

METRO TOWNSHIP MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Luz Escamilla

Cosponsor:

Ashlee Matthews

Anthony E. Loubet

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 (Effective 05/01/24), as last amended by Laws of Utah 2015, Chapter 352

10-1-303 (Effective 05/01/24), as last amended by Laws of Utah 2021, Chapter 210

10-1-402 (Effective 05/01/24), as last amended by Laws of Utah 2021, Chapter 210

10-2-302 (Effective 05/01/24), as last amended by Laws of Utah 2015, Chapter 352

10-2-405 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 478

10-2-425 (Effective 05/01/24) (Superseded 07/01/24), as last amended by Laws of Utah

2023, Chapters 16, 327

26 **10-2-425 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 16, 310
27 and 327

28 **10-3-205 (Effective 05/01/24)**, as last amended by Laws of Utah 2017, Chapter 158

29 **10-3-205.5 (Effective 05/01/24)**, as last amended by Laws of Utah 2016, Chapter 14

30 **10-3-1302 (Effective 05/01/24)**, as last amended by Laws of Utah 2015, Chapter 352

31 **10-3b-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2015, Chapter 352

32 **10-3b-103 (Effective 05/01/24)**, as last amended by Laws of Utah 2015, Chapter 352

33 **10-3b-601 (Effective 05/01/24)**, as enacted by Laws of Utah 2015, Chapter 352

34 **10-5-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2015, Chapter 352

35 **10-5-108 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 435

36 **10-6-103 (Effective 05/01/24)**, as last amended by Laws of Utah 2015, Chapter 352

37 **10-6-113 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 435

38 **10-6-137 (Effective 05/01/24)**, as enacted by Laws of Utah 1979, Chapter 26

39 **10-6-152 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 435

40 **10-9a-302 (Effective 05/01/24)**, as last amended by Laws of Utah 2021, Chapter 385

41 **10-9a-408 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapters 88, 501
42 and 529 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 88

43 **11-3-8 (Effective 05/01/24)**, as last amended by Laws of Utah 2018, Chapter 189

44 **11-13a-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 16

45 **11-14-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 16

46 **11-14-301 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapter 325

47 **11-17-2 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapter 354

48 **11-26-401 (Effective 05/01/24)**, as enacted by Laws of Utah 2023, Chapter 361

49 **11-39-101 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 16

50 **11-41-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapters 16, 34

51 **11-42a-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 16

52 **11-42b-101 (Effective 05/01/24)**, as enacted by Laws of Utah 2022, Chapter 376

53 **11-46a-101 (Effective 05/01/24)**, as enacted by Laws of Utah 2023, Chapter 245

54 **11-48-101.5 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapters 16, 327

55 **11-54-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 16

56 **11-56-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 450

57 **11-58-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapters 16, 259

58 **11-58-205 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapters 16, 259

59 **11-59-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapters 16, 263

60 **11-61-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 16
61 **11-63-102 (Effective 05/01/24)**, as enacted by Laws of Utah 2019, Chapter 50
62 **11-65-101 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 16
63 **11-66-101 (Effective 05/01/24)**, as enacted by Laws of Utah 2022, Chapter 306
64 **15A-5-202.5 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 95
65 **17-2-209 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 15
66 **17-23-17 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 15
67 **17-23-17.5 (Effective 05/01/24)**, as last amended by Laws of Utah 2015, Chapter 352
68 **17-36-29 (Effective 05/01/24)**, as last amended by Laws of Utah 2017, Chapter 453
69 **17B-1-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 15
70 **17B-1-502 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 15
71 **17B-2a-1102 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 15
72 **17B-2a-1104 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 15
73 **17B-2a-1106 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 15
74 **17B-2a-1110 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 435
75 **17B-2a-1111 (Effective 05/01/24)**, as last amended by Laws of Utah 2016, Chapter 176
76 **17C-1-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 15
77 **18-1-1 (Effective 05/01/24)**, as last amended by Laws of Utah 2021, Chapters 201, 257
78 **19-5-108.5 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Fifth Special
79 Session, Chapter 4
80 **20A-1-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapters 15, 234
81 and 297
82 **20A-1-201.5 (Effective 05/01/24)**, as last amended by Laws of Utah 2019, First Special
83 Session, Chapter 4
84 **20A-1-203 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapter 47
85 **20A-1-306 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapter 325
86 **20A-1-510 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 46
87 **20A-5-301 (Effective 05/01/24)**, as last amended by Laws of Utah 2016, Chapter 176
88 **20A-6-401 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 45
89 **20A-6-402 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapter 31
90 **20A-7-101 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapters 107, 116
91 **20A-7-401.3 (Effective 05/01/24)**, as enacted by Laws of Utah 2019, Chapter 203
92 **20A-7-501 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 107
93 **20A-7-502.7 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 107

20A-7-504 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 107
20A-7-601 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapters 107, 219
20A-7-602.7 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 107
20A-7-602.8 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapters 107,
504
20A-7-604 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 107
20A-11-101 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 15
26B-2-101 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 305
32B-1-102 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapters 328, 371
and 400
32B-1-702 (Effective 05/01/24), as renumbered and amended by Laws of Utah 2019,
Chapter 403
32B-1-704 (Effective 05/01/24), as last amended by Laws of Utah 2022, Chapter 447
32B-2-402 (Effective 05/01/24), as last amended by Laws of Utah 2022, Chapter 255
32B-4-202 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 371
35A-8-805 (Effective 05/01/24), as enacted by Laws of Utah 2018, Chapter 251
35A-16-401 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 302
35A-16-501 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 302
35A-16-701 (Effective 05/01/24), as enacted by Laws of Utah 2023, Chapter 302
36-11-102 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 16
41-1a-1222 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 33
41-6a-1115.1 (Effective 05/01/24), as enacted by Laws of Utah 2019, Chapter 428
52-1-1 (Effective 05/01/24), as last amended by Laws of Utah 2016, Chapter 176
52-4-203 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 16
53-2a-208 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 34
53-2a-802 (Effective 05/01/24), as last amended by Laws of Utah 2022, Chapter 447
53-2a-1403 (Effective 05/01/24), as enacted by Laws of Utah 2021, Chapter 106
53-2d-101 (Effective 07/01/24), as last amended by Laws of Utah 2023, Chapters 16, 327
and renumbered and amended by Laws of Utah 2023, Chapter 310 and last amended by
Coordination Clause, Laws of Utah 2023, Chapter 327
53-5a-202 (Effective 05/01/24), as enacted by Laws of Utah 2023, Chapter 395
53-7-225 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 341
53B-21-107 (Effective 05/01/24), as last amended by Laws of Utah 2015, Chapter 352
56-1-39 (Effective 03/31/24), as enacted by Laws of Utah 2023, Chapter 41 and last

amended by Coordination Clause, Laws of Utah 2023, Chapter 41
59-1-403 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapters 21, 52, 86,
259, and 329
59-12-203 (Effective 05/01/24), as last amended by Laws of Utah 2017, Chapter 13
59-12-2220 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 529
63A-5b-901 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 16
63G-6a-103 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 16
63G-26-102 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 16
63G-29-101 (Effective 05/01/24), as enacted by Laws of Utah 2023, Chapter 76
63J-4-801 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 16
63N-2-103 (Effective 05/01/24), as last amended by Laws of Utah 2022, Chapter 200
63N-4-801 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 499
65A-1-1 (Effective 05/01/24), as last amended by Laws of Utah 2016, Chapter 174
65A-8-212 (Effective 05/01/24), as last amended by Laws of Utah 2018, Chapter 189
67-1a-2 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 297
68-3-12.5 (Effective 05/01/24), as last amended by Laws of Utah 2021, Chapter 93
72-2-108 (Effective 05/01/24), as last amended by Laws of Utah 2020, Chapter 377
72-2-121 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 529
73-10-34 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 260
78A-7-202 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapters 139, 435
78B-6-2301 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 16

ENACTS:

10-1-201.5 (Effective 05/01/24), as Utah Code Annotated 1953

REPEALS:

10-2-301.5 (Effective 05/01/24), as enacted by Laws of Utah 2015, Chapter 352
10-2a-401 (Effective 05/01/24), as enacted by Laws of Utah 2015, Chapter 352
10-2a-402 (Effective 05/01/24), as last amended by Laws of Utah 2019, Chapter 165
10-2a-403 (Effective 05/01/24), as enacted by Laws of Utah 2015, Chapter 352 and further
amended by Revisor Instructions, Laws of Utah 2015, Chapter 352
10-2a-404 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapters 16, 435
10-2a-405 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 435
10-2a-406 (Effective 05/01/24), as enacted by Laws of Utah 2015, Chapter 352
10-2a-407 (Effective 05/01/24), as enacted by Laws of Utah 2015, Chapter 352
10-2a-408 (Effective 05/01/24), as enacted by Laws of Utah 2015, Chapter 352

10-2a-409 (Effective 05/01/24), as enacted by Laws of Utah 2015, Chapter 352
10-2a-410 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 435
10-2a-411 (Effective 05/01/24), as last amended by Laws of Utah 2016, Chapter 14
10-2a-412 (Effective 05/01/24), as enacted by Laws of Utah 2015, Chapter 352
10-2a-413 (Effective 05/01/24), as last amended by Laws of Utah 2019, Chapter 165
10-2a-414 (Effective 05/01/24), as enacted by Laws of Utah 2016, Chapter 176
10-3b-501 (Effective 05/01/24), as last amended by Laws of Utah 2018, Chapter 174
10-3b-502 (Effective 05/01/24), as last amended by Laws of Utah 2018, Chapter 174
10-3b-503 (Effective 05/01/24), as last amended by Laws of Utah 2019, Chapter 24
10-3b-504 (Effective 05/01/24), as last amended by Laws of Utah 2018, Chapter 174
10-3c-101 (Effective 05/01/24), as enacted by Laws of Utah 2015, Chapter 352
10-3c-102 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 16
10-3c-103 (Effective 05/01/24), as last amended by Laws of Utah 2016, Chapter 176
10-3c-201 (Effective 05/01/24), as enacted by Laws of Utah 2015, Chapter 352
10-3c-202 (Effective 05/01/24), as last amended by Laws of Utah 2017, Chapter 13
10-3c-203 (Effective 05/01/24), as last amended by Laws of Utah 2022, Chapter 288
10-3c-204 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 435
10-3c-205 (Effective 05/01/24), as enacted by Laws of Utah 2015, Chapter 352
52-1-5.1 (Effective 05/01/24), as enacted by Laws of Utah 2016, Chapter 176

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

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

10-1-104 (Effective 05/01/24). Definitions.

As used in this title:

- (1) "City" means a municipality that is classified by population as a city of the first class, a city of the second class, a city of the third class, a city of the fourth class, or a city of the fifth class, under Section 10-2-301.
- (2) "Contiguous" means:
 - (a) if used to described an area, continuous, uninterrupted, and without an island of territory not included as part of the area; and
 - (b) if used to describe an area's relationship to another area, sharing a common boundary.
- (3) "Governing body" means collectively the legislative body and the executive of any municipality. Unless otherwise provided:
 - (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 (Effective 05/01/24). 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 incorporated township into a municipality under Subsection (2).

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

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

230 municipality.

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

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

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

239 (c) (i) Notwithstanding Chapter 3b, Part 6, Changing to Another Form of Municipal
240 Government, the council of a converted municipality may, by a resolution adopted
241 before July 1, 2024 by two-thirds of all council members, change the converted
242 municipality's form of government to another form listed in Subsection
243 10-3b-601(1).

244 (ii) If a converted municipality's form of government is changed under Subsection
245 (4)(c)(i), the election of municipal officers under the new form of government is
246 governed by Section 10-3b-606.

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

252 (b) (i) Subject to Subsection (4)(c), if applicable, and to Subsection (5)(b)(ii), the
253 term of office of a member of the converted municipality's council on May 1,
254 2024 is the same as the term of office that would have applied to the council
255 member if the incorporated township had not converted to a municipality under
256 Subsection (2).

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

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

262 (6) (a) Upon an incorporated township's conversion to a municipality under Subsection
263 (2):

- 264 (i) each ordinance, resolution, or policy of the incorporated township becomes the
265 ordinance, resolution, or policy of the converted municipality;
- 266 (ii) the converted municipality may continue to:
- 267 (A) operate and function as the incorporated township had been operating and
268 functioning before the conversion; and
- 269 (B) provide services the incorporated township had been providing before the
270 conversion;
- 271 (iii) a converted municipality may, after the conversion, continue to impose and
272 collect a tax, fee, fine, or other charge that the incorporated township was
273 authorized to impose and collect before the conversion;
- 274 (iv) a proceeding pending before the incorporated township at the time of conversion
275 continues without change before the converted municipality;
- 276 (v) a right or privilege of the incorporated township becomes the right or privilege of
277 the converted municipality; and
- 278 (vi) a contractual or other obligation of the incorporated township, including a
279 contractual or other obligation with another governmental entity, becomes the
280 contractual or other obligation of the converted municipality.
- 281 (b) An ordinance that under Subsection (6)(a)(i) becomes an ordinance of the converted
282 municipality includes a county ordinance that became an ordinance of the
283 incorporated township under Laws of Utah 2016, Chapter 176, Section 2 and has not
284 been repealed, subject to any amendment of that ordinance that the incorporated
285 township enacted before the incorporated township's conversion to a municipality
286 under Subsection (2).
- 287 (7) A converted municipality succeeds to the position of the incorporated township with
288 respect to the incorporated township's participation or inclusion in a special district or
289 special service district, including a municipal services district.

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

291 **10-1-303 (Effective 05/01/24). Definitions.**

292 As used in this part:

- 293 (1) "Commission" means the State Tax Commission.
- 294 (2) "Contractual franchise fee" means:
- 295 (a) a fee:
- 296 (i) provided for in a franchise agreement; and
- 297 (ii) that is consideration for the franchise agreement; or

- 298 (b) (i) a fee similar to Subsection (2)(a); or
299 (ii) any combination of Subsections (2)(a) and (b).
- 300 (3) (a) "Delivered value" means the fair market value of the taxable energy delivered for
301 sale or use in the municipality and includes:
302 (i) the value of the energy itself; and
303 (ii) any transportation, freight, customer demand charges, services charges, or other
304 costs typically incurred in providing taxable energy in usable form to each class of
305 customer in the municipality.
- 306 (b) "Delivered value" does not include the amount of a tax paid under:
307 (i) Title 59, Chapter 12, Sales and Use Tax Act; or
308 (ii) this part.
- 309 (4) "De minimis amount" means an amount of taxable energy that does not exceed the
310 greater of:
311 (a) 5% of the energy supplier's estimated total Utah gross receipts from sales of property
312 or services; or
313 (b) \$10,000.
- 314 (5) "Energy supplier" means a person supplying taxable energy, except that the commission
315 may by rule exclude from this definition a person supplying a de minimis amount of
316 taxable energy.
- 317 (6) "Franchise agreement" means a franchise or an ordinance, contract, or agreement
318 granting a franchise.
- 319 (7) "Franchise tax" means:
320 (a) a franchise tax;
321 (b) a tax similar to a franchise tax; or
322 (c) any combination of Subsections (7)(a) and (b).
- 323 (8) "Municipality" means a city[, or town, ~~or metro township~~].
- 324 (9) "Person" is as defined in Section 59-12-102.
- 325 (10) "Taxable energy" means gas and electricity.

326 Section 4. Section **10-1-402** is amended to read:

327 **10-1-402 (Effective 05/01/24). Definitions.**

328 As used in this part:

- 329 (1) "Commission" means the State Tax Commission.
- 330 (2) (a) Subject to Subsections (2)(b) and (c), "customer" means the person who is
331 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:

(i) that person; or

(ii) the telecommunications service that the person owns, controls, operates, or manages.

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

(10) "Telecommunications service" means:

(a) telecommunications service, as defined in Section 59-12-102, other than mobile

telecommunications service, that originates and terminates within the boundaries of this state;

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

(i) that originates and terminates within the boundaries of one state; and

(ii) only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

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

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

(i) a tax;

(ii) a license;

(iii) a fee;

(iv) a license fee;

(v) a license tax;

(vi) a franchise fee; or

(vii) a charge similar to a tax, license, or fee described in Subsections (11)(a)(i) through (vi).

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

(i) the municipal telecommunication's license tax authorized by this part; or

(ii) a tax, fee, or charge, including a tax imposed under Title 59, Revenue and Taxation, that is imposed:

(A) on telecommunications providers; and

(B) on persons who are not telecommunications providers.

Section 5. Section **10-2-302** is amended to read:

10-2-302 (Effective 05/01/24). 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 (Effective 05/01/24). 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

468 legislative body; or

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

473 (3) (a) (i) If the city recorder or town clerk rejects a petition under Subsection

474 (2)(c)(ii), the petition may be modified to correct the deficiencies for which it was
475 rejected and then refiled with the city recorder or town clerk, as the case may be.

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

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

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

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

487 Section 7. Section **10-2-425** is amended to read:

488 **10-2-425 (Effective 05/01/24) (Superseded 07/01/24). Filing of notice and plat --**
489 **Recording and notice requirements -- Effective date of annexation or boundary**
490 **adjustment.**

491 (1) The legislative body of each municipality that enacts an ordinance under this part
492 approving the annexation of an unincorporated area or the adjustment of a boundary[, or
493 ~~the legislative body of an eligible city, as defined in Section 10-2a-403, that annexes an~~
494 ~~unincorporated island upon the results of an election held in accordance with Section~~
495 ~~10-2a-404,~~] shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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)]~~ (5) (a) As used in this Subsection ~~[(6)]~~ (5):

(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** 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 10-2a-404,]~~ shall:
- (a) within 60 days after enacting the ordinance or the day of the election or, in the case of a boundary adjustment, within 60 days after each of the municipalities involved in the boundary adjustment has enacted an ordinance, file with the lieutenant governor:
 - (i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
 - (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5;
 - (b) upon the lieutenant governor's issuance of a certificate of annexation or boundary adjustment, as the case may be, under Section 67-1a-6.5:
 - (i) if the annexed area or area subject to the boundary adjustment is located within the boundary of a single county, submit to the recorder of that county the original notice of an impending boundary action, the original certificate of annexation or boundary adjustment, the original approved final local entity plat, and a certified copy of the ordinance approving the annexation or boundary adjustment; or
 - (ii) if the annexed area or area subject to the boundary adjustment is located within the boundaries of more than a single county:
 - (A) submit to the recorder of one of those counties the original notice of impending boundary action, the original certificate of annexation or boundary adjustment, and the original approved final local entity plat;

- 604 (B) submit to the recorder of each other county a certified copy of the documents
605 listed in Subsection (1)(b)(ii)(A); and
- 606 (C) submit a certified copy of the ordinance approving the annexation or boundary
607 adjustment to each county described in Subsections (1)(b)(ii)(A) and (B); and
- 608 (c) concurrently with Subsection (1)(b):
- 609 (i) send notice of the annexation or boundary adjustment to each affected entity; and
- 610 (ii) in accordance with Section 53-2d-514, file with the Bureau of Emergency
611 Medical Services:
- 612 (A) a certified copy of the ordinance approving the annexation of an
613 unincorporated area or the adjustment of a boundary; and
- 614 (B) a copy of the approved final local entity plat.
- 615 (2) If an annexation or boundary adjustment under this part~~[or Chapter 2a, Part 4,~~
616 ~~Incorporation of Metro Townships and Unincorporated Islands in a County of the First~~
617 ~~Class on and after May 12, 2015;]~~ also causes an automatic annexation to a special
618 district under Section 17B-1-416 or an automatic withdrawal from a special district
619 under Subsection 17B-1-502(2), the municipal legislative body shall, as soon as
620 practicable after the lieutenant governor issues a certificate of annexation or boundary
621 adjustment under Section 67-1a-6.5, send notice of the annexation or boundary
622 adjustment to the special district to which the annexed area is automatically annexed or
623 from which the annexed area is automatically withdrawn.
- 624 (3) Each notice required under Subsection (1) relating to an annexation or boundary
625 adjustment shall state the effective date of the annexation or boundary adjustment, as
626 determined under Subsection (4).
- 627 (4) An annexation or boundary adjustment under this part is completed and takes effect:
- 628 (a) for the annexation of or boundary adjustment affecting an area located in a county of
629 the first class, except for an annexation under Section 10-2-418:
- 630 (i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a
631 certificate of annexation or boundary adjustment if:
- 632 (A) the certificate is issued during the preceding November 1 through April 30;
633 and
- 634 (B) the requirements of Subsection (1) are met before that July 1; or
- 635 (ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of
636 a certificate of annexation or boundary adjustment if:
- 637 (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)]~~ (5) (a) As used in this Subsection ~~[(6)]~~ (5):

(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 9. Section **10-3-205** is amended to read:

10-3-205 (Effective 05/01/24). Election of officers in municipalities operating under a city council form of government.

Each municipality operating under a five-member or six-member city council

form of government shall hold municipal elections to fill, for a term of four years, the following offices in the following years:

(1) in the year following a year in which a presidential election is held, the offices of:

(a) approximately half the council members; and

(b) except as provided in Subsection (2)(b)[~~or 10-2a-410(2)(a)(ii)~~], mayor; and

(2) in the year preceding a year in which a presidential election is held, the offices of:

(a) the remaining council members; and

(b) for a municipality that elected a mayor in 2015 for a term of four years, mayor.

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

10-3-205.5 (Effective 05/01/24). 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 11. Section **10-3-1302** is amended to read:

10-3-1302 (Effective 05/01/24). 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 12. Section **10-3b-102** is amended to read:

10-3b-102 (Effective 05/01/24). 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 13. Section **10-3b-103** is amended to read:

10-3b-103 (Effective 05/01/24). 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:

- 740 (i) operate under a council-mayor form of government, as defined in Section
741 10-3b-102; and
- 742 (ii) be subject to:
- 743 (A) this part;
- 744 (B) Part 2, Council-Mayor Form of Municipal Government;
- 745 (C) Part 6, Changing to Another Form of Municipal Government; and
- 746 (D) except as provided in Subsection (1)(b), other applicable provisions of this
747 title; and
- 748 (b) is not subject to:
- 749 (i) Part 3, Six-Member Council Form of Municipal Government; or
- 750 (ii) Part 4, Five-Member Council Form of Municipal Government~~[-or]~~ .
- 751 ~~[(iii) Part 5, Metro Township Council Form of Municipal Government.]~~
- 752 (2) A municipality operating on May 4, 2008 under a form of government known under the
753 law then in effect as the six-member council form:
- 754 (a) shall, on and after May 5, 2008, and whether or not the council has adopted an
755 ordinance appointing a manager for the municipality:
- 756 (i) operate under a six-member council form of government, as defined in Section
757 10-3b-102;
- 758 (ii) be subject to:
- 759 (A) this part;
- 760 (B) Part 3, Six-Member Council Form of Municipal Government;
- 761 (C) Part 6, Changing to Another Form of Municipal Government; and
- 762 (D) except as provided in Subsection (2)(b), other applicable provisions of this
763 title; and
- 764 (b) is not subject to:
- 765 (i) Part 2, Council-Mayor Form of Municipal Government; or
- 766 (ii) Part 4, Five-Member Council Form of Municipal Government~~[-or]~~ .
- 767 ~~[(iii) Part 5, Metro Township Council Form of Municipal Government.]~~
- 768 (3) A municipality operating on May 4, 2008, under a form of government known under the
769 law then in effect as the five-member council form:
- 770 (a) shall, on and after May 5, 2008:
- 771 (i) operate under a five-member council form of government, as defined in Section
772 10-3b-102;
- 773 (ii) be subject to:

- 774 (A) this part;
- 775 (B) Part 4, Five-Member Council Form of Municipal Government;
- 776 (C) Part 6, Changing to Another Form of Municipal Government; and
- 777 (D) except as provided in Subsection (3)(b), other applicable provisions of this
- 778 title; and
- 779 (b) is not subject to:
- 780 (i) Part 2, Council-Mayor Form of Municipal Government; or
- 781 (ii) Part 3, Six-Member Council Form of Municipal Government[; ~~or~~]
- 782 [~~(iii) Part 5, Metro Township Council Form of Municipal Government.~~]
- 783 (4) Subject to Subsection (5), each municipality[~~-other than a metro township~~] incorporated
- 784 on or after May 5, 2008, shall operate under:
- 785 (a) the council-mayor form of government, with a five-member council;
- 786 (b) the council-mayor form of government, with a seven-member council;
- 787 (c) the six-member council form of government; or
- 788 (d) the five-member council form of government.
- 789 (5) Each town shall operate under a five-member council form of government unless:
- 790 (a) before May 5, 2008, the town has changed to another form of municipal government;
- 791 or
- 792 (b) on or after May 5, 2008, the town changes its form of government as provided in
- 793 Part 6, Changing to Another Form of Municipal Government.
- 794 [~~(6) Each metro township:~~]
- 795 [~~(a) shall operate under a metro township council form of government;~~]
- 796 [~~(b) is subject to:~~]
- 797 [~~(i) this part;~~]
- 798 [~~(ii) Part 5, Metro Township Council Form of Municipal Government; and~~]
- 799 [~~(iii) except as provided in Subsection (6)(c), other applicable provisions of this title; and~~]
- 800 [~~(e) is not subject to:~~]
- 801 [~~(i) Part 2, Council-Mayor Form of Municipal Government;~~]
- 802 [~~(ii) Part 3, Six-Member Council Form of Municipal Government; or~~]
- 803 [~~(iii) Part 4, Five-Member Council Form of Municipal Government.~~]
- 804 [(7)] (6) (a) As used in this Subsection [(7)] (6), "council-manager form of government"
- 805 means the form of municipal government:
- 806 (i) provided for in Laws of Utah 1977, Chapter 48;
- 807 (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 government:
- (i) shall:
- (A) continue to operate, on and after May 5, 2008, under the council-manager form of government according to the applicable provisions of Laws of Utah 1977, Chapter 48; and
- (B) be subject to:
- (I) this Subsection ~~[(7)]~~ (6) and other applicable provisions of this part;
- (II) Part 6, Changing to Another Form of Municipal Government; and
- (III) except as provided in Subsection (7)(b)(ii), other applicable provisions of this title; and
- (ii) is not subject to:
- (A) Part 2, Council-Mayor Form of Municipal Government;
- (B) Part 3, Six-Member Council Form of Municipal Government; or
- (C) Part 4, Five-Member Council Form of Municipal Government~~[-or]~~ .
- ~~[(D) Part 5, Metro-Township Council Form of Municipal Government.]~~
- ~~[(8)]~~ (7) (a) As used in this Subsection ~~[(8)]~~ (7), "interim vacancy period" means the period of time that:
- (i) begins on the day on which a municipal general election described in Section 10-3-201 is held to elect a council member; and
- (ii) ends on the day on which the council member-elect begins the council member's term.
- (b) (i) The council may not appoint a manager during an interim vacancy period.
- (ii) Notwithstanding Subsection ~~[(8)(b)(i)]~~ (7)(b)(i):
- (A) the council may appoint an interim manager during an interim vacancy period; and
- (B) the interim manager's term shall expire once a new manager is appointed by the new administration after the interim vacancy period has ended.
- (c) Subsection ~~[(8)(b)]~~ (7)(b) does not apply if all the council members who held office on the day of the municipal general election whose term of office was vacant for the election are re-elected to the council for the following term.

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

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

Section 14. Section **10-3b-601** is amended to read:

10-3b-601 (Effective 05/01/24). Authority to change to another form of municipal government.

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

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

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

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

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

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

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

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

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

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

Section 15. Section **10-5-102** is amended to read:

10-5-102 (Effective 05/01/24). Applicability.

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

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

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

Section 16. Section **10-5-108** is amended to read:

10-5-108 (Effective 05/01/24). Budget hearing -- Notice -- Adjustments.

(1) Prior to the adoption of the final budget or an amendment to a budget, a town council

shall hold a public hearing to receive public comment.

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

10-6-103 (Effective 05/01/24). Applicability.

This chapter ~~[shall apply]~~ applies to all~~[:]~~
~~[(+)]~~ cities, including charter cities~~[-and]~~ .
~~[(2) metro townships of the first class to the same extent as a city.]~~

Section 18. Section **10-6-113** is amended to read:

10-6-113 (Effective 05/01/24). 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 19. Section **10-6-137** is amended to read:

10-6-137 (Effective 05/01/24). 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. The]~~ directs.

