract for an indefinite
7995 quantity of a procurement item to more than one person.

7996 (47) "Multiyear contract" means a contract that extends beyond a one-year period,
7997 including a contract that permits renewal of the contract, without competition, beyond the first

7998 year of the contract.

7999 (48) "Municipality" means a city[;] or town[; ~~or metro township~~].

8000 (49) "Nonadopting local government procurement unit" means:

8001 (a) a county or municipality that has not adopted Part 16, Protests, Part 17,
8002 Procurement Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19,
8003 General Provisions Related to Protest or Appeal; and

8004 (b) each office or agency of a county or municipality described in Subsection (49)(a).

8005 (50) "Offeror" means a person who submits a proposal in response to a request for
8006 proposals.

8007 (51) "Preferred bidder" means a bidder that is entitled to receive a reciprocal preference
8008 under the requirements of this chapter.

8009 (52) "Procure" means to acquire a procurement item through a procurement.

8010 (53) "Procurement" means the acquisition of a procurement item through an
8011 expenditure of public funds, or an agreement to expend public funds, including an acquisition
8012 through a public-private partnership.

8013 (54) "Procurement item" means an item of personal property, a technology, a service,
8014 or a construction project.

8015 (55) "Procurement official" means:

8016 (a) for a procurement unit other than an independent procurement unit, the chief
8017 procurement officer;

8018 (b) for a legislative procurement unit, the individual, individuals, or body designated in
8019 a policy adopted by the Legislative Management Committee;

8020 (c) for a judicial procurement unit, the Judicial Council or an individual or body
8021 designated by the Judicial Council by rule;

8022 (d) for a local government procurement unit:

8023 (i) the legislative body of the local government procurement unit; or

8024 (ii) an individual or body designated by the local government procurement unit;

8025 (e) for a special district, the board of trustees of the special district or the board of
8026 trustees' designee;

8027 (f) for a special service district, the governing body of the special service district or the
8028 governing body's designee;

8029 (g) for a local building authority, the board of directors of the local building authority
8030 or the board of directors' designee;

8031 (h) for a conservation district, the board of supervisors of the conservation district or
8032 the board of supervisors' designee;

8033 (i) for a public corporation, the board of directors of the public corporation or the board
8034 of directors' designee;

8035 (j) for a school district or any school or entity within a school district, the board of the
8036 school district or the board's designee;

8037 (k) for a charter school, the individual or body with executive authority over the charter
8038 school or the designee of the individual or body;

8039 (l) for an institution of higher education described in Section 53B-2-101, the president
8040 of the institution of higher education or the president's designee;

8041 (m) for the State Board of Education, the State Board of Education or the State Board
8042 of Education's designee;

8043 (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or
8044 the designee of the Commissioner of Higher Education;

8045 (o) for the Utah Communications Authority, established in Section 63H-7a-201, the
8046 executive director of the Utah Communications Authority or the executive director's designee;
8047 or

8048 (p) (i) for the facilities division, and only to the extent of procurement activities of the
8049 facilities division as an independent procurement unit under the procurement authority
8050 provided under Title 63A, Chapter 5b, Administration of State Facilities, the director of the
8051 facilities division or the director's designee;

8052 (ii) for the attorney general, and only to the extent of procurement activities of the
8053 attorney general as an independent procurement unit under the procurement authority provided
8054 under Title 67, Chapter 5, Attorney General, the attorney general or the attorney general's
8055 designee;

8056 (iii) for the Department of Transportation created in Section 72-1-201, and only to the
8057 extent of procurement activities of the Department of Transportation as an independent
8058 procurement unit under the procurement authority provided under Title 72, Transportation
8059 Code, the executive director of the Department of Transportation or the executive director's

8060 designee; or

8061 (iv) for any other executive branch department, division, office, or entity that has
8062 statutory procurement authority outside this chapter, and only to the extent of the procurement
8063 activities of the department, division, office, or entity as an independent procurement unit
8064 under the procurement authority provided outside this chapter for the department, division,
8065 office, or entity, the chief executive officer of the department, division, office, or entity or the
8066 chief executive officer's designee.

8067 (56) "Procurement unit":

8068 (a) means:

8069 (i) a legislative procurement unit;

8070 (ii) an executive branch procurement unit;

8071 (iii) a judicial procurement unit;

8072 (iv) an educational procurement unit;

8073 (v) the Utah Communications Authority, established in Section 63H-7a-201;

8074 (vi) a local government procurement unit;

8075 (vii) a special district;

8076 (viii) a special service district;

8077 (ix) a local building authority;

8078 (x) a conservation district; and

8079 (xi) a public corporation; and

8080 (b) except for a project entity, to the extent that a project entity is subject to this chapter
8081 as described in Section 11-13-316, does not include a political subdivision created under Title
8082 11, Chapter 13, Interlocal Cooperation Act.

8083 (57) "Professional service" means labor, effort, or work that requires specialized
8084 knowledge, expertise, and discretion, including labor, effort, or work in the field of:

8085 (a) accounting;

8086 (b) administrative law judge service;

8087 (c) architecture;

8088 (d) construction design and management;

8089 (e) engineering;

8090 (f) financial services;

- 8091 (g) information technology;
- 8092 (h) the law;
- 8093 (i) medicine;
- 8094 (j) psychiatry; or
- 8095 (k) underwriting.
- 8096 (58) "Protest officer" means:
- 8097 (a) for the division or an independent procurement unit:
- 8098 (i) the procurement official;
- 8099 (ii) the procurement official's designee who is an employee of the procurement unit; or
- 8100 (iii) a person designated by rule made by the rulemaking authority; or
- 8101 (b) for a procurement unit other than an independent procurement unit, the chief
- 8102 procurement officer or the chief procurement officer's designee who is an employee of the
- 8103 division .
- 8104 (59) "Public corporation" means the same as that term is defined in Section 63E-1-102.
- 8105 (60) "Project entity" means the same as that term is defined in Section 11-13-103.
- 8106 (61) "Public entity" means the state or any other government entity within the state that
- 8107 expends public funds.
- 8108 (62) "Public facility" means a building, structure, infrastructure, improvement, or other
- 8109 facility of a public entity.
- 8110 (63) "Public funds" means money, regardless of its source, including from the federal
- 8111 government, that is owned or held by a procurement unit.
- 8112 (64) "Public transit district" means a public transit district organized under Title 17B,
- 8113 Chapter 2a, Part 8, Public Transit District Act.
- 8114 (65) "Public-private partnership" means an arrangement or agreement, occurring on or
- 8115 after January 1, 2017, between a procurement unit and one or more contractors to provide for a
- 8116 public need through the development or operation of a project in which the contractor or
- 8117 contractors share with the procurement unit the responsibility or risk of developing, owning,
- 8118 maintaining, financing, or operating the project.
- 8119 (66) "Qualified vendor" means a vendor who:
- 8120 (a) is responsible; and
- 8121 (b) submits a responsive statement of qualifications under Section 63G-6a-410 that

8122 meets the minimum mandatory requirements, evaluation criteria, and any applicable score
8123 thresholds set forth in the request for statement of qualifications.

8124 (67) "Real property" means land and any building, fixture, improvement, appurtenance,
8125 structure, or other development that is permanently affixed to land.

8126 (68) "Request for information" means a nonbinding process through which a
8127 procurement unit requests information relating to a procurement item.

8128 (69) "Request for proposals" means a document used to solicit proposals to provide a
8129 procurement item to a procurement unit, including all other documents that are attached to that
8130 document or incorporated in that document by reference.

8131 (70) "Request for proposals process" means the procurement process described in Part
8132 7, Request for Proposals.

8133 (71) "Request for statement of qualifications" means a document used to solicit
8134 information about the qualifications of a person interested in responding to a potential
8135 procurement, including all other documents attached to that document or incorporated in that
8136 document by reference.

8137 (72) "Requirements contract" means a contract:

8138 (a) under which a contractor agrees to provide a procurement unit's entire requirements
8139 for certain procurement items at prices specified in the contract during the contract period; and

8140 (b) that:

8141 (i) does not require a minimum purchase amount; or

8142 (ii) provides a maximum purchase limit.

8143 (73) "Responsible" means being capable, in all respects, of:

8144 (a) meeting all the requirements of a solicitation; and

8145 (b) fully performing all the requirements of the contract resulting from the solicitation,
8146 including being financially solvent with sufficient financial resources to perform the contract.

8147 (74) "Responsive" means conforming in all material respects to the requirements of a
8148 solicitation.

8149 (75) "Rule" includes a policy or regulation adopted by the rulemaking authority, if
8150 adopting a policy or regulation is the method the rulemaking authority uses to adopt provisions
8151 that govern the applicable procurement unit.

8152 (76) "Rulemaking authority" means:

- 8153 (a) for a legislative procurement unit, the Legislative Management Committee;
8154 (b) for a judicial procurement unit, the Judicial Council;
8155 (c) (i) only to the extent of the procurement authority expressly granted to the
8156 procurement unit by statute:
8157 (A) for the facilities division, the facilities division;
8158 (B) for the Office of the Attorney General, the attorney general;
8159 (C) for the Department of Transportation created in Section 72-1-201, the executive
8160 director of the Department of Transportation; and
8161 (D) for any other executive branch department, division, office, or entity that has
8162 statutory procurement authority outside this chapter, the governing authority of the department,
8163 division, office, or entity; and
8164 (ii) for each other executive branch procurement unit, the board;
8165 (d) for a local government procurement unit:
8166 (i) the governing body of the local government unit; or
8167 (ii) an individual or body designated by the local government procurement unit;
8168 (e) for a school district or a public school, the board, except to the extent of a school
8169 district's own nonadministrative rules that do not conflict with the provisions of this chapter;
8170 (f) for a state institution of higher education, the Utah Board of Higher Education;
8171 (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the
8172 State Board of Education;
8173 (h) for a public transit district, the chief executive of the public transit district;
8174 (i) for a special district other than a public transit district or for a special service
8175 district, the board, except to the extent that the board of trustees of the special district or the
8176 governing body of the special service district makes its own rules:
8177 (i) with respect to a subject addressed by board rules; or
8178 (ii) that are in addition to board rules;
8179 (j) for the Utah Educational Savings Plan, created in Section 53B-8a-103, the Utah
8180 Board of Higher Education;
8181 (k) for the School and Institutional Trust Lands Administration, created in Section
8182 53C-1-201, the School and Institutional Trust Lands Board of Trustees;
8183 (l) for the School and Institutional Trust Fund Office, created in Section 53D-1-201,

8184 the School and Institutional Trust Fund Board of Trustees;

8185 (m) for the Utah Communications Authority, established in Section 63H-7a-201, the
8186 Utah Communications Authority board, created in Section 63H-7a-203; or

8187 (n) for any other procurement unit, the board.