(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.

(c) 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 20. Section **10-6-152** is amended to read:

10-6-152 (Effective 05/01/24). 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 21. Section **10-9a-302** is amended to read:

10-9a-302 (Effective 05/01/24). 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.

- 944 (2) Before making a recommendation to a legislative body on an item described in
945 Subsection (1)(a) or (b), the planning commission shall hold a public hearing in
946 accordance with Section 10-9a-404.
- 947 (3) A legislative body may adopt, modify, or reject a planning commission's
948 recommendation to the legislative body under this section.
- 949 (4) A legislative body may consider a planning commission's failure to make a timely
950 recommendation as a negative recommendation.
- 951 (5) Nothing in this section limits the right of a municipality to initiate or propose the actions
952 described in this section.
- 953 (6) (a) (i) This Subsection (6) applies to:
- 954 (A) a city of the first, second, third, or fourth class; and
955 (B) a city of the fifth class with a population of 5,000 or more, if the city is located
956 within a county of the first, second, or third class~~;~~ and ~~].~~
957 ~~[(C) a metro township with a population of 5,000 or more.]~~
- 958 (ii) The population figures described in Subsection (6)(a)(i) shall be derived from:
- 959 (A) the most recent official census or census estimate of the United States Census
960 Bureau; or
961 (B) if a population figure is not available under Subsection (6)(a)(ii)(A), an
962 estimate of the Utah Population Committee.
- 963 (b) A municipality described in Subsection (6)(a)(i) shall ensure that each member of the
964 municipality's planning commission completes four hours of annual land use training
965 as follows:
- 966 (i) one hour of annual training on general powers and duties under Title 10, Chapter
967 9a, Municipal Land Use, Development, and Management Act; and
968 (ii) three hours of annual training on land use, which may include:
- 969 (A) appeals and variances;
970 (B) conditional use permits;
971 (C) exactions;
972 (D) impact fees;
973 (E) vested rights;
974 (F) subdivision regulations and improvement guarantees;
975 (G) land use referenda;
976 (H) property rights;
977 (I) real estate procedures and financing;

- 978 (J) zoning, including use-based and form-based; and
 979 (K) drafting ordinances and code that complies with statute.
- 980 (c) A newly appointed planning commission member may not participate in a public
 981 meeting as an appointed member until the member completes the training described
 982 in Subsection (6)(b)(i).
- 983 (d) A planning commission member may qualify for one completed hour of training
 984 required under Subsection (6)(b)(ii) if the member attends, as an appointed member,
 985 12 public meetings of the planning commission within a calendar year.
- 986 (e) A municipality shall provide the training described in Subsection (6)(b) through:
 987 (i) municipal staff;
 988 (ii) the Utah League of Cities and Towns; or
 989 (iii) a list of training courses selected by:
 990 (A) the Utah League of Cities and Towns; or
 991 (B) the Division of Real Estate created in Section 61-2-201.
- 992 (f) A municipality shall, for each planning commission member:
 993 (i) monitor compliance with the training requirements in Subsection (6)(b); and
 994 (ii) maintain a record of training completion at the end of each calendar year.

995 Section 22. Section **10-9a-408** is amended to read:

996 **10-9a-408 (Effective 05/01/24). Moderate income housing report -- Contents --**
 997 **Prioritization for funds or projects -- Ineligibility for funds after**
 998 **noncompliance -- Civil actions.**

999 (1) As used in this section:

- 1000 (a) "Division" means the Housing and Community Development Division within the
 1001 Department of Workforce Services.
- 1002 (b) "Implementation plan" means the implementation plan adopted as part of the
 1003 moderate income housing element of a specified municipality's general plan as
 1004 provided in Subsection 10-9a-403(2)(c).
- 1005 (c) "Initial report" or "initial moderate income housing report" means the one-time report
 1006 described in Subsection (2).
- 1007 (d) "Moderate income housing strategy" means a strategy described in Subsection
 1008 10-9a-403(2)(b)(iii).
- 1009 (e) "Report" means an initial report or a subsequent progress report.
- 1010 (f) "Specified municipality" means:
 1011 (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

- 1046 previous 12-month period in implementing the moderate income housing
1047 strategies;
- 1048 (iv) information regarding the number of internal and external or detached accessory
1049 dwelling units located within the specified municipality for which the specified
1050 municipality:
- 1051 (A) issued a building permit to construct; or
1052 (B) issued a business license or comparable license or permit to rent;
- 1053 (v) a description of how the market has responded to the selected moderate income
1054 housing strategies, including the number of entitled moderate income housing
1055 units or other relevant data; and
- 1056 (vi) any recommendations on how the state can support the specified municipality in
1057 implementing the moderate income housing strategies.
- 1058 (c) For purposes of describing actions taken by a specified municipality under
1059 Subsection (3)(b)(i), the specified municipality may include an ongoing action taken
1060 by the specified municipality prior to the 12-month reporting period applicable to the
1061 subsequent progress report if the specified municipality:
- 1062 (i) has already adopted an ordinance, approved a land use application, made an
1063 investment, or approved an agreement or financing that substantially promotes the
1064 implementation of a moderate income housing strategy identified in the initial
1065 report; and
- 1066 (ii) demonstrates in the subsequent progress report that the action taken under
1067 Subsection (3)(c)(i) is relevant to making meaningful progress towards the
1068 specified municipality's implementation plan.
- 1069 (d) A specified municipality's report shall be in a form:
- 1070 (i) approved by the division; and
1071 (ii) made available by the division on or before May 1 of the year in which the report
1072 is required.
- 1073 (4) Within 90 days after the day on which the division receives a specified municipality's
1074 report, the division shall:
- 1075 (a) post the report on the division's website;
1076 (b) send a copy of the report to the Department of Transportation, the Governor's Office
1077 of Planning and Budget, the association of governments in which the specified
1078 municipality is located, and, if the specified municipality is located within the
1079 boundaries of a metropolitan planning organization, the appropriate metropolitan

- 1080 planning organization; and
- 1081 (c) subject to Subsection (5), review the report to determine compliance with this section.
- 1082 (5) (a) An initial report does not comply with this section unless the report:
- 1083 (i) includes the information required under Subsection (2)(c);
- 1084 (ii) demonstrates to the division that the specified municipality made plans to
- 1085 implement:
- 1086 (A) three or more moderate income housing strategies if the specified
- 1087 municipality does not have a fixed guideway public transit station; or
- 1088 (B) subject to Subsection 10-9a-403(2)(b)(iv), five or more moderate income
- 1089 housing strategies if the specified municipality has a fixed guideway public
- 1090 transit station; and
- 1091 (iii) is in a form approved by the division.
- 1092 (b) A subsequent progress report does not comply with this section unless the report:
- 1093 (i) demonstrates to the division that the specified municipality made plans to
- 1094 implement:
- 1095 (A) three or more moderate income housing strategies if the specified
- 1096 municipality does not have a fixed guideway public transit station; or
- 1097 (B) subject to the requirements of Subsection 10-9a-403(2)(a)(iii)(D), five or more
- 1098 moderate income housing strategies if the specified municipality has a fixed
- 1099 guideway public transit station;
- 1100 (ii) is in a form approved by the division; and
- 1101 (iii) provides sufficient information for the division to:
- 1102 (A) assess the specified municipality's progress in implementing the moderate
- 1103 income housing strategies;
- 1104 (B) monitor compliance with the specified municipality's implementation plan;
- 1105 (C) identify a clear correlation between the specified municipality's land use
- 1106 regulations and land use decisions and the specified municipality's efforts to
- 1107 implement the moderate income housing strategies;
- 1108 (D) identify how the market has responded to the specified municipality's selected
- 1109 moderate income housing strategies; and
- 1110 (E) identify any barriers encountered by the specified municipality in
- 1111 implementing the selected moderate income housing strategies.
- 1112 (6) (a) A specified municipality qualifies for priority consideration under this Subsection
- 1113 (6) if the specified municipality's report:

- 1114 (i) complies with this section; and
1115 (ii) demonstrates to the division that the specified municipality made plans to
1116 implement:
- 1117 (A) five or more moderate income housing strategies if the specified municipality
1118 does not have a fixed guideway public transit station; or
1119 (B) six or more moderate income housing strategies if the specified municipality
1120 has a fixed guideway public transit station.
- 1121 (b) The Transportation Commission may, in accordance with Subsection 72-1-304(3)(c),
1122 give priority consideration to transportation projects located within the boundaries of
1123 a specified municipality described in Subsection (6)(a) until the Department of
1124 Transportation receives notice from the division under Subsection (6)(e).
- 1125 (c) Upon determining that a specified municipality qualifies for priority consideration
1126 under this Subsection (6), the division shall send a notice of prioritization to the
1127 legislative body of the specified municipality and the Department of Transportation.
- 1128 (d) The notice described in Subsection (6)(c) shall:
- 1129 (i) name the specified municipality that qualifies for priority consideration;
1130 (ii) describe the funds or projects for which the specified municipality qualifies to
1131 receive priority consideration; and
1132 (iii) state the basis for the division's determination that the specified municipality
1133 qualifies for priority consideration.
- 1134 (e) The division shall notify the legislative body of a specified municipality and the
1135 Department of Transportation in writing if the division determines that the specified
1136 municipality no longer qualifies for priority consideration under this Subsection (6).
- 1137 (7) (a) If the division, after reviewing a specified municipality's report, determines that
1138 the report does not comply with this section, the division shall send a notice of
1139 noncompliance to the legislative body of the specified municipality.
- 1140 (b) A specified municipality that receives a notice of noncompliance may:
- 1141 (i) cure each deficiency in the report within 90 days after the day on which the notice
1142 of noncompliance is sent; or
1143 (ii) request an appeal of the division's determination of noncompliance within 10
1144 days after the day on which the notice of noncompliance is sent.
- 1145 (c) The notice described in Subsection (7)(a) shall:
- 1146 (i) describe each deficiency in the report and the actions needed to cure each
1147 deficiency;

- 1148 (ii) state that the specified municipality has an opportunity to:
- 1149 (A) submit to the division a corrected report that cures each deficiency in the
- 1150 report within 90 days after the day on which the notice of compliance is sent; or
- 1151 (B) submit to the division a request for an appeal of the division's determination of
- 1152 noncompliance within 10 days after the day on which the notice of
- 1153 noncompliance is sent; and
- 1154 (iii) state that failure to take action under Subsection (7)(c)(ii) will result in the
- 1155 specified municipality's ineligibility for funds under Subsection (9).
- 1156 (d) For purposes of curing the deficiencies in a report under this Subsection (7), if the
- 1157 action needed to cure the deficiency as described by the division requires the
- 1158 specified municipality to make a legislative change, the specified municipality may
- 1159 cure the deficiency by making that legislative change within the 90-day cure period.
- 1160 (e) (i) If a specified municipality submits to the division a corrected report in
- 1161 accordance with Subsection (7)(b)(i) and the division determines that the
- 1162 corrected report does not comply with this section, the division shall send a
- 1163 second notice of noncompliance to the legislative body of the specified
- 1164 municipality within 30 days after the day on which the corrected report is
- 1165 submitted.
- 1166 (ii) A specified municipality that receives a second notice of noncompliance may
- 1167 submit to the division a request for an appeal of the division's determination of
- 1168 noncompliance within 10 days after the day on which the second notice of
- 1169 noncompliance is sent.
- 1170 (iii) The notice described in Subsection (7)(e)(i) shall:
- 1171 (A) state that the specified municipality has an opportunity to submit to the
- 1172 division a request for an appeal of the division's determination of
- 1173 noncompliance within 10 days after the day on which the second notice of
- 1174 noncompliance is sent; and
- 1175 (B) state that failure to take action under Subsection (7)(e)(iii)(A) will result in the
- 1176 specified municipality's ineligibility for funds under Subsection (9).
- 1177 (8) (a) A specified municipality that receives a notice of noncompliance under
- 1178 Subsection (7)(a) or (7)(e)(i) may request an appeal of the division's determination of
- 1179 noncompliance within 10 days after the day on which the notice of noncompliance is
- 1180 sent.
- 1181 (b) Within 90 days after the day on which the division receives a request for an appeal,

an appeal board consisting of the following three members shall review and issue a written decision on the appeal:

- (i) one individual appointed by the Utah League of Cities and Towns;
- (ii) one individual appointed by the Utah Homebuilders Association; and
- (iii) one individual appointed by the presiding member of the association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the specified municipality is a member.

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

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

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

- (i) the specified municipality fails to submit a report to the division;
- (ii) after submitting a report to the division, the division determines that the report does not comply with this section and the specified municipality fails to:
 - (A) cure each deficiency in the report within 90 days after the day on which the notice of noncompliance is sent; or
 - (B) request an appeal of the division's determination of noncompliance within 10 days after the day on which the notice of noncompliance is sent;
- (iii) after submitting to the division a corrected report to cure the deficiencies in a previously-submitted report, the division determines that the corrected report does not comply with this section and the specified municipality fails to request an appeal of the division's determination of noncompliance within 10 days after the day on which the second notice of noncompliance is sent; or
- (iv) after submitting a request for an appeal under Subsection (8), the appeal board issues a written decision upholding the division's determination of noncompliance.

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

- (i) the executive director of the Department of Transportation may not program funds from the Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund, to projects located within the boundaries of the specified municipality in accordance with Subsection 72-2-124(5);
- (ii) beginning with a report submitted in 2024, the specified municipality shall pay a fee to the Olene Walker Housing Loan Fund in the amount of \$250 per day that

- 1216 the specified municipality:
- 1217 (A) fails to submit the report to the division in accordance with this section,
- 1218 beginning the day after the day on which the report was due; or
- 1219 (B) fails to cure the deficiencies in the report, beginning the day after the day by
- 1220 which the cure was required to occur as described in the notice of
- 1221 noncompliance under Subsection (7); and
- 1222 (iii) beginning with the report submitted in 2025, the specified municipality shall pay
- 1223 a fee to the Olene Walker Housing Loan Fund in the amount of \$500 per day that
- 1224 the specified municipality, in a consecutive year:
- 1225 (A) fails to submit the report to the division in accordance with this section,
- 1226 beginning the day after the day on which the report was due; or
- 1227 (B) fails to cure the deficiencies in the report, beginning the day after the day by
- 1228 which the cure was required to occur as described in the notice of
- 1229 noncompliance under Subsection (6).
- 1230 (c) Upon determining that a specified municipality is ineligible for funds under this
- 1231 Subsection (9), and is required to pay a fee under Subsection (9)(b), if applicable, the
- 1232 division shall send a notice of ineligibility to the legislative body of the specified
- 1233 municipality, the Department of Transportation, the State Tax Commission and the
- 1234 Governor's Office of Planning and Budget.
- 1235 (d) The notice described in Subsection (9)(c) shall:
- 1236 (i) name the specified municipality that is ineligible for funds;
- 1237 (ii) describe the funds for which the specified municipality is ineligible to receive;
- 1238 (iii) describe the fee the specified municipality is required to pay under Subsection
- 1239 (9)(b), if applicable[;] ; and
- 1240 (iv) state the basis for the division's determination that the specified municipality is
- 1241 ineligible for funds.
- 1242 (e) The division shall notify the legislative body of a specified municipality and the
- 1243 Department of Transportation in writing if the division determines that the provisions
- 1244 of this Subsection (9) no longer apply to the specified municipality.
- 1245 (f) The division may not determine that a specified municipality that is required to pay a
- 1246 fee under Subsection (9)(b) is in compliance with the reporting requirements of this
- 1247 section until the specified municipality pays all outstanding fees required under
- 1248 Subsection (9)(b) to the Olene Walker Housing Loan Fund, created under Title 35A,
- 1249 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 23. Section **11-3-8** is amended to read:

11-3-8 (Effective 05/01/24). 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 24. Section **11-13a-102** is amended to read:

11-13a-102 (Effective 05/01/24). 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

1284 term is defined in Section 16-4-102, unless the water company is wholly owned by
1285 one or more governmental entities.

1286 (5) "Municipality" means a city[, or town[, ~~or metro township~~].

1287 Section 25. Section **11-14-102** is amended to read:

1288 **11-14-102 (Effective 05/01/24). Definitions.**

1289 For the purpose of this chapter:

1290 (1) "Bond" means any bond authorized to be issued under this chapter, including municipal
1291 bonds.

1292 (2) "Election results" has the same meaning as defined in Section 20A-1-102.

1293 (3) "Governing body" means:

1294 (a) for a county, city, or town[, ~~or metro township~~], the legislative body of the county,
1295 city, or town;

1296 (b) for a special district, the board of trustees of the special district;

1297 (c) for a school district, the local board of education; or

1298 (d) for a special service district under Title 17D, Chapter 1, Special Service District Act:

1299 (i) the governing body of the county or municipality that created the special service
1300 district, if no administrative control board has been established under Section
1301 17D-1-301; or

1302 (ii) the administrative control board, if one has been established under Section
1303 17D-1-301 and the power to issue bonds not payable from taxes has been
1304 delegated to the administrative control board.

1305 (4) (a) "Local political subdivision" means a county, city, town[, ~~metro township~~],
1306 school district, special district, or special service district.

1307 (b) "Local political subdivision" does not include the state and its institutions.

1308 (5) "Special district" means a district operating under Title 17B, Limited Purpose Local
1309 Government Entities - Special Districts.

1310 Section 26. Section **11-14-301** is amended to read:

1311 **11-14-301 (Effective 05/01/24). Issuance of bonds by governing body --**

1312 **Computation of indebtedness under constitutional and statutory limitations.**

1313 (1) If the governing body has declared the bond proposition to have carried and no contest
1314 has been filed, or if a contest has been filed and favorably terminated, the governing
1315 body may proceed to issue the bonds voted at the election.

1316 (2) (a) It is not necessary that all of the bonds be issued at one time, but, except as
1317 otherwise provided in this Subsection (2), bonds approved by the voters may not be

- 1318 issued more than 10 years after the day on which the election is held.
- 1319 (b) The 10-year period described in Subsection (2)(a) is tolled if, at any time during the
- 1320 10-year period:
- 1321 (i) an application for a referendum petition is filed with a local clerk, in accordance
- 1322 with Section 20A-7-602, with respect to the local obligation law relating to the
- 1323 bonds; or
- 1324 (ii) the bonds are challenged in a court of law or an administrative proceeding in
- 1325 relation to:
- 1326 (A) the legality or validity of the bonds, or the election or proceedings authorizing
- 1327 the bonds;
- 1328 (B) the authority of the local political subdivision to issue the bonds;
- 1329 (C) the provisions made for the security or payment of the bonds; or
- 1330 (D) any other issue that materially and adversely affects the marketability of the
- 1331 bonds, as determined by the individual or body that holds the executive powers
- 1332 of the local political subdivision.
- 1333 (c) For a bond described in this section that is approved by voters on or after May 8,
- 1334 2002, but before May 14, 2019, a tolling period described in Subsection (2)(b)(i)
- 1335 ends on the later of the day on which:
- 1336 (i) the local clerk determines that the petition is insufficient, in accordance with
- 1337 Subsection 20A-7-607(3), unless an application, described in Subsection
- 1338 20A-7-607(4)(a), is made to a court;
- 1339 (ii) a court determines, under Subsection 20A-7-607(4)(c), that the petition for the
- 1340 referendum is not legally sufficient; or
- 1341 (iii) for a referendum petition that is sufficient, the governing body declares, as
- 1342 provided by law, the results of the referendum election on the local obligation law.
- 1343 (d) For a bond described in this section that was approved by voters on or after May 14,
- 1344 2019, a tolling period described in Subsection (2)(b)(i) ends:
- 1345 (i) if a county, city, town,~~metro township,~~ or court determines, under Section
- 1346 20A-7-602.7, that the proposed referendum is not legally referable to voters, the
- 1347 later of:
- 1348 (A) the day on which the county, city, or town~~, or metro township~~ provides the
- 1349 notice described in Subsection 20A-7-602.7(1)(b)(ii); or
- 1350 (B) if a sponsor appeals, under Subsection 20A-7-602.7(4), the day on which a
- 1351 court decision that the proposed referendum is not legally referable to voters

- 1352 becomes final; or
- 1353 (ii) if a county, city, town,~~metro township,~~ or court determines, under Section
- 1354 20A-7-602.7, that the proposed referendum is legally referable to voters, the later
- 1355 of:
- 1356 (A) the day on which the local clerk determines, under Section 20A-7-607, that
- 1357 the number of certified names is insufficient for the proposed referendum to
- 1358 appear on the ballot; or
- 1359 (B) if the local clerk determines, under Section 20A-7-607, that the number of
- 1360 certified names is sufficient for the proposed referendum to appear on the
- 1361 ballot, the day on which the governing body declares, as provided by law, the
- 1362 results of the referendum election on the local obligation law.
- 1363 (e) A tolling period described in Subsection (2)(b)(ii) ends after:
- 1364 (i) there is a final settlement, a final adjudication, or another type of final resolution
- 1365 of all challenges described in Subsection (2)(b)(ii); and
- 1366 (ii) the individual or body that holds the executive powers of the local political
- 1367 subdivision issues a document indicating that all challenges described in
- 1368 Subsection (2)(b)(ii) are resolved and final.
- 1369 (f) If the 10-year period described in Subsection (2)(a) is tolled under this Subsection (2)
- 1370 and, when the tolling ends and after giving effect to the tolling, the period of time
- 1371 remaining to issue the bonds is less than one year, the period of time remaining to
- 1372 issue the bonds shall be extended to one year.
- 1373 (g) The tolling provisions described in this Subsection (2) apply to all bonds described in
- 1374 this section that were approved by voters on or after May 8, 2002.
- 1375 (3) (a) Bonds approved by the voters may not be issued to an amount that will cause the
- 1376 indebtedness of the local political subdivision to exceed that permitted by the Utah
- 1377 Constitution or statutes.
- 1378 (b) In computing the amount of indebtedness that may be incurred pursuant to
- 1379 constitutional and statutory limitations, the constitutionally or statutorily permitted
- 1380 percentage, as the case may be, shall be applied to the fair market value, as defined
- 1381 under Section 59-2-102, of the taxable property in the local political subdivision, as
- 1382 computed from the last applicable equalized assessment roll before the incurring of
- 1383 the additional indebtedness.
- 1384 (c) In determining the fair market value of the taxable property in the local political
- 1385 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 27. Section **11-17-2** is amended to read:

11-17-2 (Effective 05/01/24). 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;

- 1420 (b) an insulated window or door, including:
- 1421 (i) a storm window or door;
- 1422 (ii) a multiglazed window or door;
- 1423 (iii) a heat-absorbing window or door;
- 1424 (iv) a heat-reflective glazed and coated window or door;
- 1425 (v) additional window or door glazing;
- 1426 (vi) a window or door with reduced glass area; or
- 1427 (vii) other window or door modifications that reduce energy loss;
- 1428 (c) an automatic energy control system;
- 1429 (d) in a building or a central plant, a heating, ventilation, or air conditioning and
- 1430 distribution system;
- 1431 (e) caulking or weatherstripping;
- 1432 (f) a light fixture that does not increase the overall illumination of a building unless an
- 1433 increase is necessary to conform with the applicable building code;
- 1434 (g) an energy recovery system;
- 1435 (h) a daylighting system;
- 1436 (i) measures to reduce the consumption of water, through conservation or more efficient
- 1437 use of water, including:
- 1438 (i) installation of a low-flow toilet or showerhead;
- 1439 (ii) installation of a timer or timing system for a hot water heater; or
- 1440 (iii) installation of a rain catchment system; or
- 1441 (j) any other modified, installed, or remodeled fixture that is approved as a utility
- 1442 cost-savings measure by the governing body.
- 1443 (3) "Finance" or "financing" includes the issuing of bonds by a municipality, county, or
- 1444 state university for the purpose of using a portion, or all or substantially all of the
- 1445 proceeds to pay for or to reimburse the user, lender, or the user or lender's designee for
- 1446 the costs of the acquisition of facilities of a project, or to create funds for the project
- 1447 itself where appropriate, whether these costs are incurred by the municipality, the
- 1448 county, the state university, the user, or a designee of the user. If title to or in these
- 1449 facilities at all times remains in the user, the bonds of the municipality or county shall be
- 1450 secured by a pledge of one or more notes, debentures, bonds, other secured or unsecured
- 1451 debt obligations of the user or lender, or the sinking fund or other arrangement as in the
- 1452 judgment of the governing body is appropriate for the purpose of assuring repayment of
- 1453 the bond obligations to investors in accordance with their terms.

- 1454 (4) "Governing body" means:
- 1455 (a) for a county, city, or town, ~~or metro township,~~ the legislative body of the county,
- 1456 city, or town ~~or metro township~~;
- 1457 (b) for the military installation development authority created in Section 63H-1-201, the
- 1458 board, as defined in Section 63H-1-102;
- 1459 (c) for a state university except as provided in Subsection (4)(d), the board or body
- 1460 having the control and supervision of the state university; and
- 1461 (d) for a nonprofit corporation or foundation created by and operating under the auspices
- 1462 of a state university, the board of directors or board of trustees of that corporation or
- 1463 foundation.
- 1464 (5) (a) "Industrial park" means land, including all necessary rights, appurtenances,
- 1465 easements, and franchises relating to it, acquired and developed by a municipality,
- 1466 county, or state university for the establishment and location of a series of sites for
- 1467 plants and other buildings for industrial, distribution, and wholesale use.
- 1468 (b) "Industrial park" includes the development of the land for an industrial park under
- 1469 this chapter or the acquisition and provision of water, sewerage, drainage, street,
- 1470 road, sidewalk, curb, gutter, street lighting, electrical distribution, railroad, or
- 1471 docking facilities, or any combination of them, but only to the extent that these
- 1472 facilities are incidental to the use of the land as an industrial park.
- 1473 (6) "Lender" means a trust company, savings bank, savings and loan association, bank,
- 1474 credit union, or any other lending institution that lends, loans, or leases proceeds of a
- 1475 financing to the user or a user's designee.
- 1476 (7) "Mortgage" means a mortgage, trust deed, or other security device.
- 1477 (8) "Municipality" means any incorporated city ~~;~~ or town ~~or metro township~~ in the state,
- 1478 including cities or towns operating under home rule charters.
- 1479 (9) "Pollution" means any form of environmental pollution including water pollution, air
- 1480 pollution, pollution caused by solid waste disposal, thermal pollution, radiation
- 1481 contamination, or noise pollution.
- 1482 (10) (a) "Project" means:
- 1483 (i) an industrial park, land, interest in land, building, structure, facility, system,
- 1484 fixture, improvement, appurtenance, machinery, equipment, or any combination
- 1485 of them, whether or not in existence or under construction:
- 1486 (A) that is suitable for industrial, manufacturing, warehousing, research, business,
- 1487 and professional office building facilities, commercial, shopping services,

- 1488 food, lodging, low income rental housing, recreational, or any other business
1489 purposes;
- 1490 (B) that is suitable to provide services to the general public;
- 1491 (C) that is suitable for use by any corporation, person, or entity engaged in health
1492 care services, including hospitals, nursing homes, extended care facilities,
1493 facilities for the care of persons with a physical or mental disability, and
1494 administrative and support facilities; or
- 1495 (D) that is suitable for use by a state university for the purpose of aiding in the
1496 accomplishment of its authorized academic, scientific, engineering, technical,
1497 and economic development functions;
- 1498 (ii) any land, interest in land, building, structure, facility, system, fixture,
1499 improvement, appurtenance, machinery, equipment, or any combination of them,
1500 used by any individual, partnership, firm, company, corporation, public utility,
1501 association, trust, estate, political subdivision, state agency, or any other legal
1502 entity, or its legal representative, agent, or assigns, for the reduction, abatement, or
1503 prevention of pollution, including the removal or treatment of any substance in
1504 process material, if that material would cause pollution if used without the
1505 removal or treatment;
- 1506 (iii) an energy efficiency upgrade;
- 1507 (iv) a renewable energy system;
- 1508 (v) facilities, machinery, or equipment, the manufacturing and financing of which
1509 will maintain or enlarge domestic or foreign markets for Utah industrial products;
1510 or
- 1511 (vi) any economic development or new venture investment fund to be raised other
1512 than from:
- 1513 (A) municipal or county general fund money;
- 1514 (B) money raised under the taxing power of any county or municipality; or
- 1515 (C) money raised against the general credit of any county or municipality.
- 1516 (b) "Project" does not include any property, real, personal, or mixed, for the purpose of
1517 the construction, reconstruction, improvement, or maintenance of a public utility as
1518 defined in Section 54-2-1.
- 1519 (11) "Renewable energy system" means a product, system, device, or interacting group of
1520 devices that is permanently affixed to real property and that produces energy from
1521 renewable resources, including:

- 1522 (a) a photovoltaic system;
- 1523 (b) a solar thermal system;
- 1524 (c) a wind system;
- 1525 (d) a geothermal system, including:
- 1526 (i) a direct-use system; or
- 1527 (ii) a ground source heat pump system;
- 1528 (e) a micro-hydro system; or
- 1529 (f) another renewable energy system approved by the governing body.
- 1530 (12) "State university" means an institution of higher education as described in Section
- 1531 53B-2-101 and includes any nonprofit corporation or foundation created by and
- 1532 operating under their authority.
- 1533 (13) "User" means the person, whether natural or corporate, who will occupy, operate,
- 1534 maintain, and employ the facilities of, or manage and administer a project after the
- 1535 financing, acquisition, or construction of it, whether as owner, manager, purchaser,
- 1536 lessee, or otherwise.
- 1537 Section 28. Section **11-26-401** is amended to read:
- 1538 **11-26-401 (Effective 05/01/24). Definitions -- Prohibition on car sharing program**
- 1539 **taxes, fees, and other charges.**
- 1540 (1) As used in this part:
- 1541 (a) "Car sharing" means the same as that term is defined in Section 13-48a-101.
- 1542 (b) "County" means the same as that term is defined in Section 17-50-101.
- 1543 (c) "Local political subdivision" means the same as that term is defined in Section
- 1544 11-14-102.
- 1545 [~~(e)~~] (d) "Municipality" means a city or a town.
- 1546 [~~(d)~~ "Political subdivision" means the same as that term is defined in Section 11-14-102.]
- 1547 (e) "Rental" means the same as the terms "lease" or "rental" are defined in Section
- 1548 59-12-102.
- 1549 (2) A [~~county, municipality, or other~~] local political subdivision may not impose a tax, fee,
- 1550 or charge on the gross proceeds or gross income of a car sharing transaction that the
- 1551 jurisdiction does not impose on other transactions involving the rental of a motor vehicle
- 1552 without a driver.
- 1553 Section 29. Section **11-39-101** is amended to read:
- 1554 **11-39-101 (Effective 05/01/24). Definitions.**
- 1555 As used in this chapter:

- 1556 (1) "Bid limit" means:
- 1557 (a) for a building improvement:
- 1558 (i) for the year 2003, \$40,000; and
- 1559 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an
- 1560 amount calculated by multiplying the amount of the bid limit for the previous year
- 1561 by the lesser of 3% or the actual percent change in the Consumer Price Index
- 1562 during the previous calendar year; and
- 1563 (b) for a public works project:
- 1564 (i) for the year 2003, \$125,000; and
- 1565 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an
- 1566 amount calculated by multiplying the amount of the bid limit for the previous year
- 1567 by the lesser of 3% or the actual percent change in the Consumer Price Index
- 1568 during the previous calendar year.
- 1569 (2) "Building improvement":
- 1570 (a) means the construction or repair of a public building or structure; and
- 1571 (b) does not include construction or repair at an international airport.
- 1572 (3) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers as
- 1573 published by the Bureau of Labor Statistics of the United States Department of Labor.
- 1574 (4) (a) "Design-build project" means a building improvement or public works project for
- 1575 which both the design and construction are provided for in a single contract with a
- 1576 contractor or combination of contractors capable of providing design-build services.
- 1577 (b) "Design-build project" does not include a building improvement or public works
- 1578 project:
- 1579 (i) that a local entity undertakes under contract with a construction manager that
- 1580 guarantees the contract price and is at risk for any amount over the contract price;
- 1581 and
- 1582 (ii) each component of which is competitively bid.
- 1583 (5) "Design-build services" means the engineering, architectural, and other services
- 1584 necessary to formulate and implement a design-build project, including the actual
- 1585 construction of the project.
- 1586 (6) "Emergency repairs" means a building improvement or public works project undertaken
- 1587 on an expedited basis to:
- 1588 (a) eliminate an imminent risk of damage to or loss of public or private property;
- 1589 (b) remedy a condition that poses an immediate physical danger; or

- 1590 (c) reduce a substantial, imminent risk of interruption of an essential public service.
- 1591 (7) "Governing body" means:
- 1592 (a) for a county, city, or town, ~~or metro township,~~ the legislative body of the county,
- 1593 city, or town ~~or metro township~~;
- 1594 (b) for a special district, the board of trustees of the special district; and
- 1595 (c) for a special service district:
- 1596 (i) the legislative body of the county, city, or town that established the special service
- 1597 district, if no administrative control board has been appointed under Section
- 1598 17D-1-301; or
- 1599 (ii) the administrative control board of the special service district, if an administrative
- 1600 control board has been appointed under Section 17D-1-301.
- 1601 (8) "Local entity" means a county, city, town, ~~metro township,~~ special district, or special
- 1602 service district.
- 1603 (9) "Lowest responsive responsible bidder" means a prime contractor who:
- 1604 (a) has submitted a bid in compliance with the invitation to bid and within the
- 1605 requirements of the plans and specifications for the building improvement or public
- 1606 works project;
- 1607 (b) is the lowest bidder that satisfies the local entity's criteria relating to financial
- 1608 strength, past performance, integrity, reliability, and other factors that the local entity
- 1609 uses to assess the ability of a bidder to perform fully and in good faith the contract
- 1610 requirements;
- 1611 (c) has furnished a bid bond or equivalent in money as a condition to the award of a
- 1612 prime contract; and
- 1613 (d) furnishes a payment and performance bond as required by law.
- 1614 (10) "Procurement code" means the provisions of Title 63G, Chapter 6a, Utah Procurement
- 1615 Code.
- 1616 (11) "Public works project":
- 1617 (a) means the construction of:
- 1618 (i) a park or recreational facility; or
- 1619 (ii) a pipeline, culvert, dam, canal, or other system for water, sewage, storm water, or
- 1620 flood control; and
- 1621 (b) does not include:
- 1622 (i) the replacement or repair of existing infrastructure on private property;
- 1623 (ii) construction commenced before June 1, 2003; and

- 1624 (iii) construction or repair at an international airport.
- 1625 (12) "Special district" means the same as that term is defined in Section 17B-1-102.
- 1626 (13) "Special service district" has the same meaning as defined in Section 17D-1-102.
- 1627 Section 30. Section **11-41-102** is amended to read:
- 1628 **11-41-102 (Effective 05/01/24). Definitions.**
- 1629 As used in this chapter:
- 1630 (1) "Agreement" means an oral or written agreement between a public entity and a person.
- 1631 (2) "Business entity" means a sole proprietorship, partnership, limited partnership, limited
- 1632 liability company, corporation, or other entity or association used to carry on a business
- 1633 for profit.
- 1634 (3) "Determination of violation" means a determination by the Governor's Office of
- 1635 Economic Opportunity of substantial likelihood that a retail facility incentive payment
- 1636 has been made in violation of Section 11-41-103, in accordance with Section 11-41-104.
- 1637 (4) "Environmental mitigation" means an action or activity intended to remedy known
- 1638 negative impacts to the environment.
- 1639 (5) "Executive director" means the executive director of the Governor's Office of Economic
- 1640 Opportunity.
- 1641 (6) "General plan" means the same as that term is defined in Section 23A-6-101.
- 1642 (7) "Mixed-use development" means development with mixed land uses, including housing.
- 1643 (8) "Moderate income housing plan" means the moderate income housing plan element of a
- 1644 general plan.
- 1645 (9) "Office" means the Governor's Office of Economic Opportunity.
- 1646 (10) "Political subdivision" means any county, city, town,~~metro township,~~ school
- 1647 district, special district, special service district, community reinvestment agency, or
- 1648 entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal
- 1649 Cooperation Act.
- 1650 (11) "Public entity" means:
- 1651 (a) a political subdivision;
- 1652 (b) a state agency as defined in Section 63J-1-220;
- 1653 (c) a higher education institution as defined in Section 53B-1-201;
- 1654 (d) the Military Installation Development Authority created in Section 63H-1-201;
- 1655 (e) the Utah Inland Port Authority created in Section 11-58-201; or
- 1656 (f) the Point of the Mountain State Land Authority created in Section 11-59-201.
- 1657 (12) "Public funds" means any money received by a public entity that is derived from:

- 1658 (a) a sales and use tax authorized under Title 59, Chapter 12, Sales and Use Tax Act; or
1659 (b) a property tax levy.
- 1660 (13) "Public infrastructure" means:
- 1661 (a) a public facility as defined in Section 11-36a-102; or
1662 (b) public infrastructure included as part of an infrastructure master plan related to a
1663 general plan.
- 1664 (14) "Retail facility" means any facility operated by a business entity for the primary
1665 purpose of making retail transactions.
- 1666 (15) (a) "Retail facility incentive payment" means a payment of public funds:
- 1667 (i) to a person by a public entity;
1668 (ii) for the development, construction, renovation, or operation of a retail facility
1669 within an area of the state; and
1670 (iii) in the form of:
- 1671 (A) a payment;
1672 (B) a rebate;
1673 (C) a refund;
1674 (D) a subsidy; or
1675 (E) any other similar incentive, award, or offset.
- 1676 (b) "Retail facility incentive payment" does not include a payment of public funds for:
- 1677 (i) the development, construction, renovation, or operation of:
- 1678 (A) public infrastructure; or
1679 (B) a structured parking facility;
- 1680 (ii) the demolition of an existing facility;
- 1681 (iii) assistance under a state or local:
- 1682 (A) main street program; or
1683 (B) historic preservation program;
- 1684 (iv) environmental mitigation or sanitation, if determined by a state or federal agency
1685 under applicable state or federal law;
- 1686 (v) assistance under a water conservation program or energy efficiency program, if
1687 any business entity located within the public entity's boundaries or subject to the
1688 public entity's jurisdiction is eligible to participate in the program;
- 1689 (vi) emergency aid or assistance, if any business entity located within the public
1690 entity's boundaries or subject to the public entity's jurisdiction is eligible to
1691 receive the emergency aid or assistance; or

- 1692 (vii) assistance under a public safety or security program, if any business entity
1693 located within the public entity's boundaries or subject to the public entity's
1694 jurisdiction is eligible to participate in the program.
- 1695 (16) "Retail transaction" means any transaction subject to a sales and use tax under Title 59,
1696 Chapter 12, Sales and Use Tax Act.
- 1697 (17) (a) "Small business" means a business entity that:
1698 (i) has fewer than 30 full-time equivalent employees; and
1699 (ii) maintains the business entity's principal office in the state.
- 1700 (b) "Small business" does not include:
1701 (i) a franchisee, as defined in 16 C.F.R. Sec. 436.1;
1702 (ii) a dealer, as defined in Section 41-1a-102; or
1703 (iii) a subsidiary or affiliate of another business entity that is not a small business.
- 1704 Section 31. Section **11-42a-102** is amended to read:
1705 **11-42a-102 (Effective 05/01/24). Definitions.**
- 1706 (1) "Air quality standards" means that a vehicle's emissions are equal to or cleaner than the
1707 standards established in bin 4 Table S04-1, of 40 C.F.R. 86.1811-04(c)(6).
- 1708 (2) (a) "Assessment" means the assessment that a local entity or the C-PACE district
1709 levies on private property under this chapter to cover the costs of an energy
1710 efficiency upgrade, a renewable energy system, or an electric vehicle charging
1711 infrastructure.
- 1712 (b) "Assessment" does not constitute a property tax but shares the same priority lien as a
1713 property tax.
- 1714 (3) "Assessment fund" means a special fund that a local entity establishes under Section
1715 11-42a-206.
- 1716 (4) "Benefitted property" means private property within an energy assessment area that
1717 directly benefits from improvements.
- 1718 (5) "Bond" means an assessment bond and a refunding assessment bond.
- 1719 (6) (a) "Commercial or industrial real property" means private real property used
1720 directly or indirectly or held for one of the following purposes or activities,
1721 regardless of whether the purpose or activity is for profit:
1722 (i) commercial;
1723 (ii) mining;
1724 (iii) agricultural;
1725 (iv) industrial;

- 1726 (v) manufacturing;
1727 (vi) trade;
1728 (vii) professional;
1729 (viii) a private or public club;
1730 (ix) a lodge;
1731 (x) a business; or
1732 (xi) a similar purpose.
- 1733 (b) "Commercial or industrial real property" includes:
1734 (i) private real property that is used as or held for dwelling purposes and contains:
1735 (A) more than four rental units; or
1736 (B) one or more owner-occupied or rental condominium units affiliated with a
1737 hotel; and
1738 (ii) real property owned by:
1739 (A) the military installation development authority, created in Section 63H-1-201;
1740 or
1741 (B) the Utah Inland Port Authority, created in Section 11-58-201.
- 1742 (7) "Contract price" means:
1743 (a) up to 100% of the cost of installing, acquiring, refinancing, or reimbursing for an
1744 improvement, as determined by the owner of the property benefitting from the
1745 improvement; or
1746 (b) the amount payable to one or more contractors for the assessment, design,
1747 engineering, inspection, and construction of an improvement.
- 1748 (8) "C-PACE" means commercial property assessed clean energy.
- 1749 (9) "C-PACE district" means the statewide authority established in Section 11-42a-106 to
1750 implement the C-PACE Act in collaboration with governing bodies, under the direction
1751 of OED.
- 1752 (10) "Electric vehicle charging infrastructure" means equipment that is:
1753 (a) permanently affixed to commercial or industrial real property; and
1754 (b) designed to deliver electric energy to a qualifying electric vehicle or a qualifying
1755 plug-in hybrid vehicle.
- 1756 (11) "Energy assessment area" means an area:
1757 (a) within the jurisdictional boundaries of a local entity that approves an energy
1758 assessment area or, if the C-PACE district or a state interlocal entity levies the
1759 assessment, the C-PACE district or the state interlocal entity;

- 1760 (b) containing only the commercial or industrial real property of owners who have
1761 voluntarily consented to an assessment under this chapter for the purpose of
1762 financing the costs of improvements that benefit property within the energy
1763 assessment area; and
- 1764 (c) in which the proposed benefitted properties in the area are:
- 1765 (i) contiguous; or
- 1766 (ii) located on one or more contiguous or adjacent tracts of land that would be
1767 contiguous or adjacent property but for an intervening right-of-way, including a
1768 sidewalk, street, road, fixed guideway, or waterway.
- 1769 (12) "Energy assessment bond" means a bond:
- 1770 (a) issued under Section 11-42a-401; and
- 1771 (b) payable in part or in whole from assessments levied in an energy assessment area.
- 1772 (13) "Energy assessment lien" means a lien on property within an energy assessment area
1773 that arises from the levy of an assessment in accordance with Section 11-42a-301.
- 1774 (14) "Energy assessment ordinance" means an ordinance that a local entity adopts under
1775 Section 11-42a-201 that:
- 1776 (a) designates an energy assessment area;
- 1777 (b) levies an assessment on benefitted property within the energy assessment area; and
- 1778 (c) if applicable, authorizes the issuance of energy assessment bonds.
- 1779 (15) "Energy assessment resolution" means one or more resolutions adopted by a local
1780 entity under Section 11-42a-201 that:
- 1781 (a) designates an energy assessment area;
- 1782 (b) levies an assessment on benefitted property within the energy assessment area; and
- 1783 (c) if applicable, authorizes the issuance of energy assessment bonds.
- 1784 (16) "Energy efficiency upgrade" means an improvement that is:
- 1785 (a) permanently affixed to commercial or industrial real property; and
- 1786 (b) designed to reduce energy or water consumption, including:
- 1787 (i) insulation in:
- 1788 (A) a wall, roof, floor, or foundation; or
- 1789 (B) a heating and cooling distribution system;
- 1790 (ii) a window or door, including:
- 1791 (A) a storm window or door;
- 1792 (B) a multiglazed window or door;
- 1793 (C) a heat-absorbing window or door;

- 1794 (D) a heat-reflective glazed and coated window or door;
 1795 (E) additional window or door glazing;
 1796 (F) a window or door with reduced glass area; or
 1797 (G) other window or door modifications;
 1798 (iii) an automatic energy control system;
 1799 (iv) in a building or a central plant, a heating, ventilation, or air conditioning and
 1800 distribution system;
 1801 (v) caulk or weatherstripping;
 1802 (vi) a light fixture that does not increase the overall illumination of a building, unless
 1803 an increase is necessary to conform with the applicable building code;
 1804 (vii) an energy recovery system;
 1805 (viii) a daylighting system;
 1806 (ix) measures to reduce the consumption of water, through conservation or more
 1807 efficient use of water, including installation of:
 1808 (A) low-flow toilets and showerheads;
 1809 (B) timer or timing systems for a hot water heater; or
 1810 (C) rain catchment systems;
 1811 (x) a modified, installed, or remodeled fixture that is approved as a utility cost-saving
 1812 measure by the governing body or executive of a local entity;
 1813 (xi) measures or other improvements to effect seismic upgrades;
 1814 (xii) structures, measures, or other improvements to provide automated parking or
 1815 parking that reduces land use;
 1816 (xiii) the extension of an existing natural gas distribution company line;
 1817 (xiv) an energy efficient elevator, escalator, or other vertical transport device;
 1818 (xv) any other improvement that the governing body or executive of a local entity
 1819 approves as an energy efficiency upgrade; or
 1820 (xvi) any improvement that relates physically or functionally to any of the
 1821 improvements listed in Subsections (16)(b)(i) through (xv).
 1822 (17) "Governing body" means:
 1823 (a) for a county, city, or town, ~~or metro township,~~ the legislative body of the county,
 1824 city, or town ~~or metro township~~];
 1825 (b) for a special district, the board of trustees of the special district;
 1826 (c) for a special service district:
 1827 (i) if no administrative control board has been appointed under Section 17D-1-301,

- 1828 the legislative body of the county, city, town, or metro township that established
1829 the special service district; or
- 1830 (ii) if an administrative control board has been appointed under Section 17D-1-301,
1831 the administrative control board of the special service district;
- 1832 (d) for the military installation development authority created in Section 63H-1-201, the
1833 board, as that term is defined in Section 63H-1-102; and
- 1834 (e) for the Utah Inland Port Authority, created in Section 11-58-201, the board, as
1835 defined in Section 11-58-102.
- 1836 (18) "Improvement" means a publicly or privately owned energy efficiency upgrade,
1837 renewable energy system, or electric vehicle charging infrastructure that:
- 1838 (a) a property owner has requested; or
- 1839 (b) has been or is being installed on a property for the benefit of the property owner.
- 1840 (19) "Incidental refunding costs" means any costs of issuing a refunding assessment bond
1841 and calling, retiring, or paying prior bonds, including:
- 1842 (a) legal and accounting fees;
- 1843 (b) charges of financial advisors, escrow agents, certified public accountant verification
1844 entities, and trustees;
- 1845 (c) underwriting discount costs, printing costs, and the costs of giving notice;
- 1846 (d) any premium necessary in the calling or retiring of prior bonds;
- 1847 (e) fees to be paid to the local entity to issue the refunding assessment bond and to
1848 refund the outstanding prior bonds;
- 1849 (f) any other costs that the governing body determines are necessary and proper to incur
1850 in connection with the issuance of a refunding assessment bond; and
- 1851 (g) any interest on the prior bonds that is required to be paid in connection with the
1852 issuance of the refunding assessment bond.
- 1853 (20) "Installment payment date" means the date on which an installment payment of an
1854 assessment is payable.
- 1855 (21) "Jurisdictional boundaries" means:
- 1856 (a) for the C-PACE district or any state interlocal entity, the boundaries of the state; and
- 1857 (b) for each local entity, the boundaries of the local entity.
- 1858 (22) (a) "Local entity" means:
- 1859 (i) a county, city, or town~~[-or metro township]~~;
- 1860 (ii) a special service district, a special district, or an interlocal entity as that term is
1861 defined in Section 11-13-103;

- 1862 (iii) a state interlocal entity;
- 1863 (iv) the military installation development authority, created in Section 63H-1-201;
- 1864 (v) the Utah Inland Port Authority, created in Section 11-58-201; or
- 1865 (vi) any political subdivision of the state.
- 1866 (b) "Local entity" includes the C-PACE district solely in connection with:
- 1867 (i) the designation of an energy assessment area;
- 1868 (ii) the levying of an assessment; and
- 1869 (iii) the assignment of an energy assessment lien to a third-party lender under Section
- 1870 11-42a-302.
- 1871 (23) "Local entity obligations" means energy assessment bonds and refunding assessment
- 1872 bonds that a local entity issues.
- 1873 (24) "OED" means the Office of Energy Development created in Section 79-6-401.
- 1874 (25) "OEM vehicle" means the same as that term is defined in Section 19-1-402.
- 1875 (26) "Overhead costs" means the actual costs incurred or the estimated costs to be incurred
- 1876 in connection with an energy assessment area, including:
- 1877 (a) appraisals, legal fees, filing fees, facilitation fees, and financial advisory charges;
- 1878 (b) underwriting fees, placement fees, escrow fees, trustee fees, and paying agent fees;
- 1879 (c) publishing and mailing costs;
- 1880 (d) costs of levying an assessment;
- 1881 (e) recording costs; and
- 1882 (f) all other incidental costs.
- 1883 (27) "Parameters resolution" means a resolution or ordinance that a local entity adopts in
- 1884 accordance with Section 11-42a-201.
- 1885 (28) "Prior bonds" means the energy assessment bonds refunded in part or in whole by a
- 1886 refunding assessment bond.
- 1887 (29) "Prior energy assessment ordinance" means the ordinance levying the assessments
- 1888 from which the prior bonds are payable.
- 1889 (30) "Prior energy assessment resolution" means the resolution levying the assessments
- 1890 from which the prior bonds are payable.
- 1891 (31) "Property" includes real property and any interest in real property, including water
- 1892 rights and leasehold rights.
- 1893 (32) "Public electrical utility" means a large-scale electric utility as that term is defined in
- 1894 Section 54-2-1.
- 1895 (33) "Qualifying electric vehicle" means a vehicle that:

- 1896 (a) meets air quality standards;
1897 (b) is not fueled by natural gas;
1898 (c) draws propulsion energy from a battery with at least 10 kilowatt hours of capacity;
1899 and
1900 (d) is an OEM vehicle except that the vehicle is fueled by a fuel described in Subsection
1901 (33)(c).
- 1902 (34) "Qualifying plug-in hybrid vehicle" means a vehicle that:
1903 (a) meets air quality standards;
1904 (b) is not fueled by natural gas or propane;
1905 (c) has a battery capacity that meets or exceeds the battery capacity described in
1906 Subsection 30D(b)(3), Internal Revenue Code; and
1907 (d) is fueled by a combination of electricity and:
1908 (i) diesel fuel;
1909 (ii) gasoline; or
1910 (iii) a mixture of gasoline and ethanol.
- 1911 (35) "Reduced payment obligation" means the full obligation of an owner of property
1912 within an energy assessment area to pay an assessment levied on the property after the
1913 local entity has reduced the assessment because of the issuance of a refunding
1914 assessment bond, in accordance with Section 11-42a-403.
- 1915 (36) "Refunding assessment bond" means an assessment bond that a local entity issues
1916 under Section 11-42a-403 to refund, in part or in whole, energy assessment bonds.
- 1917 (37) (a) "Renewable energy system" means a product, system, device, or interacting
1918 group of devices that is permanently affixed to commercial or industrial real property
1919 not located in the certified service area of a distribution electrical cooperative, as that
1920 term is defined in Section 54-2-1, and:
1921 (i) produces energy from renewable resources, including:
1922 (A) a photovoltaic system;
1923 (B) a solar thermal system;
1924 (C) a wind system;
1925 (D) a geothermal system, including a generation system, a direct-use system, or a
1926 ground source heat pump system;
1927 (E) a microhydro system;
1928 (F) a biofuel system; or
1929 (G) any other renewable source system that the governing body of the local entity

- 1930 approves;
- 1931 (ii) stores energy, including:
- 1932 (A) a battery storage system; or
- 1933 (B) any other energy storing system that the governing body or chief executive
- 1934 officer of a local entity approves; or
- 1935 (iii) any improvement that relates physically or functionally to any of the products,
- 1936 systems, or devices listed in Subsection (37)(a)(i) or (ii).
- 1937 (b) "Renewable energy system" does not include a system described in Subsection
- 1938 (37)(a)(i) if the system provides energy to property outside the energy assessment
- 1939 area, unless the system:
- 1940 (i) (A) existed before the creation of the energy assessment area; and
- 1941 (B) beginning before January 1, 2017, provides energy to property outside of the
- 1942 area that became the energy assessment area; or
- 1943 (ii) provides energy to property outside the energy assessment area under an
- 1944 agreement with a public electrical utility that is substantially similar to agreements
- 1945 for other renewable energy systems that are not funded under this chapter.
- 1946 (38) "Special district" means a special district under Title 17B, Limited Purpose Local
- 1947 Government Entities - Special Districts.
- 1948 (39) "Special service district" means the same as that term is defined in Section 17D-1-102.
- 1949 (40) "State interlocal entity" means:
- 1950 (a) an interlocal entity created under Chapter 13, Interlocal Cooperation Act, by two or
- 1951 more counties, cities, or towns[, ~~or metro townships~~] that collectively represent at
- 1952 least a majority of the state's population; or
- 1953 (b) an entity that another state authorized, before January 1, 2017, to issue bonds, notes,
- 1954 or other obligations or refunding obligations to finance or refinance projects in the
- 1955 state.
- 1956 (41) "Third-party lender" means a trust company, savings bank, savings and loan
- 1957 association, bank, credit union, or any other entity that provides loans directly to
- 1958 property owners for improvements authorized under this chapter.
- 1959 Section 32. Section **11-42b-101** is amended to read:
- 1960 **11-42b-101 (Effective 05/01/24). Definitions.**
- 1961 As used in this chapter:
- 1962 (1) "Assessment" means the assessment that a specified county levies on benefitted
- 1963 properties under this chapter to pay for beneficial activities.

- 1964 (2) "Assessment area" means a convention and tourism business assessment area designated
1965 under this chapter.
- 1966 (3) (a) "Beneficial activity" means any activity or service that increases hotel room rates
1967 or occupancy levels at lodging establishments.
- 1968 (b) "Beneficial activity" includes an activity to:
- 1969 (i) promote tourism;
- 1970 (ii) sponsor or incentivize a cultural or sports event, festival, conference, or
1971 convention;
- 1972 (iii) facilitate economic or workforce development for the lodging industry, including
1973 workforce recruitment or retention; or
- 1974 (iv) promote placemaking, visitor management, or destination enhancement.
- 1975 (4) "Benefitted property" means a lodging establishment that directly or indirectly benefits
1976 from a beneficial activity.
- 1977 (5) "Guest" means an individual for whom a lodging establishment provides lodging
1978 accommodations for compensation.
- 1979 (6) "Lodging establishment" means the same as that term is defined in Section 29-2-102.
- 1980 (7) "Municipality" means a city[;] or town[~~or metro township~~].
- 1981 (8) "Owner" means the owner of a benefitted property, or the authorized agent or employee
1982 of the owner.
- 1983 (9) "Qualified number of owners" means a number of owners of benefitted properties that
1984 represents 60% or more of the total assessment amount levied against all benefitted
1985 properties within a proposed or existing assessment area, provided that if an owner of
1986 one or more benefitted properties represents 40% or more of the total assessment
1987 amount levied against all benefitted properties within a proposed or existing assessment
1988 area, no more than 40% of the total assessment amount shall be attributed to that owner.
- 1989 (10) "Specified county" means a county of the first or second class.
- 1990 (11) "Third party administrator" means a private nonprofit organization, primarily engaged
1991 in destination marketing and promotion, that enters into a contract with a specified
1992 county to provide beneficial activities within an assessment area in accordance with the
1993 management plan.
- 1994 Section 33. Section **11-46a-101** is amended to read:
- 1995 **11-46a-101 (Effective 05/01/24). Definitions.**
- 1996 As used in this chapter:
- 1997 (1) (a) "Animal" means any nonhuman vertebrate life form.