8188 (77) "Service":

8189 (a) means labor, effort, or work to produce a result that is beneficial to a procurement
8190 unit;

8191 (b) includes a professional service; and

8192 (c) does not include labor, effort, or work provided under an employment agreement or
8193 a collective bargaining agreement.

8194 (78) "Small purchase process" means the procurement process described in Section
8195 63G-6a-506.

8196 (79) "Sole source contract" means a contract resulting from a sole source procurement.

8197 (80) "Sole source procurement" means a procurement without competition pursuant to
8198 a determination under Subsection 63G-6a-802(1)(a) that there is only one source for the
8199 procurement item.

8200 (81) "Solicitation" means an invitation for bids, request for proposals, or request for
8201 statement of qualifications.

8202 (82) "Solicitation response" means:

8203 (a) a bid submitted in response to an invitation for bids;

8204 (b) a proposal submitted in response to a request for proposals; or

8205 (c) a statement of qualifications submitted in response to a request for statement of
8206 qualifications.

8207 (83) "Special district" means the same as that term is defined in Section 17B-1-102.

8208 (84) "Special service district" means the same as that term is defined in Section
8209 17D-1-102.

8210 (85) "Specification" means any description of the physical or functional characteristics
8211 or of the nature of a procurement item included in an invitation for bids or a request for
8212 proposals, or otherwise specified or agreed to by a procurement unit, including a description of:

8213 (a) a requirement for inspecting or testing a procurement item; or

8214 (b) preparing a procurement item for delivery.

- 8215 (86) "Standard procurement process" means:
- 8216 (a) the bidding process;
- 8217 (b) the request for proposals process;
- 8218 (c) the approved vendor list process;
- 8219 (d) the small purchase process; or
- 8220 (e) the design professional procurement process.
- 8221 (87) "State cooperative contract" means a contract awarded by the division for and in
- 8222 behalf of all public entities.
- 8223 (88) "Statement of qualifications" means a written statement submitted to a
- 8224 procurement unit in response to a request for statement of qualifications.
- 8225 (89) "Subcontractor":
- 8226 (a) means a person under contract to perform part of a contractual obligation under the
- 8227 control of the contractor, whether the person's contract is with the contractor directly or with
- 8228 another person who is under contract to perform part of a contractual obligation under the
- 8229 control of the contractor; and
- 8230 (b) includes a supplier, distributor, or other vendor that furnishes supplies or services
- 8231 to a contractor.
- 8232 (90) "Technology" means the same as "information technology," as defined in Section
- 8233 63A-16-102.
- 8234 (91) "Tie bid" means that the lowest responsive bids of responsible bidders are
- 8235 identical in price.
- 8236 (92) "Time and materials contract" means a contract under which the contractor is paid:
- 8237 (a) the actual cost of direct labor at specified hourly rates;
- 8238 (b) the actual cost of materials and equipment usage; and
- 8239 (c) an additional amount, expressly described in the contract, to cover overhead and
- 8240 profit, that is not based on a percentage of the cost to the contractor.
- 8241 (93) "Transitional costs":
- 8242 (a) means the costs of changing:
- 8243 (i) from an existing provider of a procurement item to another provider of that
- 8244 procurement item; or
- 8245 (ii) from an existing type of procurement item to another type;

- 8246 (b) includes:
- 8247 (i) training costs;
- 8248 (ii) conversion costs;
- 8249 (iii) compatibility costs;
- 8250 (iv) costs associated with system downtime;
- 8251 (v) disruption of service costs;
- 8252 (vi) staff time necessary to implement the change;
- 8253 (vii) installation costs; and
- 8254 (viii) ancillary software, hardware, equipment, or construction costs; and
- 8255 (c) does not include:
- 8256 (i) the costs of preparing for or engaging in a procurement process; or
- 8257 (ii) contract negotiation or drafting costs.

8258 (94) "Vendor":

8259 (a) means a person who is seeking to enter into a contract with a procurement unit to

8260 provide a procurement item; and

- 8261 (b) includes:
- 8262 (i) a bidder;
- 8263 (ii) an offeror;
- 8264 (iii) an approved vendor;
- 8265 (iv) a design professional; and
- 8266 (v) a person who submits an unsolicited proposal under Section 63G-6a-712.

8267 Section 98. Section **63G-26-102** is amended to read:

8268 **63G-26-102. Definitions.**

8269 As used in this chapter:

8270 (1) "Personal information" means a record or other compilation of data that identifies a

8271 person as a donor to an entity exempt from federal income tax under Section 501(c) of the

8272 Internal Revenue Code.

8273 (2) "Public agency" means a state or local government entity, including:

8274 (a) a department, division, agency, office, commission, board, or other government

8275 organization;

8276 (b) a political subdivision, including a county, city, town[, ~~metro-township~~], special

8277 district, or special service district;

8278 (c) a public school, school district, charter school, or public higher education

8279 institution; or

8280 (d) a judicial or quasi-judicial body.

8281 Section 99. Section **63G-29-101** is amended to read:

8282 **63G-29-101. Definitions.**

8283 (1) (a) "Governmental entity" means:

8284 (i) the state;

8285 (ii) a county, city, town~~[, metro township]~~, school district, special district, special

8286 service district, or other political subdivision of the state; or

8287 (iii) an independent entity.

8288 (b) "Governmental entity" includes an agency, bureau, office, department, division,

8289 board, commission, institution, laboratory, or other instrumentality of an entity described in

8290 Subsection (1)(a).

8291 (2) "Independent entity" means the same as that term is defined in Section 63E-1-102.

8292 (3) "Members of a person's social network" means the people a person authorizes to be

8293 part of the person's social media communications and network.

8294 (4) (a) "Social credit score" means a numeric, alphanumeric, or alphabetic value or

8295 other categorization assigned to a person based on:

8296 (i) the person's:

8297 (A) compliance or noncompliance with government guidance;

8298 (B) social media post;

8299 (C) participation or membership in a lawful club, association, or union;

8300 (D) political affiliation; or

8301 (E) employment industry or employer; or

8302 (ii) the identity of the members of the person's social network.

8303 (b) "Social credit score" does not include:

8304 (i) a consumer report as defined in 15 U.S.C. Sec. 1681a;

8305 (ii) compliance or noncompliance with statute, administrative rule, or other law; or

8306 (iii) a numeric, alphanumeric, or alphabetic value or other categorization assigned to a

8307 person for:

- (A) purposes of education, training, or job performance assessment;
- (B) purposes of a contest or competition;
- (C) purposes of hiring a prospective employee or independent contractor;
- (D) purposes of issuance or taking an action against a professional license, certification, registration, or permit;
- (E) purposes of a professional or tax audit; or
- (F) use by a financial institution or an affiliate of a financial institution regulated under Title V of the Gramm-Leach-Bliley Act, 15 U.S.C. Sec. 6801 et seq., to determine risk of loss, impairment, or default.

Section 100. Section **63J-4-801** is amended to read:

63J-4-801. Definitions.

As used in this part:

- (1) "American Rescue Plan Act" means the American Rescue Plan Act, Pub. L. 117-2.
- (2) "COVID-19" means:
- (a) severe acute respiratory syndrome coronavirus 2; or
- (b) the disease caused by severe acute respiratory syndrome coronavirus 2.
- (3) "COVID-19 emergency" means the spread of COVID-19 that the World Health Organization declared a pandemic on March 11, 2020.
- (4) "Grant program" means the COVID-19 Local Assistance Matching Grant Program established in Section 63J-4-802.
- (5) "Local government" means a county, city, town[, ~~metro township~~], special district, or special service district.
- (6) "Review committee" means the COVID-19 Local Assistance Matching Grant Program Review Committee established in Section 63J-4-803.

Section 101. Section **63N-2-103** is amended to read:

63N-2-103. Definitions.

As used in this part:

- (1) (a) "Business entity" means a person that enters into a written agreement with the office to initiate a new commercial project in Utah that will qualify the person to receive a tax credit under Section 59-7-614.2 or 59-10-1107.
- (b) With respect to a tax credit authorized by the office in accordance with Subsection

- 8339 63N-2-104.3(2), "business entity" includes a nonprofit entity.
- 8340 (2) "Commercial or industrial zone" means an area zoned agricultural, commercial,
8341 industrial, manufacturing, business park, research park, or other appropriate business related
8342 use in a general plan that contemplates future growth.
- 8343 (3) "Development zone" means an economic development zone created under Section
8344 63N-2-104.
- 8345 (4) "Local government entity" means a county, city, or town~~[-or metro township]~~.
- 8346 (5) "New commercial project" means an economic development opportunity that:
- 8347 (a) involves a targeted industry;
- 8348 (b) is located within:
- 8349 (i) a county of the third, fourth, fifth, or sixth class; or
- 8350 (ii) a municipality that has a population of 10,000 or less and the municipality is
8351 located within a county of the second class; or
- 8352 (c) involves an economic development opportunity that the commission determines to
8353 be eligible for a tax credit under this part.
- 8354 (6) "Remote work opportunity" means a new commercial project that:
- 8355 (a) does not require a physical office in the state where employees associated with the
8356 new commercial project are required to work; and
- 8357 (b) requires employees associated with the new commercial project to:
- 8358 (i) work remotely from a location within the state; and
- 8359 (ii) maintain residency in the state.
- 8360 (7) "Significant capital investment" means an investment in capital or fixed assets,
8361 which may include real property, personal property, and other fixtures related to a new
8362 commercial project that represents an expansion of existing operations in the state or that
8363 increases the business entity's existing workforce in the state.
- 8364 (8) "Tax credit" means an economic development tax credit created by Section
8365 59-7-614.2 or 59-10-1107.
- 8366 (9) "Tax credit amount" means the amount the office lists as a tax credit on a tax credit
8367 certificate for a taxable year.
- 8368 (10) "Tax credit certificate" means a certificate issued by the office that:
- 8369 (a) lists the name of the business entity to which the office authorizes a tax credit;

- 8370 (b) lists the business entity's taxpayer identification number;
- 8371 (c) lists the amount of tax credit that the office authorizes the business entity for the
- 8372 taxable year; and
- 8373 (d) may include other information as determined by the office.
- 8374 (11) "Written agreement" means a written agreement entered into between the office
- 8375 and a business entity under Section 63N-2-104.2.
- 8376 Section 102. Section **63N-4-801** is amended to read:
- 8377 **63N-4-801. Definitions.**
- 8378 As used in this part:
- 8379 (1) "Advisory committee" means the Rural Opportunity Advisory Committee created
- 8380 in Section 63N-4-804.
- 8381 (2) "Association of governments" means an association of political subdivisions of the
- 8382 state, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal
- 8383 Cooperation Act.
- 8384 (3) (a) "Business entity" means a sole proprietorship, partnership, association, joint
- 8385 venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on
- 8386 a business.
- 8387 (b) "Business entity" does not include a business primarily engaged in the following:
- 8388 (i) construction;
- 8389 (ii) staffing;
- 8390 (iii) retail trade; or
- 8391 (iv) public utility activities.
- 8392 (4) "CEO board" means a County Economic Opportunity Advisory Board as described
- 8393 in Section 63N-4-803.
- 8394 (5) "Fund" means the Rural Opportunity Fund created in Section 63N-4-805.
- 8395 (6) "Qualified asset" means a physical asset that provides or supports an essential
- 8396 public service.
- 8397 (7) "Qualified project" means a project to build or improve one or more qualified
- 8398 assets for a rural community, including:
- 8399 (a) telecom and high-speed Internet infrastructure;
- 8400 (b) power and energy infrastructure;

8401 (c) water and sewerage infrastructure;
8402 (d) healthcare infrastructure; or
8403 (e) other infrastructure as defined by rule made by the office in accordance with Title
8404 63G, Chapter 3, Utah Administrative Rulemaking Act.

8405 (8) "Rural community" means a rural county or rural municipality.
8406 (9) "Rural county" means a county of the third, fourth, fifth, or sixth class.
8407 (10) "Rural municipality" means a city[;] or town[, ~~or metro township~~] located within
8408 the boundaries of:

8409 (a) a county of the third, fourth, fifth, or sixth class; or
8410 (b) a county of the second class, if the municipality has a population of 10,000 or less.

8411 (11) "Rural Opportunity Program" or "program" means the Rural Opportunity Program
8412 created in Section 63N-4-802.

8413 Section 103. Section **65A-1-1** is amended to read:

8414 **65A-1-1. Definitions.**

8415 As used in this title:

8416 (1) "Division" means the Division of Forestry, Fire, and State Lands.
8417 (2) "Initial attack" means action taken by the first resource to arrive at a wildland fire
8418 incident, including evaluating the wildland fire, patrolling, monitoring, holding action, or
8419 aggressive suppression action.

8420 (3) "Multiple use" means the management of various surface and subsurface resources
8421 in a manner that will best meet the present and future needs of the people of this state.

8422 (4) "Municipality" means a city[;] or town[, ~~or metro township~~].
8423 (5) "Public trust assets" means those lands and resources, including sovereign lands,
8424 administered by the division.

8425 (6) "Sovereign lands" means those lands lying below the ordinary high water mark of
8426 navigable bodies of water at the date of statehood and owned by the state by virtue of its
8427 sovereignty.

8428 (7) "State lands" means all lands administered by the division.
8429 (8) "Sustained yield" means the achievement and maintenance of high level annual or
8430 periodic output of the various renewable resources of land without impairment of the
8431 productivity of the land.

8432 (9) "Wildland" means an area where:

8433 (a) development is essentially non-existent, except for roads, railroads, powerlines, or
8434 similar transportation facilities; and

8435 (b) structures, if any, are widely scattered.

8436 (10) "Wildland fire" means a fire that consumes:

8437 (a) wildland; or

8438 (b) wildland-urban interface, as defined in Section 65A-8a-102.

8439 Section 104. Section **65A-8-212** is amended to read:

8440 **65A-8-212. Power of state forester to close hazardous areas -- Violations of an**
8441 **order closing an area.**

8442 (1) (a) If the state forester finds conditions in a given area in the state to be extremely
8443 hazardous, "extremely hazardous" means categorized as "extreme" under a nationally
8444 recognized standard for rating fire danger, he shall close those areas to any forms of use by the
8445 public, or to limit that use, except as provided in Subsection (5).

8446 (b) The closure shall include, for the period of time the state forester considers
8447 necessary, the prohibition of open fires, and may include restrictions and prohibitions on:

8448 (i) smoking;

8449 (ii) the use of vehicles or equipment;

8450 (iii) welding, cutting, or grinding of metals;

8451 (iv) subject to Subsection (5), fireworks;

8452 (v) explosives; or

8453 (vi) the use of firearms for target shooting.

8454 (c) Any restriction or closure relating to firearms use:

8455 (i) shall be done with support of the duly elected county sheriff of the affected county
8456 or counties;

8457 (ii) shall undergo a formal review by the State Forester and County Sheriff every 14
8458 days; and

8459 (iii) may not prohibit a person from legally possessing a firearm or lawfully
8460 participating in a hunt.

8461 (d) The State Forester and County Sheriff shall:

8462 (i) agree to the terms of any restriction or closure relating to firearms use;

8463 (ii) reduce the agreement to writing;
8464 (iii) sign the agreement indicating approval of its terms and duration; and
8465 (iv) complete the steps in Subsections (1)(d)(i) through (d)(iii) at each 14 day review
8466 and at termination of the restriction or closure.

8467 (2) Nothing in this chapter prohibits any resident within the area from full and free
8468 access to his home or property, or any legitimate use by the owner or lessee of the property.

8469 (3) The order or proclamation closing or limiting the use in the area shall set forth:

8470 (a) the exact area coming under the order;

8471 (b) the date when the order becomes effective; and

8472 (c) if advisable, the authority from whom permits for entry into the area may be
8473 obtained.

8474 (4) Any entry into or use of any area in violation of this section is a class B
8475 misdemeanor.

8476 (5) The state forester may not restrict or prohibit the discharge of fireworks within the
8477 municipal boundaries of a city[;] or town[, ~~or metro township~~].

8478 Section 105. Section **67-1a-2** is amended to read:

8479 **67-1a-2. Duties enumerated.**

8480 (1) The lieutenant governor shall:

8481 (a) perform duties delegated by the governor, including assignments to serve in any of
8482 the following capacities:

8483 (i) as the head of any one department, if so qualified, with the advice and consent of
8484 the Senate, and, upon appointment at the pleasure of the governor and without additional
8485 compensation;

8486 (ii) as the chairperson of any cabinet group organized by the governor or authorized by
8487 law for the purpose of advising the governor or coordinating intergovernmental or
8488 interdepartmental policies or programs;

8489 (iii) as liaison between the governor and the state Legislature to coordinate and
8490 facilitate the governor's programs and budget requests;

8491 (iv) as liaison between the governor and other officials of local, state, federal, and
8492 international governments or any other political entities to coordinate, facilitate, and protect the
8493 interests of the state;

8494 (v) as personal advisor to the governor, including advice on policies, programs,
8495 administrative and personnel matters, and fiscal or budgetary matters; and
8496 (vi) as chairperson or member of any temporary or permanent boards, councils,
8497 commissions, committees, task forces, or other group appointed by the governor;
8498 (b) serve on all boards and commissions in lieu of the governor, whenever so
8499 designated by the governor;
8500 (c) serve as the chief election officer of the state as required by Subsection (2);
8501 (d) keep custody of the Great Seal of the State of Utah;
8502 (e) keep a register of, and attest, the official acts of the governor;
8503 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
8504 which the official signature of the governor is required; and
8505 (g) furnish a certified copy of all or any part of any law, record, or other instrument
8506 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
8507 it and pays the fee.

8508 (2) (a) As the chief election officer, the lieutenant governor shall:
8509 (i) exercise oversight, and general supervisory authority, over all elections;
8510 (ii) exercise direct authority over the conduct of elections for federal, state, and
8511 multicounty officers and statewide or multicounty ballot propositions and any recounts
8512 involving those races;
8513 (iii) establish uniformity in the election ballot;
8514 (iv) (A) prepare election information for the public as required by law and as
8515 determined appropriate by the lieutenant governor; and
8516 (B) make the information described in Subsection (2)(a)(iv)(A) available to the public
8517 and to news media, on the Internet, and in other forms as required by law and as determined
8518 appropriate by the lieutenant governor;

8519 (v) receive and answer election questions and maintain an election file on opinions
8520 received from the attorney general;
8521 (vi) maintain a current list of registered political parties as defined in Section
8522 20A-8-101;
8523 (vii) maintain election returns and statistics;
8524 (viii) certify to the governor the names of individuals nominated to run for, or elected

8525 to, office;

8526 (ix) ensure that all voting equipment purchased by the state complies with the

8527 requirements of Sections 20A-5-302, 20A-5-802, and 20A-5-803;

8528 (x) during a declared emergency, to the extent that the lieutenant governor determines

8529 it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location

8530 relating to:

8531 (A) voting on election day;

8532 (B) early voting;

8533 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;

8534 (D) the counting of an absentee ballot or military-overseas ballot; or

8535 (E) the canvassing of election returns; and

8536 (xi) exercise all other election authority, and perform other election duties, as provided

8537 in Title 20A, Election Code.

8538 (b) As chief election officer, the lieutenant governor:

8539 (i) shall oversee all elections, and functions relating to elections, in the state;

8540 (ii) shall, in accordance with Section 20A-1-105, take action to enforce compliance by

8541 an election officer with legal requirements relating to elections; and

8542 (iii) may not assume the responsibilities assigned to the county clerks, city recorders,

8543 town clerks, or other local election officials by Title 20A, Election Code.