- 1998 (b) "Animal" does not include domestic cats, domestic dogs, exotic animals, or reptiles.
- 1999 (2) (a) "Animal enterprise" means a commercial enterprise, an academic enterprise, or a
- 2000 competition that uses or sells animals or animal products for profit, food or fiber
- 2001 production, agriculture, education, research, sport, or testing.
- 2002 (b) "Animal enterprise" includes an animal competition, exposition, fair, rodeo, farm,
- 2003 feedlot, furrier, ranch, or event intended to exhibit or advance agricultural arts and
- 2004 sciences.
- 2005 (c) "Animal enterprise" does not include an aquarium, circus, horse and carriage
- 2006 operation, retail pet store, or zoo.
- 2007 (3) "Exotic animal" means a:
- 2008 (a) member of the family Felidae not indigenous to Utah, except the species *Felis catus*
- 2009 (domestic cat);
- 2010 (b) nonhuman primate;
- 2011 (c) nonwolf member of the family Canidae not indigenous to Utah, except the species
- 2012 *Canis familiaris* (domestic dog);
- 2013 (d) bear; and
- 2014 (e) member of the order Crocodylia.
- 2015 (4) "Political subdivision" means:
- 2016 (a) a city[;] or town[; ~~or metro township~~]; or
- 2017 (b) a county, as it relates to the licensing and regulation of an animal enterprise or
- 2018 working animal in the unincorporated area of the county.
- 2019 (5) (a) "Working animal" means an animal used for performing a specific duty or
- 2020 function in commerce, including an animal used for entertainment, herding,
- 2021 transportation, education, or exhibition.
- 2022 (b) "Working animal" does not include a horse and carriage operation.
- 2023 Section 34. Section **11-48-101.5** is amended to read:
- 2024 **11-48-101.5 (Effective 05/01/24). Definitions.**
- 2025 As used in this chapter:
- 2026 (1) (a) "911 ambulance services" means ambulance services rendered in response to a
- 2027 911 call received by a designated dispatch center that receives 911 or E911 calls.
- 2028 (b) "911 ambulance services" does not mean a seven or ten digit telephone call received
- 2029 directly by an ambulance provider licensed under Title 26B, Chapter 4, Part 1, Utah
- 2030 Emergency Medical Services System.
- 2031 (2) "Municipality" means a city[;] or town[; ~~or metro township~~].

2032 (3) "Political subdivision" means a county, city, town, special district, or special service
2033 district.

2034 Section 35. Section **11-54-102** is amended to read:

2035 **11-54-102 (Effective 05/01/24). Definitions.**

2036 As used in this chapter:

2037 (1) "Buyback purchaser" means a person who buys a procurement item from the local
2038 government entity to which the person previously sold the procurement item.

2039 (2) "Excess repurchase amount" means the difference between:

2040 (a) the amount a buyback purchaser pays to a local government entity to purchase a
2041 procurement item that the buyback purchaser previously sold to the local government
2042 entity; and

2043 (b) the amount the local government entity paid to the buyback purchaser to purchase
2044 the procurement item.

2045 (3) "Local government entity" means a county, city, town,~~metro township,~~ special
2046 district, special service district, community reinvestment agency, conservation district,
2047 or school district that is not subject to Title 63G, Chapter 6a, Utah Procurement Code.

2048 (4) "Procurement item" means the same as that term is defined in Section 63G-6a-103.

2049 Section 36. Section **11-56-102** is amended to read:

2050 **11-56-102 (Effective 05/01/24). Definitions.**

2051 As used in this chapter:

2052 (1) (a) "Enclosed mobile business" means a business that maintains ongoing mobility
2053 and of which the receipt of goods or services offered and point of sales occurs within
2054 an enclosed vehicle, an enclosed trailer, or an enclosed mobile structure.

2055 (b) An enclosed mobile business's goods or services include those offered in the
2056 following industries:

2057 (i) barber;

2058 (ii) beauty and cosmetic, including nail, eyelash, and waxing;

2059 (iii) cycling;

2060 (iv) cell phone;

2061 (v) computer;

2062 (vi) footwear;

2063 (vii) media archive and transfer;

2064 (viii) pet grooming;

2065 (ix) sewing and tailoring;

- 2066 (x) small engine; and
2067 (xi) tool.
- 2068 (c) "Enclosed mobile business" does not include a food cart, a food truck, or an ice
2069 cream truck.
- 2070 (2) "Event permit" means a permit that a political subdivision issues to the organizer of a
2071 mobile business event located on public property.
- 2072 (3) (a) "Food cart" means a cart:
2073 (i) that is not motorized; and
2074 (ii) that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve
2075 food or beverages for immediate human consumption.
- 2076 (b) "Food cart" does not include an enclosed mobile business, a food truck, or an ice
2077 cream truck.
- 2078 (4) (a) "Food truck" means a fully encased food service establishment:
2079 (i) on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
2080 (ii) from which a food truck vendor, standing within the frame of the vehicle,
2081 prepares, cooks, sells, or serves food or beverages for immediate human
2082 consumption.
- 2083 (b) "Food truck" does not include an enclosed mobile business, a food cart, or an ice
2084 cream truck.
- 2085 (5) "Health department permit" means a document that a local health department issues to
2086 authorize a mobile business to operate within the jurisdiction of the local health
2087 department.
- 2088 (6) (a) "Ice cream truck" means a fully encased food service establishment:
2089 (i) on a motor vehicle or on a trailer that a motor vehicle pulls to transport;
2090 (ii) from which a vendor, from within the frame of the vehicle, serves ice cream;
2091 (iii) that attracts patrons by traveling through a residential area and signaling the
2092 truck's presence in the area, including by playing music; and
2093 (iv) that may stop to serve ice cream at the signal of a patron.
- 2094 (b) "Ice cream truck" does not include an enclosed mobile business, a food cart, or a
2095 food truck.
- 2096 (7) "Local health department" means the same as that term is defined in Section 26A-1-102.
- 2097 (8) "Mobile business" means an enclosed mobile business, a food cart, a food truck, or an
2098 ice cream truck.
- 2099 (9) "Mobile business event" means an event at which a mobile business has been invited by

2100 the event organizer to offer the mobile business's goods or services at a private or public
2101 gathering.

2102 (10) "Operator" means a person, including a vendor, who owns, manages, controls, or
2103 operates a mobile business.

2104 (11) "Political subdivision" means:

2105 (a) a city[;] or town[; ~~or metro township~~]; or

2106 (b) a county, as it relates to the licensing and regulation of businesses in the
2107 unincorporated area of the county.

2108 (12) (a) "Temporary mass gathering" means:

2109 (i) an actual or reasonably anticipated assembly of 500 or more people that continues,
2110 or reasonably can be expected to continue, for two or more hours per day; or

2111 (ii) an event that requires a more extensive review to protect public health and safety
2112 because the event's nature or conditions have the potential of generating
2113 environmental or health risks.

2114 (b) "Temporary mass gathering" does not include an assembly of people at a location
2115 with permanent facilities designed for that specific assembly, unless the assembly is a
2116 temporary mass gathering described in Subsection (15)(a)(i).

2117 Section 37. Section **11-58-102** is amended to read:

2118 **11-58-102 (Effective 05/01/24). Definitions.**

2119 As used in this chapter:

2120 (1) "Authority" means the Utah Inland Port Authority, created in Section 11-58-201.

2121 (2) "Authority jurisdictional land" means land within the authority boundary delineated:

2122 (a) in the electronic shapefile that is the electronic component of H.B. 2001, Utah Inland
2123 Port Authority Amendments, 2018 Second Special Session; and

2124 (b) beginning April 1, 2020, as provided in Subsection 11-58-202(3).

2125 (3) "Base taxable value" means:

2126 (a) (i) except as provided in Subsection (3)(a)(ii), for a project area that consists of
2127 the authority jurisdictional land, the taxable value of authority jurisdictional land
2128 in calendar year 2018; and

2129 (ii) for an area described in Section 11-58-600.7, the taxable value of that area in
2130 calendar year 2017; or

2131 (b) for a project area that consists of land outside the authority jurisdictional land, the
2132 taxable value of property within any portion of a project area, as designated by board
2133 resolution, from which the property tax differential will be collected, as shown upon

- 2134 the assessment roll last equalized before the year in which the authority adopts a
2135 project area plan for that area.
- 2136 (4) "Board" means the authority's governing body, created in Section 11-58-301.
- 2137 (5) "Business plan" means a plan designed to facilitate, encourage, and bring about
2138 development of the authority jurisdictional land to achieve the goals and objectives
2139 described in Subsection 11-58-203(1), including the development and establishment of
2140 an inland port.
- 2141 (6) "Contaminated land" means land:
- 2142 (a) within a project area; and
- 2143 (b) that contains hazardous materials, as defined in Section 19-6-302, hazardous
2144 substances, as defined in Section 19-6-302, or landfill material on, in, or under the
2145 land.
- 2146 (7) "Development" means:
- 2147 (a) the demolition, construction, reconstruction, modification, expansion, or
2148 improvement of a building, utility, infrastructure, landscape, parking lot, park, trail,
2149 recreational amenity, or other facility, including public infrastructure and
2150 improvements; and
- 2151 (b) the planning of, arranging for, or participation in any of the activities listed in
2152 Subsection (7)(a).
- 2153 (8) "Development project" means a project for the development of land within a project
2154 area.
- 2155 (9) "Inland port" means one or more sites that:
- 2156 (a) contain multimodal facilities, intermodal facilities, or other facilities that:
- 2157 (i) are related but may be separately owned and managed; and
- 2158 (ii) together are intended to:
- 2159 (A) allow global trade to be processed and altered by value-added services as
2160 goods move through the supply chain;
- 2161 (B) provide a regional merging point for transportation modes for the distribution
2162 of goods to and from ports and other locations in other regions;
- 2163 (C) provide cargo-handling services to allow freight consolidation and
2164 distribution, temporary storage, customs clearance, and connection between
2165 transport modes; and
- 2166 (D) provide international logistics and distribution services, including freight
2167 forwarding, customs brokerage, integrated logistics, and information systems;

- 2168 and
- 2169 (b) may include a satellite customs clearance terminal, an intermodal facility, a customs
- 2170 pre-clearance for international trade, or other facilities that facilitate, encourage, and
- 2171 enhance regional, national, and international trade.
- 2172 (10) "Inland port use" means a use of land:
- 2173 (a) for an inland port;
- 2174 (b) that directly implements or furthers the purposes of an inland port, as stated in
- 2175 Subsection (9);
- 2176 (c) that complements or supports the purposes of an inland port, as stated in Subsection
- 2177 (9); or
- 2178 (d) that depends upon the presence of the inland port for the viability of the use.
- 2179 (11) "Intermodal facility" means a facility for transferring containerized cargo between rail,
- 2180 truck, air, or other transportation modes.
- 2181 (12) "Landfill material" means garbage, waste, debris, or other materials disposed of or
- 2182 placed in a landfill.
- 2183 (13) "Multimodal facility" means a hub or other facility for trade combining any
- 2184 combination of rail, trucking, air cargo, and other transportation services.
- 2185 (14) "Nonvoting member" means an individual appointed as a member of the board under
- 2186 Subsection 11-58-302(3) who does not have the power to vote on matters of authority
- 2187 business.
- 2188 (15) "Project area" means:
- 2189 (a) the authority jurisdictional land, subject to Section 11-58-605; or
- 2190 (b) land outside the authority jurisdictional land, whether consisting of a single
- 2191 contiguous area or multiple noncontiguous areas, described in a project area plan or
- 2192 draft project area plan, where the development project set forth in the project area
- 2193 plan or draft project area plan takes place or is proposed to take place.
- 2194 (16) "Project area budget" means a multiyear projection of annual or cumulative revenues
- 2195 and expenses and other fiscal matters pertaining to the project area.
- 2196 (17) "Project area plan" means a written plan that, after its effective date, guides and
- 2197 controls the development within a project area.
- 2198 (18) "Property tax" includes a privilege tax and each levy on an ad valorem basis on
- 2199 tangible or intangible personal or real property.
- 2200 (19) "Property tax differential":
- 2201 (a) means the difference between:

- 2202 (i) the amount of property tax revenues generated each tax year by all taxing entities
 2203 from a project area, using the current assessed value of the property; and
 2204 (ii) the amount of property tax revenues that would be generated from that same area
 2205 using the base taxable value of the property; and
 2206 (b) does not include property tax revenue from:
 2207 (i) a county additional property tax or multicounty assessing and collecting levy
 2208 imposed in accordance with Section 59-2-1602;
 2209 (ii) a judgment levy imposed by a taxing entity under Section 59-2-1328 or 59-2-1330;
 2210 or
 2211 (iii) a levy imposed by a taxing entity under Section 11-14-310 to pay for a general
 2212 obligation bond.
- 2213 (20) "Public entity" means:
 2214 (a) the state, including each department, division, or other agency of the state; or
 2215 (b) a county, city, town,~~metro township,~~ school district, special district, special
 2216 service district, interlocal cooperation entity, community reinvestment agency, or
 2217 other political subdivision of the state, including the authority.
- 2218 (21) (a) "Public infrastructure and improvements" means infrastructure, improvements,
 2219 facilities, or buildings that:
 2220 (i) (A) benefit the public and are owned by a public entity or a utility; or
 2221 (B) benefit the public and are publicly maintained or operated by a public entity; or
 2222 (ii) (A) are privately owned;
 2223 (B) benefit the public;
 2224 (C) as determined by the board, provide a substantial benefit to the development
 2225 and operation of a project area; and
 2226 (D) are built according to applicable county or municipal design and safety
 2227 standards.
- 2228 (b) "Public infrastructure and improvements" includes:
 2229 (i) facilities, lines, or systems that provide:
 2230 (A) water, chilled water, or steam; or
 2231 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable
 2232 energy, microgrids, or telecommunications service;
 2233 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking
 2234 facilities, rail lines, intermodal facilities, multimodal facilities, and public
 2235 transportation facilities;

2236 (iii) an inland port; and
2237 (iv) infrastructure, improvements, facilities, or buildings that are developed as part of
2238 a remediation project.

2239 (22) "Remediation" includes:

2240 (a) activities for the cleanup, rehabilitation, and development of contaminated land; and
2241 (b) acquiring an interest in land within a remediation project area.

2242 (23) "Remediation differential" means property tax differential generated from a
2243 remediation project area.

2244 (24) "Remediation project" means a project for the remediation of contaminated land that:

2245 (a) is owned by:

2246 (i) the state or a department, division, or other instrumentality of the state;

2247 (ii) an independent entity, as defined in Section 63E-1-102; or

2248 (iii) a political subdivision of the state; and

2249 (b) became contaminated land before the owner described in Subsection (24)(a) obtained
2250 ownership of the land.

2251 (25) "Remediation project area" means a project area consisting of contaminated land that
2252 is or is expected to become the subject of a remediation project.

2253 (26) "Shapefile" means the digital vector storage format for storing geometric location and
2254 associated attribute information.

2255 (27) "Taxable value" means the value of property as shown on the last equalized assessment
2256 roll.

2257 (28) "Taxing entity":

2258 (a) means a public entity that levies a tax on property within a project area; and

2259 (b) does not include a public infrastructure district that the authority creates under Title
2260 17D, Chapter 4, Public Infrastructure District Act.

2261 (29) "Voting member" means an individual appointed or designated as a member of the
2262 board under Subsection 11-58-302(2).

2263 Section 38. Section **11-58-205** is amended to read:

2264 **11-58-205 (Effective 05/01/24). Applicability of other law -- Cooperation of state**
2265 **and local governments -- Municipality to consider board input -- Prohibition**
2266 **relating to natural resources -- Inland port as permitted or conditional use --**
2267 **Municipal services -- Disclosure by nonauthority governing body member --**
2268 **Services from state agencies -- Procurement policy.**

2269 (1) Except as otherwise provided in this chapter, the authority does not have and may not

- 2270 exercise any powers relating to the regulation of land uses on the authority jurisdictional
2271 land.
- 2272 (2) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107, 63E-2-108,
2273 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed by
2274 Title 63E, Independent Entities Code.
- 2275 (3) A department, division, or other agency of the state and a political subdivision of the
2276 state shall cooperate with the authority to the fullest extent possible to provide whatever
2277 support, information, or other assistance the board requests that is reasonably necessary
2278 to help the authority fulfill its duties and responsibilities under this chapter.
- 2279 (4) In making decisions affecting the authority jurisdictional land, the legislative body of a
2280 municipality in which the authority jurisdictional land is located shall consider input
2281 from the authority board.
- 2282 (5) (a) No later than December 31, 2018, the ordinances of a municipality with authority
2283 jurisdictional land within its boundary shall allow an inland port as a permitted or
2284 conditional use, subject to standards that are:
- 2285 (i) determined by the municipality; and
- 2286 (ii) consistent with the policies and objectives stated in Subsection 11-58-203(1).
- 2287 (b) A municipality whose ordinances do not comply with Subsection (5)(a) within the
2288 time prescribed in that subsection shall allow an inland port as a permitted use
2289 without regard to any contrary provision in the municipality's land use ordinances.
- 2290 (6) The transporting, unloading, loading, transfer, or temporary storage of natural resources
2291 may not be prohibited on the authority jurisdictional land.
- 2292 (7) (a) A municipality whose boundary includes authority jurisdictional land shall
2293 provide the same municipal services to the area of the municipality that is within the
2294 authority jurisdictional land as the municipality provides to other areas of the
2295 municipality with similar zoning and a similar development level.
- 2296 (b) The level and quality of municipal services that a municipality provides within
2297 authority jurisdictional land shall be fairly and reasonably consistent with the level
2298 and quality of municipal services that the municipality provides to other areas of the
2299 municipality with similar zoning and a similar development level.
- 2300 (8) (a) As used in this Subsection (8):
- 2301 (i) "Direct financial benefit" means the same as that term is defined in Section
2302 11-58-304.
- 2303 (ii) "Nonauthority governing body member" means a member of the board or other

- 2304 body that has authority to make decisions for a nonauthority government owner.
- 2305 (iii) "Nonauthority government owner" mean a state agency or nonauthority local
- 2306 government entity that owns land that is part of the authority jurisdictional land.
- 2307 (iv) "Nonauthority local government entity":
- 2308 (A) means a county, city, town,~~metro township,~~ special district, special service
- 2309 district, community reinvestment agency, or other political subdivision of the
- 2310 state; and
- 2311 (B) excludes the authority.
- 2312 (v) "State agency" means a department, division, or other agency or instrumentality
- 2313 of the state, including an independent state agency.
- 2314 (b) A nonauthority governing body member who owns or has a financial interest in land
- 2315 that is part of the authority jurisdictional land or who reasonably expects to receive a
- 2316 direct financial benefit from development of authority jurisdictional land shall submit
- 2317 a written disclosure to the authority board and the nonauthority government owner.
- 2318 (c) A written disclosure under Subsection (8)(b) shall describe, as applicable:
- 2319 (i) the nonauthority governing body member's ownership or financial interest in
- 2320 property that is part of the authority jurisdictional land; and
- 2321 (ii) the direct financial benefit the nonauthority governing body member expects to
- 2322 receive from development of authority jurisdictional land.
- 2323 (d) A nonauthority governing body member required under Subsection (8)(b) to submit a
- 2324 written disclosure shall submit the disclosure no later than 30 days after:
- 2325 (i) the nonauthority governing body member:
- 2326 (A) acquires an ownership or financial interest in property that is part of the
- 2327 authority jurisdictional land; or
- 2328 (B) first knows that the nonauthority governing body member expects to receive a
- 2329 direct financial benefit from the development of authority jurisdictional land; or
- 2330 (ii) the effective date of this Subsection (8), if that date is later than the period
- 2331 described in Subsection (8)(d)(i).
- 2332 (e) A written disclosure submitted under this Subsection (8) is a public record.
- 2333 (9) (a) The authority may request and, upon request, shall receive:
- 2334 (i) fuel dispensing and motor pool services provided by the Division of Fleet
- 2335 Operations;
- 2336 (ii) surplus property services provided by the Division of Purchasing and General
- 2337 Services;

- 2338 (iii) information technology services provided by the Division of Technology
2339 Services;
- 2340 (iv) archive services provided by the Division of Archives and Records Service;
- 2341 (v) financial services provided by the Division of Finance;
- 2342 (vi) human resources services provided by the Division of Human Resource
2343 Management;
- 2344 (vii) legal services provided by the Office of the Attorney General; and
- 2345 (viii) banking services provided by the Office of the State Treasurer.
- 2346 (b) Nothing in Subsection (9)(a) may be construed to relieve the authority of the
2347 obligation to pay the applicable fee for the service provided.
- 2348 (10) (a) To govern authority procurements, the board shall adopt a procurement policy
2349 that the board determines to be substantially consistent with applicable provisions of
2350 Title 63G, Chapter 6a, Utah Procurement Code.
- 2351 (b) The board may delegate to the executive director the responsibility to adopt a
2352 procurement policy.
- 2353 (c) The board's determination under Subsection (10)(a) of substantial consistency is final
2354 and conclusive.
- 2355 Section 39. Section **11-59-102** is amended to read:
- 2356 **11-59-102 (Effective 05/01/24). Definitions.**
- 2357 As used in this chapter:
- 2358 (1) "Authority" means the Point of the Mountain State Land Authority, created in Section
2359 11-59-201.
- 2360 (2) "Board" means the authority's board, created in Section 11-59-301.
- 2361 (3) "Development":
- 2362 (a) means the construction, reconstruction, modification, expansion, or improvement of
2363 a building, utility, infrastructure, landscape, parking lot, park, trail, recreational
2364 amenity, or other facility, including:
- 2365 (i) the demolition or preservation or repurposing of a building, infrastructure, or other
2366 facility;
- 2367 (ii) surveying, testing, locating existing utilities and other infrastructure, and other
2368 preliminary site work; and
- 2369 (iii) any associated planning, design, engineering, and related activities; and
- 2370 (b) includes all activities associated with:
- 2371 (i) marketing and business recruiting activities and efforts;

- 2372 (ii) leasing, or selling or otherwise disposing of, all or any part of the point of the
2373 mountain state land; and
- 2374 (iii) planning and funding for mass transit infrastructure to service the point of the
2375 mountain state land.
- 2376 (4) "Facilities division" means the Division of Facilities Construction and Management,
2377 created in Section 63A-5b-301.
- 2378 (5) "New correctional facility" means the state correctional facility being developed in Salt
2379 Lake City to replace the state correctional facility in Draper.
- 2380 (6) "Point of the mountain state land" means the approximately 700 acres of state-owned
2381 land in Draper, including land used for the operation of a state correctional facility until
2382 completion of the new correctional facility and state-owned land in the vicinity of the
2383 current state correctional facility.
- 2384 (7) "Public entity" means:
- 2385 (a) the state, including each department, division, or other agency of the state; or
2386 (b) a county, city, town,~~metro township,~~ school district, special district, special
2387 service district, interlocal cooperation entity, community reinvestment agency, or
2388 other political subdivision of the state, including the authority.
- 2389 (8) "Publicly owned infrastructure and improvements":
- 2390 (a) means infrastructure, improvements, facilities, or buildings that:
- 2391 (i) benefit the public; and
- 2392 (ii) (A) are owned by a public entity or a utility; or
- 2393 (B) are publicly maintained or operated by a public entity; and
- 2394 (b) includes:
- 2395 (i) facilities, lines, or systems that provide:
- 2396 (A) water, chilled water, or steam; or
- 2397 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable
2398 energy, microgrids, or telecommunications service;
- 2399 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking
2400 facilities, and public transportation facilities; and
- 2401 (iii) greenspace, parks, trails, recreational amenities, or other similar facilities.
- 2402 (9) "Taxing entity" means the same as that term is defined in Section 59-2-102.
- 2403 Section 40. Section **11-61-102** is amended to read:
- 2404 **11-61-102 (Effective 05/01/24). Definitions.**
- 2405 As used in this chapter:

- 2406 (1) "Expressive activity" means:
- 2407 (a) peacefully assembling, protesting, or speaking;
- 2408 (b) distributing literature;
- 2409 (c) carrying a sign; or
- 2410 (d) signature gathering or circulating a petition.
- 2411 (2) "Generally applicable time, place, and manner restriction" means a content-neutral
- 2412 ordinance, policy, practice, or other action that:
- 2413 (a) by its clear language and intent, restricts or infringes on expressive activity;
- 2414 (b) applies generally to any person; and
- 2415 (c) is not an individually applicable time, place, and manner restriction.
- 2416 (3) (a) "Individually applicable time, place, and manner restriction" means a
- 2417 content-neutral policy, practice, or other action:
- 2418 (i) that restricts or infringes on expressive activity; and
- 2419 (ii) that a political subdivision applies:
- 2420 (A) on a case-by-case basis;
- 2421 (B) to a specifically identified person or group of persons; and
- 2422 (C) regarding a specifically identified place and time.
- 2423 (b) "Individually applicable time, place, and manner restriction" includes a restriction
- 2424 placed on expressive activity as a condition to obtain a permit.
- 2425 (4) (a) "Political subdivision" means a county, city, or town~~[-or metro-township]~~.
- 2426 (b) "Political subdivision" does not mean:
- 2427 (i) a special district under Title 17B, Limited Purpose Local Government Entities -
- 2428 Special Districts;
- 2429 (ii) a special service district under Title 17D, Chapter 1, Special Service District Act;
- 2430 or
- 2431 (iii) a school district under Title 53G, Chapter 3, School District Creation and Change.
- 2432 (5) (a) "Public building" means a building or permanent structure that is:
- 2433 (i) owned, leased, or occupied by a political subdivision or a subunit of a political
- 2434 subdivision;
- 2435 (ii) open to public access in whole or in part; and
- 2436 (iii) used for public education or political subdivision activities.
- 2437 (b) "Public building" does not mean:
- 2438 (i) a building owned or leased by a political subdivision or a subunit of a political
- 2439 subdivision:

- 2440 (A) that is closed to public access;
- 2441 (B) where state or federal law restricts expressive activity; or
- 2442 (C) when the building is used by a person, in whole or in part, for a private
- 2443 function; or
- 2444 (ii) a public school.
- 2445 (6) (a) "Public grounds" means the area outside a public building that is a traditional
- 2446 public forum where members of the public may safely gather to engage in expressive
- 2447 activity.
- 2448 (b) "Public grounds" includes sidewalks, streets, and parks.
- 2449 (c) "Public grounds" does not include the interior of a public building.
- 2450 Section 41. Section **11-63-102** is amended to read:
- 2451 **11-63-102 (Effective 05/01/24). Definitions.**
- 2452 As used in this chapter:
- 2453 (1) "Commercial trampoline" means a device that:
- 2454 (a) incorporates a trampoline bed; and
- 2455 (b) is used for recreational jumping, springing, bouncing, acrobatics, or gymnastics in a
- 2456 trampoline park.
- 2457 (2) "Emergency response plan" means a written plan of action for the reasonable and
- 2458 appropriate contact, deployment, and coordination of services, agencies, and personnel
- 2459 to provide the earliest possible response to an injury or emergency.
- 2460 (3) "Inherent risk" means a danger or condition that is an integral part of an activity
- 2461 occurring at a trampoline park.
- 2462 (4) "Inspection" means a procedure that an inspector conducts to:
- 2463 (a) determine whether a trampoline park facility, including any device or material, is
- 2464 constructed, assembled, maintained, tested, and operated in accordance with this
- 2465 chapter and the manufacturer's recommendations;
- 2466 (b) determine the operational safety of a trampoline park facility, including any device
- 2467 or material; and
- 2468 (c) determine whether the trampoline park's policies and procedures comply with this
- 2469 chapter.
- 2470 (5) "Inspector" means an individual who:
- 2471 (a) conducts an inspection of a trampoline park to certify compliance with this chapter
- 2472 and industry safety standards; and
- 2473 (b) (i) is certified by:

- 2474 (A) an organization that develops and publishes consensus standards for a wide
 2475 range of materials, products, systems, and services that are used for
 2476 trampolines; or
- 2477 (B) an organization that promotes trampoline park safety and adopts the standards
 2478 described in Subsection (5)(b)(i)(A);
- 2479 (ii) represents the insurer of the trampoline park;
- 2480 (iii) represents or is certified by a department or agency, regardless of whether the
 2481 agency is located within the state, that:
- 2482 (A) inspects amusement and recreational facilities and equipment; and
- 2483 (B) certifies and trains professional private industry inspectors through written
 2484 testing and continuing education requirements; or
- 2485 (iv) represents an organization that the United States Olympic Committee designates
 2486 as the national governing body for gymnastics.
- 2487 (6) "Local regulating authority" means the business licensing division of:
- 2488 (a) the city[, or town[, ~~or metro township~~] in which the trampoline park is located; or
- 2489 (b) if the trampoline park is located in an unincorporated area, the county.
- 2490 (7) "Operator" means a person who owns, manages, or controls or who has the duty to
 2491 manage or control the operation of a trampoline park.
- 2492 (8) "Participant" means an individual that uses trampoline park equipment.
- 2493 (9) "Trampoline bed" means the flexible surface of a trampoline on which a user jumps or
 2494 bounces.
- 2495 (10) "Trampoline court" means an area of a trampoline park comprising:
- 2496 (a) multiple commercial trampolines; or
- 2497 (b) at least one commercial trampoline and at least one associated foam or inflatable bag
 2498 pit.
- 2499 (11) "Trampoline park" means a place of business that offers the recreational use of a
 2500 trampoline court for a fee.
- 2501 Section 42. Section **11-65-101** is amended to read:
- 2502 **11-65-101 (Effective 05/01/24). Definitions.**
- 2503 As used in this chapter:
- 2504 (1) "Adjacent political subdivision" means a political subdivision of the state with a
 2505 boundary that abuts the lake authority boundary or includes lake authority land.
- 2506 (2) "Board" means the lake authority's governing body, created in Section 11-65-301.
- 2507 (3) "Lake authority" means the Utah Lake Authority, created in Section 11-65-201.