8544 (3) (a) The lieutenant governor shall:

8545 (i) determine a new municipality's classification under Section 10-2-301 upon the city's

8546 incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the

8547 municipality's population using the population estimate from the Utah Population Committee;

8548 and

8549 (ii) (A) prepare a certificate indicating the class in which the new municipality belongs

8550 based on the municipality's population; and

8551 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the

8552 municipality's legislative body.

8553 (b) The lieutenant governor shall:

8554 (i) determine the classification under Section 10-2-301 of a consolidated municipality

8555 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,

8556 Consolidation of Municipalities, using population information from:

8557 (A) each official census or census estimate of the United States Bureau of the Census;

8558 or

8559 (B) the population estimate from the Utah Population Committee, if the population of a
8560 municipality is not available from the United States Bureau of the Census; and

8561 (ii) (A) prepare a certificate indicating the class in which the consolidated municipality
8562 belongs based on the municipality's population; and

8563 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
8564 consolidated municipality's legislative body.

8565 ~~[(c)] The lieutenant governor shall:~~

8566 ~~[(i)] determine a new metro township's classification under Section 10-2-301.5 upon the~~
8567 ~~metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro~~
8568 ~~Townships and Unincorporated Islands in a County of the First Class on and after May 12,~~
8569 ~~2015, based on the metro township's population using the population estimates from the Utah~~
8570 ~~Population Committee; and]~~

8571 ~~[(ii)] prepare a certificate indicating the class in which the new metro township belongs~~
8572 ~~based on the metro township's population and, within 10 days after preparing the certificate,~~
8573 ~~deliver a copy of the certificate to the metro township's legislative body:]~~

8574 ~~[(d)]~~ (c) The lieutenant governor shall monitor the population of each municipality
8575 using population information from:

8576 (i) each official census or census estimate of the United States Bureau of the Census; or

8577 (ii) the population estimate from the Utah Population Committee, if the population of a
8578 municipality is not available from the United States Bureau of the Census.

8579 ~~[(e)]~~ (d) If the applicable population figure under Subsection (3)(b) or ~~[(d)]~~ (c)
8580 indicates that a municipality's population has increased beyond the population for its current
8581 class, the lieutenant governor shall:

8582 (i) prepare a certificate indicating the class in which the municipality belongs based on
8583 the increased population figure; and

8584 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the
8585 legislative body of the municipality whose class has changed.

8586 ~~[(f)]~~ (e) (i) If the applicable population figure under Subsection (3)(b) or ~~[(d)]~~ (c)

8587 indicates that a municipality's population has decreased below the population for its current
8588 class, the lieutenant governor shall send written notification of that fact to the municipality's
8589 legislative body.

8590 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose
8591 population has decreased below the population for its current class, the lieutenant governor
8592 shall:

8593 (A) prepare a certificate indicating the class in which the municipality belongs based
8594 on the decreased population figure; and

8595 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
8596 legislative body of the municipality whose class has changed.

8597 Section 106. Section **68-3-12.5** is amended to read:

8598 **68-3-12.5. Definitions for Utah Code.**

8599 (1) The definitions listed in this section apply to the Utah Code, unless:

8600 (a) the definition is inconsistent with the manifest intent of the Legislature or repugnant
8601 to the context of the statute; or

8602 (b) a different definition is expressly provided for the respective title, chapter, part,
8603 section, or subsection.

8604 (2) "Adjudicative proceeding" means:

8605 (a) an action by a board, commission, department, officer, or other administrative unit
8606 of the state that determines the legal rights, duties, privileges, immunities, or other legal
8607 interests of one or more identifiable persons, including an action to grant, deny, revoke,
8608 suspend, modify, annul, withdraw, or amend an authority, right, or license; and

8609 (b) judicial review of an action described in Subsection (2)(a).

8610 (3) "Administrator" includes "executor" when the subject matter justifies the use.

8611 (4) "Advisory board," "advisory commission," and "advisory council" mean a board,
8612 commission, committee, or council that:

8613 (a) is created by, and whose duties are provided by, statute or executive order;

8614 (b) performs its duties only under the supervision of another person as provided by
8615 statute; and

8616 (c) provides advice and makes recommendations to another person that makes policy
8617 for the benefit of the general public.

8618 (5) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps,
8619 Space Force, and Coast Guard.

8620 [~~(6)~~] "~~City~~" ~~includes, depending on population, a metro township as defined in Section~~
8621 ~~10-3c-102.~~]

8622 [~~(7)~~] (6) "County executive" means:

8623 (a) the county commission, in the county commission or expanded county commission
8624 form of government established under Title 17, Chapter 52a, Changing Forms of County
8625 Government;

8626 (b) the county executive, in the county executive-council optional form of government
8627 authorized by Section 17-52a-203; or

8628 (c) the county manager, in the council-manager optional form of government
8629 authorized by Section 17-52a-204.

8630 [~~(8)~~] (7) "County legislative body" means:

8631 (a) the county commission, in the county commission or expanded county commission
8632 form of government established under Title 17, Chapter 52a, Changing Forms of County
8633 Government;

8634 (b) the county council, in the county executive-council optional form of government
8635 authorized by Section 17-52a-203; and

8636 (c) the county council, in the council-manager optional form of government authorized
8637 by Section 17-52a-204.

8638 [~~(9)~~] (8) "Depose" means to make a written statement made under oath or affirmation.

8639 [~~(10)~~] (9) "Executor" includes "administrator" when the subject matter justifies the use.

8640 [~~(11)~~] (10) "Guardian" includes a person who:

8641 (a) qualifies as a guardian of a minor or incapacitated person pursuant to testamentary
8642 or court appointment; or

8643 (b) is appointed by a court to manage the estate of a minor or incapacitated person.

8644 [~~(12)~~] (11) "Highway" includes:

8645 (a) a public bridge;

8646 (b) a county way;

8647 (c) a county road;

8648 (d) a common road; and

8649 (e) a state road.

8650 [~~(13)~~] (12) "Intellectual disability" means a significant, subaverage general intellectual

8651 functioning that:

8652 (a) exists concurrently with deficits in adaptive behavior; and

8653 (b) is manifested during the developmental period as defined in the current edition of

8654 the Diagnostic and Statistical Manual of Mental Disorders, published by the American

8655 Psychiatric Association.

8656 [~~(14)~~] (13) "Intermediate care facility for people with an intellectual disability" means

8657 an intermediate care facility for the mentally retarded, as defined in Title XIX of the Social

8658 Security Act.

8659 [~~(15)~~] (14) "Land" includes:

8660 (a) land;

8661 (b) a tenement;

8662 (c) a hereditament;

8663 (d) a water right;

8664 (e) a possessory right; and

8665 (f) a claim.

8666 [~~(16)~~] (15) "Month" means a calendar month, unless otherwise expressed.

8667 [~~(17)~~] (16) "Oath" includes "affirmation."

8668 [~~(18)~~] (17) "Person" means:

8669 (a) an individual;

8670 (b) an association;

8671 (c) an institution;

8672 (d) a corporation;

8673 (e) a company;

8674 (f) a trust;

8675 (g) a limited liability company;

8676 (h) a partnership;

8677 (i) a political subdivision;

8678 (j) a government office, department, division, bureau, or other body of government;

8679 and

- 8680 (k) any other organization or entity.
- 8681 ~~[(19)]~~ (18) "Personal property" includes:
- 8682 (a) money;
- 8683 (b) goods;
- 8684 (c) chattels;
- 8685 (d) effects;
- 8686 (e) evidences of a right in action;
- 8687 (f) a written instrument by which a pecuniary obligation, right, or title to property is
- 8688 created, acknowledged, transferred, increased, defeated, discharged, or diminished; and
- 8689 (g) a right or interest in an item described in Subsections ~~[(19)(a)]~~ (18)(a) through (f).
- 8690 ~~[(20)]~~ (19) "Personal representative," "executor," and "administrator" include:
- 8691 (a) an executor;
- 8692 (b) an administrator;
- 8693 (c) a successor personal representative;
- 8694 (d) a special administrator; and
- 8695 (e) a person who performs substantially the same function as a person described in
- 8696 Subsections ~~[(20)(a)]~~ (19)(a) through (d) under the law governing the person's status.
- 8697 ~~[(21)]~~ (20) "Policy board," "policy commission," or "policy council" means a board,
- 8698 commission, or council that:
- 8699 (a) is authorized to make policy for the benefit of the general public;
- 8700 (b) is created by, and whose duties are provided by, the constitution or statute; and
- 8701 (c) performs its duties according to its own rules without supervision other than under
- 8702 the general control of another person as provided by statute.
- 8703 ~~[(22)]~~ (21) "Population" is shown by the most recent state or national census, unless
- 8704 expressly provided otherwise.
- 8705 ~~[(23)]~~ (22) "Process" means a writ or summons issued in the course of a judicial
- 8706 proceeding.
- 8707 ~~[(24)]~~ (23) "Property" includes both real and personal property.
- 8708 ~~[(25)]~~ (24) "Real estate" or "real property" includes:
- 8709 (a) land;
- 8710 (b) a tenement;

8711 (c) a hereditament;
 8712 (d) a water right;
 8713 (e) a possessory right; and
 8714 (f) a claim.

8715 ~~[(26)]~~ (25) "Review board," "review commission," and "review council" mean a board,
 8716 commission, committee, or council that:

8717 (a) is authorized to approve policy made for the benefit of the general public by another
 8718 body or person;

8719 (b) is created by, and whose duties are provided by, statute; and

8720 (c) performs its duties according to its own rules without supervision other than under
 8721 the general control of another person as provided by statute.

8722 ~~[(27)]~~ (26) "Road" includes:

8723 (a) a public bridge;
 8724 (b) a county way;
 8725 (c) a county road;
 8726 (d) a common road; and
 8727 (e) a state road.

8728 ~~[(28)]~~ (27) "Signature" includes a name, mark, or sign written with the intent to
 8729 authenticate an instrument or writing.

8730 ~~[(29)]~~ (28) "State," when applied to the different parts of the United States, includes a
 8731 state, district, or territory of the United States.

8732 ~~[(30)]~~ (29) "Swear" includes "affirm."

8733 ~~[(31)]~~ (30) "Testify" means to make an oral statement under oath or affirmation.

8734 ~~[(32)]~~ "Town" includes, depending on population, a metro township as defined in
 8735 ~~Section 10-3c-102.]~~

8736 ~~[(33)]~~ (31) "Uniformed services" means:

8737 (a) the armed forces;
 8738 (b) the commissioned corps of the National Oceanic and Atmospheric Administration;
 8739 and
 8740 (c) the commissioned corps of the United States Public Health Service.

8741 ~~[(34)]~~ (32) "United States" includes each state, district, and territory of the United

8742 States of America.

8743 ~~[(35)]~~ (33) "Utah Code" means the 1953 recodification of the Utah Code, as amended,
8744 unless the text expressly references a portion of the 1953 recodification of the Utah Code as it
8745 existed:

8746 (a) on the day on which the 1953 recodification of the Utah Code was enacted; or

8747 (b) (i) after the day described in Subsection ~~[(35)(a)]~~ (33)(a); and

8748 (ii) before the most recent amendment to the referenced portion of the 1953

8749 recodification of the Utah Code.

8750 ~~[(36)]~~ (34) "Vessel," when used with reference to shipping, includes a steamboat, canal
8751 boat, and every structure adapted to be navigated from place to place.

8752 ~~[(37)]~~ (35) (a) "Veteran" means an individual who:

8753 (i) has served in the United States Armed Forces for at least 180 days:

8754 (A) on active duty; or

8755 (B) in a reserve component, to include the National Guard; or

8756 (ii) has incurred an actual service-related injury or disability while in the United States
8757 Armed Forces regardless of whether the individual completed 180 days; and

8758 (iii) was separated or retired under conditions characterized as honorable or general.

8759 (b) This definition is not intended to confer eligibility for benefits.

8760 ~~[(38)]~~ (36) "Will" includes a codicil.

8761 ~~[(39)]~~ (37) "Writ" means an order or precept in writing, issued in the name of:

8762 (a) the state;

8763 (b) a court; or

8764 (c) a judicial officer.

8765 ~~[(40)]~~ (38) "Writing" includes:

8766 (a) printing;

8767 (b) handwriting; and

8768 (c) information stored in an electronic or other medium if the information is retrievable
8769 in a perceivable format.

8770 Section 107. Section **72-2-108** is amended to read:

8771 **72-2-108. Apportionment of funds available for use on class B and class C roads**

8772 **-- Bonds.**

- 8773 (1) For purposes of this section:
- 8774 (a) "Eligible county" means a county of the fifth class, as described in Section
- 8775 17-50-501, that received a distribution for fiscal year 2015 that was reapportioned to include
- 8776 money in addition to the amount calculated under Subsection (2), and the portion of the
- 8777 distribution derived from the calculation under Subsection (2) was less than 60% of the total
- 8778 distribution.
- 8779 (b) "Graveled road" means a road:
- 8780 (i) that is:
- 8781 (A) graded; and
- 8782 (B) drained by transverse drainage systems to prevent serious impairment of the road
- 8783 by surface water;
- 8784 (ii) that has an improved surface; and
- 8785 (iii) that has a wearing surface made of:
- 8786 (A) gravel;
- 8787 (B) broken stone;
- 8788 (C) slag;
- 8789 (D) iron ore;
- 8790 (E) shale; or
- 8791 (F) other material that is:
- 8792 (I) similar to a material described in Subsection (1)(b)(iii)(A) through (E); and
- 8793 (II) coarser than sand.
- 8794 (c) "Paved road" includes:
- 8795 (i) a graveled road with a chip seal surface; and
- 8796 (ii) a circulator alley.
- 8797 (d) "Road mile" means a one-mile length of road, regardless of:
- 8798 (i) the width of the road; or
- 8799 (ii) the number of lanes into which the road is divided.
- 8800 (e) "Weighted mileage" means the sum of the following:
- 8801 (i) paved road miles multiplied by five; and
- 8802 (ii) all other road type road miles multiplied by two.
- 8803 (2) Subject to the provisions of Subsections (3) through (7), funds appropriated for

8804 class B and class C roads shall be apportioned among counties and municipalities in the
8805 following manner:

8806 (a) 50% in the ratio that the class B roads weighted mileage within each county and
8807 class C roads weighted mileage within each municipality bear to the total class B and class C
8808 roads weighted mileage within the state; and

8809 (b) 50% in the ratio that the population of a county or municipality bears to the total
8810 population of the state as of the last official federal census or the United States Bureau of
8811 Census estimate, whichever is most recent, except that if population estimates are not available
8812 from the United States Bureau of Census, population figures shall be derived from the estimate
8813 from the Utah Population Committee.

8814 (3) For purposes of Subsection (2)(b), "the population of a county" means:

8815 ~~[(a) for a county of the first class with a metro township, as defined in Section~~
8816 ~~10-2a-403, within the boundaries of the county as of January 1, 2020:]~~

8817 ~~[(i) the population of a county outside the corporate limits of municipalities in that~~
8818 ~~county, if the population of the county outside the corporate limits of municipalities in that~~
8819 ~~county is not less than 7% of the total population of that county, including municipalities; and]~~

8820 ~~[(ii) if the population of a county outside the corporate limits of municipalities in the~~
8821 ~~county is less than 7% of the total population:]~~

8822 ~~[(A) the aggregate percentage of the population apportioned to municipalities in that~~
8823 ~~county shall be reduced by an amount equal to the difference between:]~~

8824 ~~[(i) 7%; and]~~

8825 ~~[(H) the actual percentage of population outside the corporate limits of municipalities~~
8826 ~~in that county; and]~~

8827 ~~[(B) the population apportioned to the county shall be 7% of the total population of that~~
8828 ~~county, including incorporated municipalities; or]~~

8829 ~~[(b) for any county not described in Subsection (3)(a):]~~

8830 ~~[(i)]~~ (a) the population of a county outside the corporate limits of municipalities in that
8831 county, if the population of the county outside the corporate limits of municipalities in that
8832 county is not less than 14% of the total population of that county, including municipalities; and

8833 ~~[(ii)]~~ (b) if the population of a county outside the corporate limits of municipalities in
8834 the county is less than 14% of the total population:

8835 ~~[(A)]~~ (i) the aggregate percentage of the population apportioned to municipalities in
8836 that county shall be reduced by an amount equal to the difference between:

8837 ~~[(H)]~~ (A) 14%; and

8838 ~~[(H)]~~ (B) the actual percentage of population outside the corporate limits of
8839 municipalities in that county; and

8840 ~~[(B)]~~ (ii) the population apportioned to the county shall be 14% of the total population
8841 of that county, including incorporated municipalities.

8842 (4) For an eligible county, the department shall reapportion the funds under Subsection
8843 (2) to ensure that the county or municipality receives, for a fiscal year beginning on or after
8844 July 1, 2018, an amount equal to the greater of:

8845 (a) the amount apportioned to the county or municipality for class B and class C roads
8846 in the current fiscal year under Subsection (2); or

8847 (b) (i) the amount apportioned to the county or municipality for class B and class C
8848 roads through the apportionment formula under Subsection (2) or this Subsection (4) in the
8849 prior fiscal year; plus

8850 (ii) the amount calculated as described in Subsection (6).

8851 (5) (a) The department shall decrease proportionately as provided in Subsection (5)(b)
8852 the apportionments to counties and municipalities for which the reapportionment under
8853 Subsection (4) does not apply.

8854 (b) The aggregate amount of the funds that the department shall decrease
8855 proportionately from the apportionments under Subsection (5)(a) is an amount equal to the
8856 aggregate amount reapportioned to counties and municipalities under Subsection (4).

8857 (6) (a) In addition to the apportionment adjustments made under Subsection (4), a
8858 county or municipality that qualifies for reapportioned money under Subsection (4) shall
8859 receive an amount equal to the amount apportioned to the eligible county or municipality under
8860 Subsection (4) for class B and class C roads in the prior fiscal year multiplied by the percentage
8861 increase or decrease in the total funds available for class B and class C roads between the prior
8862 fiscal year and the fiscal year that immediately preceded the prior fiscal year.

8863 (b) The adjustment under Subsection (6)(a) shall be made in the same way as provided
8864 in Subsections (5)(a) and (b).

8865 (7) (a) If a county or municipality does not qualify for a reapportionment under

8866 Subsection (4) in the current fiscal year but previously qualified for a reapportionment under
8867 Subsection (4) on or after July 1, 2017, the county or municipality shall receive an amount
8868 equal to the greater of:

8869 (i) the amount apportioned to the county or municipality for class B and class C roads
8870 in the current fiscal year under Subsection (2); or

8871 (ii) the amount apportioned to the county or municipality for class B and class C roads
8872 in the prior fiscal year.

8873 (b) The adjustment under Subsection (7)(a) shall be made in the same way as provided
8874 in Subsections (5)(a) and (b).

8875 (8) The governing body of any municipality or county may issue bonds redeemable up
8876 to a period of 10 years under Title 11, Chapter 14, Local Government Bonding Act, to pay the
8877 costs of constructing, repairing, and maintaining class B or class C roads and may pledge class
8878 B or class C road funds received pursuant to this section to pay principal, interest, premiums,
8879 and reserves for the bonds.

8880 Section 108. Section **72-2-121** is amended to read:

8881 **72-2-121. County of the First Class Highway Projects Fund.**

8882 (1) There is created a special revenue fund within the Transportation Fund known as
8883 the "County of the First Class Highway Projects Fund."

8884 (2) The fund consists of money generated from the following revenue sources:

8885 (a) any voluntary contributions received for new construction, major renovations, and
8886 improvements to highways within a county of the first class;

8887 (b) the portion of the sales and use tax described in Subsection 59-12-2214(3)(b)
8888 deposited into or transferred to the fund;

8889 (c) the portion of the sales and use tax described in Section 59-12-2217 deposited into
8890 or transferred to the fund;

8891 (d) a portion of the local option highway construction and transportation corridor
8892 preservation fee imposed in a county of the first class under Section 41-1a-1222 deposited into
8893 or transferred to the fund; and

8894 (e) the portion of the sales and use tax transferred into the fund as described in
8895 Subsections 59-12-2220(4)(a) and 59-12-2220(11)(b).