- 2508 (4) "Lake authority boundary" means the boundary:
2509 (a) defined by recorded boundary settlement agreements between private landowners
2510 and the Division of Forestry, Fire, and State Lands; and
2511 (b) that separates privately owned land from Utah Lake sovereign land.
- 2512 (5) "Lake authority land" means land on the lake side of the lake authority boundary.
- 2513 (6) "Management" means work to coordinate and facilitate the improvement of Utah Lake,
2514 including work to enhance the long-term viability and health of Utah Lake and to
2515 produce economic, aesthetic, recreational, environmental, and other benefits for the
2516 state, consistent with the strategies, policies, and objectives described in this chapter.
- 2517 (7) "Management plan" means a plan to conceptualize, design, facilitate, coordinate,
2518 encourage, and bring about the management of the lake authority land to achieve the
2519 policies and objectives described in Section 11-65-203.
- 2520 (8) "Nonvoting member" means an individual appointed as a member of the board under
2521 Subsection 11-65-302(6) who does not have the power to vote on matters of lake
2522 authority business.
- 2523 (9) "Project area" means an area that is identified in a project area plan as the area where
2524 the management described in the project area plan will occur.
- 2525 (10) "Project area budget" means a multiyear projection of annual or cumulative revenues
2526 and expenses and other fiscal matters pertaining to a project area.
- 2527 (11) "Project area plan" means a written plan that, after the plan's effective date, manages
2528 activity within a project area within the scope of a management plan.
- 2529 (12) "Public entity" means:
2530 (a) the state, including each department, division, or other agency of the state; or
2531 (b) a county, city, town,~~metro township,~~ school district, special district, special
2532 service district, interlocal cooperation entity, community reinvestment agency, or
2533 other political subdivision of the state.
- 2534 (13) "Publicly owned infrastructure and improvements":
2535 (a) means infrastructure, improvements, facilities, or buildings that:
2536 (i) benefit the public; and
2537 (ii) (A) are owned by a public entity or a utility; or
2538 (B) are publicly maintained or operated by a public entity;
2539 (b) includes:
2540 (i) facilities, lines, or systems that provide:
2541 (A) water, chilled water, or steam; or

2542 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable
2543 energy, microgrids, or telecommunications service; and
2544 (ii) streets, roads, curbs, gutters, sidewalks, walkways, solid waste facilities, parking
2545 facilities, and public transportation facilities.

2546 (14) "Sovereign land" means land:

2547 (a) lying below the ordinary high water mark of a navigable body of water at the date of
2548 statehood; and

2549 (b) owned by the state by virtue of the state's sovereignty.

2550 (15) "Utah Lake" includes all waters of Utah Lake and all land, whether or not submerged
2551 under water, within the lake authority boundary.

2552 (16) "Voting member" means an individual appointed as a member of the board under
2553 Subsection 11-65-302(2).

2554 Section 43. Section **11-66-101** is amended to read:

2555 **11-66-101 (Effective 05/01/24). Limits on regulation of all-terrain vehicles.**

2556 (1) As used in this chapter:

2557 (a) "Political subdivision" means:

2558 (i) a city[;] or town[~~or metro-township~~]; or

2559 (ii) a county, as it relates to the licensing and regulation of businesses in the
2560 unincorporated area of the county.

2561 (b) "Street-legal ATV" means any all-terrain type vehicle that meets the requirements,
2562 including the registration, inspection, and license plate requirements, of being a
2563 street-legal ATV as described in Section 41-6a-1509.

2564 (2) For any business, including a business that rents one or more street-legal ATVs, a
2565 political subdivision may not as a condition of the business obtaining or maintaining a
2566 business license or permit:

2567 (a) require any additional inspection, registration, or license plate requirements,
2568 including requiring any additional sticker or other identifying mark, for any
2569 street-legal ATV owned or rented by the business;

2570 (b) require any equipment modifications of a street-legal ATV owned or rented by the
2571 business; or

2572 (c) limit the amount of street-legal ATVs owned or rented by the business.

2573 (3) A political subdivision may not revoke or fail to renew a business license or permit of a
2574 business based on the violation of a traffic ordinance or other local ordinance by any
2575 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 44. Section **15A-5-202.5** is amended to read:

15A-5-202.5 (Effective 05/01/24). 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 township legislative body 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 township.]~~

2. If a municipal legislative body~~;~~ or the state forester~~;~~ or a metro township legislative

body] closes an area to the discharge of fireworks under paragraph 1, the legislative body or state forester shall:

2.1. designate the closed area along readily identifiable features like major roadways, waterways, or geographic features;

2.2. ensure that the boundary of the designated closed area is as close as is practical to the defined hazardous area, provided that the closed area may include areas outside of the hazardous area to facilitate a readily identifiable line; and

2.3. identify the closed area through a written description or map that is readily available to the public.

3. A municipal legislative body^[5] or the state forester^[5] ~~or a metro-township legislative body~~ may close a defined area to the discharge of fireworks due to a historical hazardous environmental condition under paragraph 1 if the legislative body or state forester:

3.1. makes a finding that the historical hazardous environmental condition has existed in the defined area before July 1 of at least two of the preceding five years;

3.2. produces a map indicating the boundaries, in accordance with paragraph 2, of the defined area described; and

3.3. before May 1 of each year the defined area is closed, provides the map described in paragraph 3.2 to the county in which the defined area is located.

4. A municipal legislative body^[5] or the state forester^[5] ~~or a metro-township legislative body~~ may not close an area to the discharge of fireworks due to a historical hazardous environmental condition unless the legislative body or state forester provides a map, in accordance with paragraph 3."

(c) IFC, Chapter 3, Section 311.1.1, Abandoned premises, is amended as follows: On line 10 delete the words "International Property Maintenance Code and the".

(d) IFC, Chapter 3, Section 311.5, Placards, is amended as follows: On line three delete the word "shall" and replace it with the word "may".

(2) IFC, Chapter 4, Emergency Planning and Preparedness:

(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

- 2644 the exterior.
- 2645 401.3.1.1.5 The classroom has been approved to shelter in place by the fire code official."
- 2646 (b) In IFC, Chapter 4, Section 401.3.3, Delayed notification, a new exception is added:
- 2647 "Exception: Group E Occupancies. Teachers may delay evacuation upon fire alarm
- 2648 activation for up to 60 seconds when all of the following conditions are met:
- 2649 A. There is no visible flame or evidence of products of combustion (smoke).
- 2650 B. The building is protected throughout by an approved fire sprinkler system.
- 2651 C. The building is protected throughout by an approved fire alarm system.
- 2652 D. Students are in the safe zone of the room lined up and prepared for immediate
- 2653 evacuation."
- 2654 (c) IFC, Chapter 4, Section 403.9.2.1, College and university buildings, is deleted and replaced
- 2655 with the following:
- 2656 "403.9.2.1 College and university buildings and fraternity and sorority houses.
- 2657 (i) College and university buildings, including fraternity and sorority houses, shall
- 2658 prepare an approved fire safety and evacuation plan, in accordance with Section
- 2659 404.
- 2660 (ii) Group R-2 college and university buildings, including fraternity and sorority
- 2661 houses, shall comply with Sections 403.9.2.1.1 and 403.9.2.1.2."
- 2662 (d) IFC, Chapter 4, Section 405.3, Table 405.3, is amended to add the following
- 2663 footnotes:
- 2664 (i) "c. Secondary schools in Group E occupancies shall have an emergency
- 2665 evacuation drill conducted at least every two months, to a total of four emergency
- 2666 evacuation drills during the nine-month school year. The first emergency
- 2667 evacuation drill shall be conducted within 10 school days after the beginning of
- 2668 classes. The third emergency evacuation drill, weather permitting, shall be
- 2669 conducted 10 school days after the beginning of the next calendar year. The
- 2670 second and fourth emergency evacuation drills may be substituted by a security or
- 2671 safety drill to include shelter in place, earthquake drill, or lock down for violence.
- 2672 If inclement weather causes a secondary school to miss the 10-day deadline for
- 2673 the third emergency evacuation drill, the secondary school shall perform the third
- 2674 emergency evacuation drill as soon as practicable after the missed deadline."
- 2675 (ii) "d. In Group E occupancies, excluding secondary schools, if the AHJ approves,
- 2676 the monthly required emergency evacuation drill can be substituted by a security
- 2677 or safety drill to include shelter in place, earthquake drill, or lock down for

2678 violence. The routine emergency evacuation drill must be conducted at least every
2679 other drill."

2680 (iii) "e. A-3 occupancies in academic buildings of institutions of higher learning are
2681 required to have one emergency evacuation drill per year, provided the following
2682 conditions are met:

2683 (A) The building has a fire alarm system in accordance with Section 907.2.

2684 (B) The rooms classified as assembly shall have fire safety floor plans as required in
2685 Subsection 404.2.2(4) posted.

2686 (C) The building is not classified a high-rise building.

2687 (D) The building does not contain hazardous materials over the allowable quantities by code."

2688 Section 45. Section **17-2-209** is amended to read:

2689 **17-2-209 (Effective 05/01/24). Minor adjustments to county boundaries**

2690 **authorized -- Public hearing -- Joint resolution of county legislative bodies -- Notice and**
2691 **plat to lieutenant governor -- Recording requirements -- Effective date.**

2692 (1) (a) Counties sharing a common boundary may, in accordance with the provisions of
2693 Subsection (2) and Article XI, Section 3, of the Utah Constitution and for purposes of
2694 real property tax assessment and county record keeping, adjust all or part of the
2695 common boundary to move it, subject to Subsection (1)(b), a sufficient distance to
2696 reach to, and correspond with, the closest existing property boundary of record.

2697 (b) A boundary adjustment under Subsection (1)(a) may not create a boundary line that
2698 divides or splits:

2699 (i) an existing parcel;

2700 (ii) an interest in the property; or

2701 (iii) a claim of record in the office of recorder of either county sharing the common
2702 boundary.

2703 (2) The legislative bodies of both counties desiring to adjust a common boundary in
2704 accordance with Subsection (1) shall:

2705 (a) hold a joint public hearing on the proposed boundary adjustment;

2706 (b) at least seven days before the public hearing described in Subsection (2)(a), provide
2707 written notice of the proposed adjustment to:

2708 (i) each owner of real property whose property, or a portion of whose property, may
2709 change counties as the result of the proposed adjustment; and

2710 (ii) any of the following whose territory, or a portion of whose territory, may change
2711 counties as the result of the proposed boundary adjustment, or whose boundary is

- 2712 aligned with any portion of the existing county boundary that is being proposed
 2713 for adjustment:
- 2714 (A) a city;
 2715 (B) a town;
 2716 [~~(C)~~ ~~a metro township~~];
 2717 [~~(D)~~] (C) a school district;
 2718 [~~(E)~~] (D) a special district governed by Title 17B, Limited Purpose Local
 2719 Government Entities - Special Districts;
 2720 [~~(F)~~] (E) a special service district governed by Title 17D, Chapter 1, Special
 2721 Service District Act;
 2722 [~~(G)~~] (F) an interlocal entity governed by Title 11, Chapter 13, Interlocal
 2723 Cooperation Act;
 2724 [~~(H)~~] (G) a community reinvestment agency governed by Title 17C, Limited
 2725 Purpose Local Government Entities - Community Reinvestment Agency Act;
 2726 [~~(I)~~] (H) a local building authority governed by Title 17D, Chapter 2, Local
 2727 Building Authority Act; and
 2728 [~~(J)~~] (I) a conservation district governed by Title 17D, Chapter 3, Conservation
 2729 District Act; and
- 2730 (c) adopt a joint resolution approved by both county legislative bodies approving the
 2731 proposed boundary adjustment.
- 2732 (3) The legislative bodies of both counties adopting a joint resolution under Subsection
 2733 (2)(c) shall:
- 2734 (a) within 15 days after adopting the joint resolution, jointly send to the lieutenant
 2735 governor:
- 2736 (i) a copy of a notice of an impending boundary action, as defined in Section
 2737 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
 2738 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
- 2739 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment under
 2740 Section 67-1a-6.5, jointly submit to the recorder of the county in which the property
 2741 is located after the boundary adjustment:
- 2742 (i) the original notice of an impending boundary action;
 2743 (ii) the original certificate of boundary adjustment;
 2744 (iii) the original approved final local entity plat; and
 2745 (iv) a certified copy of the joint resolution approving the boundary adjustment.

- 2746 (4) (a) As used in this Subsection (4):
- 2747 (i) "Affected area" means an area that, as a result of a boundary adjustment under this
- 2748 section, is moved from within the boundary of one county to within the boundary
- 2749 of another county.
- 2750 (ii) "Receiving county" means a county whose boundary includes an affected area as
- 2751 a result of a boundary adjustment under this section.
- 2752 (b) A boundary adjustment under this section takes effect on the date the lieutenant
- 2753 governor issues a certificate of boundary adjustment under Section 67-1a-6.5.
- 2754 (c) (i) The effective date of a boundary adjustment for purposes of assessing property
- 2755 within an affected area is governed by Section 59-2-305.5.
- 2756 (ii) Until the documents listed in Subsection (3)(b) are recorded in the office of the
- 2757 recorder of the county in which the property is located, a receiving county may
- 2758 not:
- 2759 (A) levy or collect a property tax on property within an affected area;
- 2760 (B) levy or collect an assessment on property within an affected area; or
- 2761 (C) charge or collect a fee for service provided to property within an affected area.
- 2762 (5) Upon the effective date of a boundary adjustment under this section:
- 2763 (a) all territory designated to be adjusted into another county becomes the territory of the
- 2764 other county; and
- 2765 (b) the provisions of Sections 17-2-207 and 17-2-208 apply in the same manner as with
- 2766 an annexation under this part.
- 2767 Section 46. Section **17-23-17** is amended to read:
- 2768 **17-23-17 (Effective 05/01/24). Map of boundary survey -- Procedure for filing --**
- 2769 **Contents -- Marking of monuments -- Record of corner changes -- Penalties.**
- 2770 (1) As used in this section:
- 2771 (a) "Land surveyor" means a surveyor who is licensed to practice land surveying in this
- 2772 state in accordance with Title 58, Chapter 22, Professional Engineers and
- 2773 Professional Land Surveyors Licensing Act.
- 2774 (b) [(+) "Township" means a term used in the context of identifying a geographic
- 2775 area in common surveyor practice.
- 2776 [~~(ii) "Township" does not mean a metro township as that term is defined in Section~~
- 2777 ~~10-2a-403.~~]
- 2778 (2) (a) (i) Each land surveyor making a boundary survey of lands within this state to
- 2779 establish or reestablish a boundary line or to obtain data for constructing a map or

- 2780 plat showing a boundary line shall file a map of the survey that meets the
2781 requirements of this section with the county surveyor or designated office within
2782 90 days of the establishment or reestablishment of a boundary.
- 2783 (ii) A land surveyor who fails to file a map of the survey as required by Subsection
2784 (2)(a)(i) is guilty of an infraction.
- 2785 (iii) Each failure to file a map of the survey as required by Subsection (2)(a)(i) is a
2786 separate violation.
- 2787 (b) The county surveyor or designated office shall file and index the map of the survey.
- 2788 (c) The map shall be a public record in the office of the county surveyor or designated
2789 office.
- 2790 (3) This type of map shall show:
- 2791 (a) the location of survey by quarter section and township and range;
- 2792 (b) the date of survey;
- 2793 (c) the scale of drawing and north point;
- 2794 (d) the distance and course of all lines traced or established, giving the basis of bearing
2795 and the distance and course to two or more section corners or quarter corners,
2796 including township and range, or to identified monuments within a recorded
2797 subdivision;
- 2798 (e) all measured bearings, angles, and distances separately indicated from those of
2799 record;
- 2800 (f) a written boundary description of property surveyed;
- 2801 (g) all monuments set and their relation to older monuments found;
- 2802 (h) a detailed description of monuments found and monuments set, indicated separately;
- 2803 (i) the surveyor's seal or stamp; and
- 2804 (j) the surveyor's business name and address.
- 2805 (4) (a) The map shall contain a written narrative that explains and identifies:
- 2806 (i) the purpose of the survey;
- 2807 (ii) the basis on which the lines were established; and
- 2808 (iii) the found monuments and deed elements that controlled the established or
2809 reestablished lines.
- 2810 (b) If the narrative is a separate document, it shall contain:
- 2811 (i) the location of the survey by quarter section and by township and range;
- 2812 (ii) the date of the survey;
- 2813 (iii) the surveyor's stamp or seal; and

- 2814 (iv) the surveyor's business name and address.
- 2815 (c) The map and narrative shall be referenced to each other if they are separate
2816 documents.
- 2817 (5) The map and narrative shall be created on material of a permanent nature on stable base
2818 reproducible material in the sizes required by the county surveyor.
- 2819 (6) (a) Any monument set by a licensed professional land surveyor to mark or reference
2820 a point on a property or land line shall be durably and visibly marked or tagged with
2821 the registered business name or the letters "L.S." followed by the registration number
2822 of the surveyor in charge.
- 2823 (b) If the monument is set by a licensed land surveyor who is a public officer, it shall be
2824 marked with the official title of the office.
- 2825 (7) (a) If, in the performance of a survey, a surveyor finds or makes any changes to the
2826 section corner or quarter-section corner, or their accessories, the surveyor shall
2827 complete and submit to the county surveyor or designated office a record of the
2828 changes made.
- 2829 (b) The record shall be submitted within 45 days of the corner visits and shall include
2830 the surveyor's seal, business name, and address.
- 2831 (8) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the
2832 license of any land surveyor who fails to comply with the requirements of this section,
2833 according to the procedures set forth in Title 58, Chapter 1, Division of Professional
2834 Licensing Act.
- 2835 (9) Each federal or state agency, board, or commission, special district, special service
2836 district, or municipal corporation that makes a boundary survey of lands within this state
2837 shall comply with this section.
- 2838 Section 47. Section **17-23-17.5** is amended to read:
- 2839 **17-23-17.5 (Effective 05/01/24). Corner perpetuation and filing -- Definitions --**
2840 **Establishment of corner file -- Preservation of map records -- Filing fees --**
2841 **Exemptions.**
- 2842 (1) As used in this section:
- 2843 (a) "Accessory to a corner" means any exclusively identifiable physical object whose
2844 spatial relationship to the corner is recorded. Accessories may be bearing trees,
2845 bearing objects, monuments, reference monuments, line trees, pits, mounds,
2846 charcoal-filled bottles, steel or wooden stakes, or other objects.
- 2847 (b) "Corner," unless otherwise qualified, means a property corner, a property controlling

- 2848 corner, a public land survey corner, or any combination of these.
- 2849 (c) "Geographic coordinates" means mathematical values that designate a position on the
2850 earth relative to a given reference system. Coordinates shall be established pursuant
2851 to Title 57, Chapter 10, Utah Coordinate System.
- 2852 (d) "Land surveyor" means a surveyor who is licensed to practice land surveying in this
2853 state in accordance with Title 58, Chapter 22, Professional Engineers and
2854 Professional Land Surveyors Licensing Act.
- 2855 (e) "Monument" means an accessory that is presumed to occupy the exact position of a
2856 corner.
- 2857 (f) "Property controlling corner" means a public land survey corner or any property
2858 corner which does not lie on a property line of the property in question, but which
2859 controls the location of one or more of the property corners of the property in
2860 question.
- 2861 (g) "Property corner" means a geographic point of known geographic coordinates on the
2862 surface of the earth, and is on, a part of, and controls a property line.
- 2863 (h) "Public land survey corner" means any corner actually established and monumented
2864 in an original survey or resurvey used as a basis of legal descriptions for issuing a
2865 patent for the land to a private person from the United States government.
- 2866 (i) "Reference monument" means a special monument that does not occupy the same
2867 geographical position as the corner itself, but whose spatial relationship to the corner
2868 is recorded and which serves to witness the corner.
- 2869 (j) [(i)] "Township" means a term used in the context of identifying a geographic area
2870 in common surveyor practice.
- 2871 [~~(ii) "Township" does not mean a metro township as that term is defined in Section~~
2872 ~~10-2a-403.~~]
- 2873 (2) (a) Any land surveyor making a boundary survey of lands within this state and
2874 utilizing a corner shall, within 90 days, complete, sign, and file with the county
2875 surveyor of the county where the corner is situated, a written record to be known as a
2876 corner file for every public land survey corner and accessory to the corner which is
2877 used as control in any survey by the surveyor, unless the corner and its accessories
2878 are already a matter of record in the county.
- 2879 (b) Where reasonably possible, the corner file shall include the geographic coordinates
2880 of the corner.
- 2881 (c) A surveyor may file a corner record as to any property corner, reference monument,

- 2882 or accessory to a corner.
- 2883 (d) Corner records may be filed concerning corners used before the effective date of this
2884 section.
- 2885 (3) The county surveyor of the county containing the corners shall have on record as part of
2886 the official files maps of each township within the county, the bearings and lengths of
2887 the connecting lines to government corners, and government corners looked for and not
2888 found.
- 2889 (4) The county surveyor shall make these records available for public inspection at the
2890 county facilities during normal business hours.
- 2891 (5) Filing fees for corner records shall be established by the county legislative body
2892 consistent with existing fees for similar services. All corners, monuments, and their
2893 accessories used prior to the effective date of this section shall be accepted and filed
2894 with the county surveyor without requiring the payment of the fees.
- 2895 (6) When a corner record of a public land survey corner is required to be filed under the
2896 provisions of this section and the monument needs to be reconstructed or rehabilitated,
2897 the land surveyor shall contact the county surveyor in accordance with Section 17-23-14.
- 2898 (7) A corner record may not be filed unless it is signed by a land surveyor.
- 2899 (8) All filings relative to official cadastral surveys of the Bureau of Land Management of
2900 the United States of America performed by authorized personnel shall be exempt from
2901 filing fees.

2902 Section 48. Section **17-36-29** is amended to read:

2903 **17-36-29 (Effective 05/01/24). Special fund ceases -- Transfer.**

- 2904 (1) (a) Except as provided in Subsection (1)(b), if a county legislative body determines
2905 that the purpose no longer exists for which the legislative body created a special fund
2906 or any portion of the special fund, the legislative body may authorize the transfer of
2907 the remaining balance or a portion of the remaining balance to the fund balance
2908 account in the county general fund.
- 2909 (b) The legislative body may redistribute the remaining balance or a portion of the
2910 remaining balance described in Subsection (1)(a) in accordance with Subsection
2911 (1)(c) if:
- 2912 (i) the county levied the fund primarily on property in the unincorporated areas of the
2913 county;
- 2914 (ii) the county established a municipal services fund to provide municipal services
2915 under Sections 17-34-1 and 17-36-9; and

- 2916 (iii) the area from which the county levied the fund has since incorporated as a city[~~;~~
2917 ~~or town[, or metro-township].~~
- 2918 (c) The legislative body of a county described in Subsection (1)(b) may set aside the
2919 remaining balance or a portion of the remaining balance described in Subsection
2920 (1)(a) in a fund from which the county may make disbursements to support and
2921 benefit the area and the residents in the area from which the county originally derived
2922 the special fund.
- 2923 (2) Any balance which remains in a special assessment fund and any unrequired balance in
2924 a special improvement guaranty fund shall be treated as provided in Subsection
2925 11-42-701(5).
- 2926 (3) Any balance which remains in a capital projects fund shall be transferred to the
2927 appropriate debt service fund or such other fund as the bond ordinance requires or to the
2928 county general fund balance account.
- 2929 Section 49. Section **17B-1-102** is amended to read:
2930 **17B-1-102 (Effective 05/01/24). Definitions.**
2931 As used in this title:
- 2932 (1) "Appointing authority" means the person or body authorized to make an appointment to
2933 the board of trustees.
- 2934 (2) "Basic special district":
2935 (a) means a special district that is not a specialized special district; and
2936 (b) includes an entity that was, under the law in effect before April 30, 2007, created and
2937 operated as a special district, as defined under the law in effect before April 30, 2007.
- 2938 (3) "Bond" means:
2939 (a) a written obligation to repay borrowed money, whether denominated a bond, note,
2940 warrant, certificate of indebtedness, or otherwise; and
2941 (b) a lease agreement, installment purchase agreement, or other agreement that:
2942 (i) includes an obligation by the district to pay money; and
2943 (ii) the district's board of trustees, in its discretion, treats as a bond for purposes of
2944 Title 11, Chapter 14, Local Government Bonding Act, or Title 11, Chapter 27,
2945 Utah Refunding Bond Act.
- 2946 (4) "Cemetery maintenance district" means a special district that operates under and is
2947 subject to the provisions of this chapter and Chapter 2a, Part 1, Cemetery Maintenance
2948 District Act, including an entity that was created and operated as a cemetery
2949 maintenance district under the law in effect before April 30, 2007.