8896 (3) (a) The fund shall earn interest.

8897 (b) All interest earned on fund money shall be deposited into the fund.

8898 (4) Subject to Subsection (9), the executive director shall use the fund money only:

8899 (a) to pay debt service and bond issuance costs for bonds issued under Sections

8900 63B-16-102, 63B-18-402, and 63B-27-102;

8901 (b) for right-of-way acquisition, new construction, major renovations, and

8902 improvements to highways within a county of the first class and to pay any debt service and

8903 bond issuance costs related to those projects, including improvements to a highway located

8904 within a municipality in a county of the first class where the municipality is located within the

8905 boundaries of more than a single county;

8906 (c) for the construction, acquisition, use, maintenance, or operation of:

8907 (i) an active transportation facility for nonmotorized vehicles;

8908 (ii) multimodal transportation that connects an origin with a destination; or

8909 (iii) a facility that may include a:

8910 (A) pedestrian or nonmotorized vehicle trail;

8911 (B) nonmotorized vehicle storage facility;

8912 (C) pedestrian or vehicle bridge; or

8913 (D) vehicle parking lot or parking structure;

8914 (d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by

8915 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the amounts

8916 transferred in accordance with Subsection 72-2-124(4)(a)(iv);

8917 (e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond

8918 issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the projects

8919 described in Subsection 63B-18-401(4)(a);

8920 (f) for a fiscal year beginning on or after July 1, 2013, and after the department has

8921 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund, to

8922 transfer an amount equal to 50% of the revenue generated by the local option highway

8923 construction and transportation corridor preservation fee imposed under Section 41-1a-1222 in

8924 a county of the first class:

8925 (i) to the legislative body of a county of the first class; and

8926 (ii) to be used by a county of the first class for:

8927 (A) highway construction, reconstruction, or maintenance projects; or

8928 (B) the enforcement of state motor vehicle and traffic laws;

8929 (g) for a fiscal year beginning on or after July 1, 2015, after the department has verified

8930 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and the

8931 transfer under Subsection (4)(e) has been made, to annually transfer an amount of the sales and

8932 use tax revenue imposed in a county of the first class and deposited into the fund in accordance

8933 with Subsection 59-12-2214(3)(b) equal to an amount needed to cover the debt to:

8934 (i) the appropriate debt service or sinking fund for the repayment of bonds issued under

8935 Section 63B-27-102; and

8936 (ii) the appropriate debt service or sinking fund for the repayment of bonds issued

8937 under Sections 63B-31-102 and 63B-31-103;

8938 (h) after the department has verified that the amount required under Subsection

8939 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection (4)(d), the

8940 payment under Subsection (4)(e), and the transfer under Subsection (4)(g)(i) has been made, to

8941 annually transfer \$2,000,000 to a public transit district in a county of the first class to fund a

8942 system for public transit;

8943 (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified

8944 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after

8945 the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfer

8946 under Subsection (4)(g)(i) has been made, to annually transfer 20% of the amount deposited

8947 into the fund under Subsection (2)(b):

8948 (i) to the legislative body of a county of the first class; and

8949 (ii) to fund parking facilities in a county of the first class that facilitate significant

8950 economic development and recreation and tourism within the state;

8951 (j) for the 2018-19 fiscal year only, after the department has verified that the amount

8952 required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under

8953 Subsection (4)(d), the payment under Subsection (4)(e), and the transfers under Subsections

8954 (4)(g), (h), and (i) have been made, to transfer \$12,000,000 to the department to distribute for

8955 the following projects:

8956 (i) \$2,000,000 to West Valley City for highway improvement to 4100 South;

8957 (ii) \$1,000,000 to Herriman for highway improvements to Herriman Boulevard from

8958 6800 West to 7300 West;

8959 (iii) \$1,100,000 to South Jordan for highway improvements to Grandville Avenue;
8960 (iv) \$1,800,000 to Riverton for highway improvements to Old Liberty Way from 13400
8961 South to 13200 South;
8962 (v) \$1,000,000 to Murray City for highway improvements to 5600 South from State
8963 Street to Van Winkle;
8964 (vi) \$1,000,000 to Draper for highway improvements to Lone Peak Parkway from
8965 11400 South to 12300 South;
8966 (vii) \$1,000,000 to Sandy City for right-of-way acquisition for Monroe Street;
8967 (viii) \$900,000 to South Jordan City for right-of-way acquisition and improvements to
8968 10200 South from 2700 West to 3200 West;
8969 (ix) \$1,000,000 to West Jordan for highway improvements to 8600 South near
8970 Mountain View Corridor;
8971 (x) \$700,000 to South Jordan right-of-way improvements to 10550 South; and
8972 (xi) \$500,000 to Salt Lake County for highway improvements to 2650 South from
8973 7200 West to 8000 West; and
8974 (k) subject to Subsection (5), for a fiscal year beginning on or after July 1, 2021, and
8975 for 15 years thereafter, to annually transfer the following amounts to the following cities[;
8976 ~~metro townships;~~] and the county of the first class for priority projects to mitigate congestion
8977 and improve transportation safety:
8978 (i) \$2,000,000 to Sandy;
8979 (ii) \$2,000,000 to Taylorsville;
8980 (iii) \$1,100,000 to Salt Lake City;
8981 (iv) \$1,100,000 to West Jordan;
8982 (v) \$1,100,000 to West Valley City;
8983 (vi) \$800,000 to Herriman;
8984 (vii) \$700,000 to Draper;
8985 (viii) \$700,000 to Riverton;
8986 (ix) \$700,000 to South Jordan;
8987 (x) \$500,000 to Bluffdale;
8988 (xi) \$500,000 to Midvale;
8989 (xii) \$500,000 to Millcreek;

8990 (xiii) \$500,000 to Murray;

8991 (xiv) \$400,000 to Cottonwood Heights; and

8992 (xv) \$300,000 to Holladay.

8993 (5) (a) If revenue in the fund is insufficient to satisfy all of the transfers described in
8994 Subsection (4)(k), the executive director shall proportionately reduce the amounts transferred
8995 as described in Subsection (4)(k).

8996 (b) A local government entity, as that term is defined in Section 63J-1-220, is exempt
8997 from entering into an agreement as described in Section 63J-1-220 pertaining to the receipt or
8998 expenditure of any funding described in Subsection (4)(k).

8999 (c) A local government may not use revenue described in Subsection (4)(k) to supplant
9000 existing class B or class C road funds that a local government has budgeted for transportation
9001 projects.

9002 (d) (i) A municipality or county that received a transfer of funds described in
9003 Subsection (4)(j) shall submit to the department a statement of cash flow and progress
9004 pertaining to the municipality's or county's respective project described in Subsection (4)(j).

9005 (ii) After the department is satisfied that the municipality or county described in
9006 Subsection (4)(j) has made substantial progress and the expenditure of funds is programmed
9007 and imminent, the department may transfer to the same municipality or county the respective
9008 amounts described in Subsection (4)(k).

9009 (6) The revenues described in Subsections (2)(b), (c), and (d) that are deposited into the
9010 fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402, and
9011 63B-27-102 are considered a local matching contribution for the purposes described under
9012 Section 72-2-123.

9013 (7) The additional administrative costs of the department to administer this fund shall
9014 be paid from money in the fund.

9015 (8) Subject to Subsection (9), and notwithstanding any statutory or other restrictions on
9016 the use or expenditure of the revenue sources deposited into this fund, the Department of
9017 Transportation may use the money in this fund for any of the purposes detailed in Subsection
9018 (4).

9019 (9) Any revenue deposited into the fund as described in Subsection (2)(e) shall be used
9020 to provide funding or loans for public transit projects, operations, and supporting infrastructure

9021 in the county of the first class.

9022 Section 109. Section **73-10-34** is amended to read:

9023 **73-10-34. Secondary water metering -- Loans and grants.**

9024 (1) As used in this section:

9025 (a) "Agriculture use" means water used on land assessed under Title 59, Chapter 2, Part
9026 5, Farmland Assessment Act.

9027 (b) (i) "Commercial user" means a secondary water user that is a place of business.

9028 (ii) "Commercial user" does not include a multi-family residence, an agricultural user,
9029 or a customer that falls within the industrial or institutional classification.

9030 (c) "Full metering" means that use of secondary water is accurately metered by a meter
9031 that is installed and maintained on every secondary water connection of a secondary water
9032 supplier.

9033 (d) (i) "Industrial user" means a secondary water user that manufactures or produces
9034 materials.

9035 (ii) "Industrial user" includes a manufacturing plant, an oil and gas producer, and a
9036 mining company.

9037 (e) (i) "Institutional user" means a secondary water user that is dedicated to public
9038 service, regardless of ownership.

9039 (ii) "Institutional user" includes a school, church, hospital, park, golf course, and
9040 government facility.

9041 (f) "Power generation use" means water used in the production of energy, such as use
9042 in an electric generation facility, natural gas refinery, or coal processing plant.

9043 (g) (i) "Residential user" means a secondary water user in a residence.

9044 (ii) "Residential user" includes a single-family or multi-family home, apartment,
9045 duplex, twin home, condominium, or planned community.

9046 (h) "Secondary water" means water that is:

9047 (i) not culinary or water used on land assessed under Title 59, Chapter 2, Part 5,
9048 Farmland Assessment Act; and

9049 (ii) delivered to and used by an end user for the irrigation of landscaping or a garden.

9050 (i) "Secondary water connection" means the location at which the water leaves the
9051 secondary water supplier's pipeline and enters into the remainder of the pipes that are owned by

9052 another person to supply water to an end user.

9053 (j) "Secondary water supplier" means an entity that supplies pressurized secondary
9054 water.

9055 (k) "Small secondary water retail supplier" means an entity that:

9056 (i) supplies pressurized secondary water only to the end user of the secondary water;
9057 and

9058 (ii) (A) is a city[;] or town[~~or metro township~~]; or

9059 (B) supplies 5,000 or fewer secondary water connections.

9060 (2) (a) (i) A secondary water supplier that supplies secondary water within a county of
9061 the first or second class and begins design work for new service on or after April 1, 2020, to a
9062 commercial, industrial, institutional, or residential user shall meter the use of pressurized
9063 secondary water by the users receiving that new service.

9064 (ii) A secondary water supplier that supplies secondary water within a county of the
9065 third, fourth, fifth, or sixth class and begins design work for new service on or after May 4,
9066 2022, to a commercial, industrial, institutional, or residential user shall meter the use of
9067 pressurized secondary water by the users receiving that new service.

9068 (b) By no later than January 1, 2030, a secondary water supplier shall install and
9069 maintain a meter of the use of pressurized secondary water by each user receiving secondary
9070 water service from the secondary water supplier.

9071 (c) Beginning January 1, 2022, a secondary water supplier shall establish a meter
9072 installation reserve for metering installation and replacement projects.

9073 (d) A secondary water supplier, including a small secondary water retail supplier, may
9074 not raise the rates charged for secondary water:

9075 (i) by more than 10% in a calendar year for costs associated with metering secondary
9076 water unless the rise in rates is necessary because the secondary water supplier experiences a
9077 catastrophic failure or other similar event; or

9078 (ii) unless, before raising the rates on the end user, the entity charging the end user
9079 provides a statement explaining the basis for why the needs of the secondary water supplier
9080 required an increase in rates.

9081 (e) (i) A secondary water supplier that provides pressurized secondary water to a
9082 commercial, industrial, institutional, or residential user shall develop a plan, or if the secondary

9083 water supplier previously filed a similar plan, update the plan for metering the use of the
9084 pressurized water.

9085 (ii) The plan required by this Subsection (2)(e) shall be filed or updated with the
9086 Division of Water Resources by no later than December 31, 2025, and address the process the
9087 secondary water supplier will follow to implement metering, including:

9088 (A) the costs of full metering by the secondary water supplier;

9089 (B) how long it would take the secondary water supplier to complete full metering,
9090 including an anticipated beginning date and completion date, except a secondary water supplier
9091 shall achieve full metering by no later than January 1, 2030; and

9092 (C) how the secondary water supplier will finance metering.

9093 (3) A secondary water supplier shall on or before March 31 of each year, report to the
9094 Division of Water Rights:

9095 (a) for commercial, industrial, institutional, and residential users whose pressurized
9096 secondary water use is metered, the number of acre feet of pressurized secondary water the
9097 secondary water supplier supplied to the commercial, industrial, institutional, and residential
9098 users during the preceding 12-month period;

9099 (b) the number of secondary water meters within the secondary water supplier's service
9100 boundary;

9101 (c) a description of the secondary water supplier's service boundary;

9102 (d) the number of secondary water connections in each of the following categories
9103 through which the secondary water supplier supplies pressurized secondary water:

9104 (i) commercial;

9105 (ii) industrial;

9106 (iii) institutional; and

9107 (iv) residential;

9108 (e) the total volume of water that the secondary water supplier receives from the
9109 secondary water supplier's sources; and

9110 (f) the dates of service during the preceding 12-month period in which the secondary
9111 water supplier supplied pressurized secondary water.

9112 (4) (a) Beginning July 1, 2019, the Board of Water Resources may make up to
9113 \$10,000,000 in low-interest loans available each year:

9114 (i) from the Water Resources Conservation and Development Fund, created in Section
9115 73-10-24; and

9116 (ii) for financing the cost of secondary water metering.

9117 (b) The Division of Water Resources and the Board of Water Resources shall make
9118 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
9119 establishing the criteria and process for receiving a loan described in this Subsection (4), except
9120 the rules may not include prepayment penalties.

9121 (5) (a) Beginning July 1, 2021, subject to appropriation, the Division of Water
9122 Resources may make matching grants each year for financing the cost of secondary water
9123 metering for a commercial, industrial, institutional, or residential user by a small secondary
9124 water retail supplier that:

9125 (i) is not for new service described in Subsection (2)(a); and

9126 (ii) matches the amount of the grant.

9127 (b) For purposes of issuing grants under this section, the division shall prioritize the
9128 small secondary water retail suppliers that can demonstrate the greatest need or greatest
9129 inability to pay the entire cost of installing secondary water meters.

9130 (c) The amount of a grant under this Subsection (5) may not:

9131 (i) exceed 50% of the small secondary water retail supplier's cost of installing
9132 secondary water meters; or

9133 (ii) supplant federal, state, or local money previously allocated to pay the small
9134 secondary water retail supplier's cost of installing secondary water meters.

9135 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
9136 Board of Water Resources shall make rules establishing:

9137 (i) the procedure for applying for a grant under this Subsection (5); and

9138 (ii) how a small secondary water retail supplier can establish that the small secondary
9139 water retail supplier meets the eligibility requirements of this Subsection (5).

9140 (6) Nothing in this section affects a water right holder's obligation to measure and
9141 report water usage as described in Sections 73-5-4 and 73-5-8.

9142 (7) If a secondary water supplier fails to comply with Subsection (2)(b), the secondary
9143 water supplier:

9144 (a) beginning January 1, 2030, may not receive state money for water related purposes

9145 until the secondary water supplier completes full metering; and

9146 (b) is subject to an enforcement action of the state engineer in accordance with
9147 Subsection (8).

9148 (8) (a) (i) The state engineer shall commence an enforcement action under this
9149 Subsection (8) if the state engineer receives a referral from the director of the Division of
9150 Water Resources.

9151 (ii) The director of the Division of Water Resources shall submit a referral to the state
9152 engineer if the director:

9153 (A) finds that a secondary water supplier fails to fully meter secondary water as
9154 required by this section; and

9155 (B) determines an enforcement action is necessary to conserve or protect a water
9156 resource in the state.

9157 (b) To commence an enforcement action under this Subsection (8), the state engineer
9158 shall issue a notice of violation that includes notice of the administrative fine to which a
9159 secondary water supplier is subject.

9160 (c) The state engineer's issuance and enforcement of a notice of violation is exempt
9161 from Title 63G, Chapter 4, Administrative Procedures Act.

9162 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
9163 state engineer shall make rules necessary to enforce a notice of violation, that includes:

9164 (i) provisions consistent with this Subsection (8) for enforcement of the notice if a
9165 secondary water supplier to whom a notice is issued fails to respond to the notice or abate the
9166 violation;

9167 (ii) the right to a hearing, upon request by a secondary water supplier against whom the
9168 notice is issued; and

9169 (iii) provisions for timely issuance of a final order after the secondary water supplier to
9170 whom the notice is issued fails to respond to the notice or abate the violation, or after a hearing
9171 held under Subsection (8)(d)(ii).

9172 (e) A person may not intervene in an enforcement action commenced under this
9173 section.

9174 (f) After issuance of a final order under rules made pursuant to Subsection (8)(d), the
9175 state engineer shall serve a copy of the final order on the secondary water supplier against

9176 whom the order is issued by:

9177 (i) personal service under Utah Rules of Civil Procedure, Rule 5; or

9178 (ii) certified mail.

9179 (g) (i) The state engineer's final order may be reviewed by trial de novo by the district
9180 court in Salt Lake County or the county where the violation occurred.

9181 (ii) A secondary water supplier shall file a petition for judicial review of the state
9182 engineer's final order issued under this section within 20 days from the day on which the final
9183 order was served on the secondary water supplier.

9184 (h) The state engineer may bring suit in a court of competent jurisdiction to enforce a
9185 final order issued under this Subsection (8).

9186 (i) If the state engineer prevails in an action brought under Subsection (8)(g) or (h), the
9187 state may recover court costs and a reasonable attorney fee.

9188 (j) As part of a final order issued under this Subsection (8), the state engineer shall
9189 order that a secondary water supplier to whom an order is issued pay an administrative fine
9190 equal to:

9191 (i) \$10 for each non-metered secondary water connection of the secondary water
9192 supplier for failure to comply with full metering by January 1, 2030;

9193 (ii) \$20 for each non-metered secondary water connection of the secondary water
9194 supplier for failure to comply with full metering by January 1, 2031;

9195 (iii) \$30 for each non-metered secondary water connection of the secondary water
9196 supplier for failure to comply with full metering by January 1, 2032;

9197 (iv) \$40 for each non-metered secondary water connection of the secondary water
9198 supplier for failure to comply with full metering by January 1, 2033; and

9199 (v) \$50 for each non-metered secondary water connection of the secondary water
9200 supplier for failure to comply with full metering by January 1, 2034, and for each subsequent
9201 year the secondary water supplier fails to comply with full metering.

9202 (k) Money collected under this Subsection (8) shall be deposited into the Water
9203 Resources Conservation and Development Fund, created in Section 73-10-24.

9204 (9) A secondary water supplier located within a county of the fifth or sixth class is
9205 exempt from Subsections (2)(a), (2)(b), (2)(c), (2)(e), (7), and (8) if:

9206 (a) the owner or operator of the secondary water supplier seeks an exemption under

9207 this Subsection (9) by establishing with the Division of Water Resources that the cost of
9208 purchasing, installing, and upgrading systems to accept meters exceeds 25% of the total
9209 operating budget of the owner or operator of the secondary water supplier;

9210 (b) the secondary water supplier agrees to not add a new secondary water connection to
9211 the secondary water supplier's system on or after May 4, 2022;

9212 (c) within six months of when the secondary water supplier seeks an exemption under
9213 Subsection (9)(a), the secondary water supplier provides to the Division of Water Resources a
9214 plan for conservation within the secondary water supplier's service area that does not require
9215 metering;

9216 (d) the secondary water supplier annually reports to the Division of Water Resources
9217 on the results of the plan described in Subsection (9)(c); and

9218 (e) the secondary water supplier submits to evaluations by the Division of Water
9219 Resources of the effectiveness of the plan described in Subsection (9)(c).