- 2950 (5) "Drainage district" means a special district that operates under and is subject to the
2951 provisions of this chapter and Chapter 2a, Part 2, Drainage District Act, including an
2952 entity that was created and operated as a drainage district under the law in effect before
2953 April 30, 2007.
- 2954 (6) "Facility" or "facilities" includes any structure, building, system, land, water right,
2955 water, or other real or personal property required to provide a service that a special
2956 district is authorized to provide, including any related or appurtenant easement or
2957 right-of-way, improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment,
2958 or furnishing.
- 2959 (7) "Fire protection district" means a special district that operates under and is subject to the
2960 provisions of this chapter and Chapter 2a, Part 3, Fire Protection District Act, including
2961 an entity that was created and operated as a fire protection district under the law in effect
2962 before April 30, 2007.
- 2963 (8) "General obligation bond":
- 2964 (a) means a bond that is directly payable from and secured by ad valorem property taxes
2965 that are:
- 2966 (i) levied:
- 2967 (A) by the district that issues the bond; and
2968 (B) on taxable property within the district; and
- 2969 (ii) in excess of the ad valorem property taxes of the district for the current fiscal
2970 year; and
- 2971 (b) does not include:
- 2972 (i) a short-term bond;
2973 (ii) a tax and revenue anticipation bond; or
2974 (iii) a special assessment bond.
- 2975 (9) "Improvement assurance" means a surety bond, letter of credit, cash, or other security:
- 2976 (a) to guarantee the proper completion of an improvement;
2977 (b) that is required before a special district may provide a service requested by a service
2978 applicant; and
- 2979 (c) that is offered to a special district to induce the special district before construction of
2980 an improvement begins to:
- 2981 (i) provide the requested service; or
2982 (ii) commit to provide the requested service.
- 2983 (10) "Improvement assurance warranty" means a promise that the materials and

- 2984 workmanship of an improvement:
- 2985 (a) comply with standards adopted by a special district; and
- 2986 (b) will not fail in any material respect within an agreed warranty period.
- 2987 (11) "Improvement district" means a special district that operates under and is subject to the
- 2988 provisions of this chapter and Chapter 2a, Part 4, Improvement District Act, including an
- 2989 entity that was created and operated as a county improvement district under the law in
- 2990 effect before April 30, 2007.
- 2991 (12) "Irrigation district" means a special district that operates under and is subject to the
- 2992 provisions of this chapter and Chapter 2a, Part 5, Irrigation District Act, including an
- 2993 entity that was created and operated as an irrigation district under the law in effect
- 2994 before April 30, 2007.
- 2995 (13) "Metropolitan water district" means a special district that operates under and is subject
- 2996 to the provisions of this chapter and Chapter 2a, Part 6, Metropolitan Water District Act,
- 2997 including an entity that was created and operated as a metropolitan water district under
- 2998 the law in effect before April 30, 2007.
- 2999 (14) "Mosquito abatement district" means a special district that operates under and is
- 3000 subject to the provisions of this chapter and Chapter 2a, Part 7, Mosquito Abatement
- 3001 District Act, including an entity that was created and operated as a mosquito abatement
- 3002 district under the law in effect before April 30, 2007.
- 3003 (15) "Municipal" means of or relating to a municipality.
- 3004 (16) "Municipality" means a city[, or town[, ~~or metro township~~].
- 3005 (17) "Municipal services district" means a special district that operates under and is subject
- 3006 to the provisions of this chapter and Chapter 2a, Part 11, Municipal Services District Act.
- 3007 (18) "Person" means an individual, corporation, partnership, organization, association, trust,
- 3008 governmental agency, or other legal entity.
- 3009 (19) "Political subdivision" means a county, city, town[, ~~metro township~~], special district
- 3010 under this title, special service district under Title 17D, Chapter 1, Special Service
- 3011 District Act, an entity created by interlocal cooperation agreement under Title 11,
- 3012 Chapter 13, Interlocal Cooperation Act, or any other governmental entity designated in
- 3013 statute as a political subdivision of the state.
- 3014 (20) "Private," with respect to real property, means not owned by the United States or any
- 3015 agency of the federal government, the state, a county, or a political subdivision.
- 3016 (21) "Public entity" means:
- 3017 (a) the United States or an agency of the United States;

- 3018 (b) the state or an agency of the state;
- 3019 (c) a political subdivision of the state or an agency of a political subdivision of the state;
- 3020 (d) another state or an agency of that state; or
- 3021 (e) a political subdivision of another state or an agency of that political subdivision.
- 3022 (22) "Public transit district" means a special district that operates under and is subject to the
- 3023 provisions of this chapter and Chapter 2a, Part 8, Public Transit District Act, including
- 3024 an entity that was created and operated as a public transit district under the law in effect
- 3025 before April 30, 2007.
- 3026 (23) "Revenue bond":
- 3027 (a) means a bond payable from designated taxes or other revenues other than the special
- 3028 district's ad valorem property taxes; and
- 3029 (b) does not include:
- 3030 (i) an obligation constituting an indebtedness within the meaning of an applicable
- 3031 constitutional or statutory debt limit;
- 3032 (ii) a tax and revenue anticipation bond; or
- 3033 (iii) a special assessment bond.
- 3034 (24) "Rules of order and procedure" means a set of rules that govern and prescribe in a
- 3035 public meeting:
- 3036 (a) parliamentary order and procedure;
- 3037 (b) ethical behavior; and
- 3038 (c) civil discourse.
- 3039 (25) "Service applicant" means a person who requests that a special district provide a
- 3040 service that the special district is authorized to provide.
- 3041 (26) "Service area" means a special district that operates under and is subject to the
- 3042 provisions of this chapter and Chapter 2a, Part 9, Service Area Act, including an entity
- 3043 that was created and operated as a county service area or a regional service area under
- 3044 the law in effect before April 30, 2007.
- 3045 (27) "Short-term bond" means a bond that is required to be repaid during the fiscal year in
- 3046 which the bond is issued.
- 3047 (28) "Special assessment" means an assessment levied against property to pay all or a
- 3048 portion of the costs of making improvements that benefit the property.
- 3049 (29) "Special assessment bond" means a bond payable from special assessments.
- 3050 (30) "Special district" means a limited purpose local government entity, as described in
- 3051 Section 17B-1-103, that operates under, is subject to, and has the powers described in:

- 3052 (a) this chapter; or
- 3053 (b) (i) this chapter; and
- 3054 (ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;
- 3055 (B) Chapter 2a, Part 2, Drainage District Act;
- 3056 (C) Chapter 2a, Part 3, Fire Protection District Act;
- 3057 (D) Chapter 2a, Part 4, Improvement District Act;
- 3058 (E) Chapter 2a, Part 5, Irrigation District Act;
- 3059 (F) Chapter 2a, Part 6, Metropolitan Water District Act;
- 3060 (G) Chapter 2a, Part 7, Mosquito Abatement District Act;
- 3061 (H) Chapter 2a, Part 8, Public Transit District Act;
- 3062 (I) Chapter 2a, Part 9, Service Area Act;
- 3063 (J) Chapter 2a, Part 10, Water Conservancy District Act; or
- 3064 (K) Chapter 2a, Part 11, Municipal Services District Act.
- 3065 (31) "Specialized special district" means a special district that is a cemetery maintenance
- 3066 district, a drainage district, a fire protection district, an improvement district, an
- 3067 irrigation district, a metropolitan water district, a mosquito abatement district, a public
- 3068 transit district, a service area, a water conservancy district, a municipal services district,
- 3069 or a public infrastructure district.
- 3070 (32) "Taxable value" means the taxable value of property as computed from the most recent
- 3071 equalized assessment roll for county purposes.
- 3072 (33) "Tax and revenue anticipation bond" means a bond:
- 3073 (a) issued in anticipation of the collection of taxes or other revenues or a combination of
- 3074 taxes and other revenues; and
- 3075 (b) that matures within the same fiscal year as the fiscal year in which the bond is issued.
- 3076 (34) "Unincorporated" means not included within a municipality.
- 3077 (35) "Water conservancy district" means a special district that operates under and is subject
- 3078 to the provisions of this chapter and Chapter 2a, Part 10, Water Conservancy District
- 3079 Act, including an entity that was created and operated as a water conservancy district
- 3080 under the law in effect before April 30, 2007.
- 3081 (36) "Works" includes a dam, reservoir, well, canal, conduit, pipeline, drain, tunnel, power
- 3082 plant, and any facility, improvement, or property necessary or convenient for supplying
- 3083 or treating water for any beneficial use, and for otherwise accomplishing the purposes of
- 3084 a special district.
- 3085 Section 50. Section **17B-1-502** is amended to read:

- 3086 **17B-1-502 (Effective 05/01/24). Withdrawal of area from special district --**
3087 **Automatic withdrawal in certain circumstances.**
- 3088 (1) (a) An area within the boundaries of a special district may be withdrawn from the
3089 special district only as provided in this part or, if applicable, as provided in Chapter
3090 2a, Part 11, Municipal Services District Act.
- 3091 (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a special
3092 district within a municipality because of a municipal incorporation under Title 10,
3093 Chapter 2a, Municipal Incorporation, or a municipal annexation or boundary
3094 adjustment under Title 10, Chapter 2, Part 4, Annexation, does not affect the
3095 requirements under this part for the process of withdrawing that area from the special
3096 district.
- 3097 (2) (a) An area within the boundaries of a special district is automatically withdrawn
3098 from the special district by the annexation of the area to a municipality or the adding
3099 of the area to a municipality by boundary adjustment under Title 10, Chapter 2, Part
3100 4, Annexation, if:
- 3101 (i) the special district provides:
3102 (A) fire protection, paramedic, and emergency services; or
3103 (B) law enforcement service;
- 3104 (ii) an election for the creation of the special district was not required because of
3105 Subsection 17B-1-214(3)(d) or (g); and
- 3106 (iii) before annexation or boundary adjustment, the boundaries of the special district
3107 do not include any of the annexing municipality.
- 3108 (b) The effective date of a withdrawal under this Subsection (2) is governed by
3109 Subsection 17B-1-512(2)(b).
- 3110 (3) (a) Except as provided in Subsection (3)(c) or (d), an area within the boundaries of a
3111 special district located in a county of the first class is automatically withdrawn from
3112 the special district by the incorporation of a municipality whose boundaries include
3113 the area if:
- 3114 (i) the special district provides municipal services, as defined in Section 17B-2a-1102,
3115 excluding fire protection, paramedic, emergency, and law enforcement services;
- 3116 (ii) an election for the creation of the special district was not required because of
3117 Subsection 17B-1-214(3) (g); and
- 3118 (iii) the legislative body of the newly incorporated municipality:
- 3119 ~~[(A) for a city or town incorporated under Title 10, Chapter 2a, Part 4,~~

3120 ~~Incorporation of Metro Townships and Unincorporated Islands in a County of~~
 3121 ~~the First Class on and after May 12, 2015, complies with the feasibility study~~
 3122 ~~requirements of Section 17B-2a-1110;]~~

3123 [(B)] (A) adopts a resolution no later than 180 days after the effective date of
 3124 incorporation approving the withdrawal that includes the legal description of
 3125 the area to be withdrawn; and

3126 [(C)] (B) delivers a copy of the resolution to the board of trustees of the special
 3127 district.

3128 (b) The effective date of a withdrawal under this Subsection (3) is governed by
 3129 Subsection 17B-1-512(2)(a).

3130 (c) Section 17B-1-505 ~~[shall govern]~~ governs the withdrawal of an incorporated area
 3131 within a county of the first class if:

3132 (i) the special district from which the area is withdrawn provides:

3133 (A) fire protection, paramedic, and emergency services;

3134 (B) law enforcement service; or

3135 (C) municipal services, as defined in Section 17B-2a-1102;

3136 (ii) an election for the creation of the special district was not required under
 3137 Subsection 17B-1-214(3)(d) or (g); and

3138 (iii) for a special district that provides municipal services, as defined in Section
 3139 17B-2a-1102, excluding fire protection, paramedic, emergency, and law
 3140 enforcement services, the 180-day period described in Subsection [(3)(a)(iii)(B)]
 3141 (3)(a)(iii)(A) is expired.

3142 (d) An area may not be withdrawn from a special district that provides municipal
 3143 services, as defined in Section 17B-2a-1102, excluding fire protection, paramedic,
 3144 emergency, and law enforcement services, if[: (i)] the area is [~~incorporated as a metro~~
 3145 ~~township; and~~] within a converted municipality, as defined in Section 10-1-201.5.

3146 [(ii) ~~at the election to incorporate as a metro township, the residents of the area~~
 3147 ~~chose to be included in a municipal services district.]~~

3148 Section 51. Section **17B-2a-1102** is amended to read:

3149 **17B-2a-1102 (Effective 05/01/24). Definitions.**

3150 As used in this part[:]

3151 [(1) ~~"Municipal"~~] "municipal services" means one or more of the services identified in
 3152 Section 17-34-1, 17-36-3, or 17B-1-202.

3153 [(2) ~~"Metro township" means:~~]

3154 ~~[(a) a metro township for which the electors at an election under Section 10-2a-404 chose a~~
 3155 ~~metro township that is included in a municipal services district; or]~~

3156 ~~[(b) a metro township that subsequently joins a municipal services district.]~~

3157 Section 52. Section **17B-2a-1104** is amended to read:

3158 **17B-2a-1104 (Effective 05/01/24). Additional municipal services district powers.**

3159 (1) In addition to the powers conferred on a municipal services district under Section

3160 17B-1-103, a municipal services district may:

3161 ~~[(+)]~~ (a) notwithstanding Subsection 17B-1-202(3), provide no more than six municipal
 3162 services;

3163 ~~[(2)]~~ (b) assist a municipality or a county located within a municipal services district by
 3164 providing staffing and administrative services, including:

3165 ~~[(a)]~~ (i) human resources staffing and services;

3166 ~~[(b)]~~ (ii) finance and budgeting staffing and services; ~~[and]~~

3167 ~~[(c)]~~ (iii) information technology staffing and services; and

3168 (iv) treasurer, recorder or clerk, surveyor, engineer, or auditor services; and

3169 ~~[(3)]~~ (c) issue bonds as provided in and subject to Chapter 1, Part 11, Special District
 3170 Bonds, to carry out the purposes of the district.

3171 (2) A municipal services district that includes a converted municipality, as defined in
 3172 Section 10-1-201.5, shall, upon request by the converted municipality, collect on behalf
 3173 of the converted municipality all fines, fees, charges, levies, and other payments
 3174 imposed by the converted municipality.

3175 Section 53. Section **17B-2a-1106** is amended to read:

3176 **17B-2a-1106 (Effective 05/01/24). Municipal services district board of trustees --**
 3177 **Governance.**

3178 (1) Notwithstanding any other provision of law regarding the membership of a special
 3179 district board of trustees, the initial board of trustees of a municipal services district shall
 3180 consist of the county legislative body.

3181 (2) (a) If, after the initial creation of a municipal services district, an area within the
 3182 district is incorporated as a municipality as defined in Section 10-1-104 and the area
 3183 is not withdrawn from the district in accordance with Section 17B-1-502 or
 3184 17B-1-505, or an area within the municipality is annexed into the municipal services
 3185 district in accordance with Section 17B-2a-1103, the district's board of trustees shall
 3186 be as follows:

3187 (i) subject to Subsection (2)(b), a member of that municipality's governing body;

3188 (ii) one member of the county council of the county in which the municipal services
3189 district is located; and

3190 (iii) the total number of board members is not required to be an odd number.

3191 (b) A member described in Subsection (2)(a)(i) shall be~~[(i) for a municipality other~~
3192 ~~than a metro township,]~~ designated by the municipal legislative body~~[, and] .~~

3193 ~~[(ii) for a metro township, the mayor of the metro township or, during any period of~~
3194 ~~time when the mayor is absent, unable, or refuses to act, the mayor pro tempore~~
3195 ~~that the metro township council elects in accordance with Subsection 10-3b-503~~
3196 ~~(4).]~~

3197 (3) For a board of trustees described in Subsection (2), each board member's vote is
3198 weighted using the proportion of the municipal services district population that resides:

3199 (a) for each member described in Subsection (2)(a)(i), within that member's
3200 municipality; and

3201 (b) for the member described in Subsection (2)(a)(ii), within the unincorporated county.

3202 (4) The board may adopt a resolution providing for future board members to be appointed,
3203 as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.

3204 (5) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of trustees may
3205 adopt a resolution to determine the internal governance of the board.

3206 (6) The municipal services district and the county may enter into an agreement for the
3207 provision of legal services to the municipal services district.

3208 Section 54. Section **17B-2a-1110** is amended to read:

3209 **17B-2a-1110 (Effective 05/01/24). Withdrawal from a municipal services district**
3210 **upon incorporation -- Feasibility study required for city or town withdrawal --**
3211 **Public hearing -- Notice -- Revenues transferred to municipal services district.**

3212 (1) (a) A municipality may withdraw from a municipal services district in accordance
3213 with Section 17B-1-502 or 17B-1-505, as applicable, and the requirements of this
3214 section.

3215 (b) If a municipality engages a feasibility consultant to conduct a feasibility study under
3216 Subsection (2)(a), the 180 days described in Subsection ~~[17B-1-502(3)(a)(iii)(B)]~~
3217 17B-1-502(3)(a)(iii)(A) is tolled from the day that the municipality engages the
3218 feasibility consultant to the day on which the municipality holds the final public
3219 hearing under Subsection (5).

3220 (2) (a) If a municipality decides to withdraw from a municipal services district, the
3221 municipal legislative body shall, before adopting a resolution under Section

- 3222 17B-1-502 or 17B-1-505, as applicable, engage a feasibility consultant to conduct a
3223 feasibility study.
- 3224 (b) The feasibility consultant shall be chosen:
- 3225 (i) by the municipal legislative body; and
- 3226 (ii) in accordance with applicable municipal procurement procedures.
- 3227 (3) The municipal legislative body shall require the feasibility consultant to:
- 3228 (a) complete the feasibility study and submit the written results to the municipal
3229 legislative body before the council adopts a resolution under Section 17B-1-502;
- 3230 (b) submit with the full written results of the feasibility study a summary of the results
3231 no longer than one page in length; and
- 3232 (c) attend the public hearings under Subsection (5).
- 3233 (4) (a) The feasibility study shall consider:
- 3234 (i) population and population density within the withdrawing municipality;
- 3235 (ii) current and five-year projections of demographics and economic base in the
3236 withdrawing municipality, including household size and income, commercial and
3237 industrial development, and public facilities;
- 3238 (iii) projected growth in the withdrawing municipality during the next five years;
- 3239 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,
3240 including overhead, of municipal services in the withdrawing municipality;
- 3241 (v) assuming the same tax categories and tax rates as currently imposed by the
3242 municipal services district and all other current service providers, the present and
3243 five-year projected revenue for the withdrawing municipality;
- 3244 (vi) a projection of any new taxes per household that may be levied within the
3245 withdrawing municipality within five years of the withdrawal; and
- 3246 (vii) the fiscal impact on other municipalities serviced by the municipal services
3247 district.
- 3248 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a
3249 level and quality of municipal services to be provided to the withdrawing
3250 municipality in the future that fairly and reasonably approximates the level and
3251 quality of municipal services being provided to the withdrawing municipality at
3252 the time of the feasibility study.
- 3253 (ii) In determining the present cost of a municipal service, the feasibility consultant
3254 shall consider:
- 3255 (A) the amount it would cost the withdrawing municipality to provide municipal

- 3256 services for the first five years after withdrawing; and
3257 (B) the municipal services district's present and five-year projected cost of
3258 providing municipal services.
- 3259 (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation
3260 and anticipated growth.
- 3261 (5) If the results of the feasibility study meet the requirements of Subsection (4), the
3262 municipal legislative body shall, at its next regular meeting after receipt of the results of
3263 the feasibility study, schedule at least one public hearing to be held:
3264 (a) within the following 60 days; and
3265 (b) for the purpose of allowing:
3266 (i) the feasibility consultant to present the results of the study; and
3267 (ii) the public to become informed about the feasibility study results, including the
3268 requirement that if the municipality withdraws from the municipal services
3269 district, the municipality must comply with Subsection (9), and to ask questions
3270 about those results of the feasibility consultant.
- 3271 (6) At a public hearing described in Subsection (5), the municipal legislative body shall:
3272 (a) provide a copy of the feasibility study for public review; and
3273 (b) allow the public to express its views about the proposed withdrawal from the
3274 municipal services district.
- 3275 (7) (a) The municipal clerk or recorder shall publish notice of the public hearings
3276 required under Subsection (5) for the municipality, as a class A notice under Section
3277 63G-30-102, for at least three weeks before the day of the first hearing described in
3278 Subsection (5).
3279 (b) The notice under Subsection (7)(a) shall include the feasibility study summary and
3280 shall indicate that a full copy of the study is available for inspection and copying at
3281 the office of the municipal clerk or recorder.
- 3282 (8) At a public meeting held after the public hearing required under Subsection (5), the
3283 municipal legislative body may adopt a resolution under Section 17B-1-502 or
3284 17B-1-505, as applicable, if the municipality is in compliance with the other
3285 requirements of that section.
- 3286 (9) The municipality shall pay revenues in excess of 5% to the municipal services district
3287 for 10 years beginning on the next fiscal year immediately following the municipal
3288 legislative body adoption of a resolution or an ordinance to withdraw under Section
3289 17B-1-502 or 17B-1-505 if the results of the feasibility study show that the average

3290 annual amount of revenue under Subsection (4)(a)(v) exceed the average annual amount
 3291 of cost under Subsection (4)(a)(iv) by more than 5%.

3292 Section 55. Section **17B-2a-1111** is amended to read:

3293 **17B-2a-1111 (Effective 05/01/24). Withdrawal of a municipality that changes**
 3294 **form of government.**

3295 If a municipality after the 180-day period described in Subsection [~~17B-1-502~~
 3296 ~~(3)(a)(iii)(B)~~] 17B-1-502(3)(a)(iii)(A) changes form of government in accordance with
 3297 Title 10, Chapter 3b, Part 6, Changing to Another Form of Municipal Government, the
 3298 municipality under the new form of government may withdraw from a municipal
 3299 services district only in accordance with the provisions of Section 17B-1-505.

3300 Section 56. Section **17C-1-102** is amended to read:

3301 **17C-1-102 (Effective 05/01/24). Definitions.**

3302 As used in this title:

- 3303 (1) "Active project area" means a project area that has not been dissolved in accordance
 3304 with Section 17C-1-702.
- 3305 (2) "Adjusted tax increment" means the percentage of tax increment, if less than 100%,
 3306 that an agency is authorized to receive:
- 3307 (a) for a pre-July 1, 1993, project area plan, under Section 17C-1-403, excluding tax
 3308 increment under Subsection 17C-1-403(3);
- 3309 (b) for a post-June 30, 1993, project area plan, under Section 17C-1-404, excluding tax
 3310 increment under Section 17C-1-406;
- 3311 (c) under a project area budget approved by a taxing entity committee; or
- 3312 (d) under an interlocal agreement that authorizes the agency to receive a taxing entity's
 3313 tax increment.
- 3314 (3) "Affordable housing" means housing owned or occupied by a low or moderate income
 3315 family, as determined by resolution of the agency.
- 3316 (4) "Agency" or "community reinvestment agency" means a separate body corporate and
 3317 politic, created under Section 17C-1-201.5 or as a redevelopment agency or community
 3318 development and renewal agency under previous law:
- 3319 (a) that is a political subdivision of the state;
- 3320 (b) that is created to undertake or promote project area development as provided in this
 3321 title; and
- 3322 (c) whose geographic boundaries are coterminous with:
- 3323 (i) for an agency created by a county, the unincorporated area of the county; and

- 3324 (ii) for an agency created by a municipality, the boundaries of the municipality.
- 3325 (5) "Agency funds" means money that an agency collects or receives for agency operations,
- 3326 implementing a project area plan or an implementation plan as defined in Section
- 3327 17C-1-1001, or other agency purposes, including:
- 3328 (a) project area funds;
- 3329 (b) income, proceeds, revenue, or property derived from or held in connection with the
- 3330 agency's undertaking and implementation of project area development or
- 3331 agency-wide project development as defined in Section 17C-1-1001;
- 3332 (c) a contribution, loan, grant, or other financial assistance from any public or private
- 3333 source;
- 3334 (d) project area incremental revenue as defined in Section 17C-1-1001; or
- 3335 (e) property tax revenue as defined in Section 17C-1-1001.
- 3336 (6) "Annual income" means the same as that term is defined in regulations of the United
- 3337 States Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as
- 3338 amended or as superseded by replacement regulations.
- 3339 (7) "Assessment roll" means the same as that term is defined in Section 59-2-102.
- 3340 (8) "Base taxable value" means, unless otherwise adjusted in accordance with provisions of
- 3341 this title, a property's taxable value as shown upon the assessment roll last equalized
- 3342 during the base year.
- 3343 (9) "Base year" means, except as provided in Subsection 17C-1-402(4)(c), the year during
- 3344 which the assessment roll is last equalized:
- 3345 (a) for a pre-July 1, 1993, urban renewal or economic development project area plan,
- 3346 before the project area plan's effective date;
- 3347 (b) for a post-June 30, 1993, urban renewal or economic development project area plan,
- 3348 or a community reinvestment project area plan that is subject to a taxing entity
- 3349 committee:
- 3350 (i) before the date on which the taxing entity committee approves the project area
- 3351 budget; or
- 3352 (ii) if taxing entity committee approval is not required for the project area budget,
- 3353 before the date on which the community legislative body adopts the project area
- 3354 plan;
- 3355 (c) for a project on an inactive airport site, after the later of:
- 3356 (i) the date on which the inactive airport site is sold for remediation and
- 3357 development; or

- 3358 (ii) the date on which the airport that operated on the inactive airport site ceased
3359 operations; or
- 3360 (d) for a community development project area plan or a community reinvestment project
3361 area plan that is subject to an interlocal agreement, as described in the interlocal
3362 agreement.
- 3363 (10) "Basic levy" means the portion of a school district's tax levy constituting the minimum
3364 basic levy under Section 59-2-902.
- 3365 (11) "Board" means the governing body of an agency, as described in Section 17C-1-203.
- 3366 (12) "Budget hearing" means the public hearing on a proposed project area budget required
3367 under Subsection 17C-2-201(2)(d) for an urban renewal project area budget, Subsection
3368 17C-3-201(2)(d) for an economic development project area budget, or Subsection
3369 17C-5-302(2)(e) for a community reinvestment project area budget.
- 3370 (13) "Closed military base" means land within a former military base that the Defense Base
3371 Closure and Realignment Commission has voted to close or realign when that action has
3372 been sustained by the president of the United States and Congress.
- 3373 (14) "Combined incremental value" means the combined total of all incremental values
3374 from all project areas, except project areas that contain some or all of a military
3375 installation or inactive industrial site, within the agency's boundaries under project area
3376 plans and project area budgets at the time that a project area budget for a new project
3377 area is being considered.
- 3378 (15) "Community" means a county or municipality.
- 3379 (16) "Community development project area plan" means a project area plan adopted under
3380 Chapter 4, Part 1, Community Development Project Area Plan.
- 3381 (17) "Community legislative body" means the legislative body of the community that
3382 created the agency.
- 3383 (18) "Community reinvestment project area plan" means a project area plan adopted under
3384 Chapter 5, Part 1, Community Reinvestment Project Area Plan.
- 3385 (19) "Contest" means to file a written complaint in the district court of the county in which
3386 the agency is located.
- 3387 (20) "Development impediment" means a condition of an area that meets the requirements
3388 described in Section 17C-2-303 for an urban renewal project area or Section 17C-5-405
3389 for a community reinvestment project area.
- 3390 (21) "Development impediment hearing" means a public hearing regarding whether a
3391 development impediment exists within a proposed:

- 3392 (a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section
3393 17C-2-302; or
- 3394 (b) community reinvestment project area under Section 17C-5-404.
- 3395 (22) "Development impediment study" means a study to determine whether a development
3396 impediment exists within a survey area as described in Section 17C-2-301 for an urban
3397 renewal project area or Section 17C-5-403 for a community reinvestment project area.
- 3398 (23) "Economic development project area plan" means a project area plan adopted under
3399 Chapter 3, Part 1, Economic Development Project Area Plan.
- 3400 (24) "Fair share ratio" means the ratio derived by:
- 3401 (a) for a municipality, comparing the percentage of all housing units within the
3402 municipality that are publicly subsidized income targeted housing units to the
3403 percentage of all housing units within the county in which the municipality is located
3404 that are publicly subsidized income targeted housing units; or
- 3405 (b) for the unincorporated part of a county, comparing the percentage of all housing
3406 units within the unincorporated county that are publicly subsidized income targeted
3407 housing units to the percentage of all housing units within the whole county that are
3408 publicly subsidized income targeted housing units.
- 3409 (25) "Family" means the same as that term is defined in regulations of the United States
3410 Department of Housing and Urban Development, 24 C.F.R. Section 5.403, as amended
3411 or as superseded by replacement regulations.
- 3412 (26) "Greenfield" means land not developed beyond agricultural, range, or forestry use.
- 3413 (27) "Hazardous waste" means any substance defined, regulated, or listed as a hazardous
3414 substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant, or
3415 toxic substance, or identified as hazardous to human health or the environment, under
3416 state or federal law or regulation.
- 3417 (28) "Housing allocation" means project area funds allocated for housing under Section
3418 17C-2-203, 17C-3-202, or 17C-5-307 for the purposes described in Section 17C-1-412.
- 3419 (29) "Housing fund" means a fund created by an agency for purposes described in Section
3420 17C-1-411 or 17C-1-412 that is comprised of:
- 3421 (a) project area funds, project area incremental revenue as defined in Section 17C-1-1001,
3422 or property tax revenue as defined in Section 17C-1-1001 allocated for the purposes
3423 described in Section 17C-1-411; or
- 3424 (b) an agency's housing allocation.
- 3425 (30) (a) "Inactive airport site" means land that:

- 3426 (i) consists of at least 100 acres;
- 3427 (ii) is occupied by an airport:
- 3428 (A) (I) that is no longer in operation as an airport; or
- 3429 (II) (Aa) that is scheduled to be decommissioned; and
- 3430 (Bb) for which a replacement commercial service airport is under
- 3431 construction; and
- 3432 (B) that is owned or was formerly owned and operated by a public entity; and
- 3433 (iii) requires remediation because:
- 3434 (A) of the presence of hazardous waste or solid waste; or
- 3435 (B) the site lacks sufficient public infrastructure and facilities, including public
- 3436 roads, electric service, water system, and sewer system, needed to support
- 3437 development of the site.
- 3438 (b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land
- 3439 described in Subsection (30)(a).
- 3440 (31) (a) "Inactive industrial site" means land that:
- 3441 (i) consists of at least 1,000 acres;
- 3442 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial
- 3443 facility; and
- 3444 (iii) requires remediation because of the presence of hazardous waste or solid waste.
- 3445 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land
- 3446 described in Subsection (31)(a).
- 3447 (32) "Income targeted housing" means housing that is owned or occupied by a family
- 3448 whose annual income is at or below 80% of the median annual income for a family
- 3449 within the county in which the housing is located.
- 3450 (33) "Incremental value" means a figure derived by multiplying the marginal value of the
- 3451 property located within a project area on which tax increment is collected by a number
- 3452 that represents the adjusted tax increment from that project area that is paid to the
- 3453 agency.
- 3454 (34) "Loan fund board" means the Olene Walker Housing Loan Fund Board, established
- 3455 under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.
- 3456 (35) (a) "Local government building" means a building owned and operated by a
- 3457 community for the primary purpose of providing one or more primary community
- 3458 functions, including:
- 3459 (i) a fire station;

- 3460 (ii) a police station;
3461 (iii) a city hall; or
3462 (iv) a court or other judicial building.
- 3463 (b) "Local government building" does not include a building the primary purpose of
3464 which is cultural or recreational in nature.
- 3465 (36) "Major transit investment corridor" means the same as that term is defined in Section
3466 10-9a-103.
- 3467 (37) "Marginal value" means the difference between actual taxable value and base taxable
3468 value.
- 3469 (38) "Military installation project area" means a project area or a portion of a project area
3470 located within a federal military installation ordered closed by the federal Defense Base
3471 Realignment and Closure Commission.
- 3472 (39) "Municipality" means a city[, or town[, ~~or metro township as defined in Section~~
3473 ~~10-2a-403~~].
- 3474 (40) "Participant" means one or more persons that enter into a participation agreement with
3475 an agency.
- 3476 (41) "Participation agreement" means a written agreement between a person and an agency
3477 that:
- 3478 (a) includes a description of:
- 3479 (i) the project area development that the person will undertake;
3480 (ii) the amount of project area funds the person may receive; and
3481 (iii) the terms and conditions under which the person may receive project area funds;
3482 and
- 3483 (b) is approved by resolution of the board.
- 3484 (42) "Plan hearing" means the public hearing on a proposed project area plan required
3485 under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan, Subsection
3486 17C-3-102(1)(d) for an economic development project area plan, Subsection 17C-4-102
3487 (1)(d) for a community development project area plan, or Subsection 17C-5-104(3)(e)
3488 for a community reinvestment project area plan.
- 3489 (43) "Post-June 30, 1993, project area plan" means a project area plan adopted on or after
3490 July 1, 1993, and before May 10, 2016, whether or not amended subsequent to the
3491 project area plan's adoption.
- 3492 (44) "Pre-July 1, 1993, project area plan" means a project area plan adopted before July 1,
3493 1993, whether or not amended subsequent to the project area plan's adoption.

- 3494 (45) "Private," with respect to real property, means property not owned by a public entity or
3495 any other governmental entity.
- 3496 (46) "Project area" means the geographic area described in a project area plan within which
3497 the project area development described in the project area plan takes place or is
3498 proposed to take place.
- 3499 (47) "Project area budget" means a multiyear projection of annual or cumulative revenues
3500 and expenses and other fiscal matters pertaining to a project area prepared in accordance
3501 with:
- 3502 (a) for an urban renewal project area, Section 17C-2-201;
3503 (b) for an economic development project area, Section 17C-3-201;
3504 (c) for a community development project area, Section 17C-4-204; or
3505 (d) for a community reinvestment project area, Section 17C-5-302.
- 3506 (48) "Project area development" means activity within a project area that, as determined by
3507 the board, encourages, promotes, or provides development or redevelopment for the
3508 purpose of implementing a project area plan, including:
- 3509 (a) promoting, creating, or retaining public or private jobs within the state or a
3510 community;
- 3511 (b) providing office, manufacturing, warehousing, distribution, parking, or other
3512 facilities or improvements;
- 3513 (c) planning, designing, demolishing, clearing, constructing, rehabilitating, or
3514 remediating environmental issues;
- 3515 (d) providing residential, commercial, industrial, public, or other structures or spaces,
3516 including recreational and other facilities incidental or appurtenant to the structures
3517 or spaces;
- 3518 (e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating
3519 existing structures;
- 3520 (f) providing open space, including streets or other public grounds or space around
3521 buildings;
- 3522 (g) providing public or private buildings, infrastructure, structures, or improvements;
- 3523 (h) relocating a business;
- 3524 (i) improving public or private recreation areas or other public grounds;
- 3525 (j) eliminating a development impediment or the causes of a development impediment;
- 3526 (k) redevelopment as defined under the law in effect before May 1, 2006; or
3527 (l) any activity described in this Subsection (48) outside of a project area that the board

- 3528 determines to be a benefit to the project area.
- 3529 (49) "Project area funds" means tax increment or sales and use tax revenue that an agency
3530 receives under a project area budget adopted by a taxing entity committee or an
3531 interlocal agreement.
- 3532 (50) "Project area funds collection period" means the period of time that:
- 3533 (a) begins the day on which the first payment of project area funds is distributed to an
3534 agency under a project area budget approved by a taxing entity committee or an
3535 interlocal agreement; and
- 3536 (b) ends the day on which the last payment of project area funds is distributed to an
3537 agency under a project area budget approved by a taxing entity committee or an
3538 interlocal agreement.
- 3539 (51) "Project area plan" means an urban renewal project area plan, an economic
3540 development project area plan, a community development project area plan, or a
3541 community reinvestment project area plan that, after the project area plan's effective
3542 date, guides and controls the project area development.
- 3543 (52) (a) "Property tax" means each levy on an ad valorem basis on tangible or intangible
3544 personal or real property.
- 3545 (b) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4, Privilege
3546 Tax.
- 3547 (53) "Public entity" means:
- 3548 (a) the United States, including an agency of the United States;
- 3549 (b) the state, including any of the state's departments or agencies; or
- 3550 (c) a political subdivision of the state, including a county, municipality, school district,
3551 special district, special service district, community reinvestment agency, or interlocal
3552 cooperation entity.
- 3553 (54) "Publicly owned infrastructure and improvements" means water, sewer, storm
3554 drainage, electrical, natural gas, telecommunication, or other similar systems and lines,
3555 streets, roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation
3556 facilities, or other facilities, infrastructure, and improvements benefitting the public and
3557 to be publicly owned or publicly maintained or operated.
- 3558 (55) "Record property owner" or "record owner of property" means the owner of real
3559 property, as shown on the records of the county in which the property is located, to
3560 whom the property's tax notice is sent.
- 3561 (56) "Sales and use tax revenue" means revenue that is:

- 3562 (a) generated from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act; and
3563 (b) distributed to a taxing entity in accordance with Sections 59-12-204 and 59-12-205.
- 3564 (57) "Superfund site":
3565 (a) means an area included in the National Priorities List under the Comprehensive
3566 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec.
3567 9605; and
3568 (b) includes an area formerly included in the National Priorities List, as described in
3569 Subsection (57)(a), but removed from the list following remediation that leaves on
3570 site the waste that caused the area to be included in the National Priorities List.
- 3571 (58) "Survey area" means a geographic area designated for study by a survey area
3572 resolution to determine whether:
3573 (a) one or more project areas within the survey area are feasible; or
3574 (b) a development impediment exists within the survey area.
- 3575 (59) "Survey area resolution" means a resolution adopted by a board that designates a
3576 survey area.
- 3577 (60) "Taxable value" means:
3578 (a) the taxable value of all real property a county assessor assesses in accordance with
3579 Title 59, Chapter 2, Part 3, County Assessment, for the current year;
3580 (b) the taxable value of all real and personal property the commission assesses in
3581 accordance with Title 59, Chapter 2, Part 2, Assessment of Property, for the current
3582 year; and
3583 (c) the year end taxable value of all personal property a county assessor assesses in
3584 accordance with Title 59, Chapter 2, Part 3, County Assessment, contained on the
3585 prior year's tax rolls of the taxing entity.
- 3586 (61) (a) "Tax increment" means the difference between:
3587 (i) the amount of property tax revenue generated each tax year by a taxing entity from
3588 the area within a project area designated in the project area plan as the area from
3589 which tax increment is to be collected, using the current assessed value of the
3590 property and each taxing entity's current certified tax rate as defined in Section
3591 59-2-924; and
3592 (ii) the amount of property tax revenue that would be generated from that same area
3593 using the base taxable value of the property and each taxing entity's current
3594 certified tax rate as defined in Section 59-2-924.
- 3595 (b) "Tax increment" does not include taxes levied and collected under Section 59-2-1602

- 3596 on or after January 1, 1994, upon the taxable property in the project area unless:
- 3597 (i) the project area plan was adopted before May 4, 1993, whether or not the project
- 3598 area plan was subsequently amended; and
- 3599 (ii) the taxes were pledged to support bond indebtedness or other contractual
- 3600 obligations of the agency.
- 3601 (62) "Taxing entity" means a public entity that:
- 3602 (a) levies a tax on property located within a project area; or
- 3603 (b) imposes a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.
- 3604 (63) "Taxing entity committee" means a committee representing the interests of taxing
- 3605 entities, created in accordance with Section 17C-1-402.
- 3606 (64) "Unincorporated" means not within a municipality.
- 3607 (65) "Urban renewal project area plan" means a project area plan adopted under Chapter 2,
- 3608 Part 1, Urban Renewal Project Area Plan.
- 3609 Section 57. Section **18-1-1** is amended to read:
- 3610 **18-1-1 (Effective 05/01/24). Liability and damages for dog injury -- Exceptions.**
- 3611 (1) (a) Except as provided in Subsections (2) and (3), a person who owns or keeps a dog
- 3612 is liable for an injury caused by the dog, regardless of whether:
- 3613 (i) the dog is vicious or mischievous; or
- 3614 (ii) the owner knows the dog is vicious or mischievous.
- 3615 (b) Damages for an injury described in Subsection (1)(a) shall be determined in
- 3616 accordance with Section 78B-5-818.
- 3617 (2) Neither the state nor any county, city,~~metro township,~~ or town in the state nor any
- 3618 peace officer employed by the state, a county, a city,~~a metro township,~~ or a town [
- 3619 ~~shall be~~] is liable in damages for an injury caused by a dog, if:
- 3620 (a) the dog and the dog's law enforcement handler are trained to assist in law
- 3621 enforcement and are certified according to the standards adopted in Title 53, Chapter
- 3622 6, Part 4, Law Enforcement Canine Team Certification Act;
- 3623 (b) the governmental agency has adopted a written policy on the necessary and
- 3624 appropriate use of dogs in official law enforcement duties;
- 3625 (c) the actions of the dog's handler do not violate the agency's written policy; and
- 3626 (d) the injury occurs while the dog is reasonably and carefully being used in the
- 3627 apprehension, arrest, or location of a suspected offender or in maintaining or
- 3628 controlling the public order.
- 3629 (3) A person who owns or keeps a dog is not liable for an injury or death caused by the dog

3630 if:

3631 (a) the injury or death is to another animal;

3632 (b) the injury or death occurs:

3633 (i) on the person's private property; and

3634 (ii) while the dog is reasonably secured within a fence or other enclosure; and

3635 (c) the animal described in Subsection (3)(a) entered the person's private property

3636 without consent.

3637 Section 58. Section **19-5-108.5** is amended to read:

3638 **19-5-108.5 (Effective 05/01/24). Storm water permits.**

3639 (1) As used in this section:

3640 (a) "Applicant" means a person who is conducting or proposing to conduct a use of land
3641 and who a permittee requires or allows to use low impact development.

3642 (b) "Independent review" is a review conducted:

3643 (i) in accordance with this section; and

3644 (ii) by an engineer, or engineering firm, designated by the division as having
3645 technical expertise in the area of storm water calculations.

3646 (c) "Low impact development" means structural or natural engineered systems located
3647 close to the source of storm water that use or mimic natural processes to encourage
3648 infiltration, evapotranspiration, or reuse of the storm water.

3649 (d) "Permittee" means a municipality~~[-metro township,]~~ or county with a storm water
3650 permit under the Utah Pollutant Discharge Elimination System.

3651 (e) "Storm water" means storm water runoff, snow melt runoff, and surface runoff and
3652 drainage.

3653 (f) "Storm water permit" means a permit issued to a permittee by the division for the
3654 permittee's municipal separate storm sewer system.

3655 (g) "Utah Pollutant Discharge Elimination System" means the state-wide program for
3656 issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing
3657 permits under this chapter.

3658 (2) A permittee shall reduce any requirement for an applicant to manage or control storm
3659 water runoff rates or storm water runoff volumes for flood control purposes to account
3660 for the reduction in storm water associated with approved low impact development
3661 practices.

3662 (3) The director shall create and maintain a list of engineers, including engineering firms,
3663 capable of providing independent review of low impact development designs and storm

water calculations for use by an applicant and a permittee pursuant to an appeal described in Subsection (4).

(4) (a) An applicant who appeals a permittee's determination regarding post-construction retention requirements under the permittee's storm water permit may request the permittee to refer the appeal to independent review for purposes of determining the technical aspects of the appeal, including:

- (i) the required size of any low impact development system;
- (ii) the calculations of reductions in storm water runoff rates or storm water runoff volumes for flood control due to the use of low impact development; and
- (iii) the feasibility of constructing low impact development practices required by the permittee.

(b) If an applicant makes a request under Subsection (4)(a):

(i) the permittee shall:

- (A) select an engineer or engineering firm from the list described in Subsection (3); and
- (B) pay one-half of the cost of the independent review.

(ii) An engineer or engineering firm selected by the permittee under Subsection (4)(b)(i) may not be:

- (A) associated with the application that is the subject of the appeal; or
- (B) employed by the permittee.

(iii) The applicant shall pay:

- (A) one-half of the cost of the independent review; and
- (B) the municipality's published appeal fee.

Section 59. Section **20A-1-102** is amended to read:

20A-1-102 (Effective 05/01/24). Definitions.

As used in this title:

- (1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.
- (2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on ballots and tabulates the results.
- (3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic storage medium, that records an individual voter's vote.
(b) "Ballot" does not include a record to tally multiple votes.
- (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on

- 3698 the ballot for their approval or rejection including:
- 3699 (a) an opinion question specifically authorized by the Legislature;
- 3700 (b) a constitutional amendment;
- 3701 (c) an initiative;
- 3702 (d) a referendum;
- 3703 (e) a bond proposition;
- 3704 (f) a judicial retention question;
- 3705 (g) an incorporation of a city or town; or
- 3706 (h) any other ballot question specifically authorized by the Legislature.
- 3707 (5) "Bind," "binding," or "bound" means securing more than one piece of paper together
- 3708 using staples or another means in at least three places across the top of the paper in the
- 3709 blank space reserved for securing the paper.
- 3710 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and
- 3711 20A-4-306 to canvass election returns.
- 3712 (7) "Bond election" means an election held for the purpose of approving or rejecting the
- 3713 proposed issuance of bonds by a government entity.
- 3714 (8) "Business reply mail envelope" means an envelope that may be mailed free of charge by
- 3715 the sender.
- 3716 (9) "Canvass" means the review of election returns and the official declaration of election
- 3717 results by the board of canvassers.
- 3718 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at the
- 3719 canvass.
- 3720 (11) "Contracting election officer" means an election officer who enters into a contract or
- 3721 interlocal agreement with a provider election officer.
- 3722 (12) "Convention" means the political party convention at which party officers and
- 3723 delegates are selected.
- 3724 (13) "Counting center" means one or more locations selected by the election officer in
- 3725 charge of the election for the automatic counting of ballots.
- 3726 (14) "Counting judge" means a poll worker designated to count the ballots during election
- 3727 day.
- 3728 (15) "Counting room" means a suitable and convenient private place or room for use by the
- 3729 poll workers and counting judges to count ballots.
- 3730 (16) "County officers" means those county officers that are required by law to be elected.
- 3731 (17) "Date of the election" or "election day" or "day of the election":

- 3732 (a) means the day that is specified in the calendar year as the day that the election
3733 occurs; and
- 3734 (b) does not include:
- 3735 (i) deadlines established for voting by mail, military-overseas voting, or emergency
3736 voting; or
- 3737 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6,
3738 Early Voting.
- 3739 (18) "Elected official" means:
- 3740 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,
3741 Municipal Alternate Voting Methods Pilot Project;
- 3742 (b) a person who is considered to be elected to a municipal office in accordance with
3743 Subsection 20A-1-206(1)(c)(ii); or
- 3744 (c) a person who is considered to be elected to a special district office in accordance
3745 with Subsection 20A-1-206(3)(b)(ii).
- 3746 (19) "Election" means a regular general election, a municipal general election, a statewide
3747 special election, a local special election, a regular primary election, a municipal primary
3748 election, and a special district election.
- 3749 (20) "Election Assistance Commission" means the commission established by the Help
3750 America Vote Act of 2002, Pub. L. No. 107-252.
- 3751 (21) "Election cycle" means the period beginning on the first day persons are eligible to file
3752 declarations of candidacy and ending when the canvass is completed.
- 3753 (22) "Election judge" means a poll worker that is assigned to:
- 3754 (a) preside over other poll workers at a polling place;
- 3755 (b) act as the presiding election judge; or
- 3756 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 3757 (23) "Election officer" means:
- 3758 (a) the lieutenant governor, for all statewide ballots and elections;
- 3759 (b) the county clerk for:
- 3760 (i) a county ballot and election; and
- 3761 (ii) a ballot and election as a provider election officer as provided in Section
3762 20A-5-400.1 or 20A-5-400.5;
- 3763 (c) the municipal clerk for:
- 3764 (i) a municipal ballot and election; and
- 3765 (ii) a ballot and election as a provider election officer as provided in Section

- 3766 20A-5-400.1 or 20A-5-400.5;
- 3767 (d) the special district clerk or chief executive officer for:
- 3768 (i) a special district ballot and election; and
- 3769 (ii) a ballot and election as a provider election officer as provided in Section
- 3770 20A-5-400.1 or 20A-5-400.5; or
- 3771 (e) the business administrator or superintendent of a school district for:
- 3772 (i) a school district ballot and election; and
- 3773 (ii) a ballot and election as a provider election officer as provided in Section
- 3774 20A-5-400.1 or 20A-5-400.5.
- 3775 (24) "Election official" means any election officer, election judge, or poll worker.
- 3776 (25) "Election results" means:
- 3777 (a) for an election other than a bond election, the count of votes cast in the election and
- 3778 the election returns requested by the board of canvassers; or
- 3779 (b) for bond elections, the count of those votes cast for and against the bond proposition
- 3780 plus any or all of the election returns that the board of canvassers may request.
- 3781 (26) "Election returns" includes:
- 3782 (a) the pollbook, the military and overseas absentee voter registration and voting
- 3783 certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all
- 3784 excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and
- 3785 the total votes cast form; and
- 3786 (b) the record, described in Subsection 20A-3a-401(8)(c), of voters contacted to cure a
- 3787 ballot.
- 3788 (27) "Electronic signature" means an electronic sound, symbol, or process attached to or
- 3789 logically associated with a record and executed or adopted by a person with the intent to
- 3790 sign the record.
- 3791 (28) "Inactive voter" means a registered voter who is listed as inactive by a county clerk
- 3792 under Subsection 20A-2-505(4)(c)(i) or (ii).
- 3793 (29) "Judicial office" means the office filled by any judicial officer.
- 3794 (30) "Judicial officer" means any justice or judge of a court of record or any county court
- 3795 judge.
- 3796 (31) "Local election" means a regular county election, a regular municipal election, a
- 3797 municipal primary election, a local special election, a special district election, and a
- 3798 bond election.
- 3799 (32) "Local political subdivision" means a county, a municipality, a special district, or a

- 3800 local school district.
- 3801 (33) "Local special election" means a special election called by the governing body of a
3802 local political subdivision in which all registered voters of the local political subdivision
3803 may vote.
- 3804 (34) "Manual ballot" means a paper document produced by an election officer on which an
3805 individual records an individual's vote by directly placing a mark on the paper document
3806 using a pen or other marking instrument.
- 3807 (35) "Mechanical ballot" means a record, including a paper record, electronic record, or
3808 mechanical record, that:
- 3809 (a) is created via electronic or mechanical means; and
- 3810 (b) records an individual voter's vote cast via a method other than an individual directly
3811 placing a mark, using a pen or other marking instrument, to record an individual
3812 voter's vote.
- 3813 (36) "Municipal executive" means:
- 3814 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or
- 3815 (b) the mayor in the council-manager form of government defined in Subsection [
3816 ~~10-3b-103(7); or~~ 10-3b-103(6).
- 3817 ~~[(c) the mayor of a metro township form of government defined in Section 10-3b-102.]~~
- 3818 (37) "Municipal general election" means the election held in municipalities and, as
3819 applicable, special districts on the first Tuesday after the first Monday in November of
3820 each odd-numbered year for the purposes established in Section 20A-1-202.
- 3821 (38) "Municipal legislative body" means[;]
- 3822 [~~(a)~~] the council of the city or town in any form of municipal government[; ~~or~~].
- 3823 [~~(b) the council of a metro township.~~]
- 3824 (39) "Municipal office" means an elective office in a municipality.
- 3825 (40) "Municipal officers" means those municipal officers that are required by law to be
3826 elected.
- 3827 (41) "Municipal primary election" means an election held to nominate candidates for
3828 municipal office.
- 3829 (42) "Municipality" means a city[;] or town[; ~~or metro township~~].
- 3830 (43) "Official ballot" means the ballots distributed by the election officer for voters to
3831 record their votes.
- 3832 (44) "Official endorsement" means the information on the ballot that identifies:
- 3833 (a) the ballot as an official ballot;

- 3834 (b) the date of the election; and
- 3835 (c) (i) for a ballot prepared by an election officer other than a county clerk, the
- 3836 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or
- 3837 (ii) for a ballot prepared by a county clerk, the words required by Subsection
- 3838 20A-6-301(1)(b)(iii).
- 3839 (45) "Official register" means the official record furnished to election officials by the
- 3840 election officer that contains the information required by Section 20A-5-401.
- 3841 (46) "Political party" means an organization of registered voters that has qualified to
- 3842 participate in an election by meeting the requirements of Chapter 8, Political Party
- 3843 Formation and Procedures.
- 3844 (47) (a) "Poll worker" means a person assigned by an election official to assist with an
- 3845 election, voting, or counting votes.
- 3846 (b) "Poll worker" includes election judges.
- 3847 (c) "Poll worker" does not include a watcher.
- 3848 (48) "Pollbook" means a record of the names of voters in the order that they appear to cast
- 3849 votes.
- 3850 (49) "Polling place" means a building where voting is conducted.
- 3851 (50) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in
- 3852 which the voter marks the voter's choice.
- 3853 (51) "Presidential Primary Election" means the election established in Chapter 9, Part 8,
- 3854 Presidential Primary Election.
- 3855 (52) "Primary convention" means the political party conventions held during the year of the
- 3856 regular general election.
- 3857 (53) "Protective counter" means a separate counter, which cannot be reset, that:
- 3858 (a) is built into a voting machine; and
- 3859 (b) records the total number of movements of the operating lever.
- 3860 (54) "Provider election officer" means an election officer who enters into a contract or
- 3861 interlocal agreement with a contracting election officer to conduct an election for the
- 3862 contracting election officer's local political subdivision in accordance with Section
- 3863 20A-5-400.1.
- 3864 (55) "Provisional ballot" means a ballot voted provisionally by a person:
- 3865 (a) whose name is not listed on the official register at the polling place;
- 3866 (b) whose legal right to vote is challenged as provided in this title; or
- 3867 (c) whose identity was not sufficiently established by a poll worker.

- 3868 (56) "Provisional ballot envelope" means an envelope printed in the form required by
3869 Section 20A-6-105 that is used to identify provisional ballots and to provide information
3870 to verify a person's legal right to vote.
- 3871 (57) (a) "Public figure" means an individual who, due to the individual being considered
3872 for, holding, or having held a position of prominence in a public or private capacity,
3873 or due to the individual's celebrity status, has an increased risk to the individual's
3874 safety.
- 3875 (b) "Public figure" does not include an individual:
- 3876 (i) elected to public office; or
- 3877 (ii) appointed to fill a vacancy in an elected public office.
- 3878 (58) "Qualify" or "qualified" means to take the oath of office and begin performing the
3879 duties of the position for which the individual was elected.
- 3880 (59) "Receiving judge" means the poll worker that checks the voter's name in the official
3881 register at a polling place and provides the voter with a ballot.
- 3882 (60) "Registration form" means a form by which an individual may register to vote under
3883 this title.
- 3884 (61) "Regular ballot" means a ballot that is not a provisional ballot.
- 3885 (62) "Regular general election" means the election held throughout the state on the first
3886 Tuesday after the first Monday in November of each even-numbered year for the
3887 purposes established in Section 20A-1-201.
- 3888 (63) "Regular primary election" means the election, held on the date specified in Section
3889 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan
3890 local school board positions to advance to the regular general election.
- 3891 (64) "Resident" means a person who resides within a specific voting precinct in Utah.
- 3892 (65) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4),
3893 provided to a voter with a manual ballot:
- 3894 (a) into which the voter places the manual ballot after the voter has voted the manual
3895 ballot in order to preserve the secrecy of the voter's vote; and
- 3896 (b) that includes the voter affidavit and a place for the voter's signature.
- 3897 (66) "Sample ballot" means a mock ballot similar in form to the official ballot, published as
3898 provided in Section 20A-5-405.
- 3899 (67) "Special district" means a local government entity under Title 17B, Limited Purpose
3900 Local Government Entities - Special Districts, and includes a special service district
3901 under Title 17D, Chapter 1, Special Service District Act.