9220 (10) A secondary water supplier is exempt from Subsections (2)(a), (2)(b), (2)(c),
9221 (2)(e), (7), and (8) to the extent that the secondary water supplier:

9222 (a) is unable to obtain a meter that a meter manufacturer will warranty because of the
9223 water quality within a specific location served by the secondary water supplier;

9224 (b) submits reasonable proof to the Division of Water Resources that the secondary
9225 water supplier is unable to obtain a meter as described in Subsection (10)(a);

9226 (c) within six months of when the secondary water supplier submits reasonable proof
9227 under Subsection (10)(b), provides to the Division of Water Resources a plan for conservation
9228 within the secondary water supplier's service area that does not require metering;

9229 (d) annually reports to the Division of Water Resources on the results of the plan
9230 described in Subsection (10)(c); and

9231 (e) submits to evaluations by the Division of Water Resources of the effectiveness of
9232 the plan described in Subsection (10)(c).

9233 (11) A secondary water supplier that is located within a critical management area that
9234 is subject to a groundwater management plan adopted or amended under Section 73-5-15 on or
9235 after May 1, 2006, is exempt from Subsections (2)(a), (2)(b), (2)(c), (2)(e), (7), and (8).

9236 (12) If a secondary water supplier is required to have a water conservation plan under
9237 Section 73-10-32, that water conservation plan satisfies the requirements of Subsection (9)(c)

9238 or (10)(c).

9239 (13) (a) Notwithstanding the other provisions of this section and unless exempt under
9240 Subsection (9), (10), or (11), to comply with this section, a secondary water supplier is not
9241 required to meter every secondary water connection of the secondary water supplier's system,
9242 but shall meter at strategic points of the system as approved by the state engineer under this
9243 Subsection (13) if:

9244 (i) the system has no storage and relies on stream flow;

9245 (ii) (A) the majority of secondary water users on the system are associated with
9246 agriculture use or power generation use; and

9247 (B) less than 50% of the secondary water is used by residential secondary water users;

9248 or

9249 (iii) the system has:

9250 (A) 1,000 or fewer users; and

9251 (B) a mix of pressurized lines and open ditches.

9252 (b) (i) A secondary water supplier may obtain the approval by the state engineer of
9253 strategic points where metering is to occur as required under this Subsection (13) by filing an
9254 application with the state engineer in the form established by the state engineer.

9255 (ii) The state engineer may by rule, made in accordance with Title 63G, Chapter 3,
9256 Utah Administrative Rulemaking Act, establish procedures for approving strategic points for
9257 metering under this Subsection (13).

9258 Section 110. Section **78A-7-202** is amended to read:

9259 **78A-7-202. Justice court judges to be appointed -- Procedure.**

9260 (1) As used in this section:

9261 (a) "Local government executive" means:

9262 (i) for a county:

9263 (A) the chair of the county commission in a county operating under the county
9264 commission or expanded county commission form of county government;

9265 (B) the county executive in a county operating under the county executive-council form
9266 of county government; and

9267 (C) the county manager in a county operating under the council-manager form of
9268 county government; and

9269 (ii) for a city or town:

9270 (A) the mayor of the city or town; or

9271 (B) the city manager, in the council-manager form of government described in

9272 Subsection 10-3b-103(7)[~~and~~].

9273 [~~(iii) for a metro township, the chair of the metro township council.~~]

9274 (b) "Local legislative body" means:

9275 (i) for a county, the county commission or county council; and

9276 (ii) for a city or town, the council of the city or town.

9277 (2) (a) There is created in each county a county justice court nominating commission to

9278 review applicants and make recommendations to the appointing authority for a justice court

9279 position.

9280 (b) The commission shall be convened when a new justice court judge position is

9281 created or when a vacancy in an existing court occurs for a justice court located within the

9282 county.

9283 (c) Membership of the justice court nominating commission shall be as follows:

9284 (i) one member appointed by:

9285 (A) the county commission if the county has a county commission form of

9286 government; or

9287 (B) the county executive if the county has an executive-council form of government;

9288 (ii) one member appointed by the municipalities in the counties as follows:

9289 (A) if the county has only one municipality, appointment shall be made by the

9290 governing authority of that municipality; or

9291 (B) if the county has more than one municipality, appointment shall be made by a

9292 municipal selection committee composed of the mayors of each municipality [~~and the chairs of~~

9293 ~~each metro township~~] in the county;

9294 (iii) one member appointed by the county bar association; and

9295 (iv) two members appointed by the governing authority of the jurisdiction where the

9296 judicial office is located.

9297 (d) (i) If there is no county bar association, the member in Subsection (2)(c)(iii) shall

9298 be appointed by the regional bar association.

9299 (ii) If no regional bar association exists, the state bar association shall make the

9300 appointment.

9301 (e) Members appointed under Subsections (2)(c)(i) and (ii) may not be the appointing
9302 authority or an elected official of a county or municipality.

9303 (f) (i) Except as provided in Subsection (2)(f)(ii), the nominating commission shall
9304 submit at least three names to the appointing authority of the jurisdiction expected to be served
9305 by the judge.

9306 (ii) If there are fewer than three applicants for a justice court vacancy, the nominating
9307 commission shall submit all qualified applicants to the appointing authority of the jurisdiction
9308 expected to be served by the judge.

9309 (iii) The local government executive shall appoint a judge from the list submitted and
9310 the appointment ratified by the local legislative body.

9311 (g) (i) The state court administrator shall provide staff to the commission.

9312 (ii) The Judicial Council shall establish rules and procedures for the conduct of the
9313 commission.

9314 (3) (a) A judicial vacancy for a justice court shall be announced:

9315 (i) as an employment opportunity on the Utah Courts' website;

9316 (ii) in an email to the members of the Utah State Bar; and

9317 (iii) for the justice court's jurisdiction, as a class A notice under Section 63G-30-102,
9318 for at least 30 days.

9319 (b) A judicial vacancy for a justice court may also be advertised through other
9320 appropriate means.

9321 (4) Selection of candidates shall be based on compliance with the requirements for
9322 office and competence to serve as a judge.

9323 (5) (a) Once selected, every prospective justice court judge shall attend an orientation
9324 seminar conducted under the direction of the Judicial Council.

9325 (b) Upon completion of the orientation seminar described in Subsection (5)(a), the
9326 Judicial Council shall certify the justice court judge as qualified to hold office.

9327 (6) (a) The selection of a person to fill the office of justice court judge is effective upon
9328 certification of the judge by the Judicial Council.

9329 (b) A justice court judge may not perform judicial duties until certified by the Judicial
9330 Council.

9331 Section 111. Section **78B-6-2301** is amended to read:

9332 **78B-6-2301. Definitions.**

9333 As used in this part:

9334 (1) "Directive" means an ordinance, regulation, measure, rule, enactment, order, or
9335 policy issued, enacted, or required by a local or state governmental entity.

9336 (2) "Firearm" means the same as that term is defined in Section 53-5a-102.

9337 (3) "Legislative firearm preemption" means the preemption provided for in Sections
9338 53-5a-102 and 76-10-500.

9339 (4) "Local or state governmental entity" means:

9340 (a) a department, commission, board, council, agency, institution, officer, corporation,
9341 fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other
9342 administrative unit of the state, including the Utah Board of Higher Education, each institution
9343 of higher education, and the boards of trustees of each higher education institution; or

9344 (b) a county, city, town~~[-, metro township]~~, special district, local education agency,
9345 public school, school district, charter school, special service district under Title 17D, Chapter
9346 1, Special Service District Act, an entity created by interlocal cooperation agreement under
9347 Title 11, Chapter 13, Interlocal Cooperation Act, or any other governmental entity designated
9348 in statute as a political subdivision of the state.

9349 Section 112. **Repealer.**

9350 This bill repeals:

9351 Section **10-2-301.5, Classification of metro townships according to population.**

9352 Section **10-2a-401, Title.**

9353 Section **10-2a-402, Application.**

9354 Section **10-2a-403, Definitions.**

9355 Section **10-2a-404, Election -- Notice.**

9356 Section **10-2a-405, Duties of county legislative body -- Public hearing -- Notice --**
9357 **Other election and incorporation issues -- Rural real property excluded.**

9358 Section **10-2a-406, Ballot used at metro township incorporation election.**

9359 Section **10-2a-407, Ballot used at unincorporated island annexation election.**

9360 Section **10-2a-408, Notification to lieutenant governor of incorporation election**
9361 **results.**

9362 Section **10-2a-409, Unincorporated island annexation -- Notice and recording--**
9363 **Applicable provisions.**

9364 Section **10-2a-410, Determination of metro township districts -- Determination of**
9365 **metro township or city initial officer terms -- Adoption of proposed districts -- Notice.**

9366 Section **10-2a-411, Election of officers of new city, town, or metro township.**

9367 Section **10-2a-412, Notification to lieutenant governor of election of officers.**

9368 Section **10-2a-413, Incorporation under this part subject to other provisions.**

9369 Section **10-2a-414, Transition -- Continuity of county process.**

9370 Section **10-3b-501, Metro township government powers vested in a five-member**
9371 **council.**

9372 Section **10-3b-502, Governance of metro townships that are not in a municipal**
9373 **services district.**

9374 Section **10-3b-503, Mayor in a metro township included in a municipal services**
9375 **district.**

9376 Section **10-3b-504, Council in a metro township that is included in a municipal**
9377 **services district.**

9378 Section **10-3c-101, Title.**

9379 Section **10-3c-102, Definitions.**

9380 Section **10-3c-103, Status and powers.**

9381 Section **10-3c-201, Title.**

9382 Section **10-3c-202, Budget.**

9383 Section **10-3c-203, Administrative and operational services -- Staff provided by**
9384 **county or municipal services district -- Recording of open meetings.**

9385 Section **10-3c-204, Taxing authority limited -- Notice.**

9386 Section **10-3c-205, Fees.**

9387 Section **52-1-5.1, Metro township officers -- Where filed.**

9388 Section **113. Effective date.**

9389 This bill takes effect on May 1, 2024 with the exception of the changes in Sections
9390 10-2-425 (Effective 07/01/24) and 53-2d-101 (Effective 07/01/24), which take effect on July 1,
9391 2024.