- 3902 (68) "Special district officers" means those special district board members who are required
3903 by law to be elected.
- 3904 (69) "Special election" means an election held as authorized by Section 20A-1-203.
- 3905 (70) "Spoiled ballot" means each ballot that:
- 3906 (a) is spoiled by the voter;
- 3907 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- 3908 (c) lacks the official endorsement.
- 3909 (71) "Statewide special election" means a special election called by the governor or the
3910 Legislature in which all registered voters in Utah may vote.
- 3911 (72) "Tabulation system" means a device or system designed for the sole purpose of
3912 tabulating votes cast by voters at an election.
- 3913 (73) "Ticket" means a list of:
- 3914 (a) political parties;
- 3915 (b) candidates for an office; or
- 3916 (c) ballot propositions.
- 3917 (74) "Transfer case" means the sealed box used to transport voted ballots to the counting
3918 center.
- 3919 (75) "Vacancy" means:
- 3920 (a) except as provided in Subsection (75)(b), the absence of an individual to serve in a
3921 position created by state constitution or state statute, whether that absence occurs
3922 because of death, disability, disqualification, resignation, or other cause ; or
- 3923 (b) in relation to a candidate for a position created by state constitution or state statute,
3924 the removal of a candidate due to the candidate's death, resignation, or
3925 disqualification.
- 3926 (76) "Valid voter identification" means:
- 3927 (a) a form of identification that bears the name and photograph of the voter which may
3928 include:
- 3929 (i) a currently valid Utah driver license;
- 3930 (ii) a currently valid identification card that is issued by:
- 3931 (A) the state; or
- 3932 (B) a branch, department, or agency of the United States;
- 3933 (iii) a currently valid Utah permit to carry a concealed weapon;
- 3934 (iv) a currently valid United States passport; or
- 3935 (v) a currently valid United States military identification card;

- 3936 (b) one of the following identification cards, whether or not the card includes a
3937 photograph of the voter:
- 3938 (i) a valid tribal identification card;
- 3939 (ii) a Bureau of Indian Affairs card; or
- 3940 (iii) a tribal treaty card; or
- 3941 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear the
3942 name of the voter and provide evidence that the voter resides in the voting precinct,
3943 which may include:
- 3944 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
3945 election;
- 3946 (ii) a bank or other financial account statement, or a legible copy thereof;
- 3947 (iii) a certified birth certificate;
- 3948 (iv) a valid social security card;
- 3949 (v) a check issued by the state or the federal government or a legible copy thereof;
- 3950 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 3951 (vii) a currently valid Utah hunting or fishing license;
- 3952 (viii) certified naturalization documentation;
- 3953 (ix) a currently valid license issued by an authorized agency of the United States;
- 3954 (x) a certified copy of court records showing the voter's adoption or name change;
- 3955 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 3956 (xii) a currently valid identification card issued by:
- 3957 (A) a local government within the state;
- 3958 (B) an employer for an employee; or
- 3959 (C) a college, university, technical school, or professional school located within
3960 the state; or
- 3961 (xiii) a current Utah vehicle registration.
- 3962 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate
3963 by following the procedures and requirements of this title.
- 3964 (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:
- 3965 (a) mailing the ballot to the location designated in the mailing; or
- 3966 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 3967 (79) "Voter" means an individual who:
- 3968 (a) meets the requirements for voting in an election;
- 3969 (b) meets the requirements of election registration;

- 3970 (c) is registered to vote; and
- 3971 (d) is listed in the official register book.
- 3972 (80) "Voter registration deadline" means the registration deadline provided in Section
- 3973 20A-2-102.5.
- 3974 (81) "Voting area" means the area within six feet of the voting booths, voting machines,
- 3975 and ballot box.
- 3976 (82) "Voting booth" means:
- 3977 (a) the space or compartment within a polling place that is provided for the preparation
- 3978 of ballots, including the voting enclosure or curtain; or
- 3979 (b) a voting device that is free standing.
- 3980 (83) "Voting device" means any device provided by an election officer for a voter to vote a
- 3981 mechanical ballot.
- 3982 (84) "Voting precinct" means the smallest geographical voting unit, established under
- 3983 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.
- 3984 (85) "Watcher" means an individual who complies with the requirements described in
- 3985 Section 20A-3a-801 to become a watcher for an election.
- 3986 (86) "Write-in ballot" means a ballot containing any write-in votes.
- 3987 (87) "Write-in vote" means a vote cast for an individual, whose name is not printed on the
- 3988 ballot, in accordance with the procedures established in this title.
- 3989 Section 60. Section **20A-1-201.5** is amended to read:
- 3990 **20A-1-201.5 (Effective 05/01/24). Primary election dates.**
- 3991 (1) The regular primary election shall be held throughout the state on the fourth Tuesday of
- 3992 June of each even numbered year as provided in Section 20A-9-403, 20A-9-407, or
- 3993 20A-9-408, as applicable, to nominate persons for[;]
- 3994 [(a)] national, state, school board, and county offices[; and] .
- 3995 [~~(b) offices for a metro township, city, or town incorporated under Section 10-2a-404.~~]
- 3996 (2) A municipal primary election shall be held, if necessary, on the second Tuesday
- 3997 following the first Monday in August before the regular municipal election to nominate
- 3998 persons for municipal offices.
- 3999 (3) A presidential primary election shall be held throughout the state on the first Tuesday in
- 4000 March in the year in which a presidential election will be held.
- 4001 Section 61. Section **20A-1-203** is amended to read:
- 4002 **20A-1-203 (Effective 05/01/24). Calling and purpose of special elections --**
- 4003 **Two-thirds vote limitations.**

- 4004 (1) Statewide and local special elections may be held for any purpose authorized by law.
- 4005 (2) (a) Statewide special elections shall be conducted using the procedure for regular
- 4006 general elections.
- 4007 (b) Except as otherwise provided in this title, local special elections shall be conducted
- 4008 using the procedures for regular municipal elections.
- 4009 (3) The governor may call a statewide special election by issuing an executive order that
- 4010 designates:
- 4011 (a) the date for the statewide special election; and
- 4012 (b) the purpose for the statewide special election.
- 4013 (4) The Legislature may call a statewide special election by passing a joint or concurrent
- 4014 resolution that designates:
- 4015 (a) the date for the statewide special election; and
- 4016 (b) the purpose for the statewide special election.
- 4017 (5) (a) The legislative body of a local political subdivision may call a local special
- 4018 election only for:
- 4019 (i) a vote on a bond or debt issue;
- 4020 (ii) a vote on a voted local levy authorized by Section 53F-8-402 or 53F-8-301;
- 4021 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;
- 4022 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;
- 4023 (v) if required or authorized by federal law, a vote to determine whether Utah's legal
- 4024 boundaries should be changed;
- 4025 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;
- 4026 (vii) a vote to elect members to school district boards for a new school district and a
- 4027 remaining school district, as defined in Section 53G-3-102, following the creation
- 4028 of a new school district under Section 53G-3-302;
- 4029 (viii) a vote on a municipality providing cable television services or public
- 4030 telecommunications services under Section 10-18-204;
- 4031 (ix) a vote to create a new county under Section 17-3-1;
- 4032 (x) a vote on a special property tax under Section 53F-8-402; or
- 4033 (xi) a vote on the incorporation of a municipality in accordance with Section
- 4034 10-2a-210[~~;-or~~] .
- 4035 [~~(xii) a vote on incorporation or annexation as described in Section 10-2a-404.~~]
- 4036 (b) The legislative body of a local political subdivision may call a local special election
- 4037 by adopting an ordinance or resolution that designates:

- 4038 (i) the date for the local special election as authorized by Section 20A-1-204; and
4039 (ii) the purpose for the local special election.
- 4040 (c) A local political subdivision may not call a local special election unless the ordinance
4041 or resolution calling a local special election under Subsection (5)(b) is adopted by a
4042 two-thirds majority of all members of the legislative body, if the local special
4043 election is for:
- 4044 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);
4045 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or
4046 (iii) a vote authorized or required for a sales tax issue as described in Subsection
4047 (5)(a)(vi).

4048 Section 62. Section **20A-1-306** is amended to read:

4049 **20A-1-306 (Effective 05/01/24). Electronic signatures prohibited.**

4050 Notwithstanding Title 46, Chapter 4, Uniform Electronic Transactions Act, and
4051 Subsections 68-3-12(1)(e) and [~~68-3-12.5(28) and (40)~~] 68-3-12.5(27) and (38), an
4052 electronic signature may not be used to sign a petition to:

- 4053 (1) except as provided in Section 20A-21-201, qualify a ballot proposition for the ballot
4054 under Chapter 7, Issues Submitted to the Voters;
- 4055 (2) organize and register a political party under Chapter 8, Political Party Formation and
4056 Procedures; or
- 4057 (3) except as provided in Section 20A-21-201, qualify a candidate for the ballot under
4058 Chapter 9, Candidate Qualifications and Nominating Procedures.

4059 Section 63. Section **20A-1-510** is amended to read:

4060 **20A-1-510 (Effective 05/01/24). Midterm vacancies in municipal offices.**

- 4061 (1) (a) As used in this section:
- 4062 (i) "Vacancy," subject to Subsection (1)(a)(ii), means the same as that term is defined
4063 in Section 20A-1-102.
- 4064 (ii) "Vacancy," if due to resignation, occurs on the effective date of the resignation.
- 4065 (b) Except as otherwise provided in this section, if any vacancy occurs in the office of
4066 municipal executive or member of a municipal legislative body, the municipal
4067 legislative body shall, within 30 calendar days after the day on which the vacancy
4068 occurs, appoint a registered voter in the municipality who meets the qualifications for
4069 office described in Section 10-3-301 to fill the unexpired term of the vacated office.
- 4070 (c) Before acting to fill the vacancy, the municipal legislative body shall:
- 4071 (i) give public notice of the vacancy at least 14 calendar days before the day on

- 4072 which the municipal legislative body meets to fill the vacancy;
- 4073 (ii) identify, in the notice:
- 4074 (A) the date, time, and place of the meeting where the vacancy will be filled;
- 4075 (B) the person to whom an individual interested in being appointed to fill the
- 4076 vacancy may submit the interested individual's name for consideration; and
- 4077 (C) the deadline for submitting an interested individual's name; and
- 4078 (iii) in an open meeting, interview each individual whose name is submitted for
- 4079 consideration, and who meets the qualifications for office, regarding the
- 4080 individual's qualifications.
- 4081 (d) (i) The municipal legislative body shall take an initial vote to fill the vacancy
- 4082 from among the names of the candidates interviewed under Subsection (1)(c)(iii).
- 4083 (ii) (A) If no candidate receives a majority vote of the municipal legislative body
- 4084 in the initial vote described in Subsection (1)(d)(i), the two candidates that
- 4085 received the most votes in the initial vote, as determined by the tie-breaking
- 4086 procedures described in Subsections (1)(d)(ii)(B) through (D) if necessary,
- 4087 shall be placed before the municipal legislative body for a second vote to fill
- 4088 the vacancy.
- 4089 (B) If the initial vote results in a tie for second place, the candidates tied for
- 4090 second place shall be reduced to one by a coin toss conducted in accordance
- 4091 with Subsection (1)(d)(ii)(D), and the second vote described in Subsection
- 4092 (1)(d)(ii)(A) shall be between the candidate that received the most votes in the
- 4093 initial vote and the candidate that wins the coin toss described in this
- 4094 Subsection (1)(d)(ii)(B).
- 4095 (C) If the initial vote results in a tie among three or more candidates for first place,
- 4096 the candidates tied for first place shall be reduced to two by a coin toss
- 4097 conducted in accordance with Subsection (1)(d)(ii)(D), and the second vote
- 4098 described in Subsection (1)(d)(ii)(A) shall be between the two candidates that
- 4099 remain after the coin toss described in this Subsection (1)(d)(ii)(C).
- 4100 (D) A coin toss required under this Subsection (1)(d) shall be conducted by the
- 4101 municipal clerk or recorder in the presence of the municipal legislative body.
- 4102 (iii) If, in the second vote described in Subsection (1)(d)(ii)(A), neither candidate
- 4103 receives a majority vote of the municipal legislative body, the vacancy shall be
- 4104 determined by a coin toss between the two candidates in accordance with
- 4105 Subsection (1)(d)(ii)(D).

- (e) If the municipal legislative body does not timely comply with Subsections (1)(b) through (d), the municipal clerk or recorder shall immediately notify the lieutenant governor.
- (f) After receiving notice that a municipal legislative body has failed to timely comply with Subsections (1)(b) through (d), the lieutenant governor shall:
- (i) notify the municipal legislative body of the violation; and
 - (ii) direct the municipal legislative body to, within 30 calendar days after the day on which the lieutenant governor provides the notice described in this Subsection (1)(f), appoint an eligible individual to fill the vacancy in accordance with Subsections (1)(c) and (d).
- (g) If the municipality fails to timely comply with a directive described in Subsection (1)(f):
- (i) the lieutenant governor shall notify the governor of the municipality's failure to fill the vacancy; and
 - (ii) the governor shall, within 45 days after the day on which the governor receives the notice described in Subsection (1)(g)(i), provide public notice soliciting candidates to fill the vacancy in accordance with Subsection (1)(c) and appoint an individual to fill the vacancy.
- (2) (a) A vacancy in the office of municipal executive or member of a municipal legislative body shall be filled by an interim appointment, followed by an election to fill a two-year term, if:
- (i) the vacancy occurs, or a letter of resignation is received, by the municipal executive at least 14 days before the deadline for filing for election in an odd-numbered year; and
 - (ii) two years of the vacated term will remain after the first Monday of January following the next municipal election.
- (b) In appointing an interim replacement, the municipal legislative body shall:
- (i) comply with the notice requirements of this section; and
 - (ii) in an open meeting, interview each individual whose name is submitted for consideration, and who meets the qualifications for office, regarding the individual's qualifications.
- (3) (a) In a municipality operating under the council-mayor form of government, as defined in Section 10-3b-102:
- (i) the council may appoint an individual to fill a vacancy in the office of mayor

- 4140 before the effective date of the mayor's resignation by making the effective date of
4141 the appointment the same as the effective date of the mayor's resignation; and
- 4142 (ii) if a vacancy in the office of mayor occurs before the effective date of an
4143 appointment under Subsection (1) or (2) to fill the vacancy, the remaining council
4144 members, by majority vote, shall appoint a council member to serve as acting
4145 mayor during the time between the creation of the vacancy and the effective date
4146 of the appointment to fill the vacancy.
- 4147 (b) A council member serving as acting mayor under Subsection (3)(a)(ii) continues to:
- 4148 (i) act as a council member; and
- 4149 (ii) vote at council meetings.
- 4150 (4) (a) (i) For a vacancy of a member of a municipal legislative body as described in
4151 this section, the municipal legislative body member whose resignation creates the
4152 vacancy on the municipal legislative body may:
- 4153 (A) interview an individual whose name is submitted for consideration under
4154 Subsection (1)(c)(iii) or (2)(b)(ii); and
- 4155 (B) vote on the appointment of an individual to fill the vacancy.
- 4156 (ii) Notwithstanding Subsection (4)(a)(i), a member of a legislative body who is
4157 removed from office in accordance with state law may not cast a vote under
4158 Subsection (4)(a)(i).
- 4159 (b) A member of a municipal legislative body who submits his or her resignation to the
4160 municipal legislative body may not rescind the resignation.
- 4161 (c) A member of a municipal legislative body may not vote on an appointment under
4162 this section for himself or herself to fill a vacancy in the municipal legislative body.
- 4163 (5) In a municipality operating under the six-member council form of government or the
4164 council-manager form of government, defined in Subsection [~~10-3b-103(7)~~] 10-3b-103(6),
4165 if the voting members of the city council reach a tie vote on a matter of filling a
4166 vacancy, the mayor may vote to break the tie.
- 4167 (6) In a municipality operating under the council-mayor form of government, the mayor
4168 may not:
- 4169 (a) participate in the vote to fill a vacancy;
- 4170 (b) veto a decision of the council to fill a vacancy; or
- 4171 (c) vote in the case of a tie.
- 4172 (7) A mayor whose resignation from the municipal legislative body is due to election or
4173 appointment as mayor may, in the case of a tie, participate in the vote under this section.

- (8) A municipal legislative body may, consistent with the provisions of state law, adopt procedures governing the appointment, interview, and voting process for filling vacancies in municipal offices.

Section 64. Section **20A-5-301** is amended to read:

20A-5-301 (Effective 05/01/24). Combined voting precincts -- Municipalities.

- (1) (a) The municipal legislative body of a city of the first or second class may combine up to four regular county voting precincts into one municipal voting precinct for purposes of a municipal election if they designate the location and address of each of those combined voting precincts.
- (b) The polling place shall be within the combined voting precinct or within 1/2 mile of the boundaries of the voting precinct.
- (2) (a) The municipal legislative body of a city of the third, fourth, or fifth class~~;~~ or a town~~[-, or a metro township]~~ may combine two or more regular county voting precincts into one municipal voting precinct for purposes of an election if it designates the location and address of that combined voting precinct.
- (b) If only two precincts are combined, the polling place shall be within the combined precinct or within 1/2 mile of the boundaries of the combined voting precinct.
- (c) If more than two precincts are combined, the polling place should be as near as practical to the middle of the combined precinct.

Section 65. Section **20A-6-401** is amended to read:

20A-6-401 (Effective 05/01/24). Ballots for municipal primary elections.

- (1) Each election officer shall ensure that:
- (a) the following endorsements are printed in 18 point bold type:
- (i) "Official Primary Ballot for ____ (City~~[-, or Metro Township]~~), Utah";
 - (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

- 4208 is printed and the words, "Vote for one" or "Vote for up to ____ (the number of
4209 candidates for which the voter may vote)" are printed in 10-point bold type, followed
4210 by a hair-line rule;
- 4211 (e) after the hair-line rule, the names of the candidates are printed in heavy face type
4212 between lines or rules three-eighths inch apart, in the order specified under Section
4213 20A-6-305 with surnames last and grouped according to the office that they seek;
- 4214 (f) a square with sides not less than one-fourth inch long is printed immediately adjacent
4215 to the names of the candidates; and
- 4216 (g) the candidate groups are separated from each other by one light and one heavy line
4217 or rule.
- 4218 (2) A municipal primary ballot may not contain any space for write-in votes.
4219 Section 66. Section **20A-6-402** is amended to read:
4220 **20A-6-402 (Effective 05/01/24). Ballots for municipal general elections.**
- 4221 (1) Except as otherwise required for a race conducted by instant runoff voting under Title
4222 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, for a manual
4223 ballot at a municipal general election, an election officer shall ensure that:
- 4224 (a) the names of the two candidates who received the highest number of votes for mayor
4225 in the municipal primary are placed upon the ballot;
- 4226 (b) if no municipal primary election was held, the names of the candidates who filed
4227 declarations of candidacy for municipal offices are placed upon the ballot;
- 4228 (c) for other offices:
- 4229 (i) twice the number of candidates as there are positions to be filled are certified as
4230 eligible for election in the municipal general election from those candidates who
4231 received the greater number of votes in the primary election; and
- 4232 (ii) the names of those candidates are placed upon the municipal general election
4233 ballot;
- 4234 (d) the names of the candidates are placed on the ballot in the order specified under
4235 Section 20A-6-305;
- 4236 (e) in an election in which a voter is authorized to cast a write-in vote and where a
4237 write-in candidate is qualified under Section 20A-9-601, a write-in area is placed
4238 upon the ballot that contains, for each office in which there is a qualified write-in
4239 candidate:
- 4240 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and
4241 (ii) a square or other conforming area that is adjacent to or opposite the blank

- 4242 horizontal line to enable the voter to indicate the voter's vote;
- 4243 (f) ballot propositions that have qualified for the ballot, including propositions submitted
- 4244 to the voters by the municipality, municipal initiatives, and municipal referenda, are
- 4245 listed on the ballot in accordance with Section 20A-6-107; and
- 4246 (g) bond propositions that have qualified for the ballot are listed on the ballot under the
- 4247 title assigned to each bond proposition under Section 11-14-206.
- 4248 (2) Except as otherwise required for a race conducted by instant runoff voting under Title
- 4249 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when using a
- 4250 mechanical ballot at municipal general elections, each election officer shall ensure that:
- 4251 (a) the following endorsements are displayed on the first portion of the ballot:
- 4252 (i) "Official Ballot for ____ (City[;] or Town[; ~~or Metro-Township~~]), Utah";
- 4253 (ii) the date of the election; and
- 4254 (iii) a facsimile of the signature of the election officer and the election officer's title;
- 4255 (b) immediately below the election officer's title, a distinct border or line separates the
- 4256 endorsements from the rest of the ballot;
- 4257 (c) immediately below the border or line, an "Instructions to Voters" section is displayed
- 4258 that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
- 4259 the candidate(s) for each respective office." followed by another border or line;
- 4260 (d) after the border or line, the designation of the office for which the candidates seek
- 4261 election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the
- 4262 number of candidates for which the voter may vote)" are displayed, followed by a
- 4263 line or border;
- 4264 (e) after the line or border, the names of the candidates are displayed in the order
- 4265 specified under Section 20A-6-305 with surnames last and grouped according to the
- 4266 office that they seek;
- 4267 (f) a voting square or position is located adjacent to the name of each candidate;
- 4268 (g) following the name of the last candidate for each office in which a write-in candidate
- 4269 is qualified under Section 20A-9-601, the ballot contains a write-in space where the
- 4270 voter may enter the name of and vote for a valid write-in candidate for the office; and
- 4271 (h) the candidate groups are separated from each other by a line or border.
- 4272 (3) When a municipality has chosen to nominate candidates by convention or committee,
- 4273 the election officer shall ensure that the party name is included with the candidate's
- 4274 name on the ballot.
- 4275 Section 67. Section **20A-7-101** is amended to read:

4276 **20A-7-101 (Effective 05/01/24). Definitions.**

4277 As used in this chapter:

4278 (1) "Approved device" means a device described in Subsection 20A-21-201(4) used to
4279 gather signatures for the electronic initiative process, the electronic referendum process,
4280 or the electronic candidate qualification process.

4281 (2) "Budget officer" means:

4282 (a) for a county, the person designated as finance officer as defined in Section 17-36-3;

4283 (b) for a city, the person designated as budget officer in Subsection 10-6-106(4); or4284 (c) for a town, the town council[~~;~~ ~~or~~].

4285 [~~(d) for a metro township, the person described in Subsection (2)(a) for the county in~~
4286 ~~which the metro township is located.]~~

4287 (3) "Certified" means that the county clerk has acknowledged a signature as being the
4288 signature of a registered voter.

4289 (4) "Circulation" means the process of submitting an initiative petition or a referendum
4290 petition to legal voters for their signature.

4291 (5) "Electronic initiative process" means:

4292 (a) as it relates to a statewide initiative, the process, described in Sections 20A-7-215
4293 and 20A-21-201, for gathering signatures; or

4294 (b) as it relates to a local initiative, the process, described in Sections 20A-7-514 and
4295 20A-21-201, for gathering signatures.

4296 (6) "Electronic referendum process" means:

4297 (a) as it relates to a statewide referendum, the process, described in Sections 20A-7-313
4298 and 20A-21-201, for gathering signatures; or

4299 (b) as it relates to a local referendum, the process, described in Sections 20A-7-614 and
4300 20A-21-201, for gathering signatures.

4301 (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county, city, or
4302 town that is holding an election on a ballot proposition.

4303 (8) "Final fiscal impact statement" means a financial statement prepared after voters
4304 approve an initiative that contains the information required by Subsection 20A-7-202.5
4305 (2) or 20A-7-502.5(2).

4306 (9) "Initial fiscal impact statement" means

4307 a financial statement prepared under Section 20A-7-202.5 after the filing of a statewide
4308 initiative application.

4309 (10) "Initial fiscal impact and legal statement" means a financial and legal statement

- 4310 prepared under Section 20A-7-502.5 or 20A-7-602.5 for a local initiative or a local
4311 referendum.
- 4312 (11) "Initiative" means a new law proposed for adoption by the public as provided in this
4313 chapter.
- 4314 (12) "Initiative application" means:
- 4315 (a) for a statewide initiative, an application described in Subsection 20A-7-202(2) that
4316 includes all the information, statements, documents, and notarized signatures
4317 required under Subsection 20A-7-202(2); or
- 4318 (b) for a local initiative, an application described in Subsection 20A-7-502(2) that
4319 includes all the information, statements, documents, and notarized signatures
4320 required under Subsection 20A-7-502(2).
- 4321 (13) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law,
4322 and the signature sheets, all of which have been bound together as a unit.
- 4323 (14) "Initiative petition":
- 4324 (a) as it relates to a statewide initiative, using the manual initiative process:
- 4325 (i) means the form described in Subsection 20A-7-203(2)(a), petitioning for
4326 submission of the initiative to the Legislature or the legal voters; and
- 4327 (ii) if the initiative proposes a tax increase, includes the statement described in
4328 Subsection 20A-7-203(2)(b);
- 4329 (b) as it relates to a statewide initiative, using the electronic initiative process:
- 4330 (i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for
4331 submission of the initiative to the Legislature or the legal voters; and
- 4332 (ii) if the initiative proposes a tax increase, includes the statement described in
4333 Subsection 20A-7-215(5)(b);
- 4334 (c) as it relates to a local initiative, using the manual initiative process:
- 4335 (i) means the form described in Subsection 20A-7-503(2)(a), petitioning for
4336 submission of the initiative to the legislative body or the legal voters; and
- 4337 (ii) if the initiative proposes a tax increase, includes the statement described in
4338 Subsection 20A-7-503(2)(b); or
- 4339 (d) as it relates to a local initiative, using the electronic initiative process:
- 4340 (i) means the form described in Subsection 20A-7-514(2)(a), petitioning for
4341 submission of the initiative to the legislative body or the legal voters; and
- 4342 (ii) if the initiative proposes a tax increase, includes the statement described in
4343 Subsection 20A-7-514(4)(a).

- 4344 (15) (a) "Land use law" means a law of general applicability, enacted based on the
4345 weighing of broad, competing policy considerations, that relates to the use of land,
4346 including land use regulation, a general plan, a land use development code, an
4347 annexation ordinance, the rezoning of a single property or multiple properties, or a
4348 comprehensive zoning ordinance or resolution.
- 4349 (b) "Land use law" does not include a land use decision, as defined in Section 10-9a-103
4350 or 17-27a-103.
- 4351 (16) "Legal signatures" means the number of signatures of legal voters that:
4352 (a) meet the numerical requirements of this chapter; and
4353 (b) have been obtained, certified, and verified as provided in this chapter.
- 4354 (17) "Legal voter" means an individual who is registered to vote in Utah.
- 4355 (18) "Legally referable to voters" means:
4356 (a) for a proposed local initiative, that the proposed local initiative is legally referable to
4357 voters under Section 20A-7-502.7; or
4358 (b) for a proposed local referendum, that the proposed local referendum is legally
4359 referable to voters under Section 20A-7-602.7.
- 4360 (19) "Local attorney" means the county attorney, city attorney, or town attorney in whose
4361 jurisdiction a local initiative or referendum petition is circulated.
- 4362 (20) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction
4363 a local initiative or referendum petition is circulated.
- 4364 (21) (a) "Local law" includes:
4365 (i) an ordinance;
4366 (ii) a resolution;
4367 (iii) a land use law;
4368 (iv) a land use regulation, as defined in Section 10-9a-103; or
4369 (v) other legislative action of a local legislative body.
- 4370 (b) "Local law" does not include a land use decision, as defined in Section 10-9a-103.
- 4371 (22) "Local legislative body" means the legislative body of a county, city, or town[, ~~or~~
4372 ~~metro township~~].
- 4373 (23) "Local obligation law" means a local law passed by the local legislative body
4374 regarding a bond that was approved by a majority of qualified voters in an election.
- 4375 (24) "Local tax law" means a law, passed by a political subdivision with an annual or
4376 biannual calendar fiscal year, that increases a tax or imposes a new tax.
- 4377 (25) "Manual initiative process" means the process for gathering signatures for an initiative

- 4378 using paper signature packets that a signer physically signs.
- 4379 (26) "Manual referendum process" means the process for gathering signatures for a
4380 referendum using paper signature packets that a signer physically signs.
- 4381 (27) "Measure" means a proposed constitutional amendment, an initiative, or referendum.
- 4382 (28) "Referendum" means a process by which a law passed by the Legislature or by a local
4383 legislative body is submitted or referred to the voters for their approval or rejection.
- 4384 (29) "Referendum application" means:
- 4385 (a) for a statewide referendum, an application described in Subsection 20A-7-302(2) that
4386 includes all the information, statements, documents, and notarized signatures
4387 required under Subsection 20A-7-302(2); or
- 4388 (b) for a local referendum, an application described in Subsection 20A-7-602(2) that
4389 includes all the information, statements, documents, and notarized signatures
4390 required under Subsection 20A-7-602(2).
- 4391 (30) "Referendum packet" means a copy of the referendum petition, a copy of the law being
4392 submitted or referred to the voters for their approval or rejection, and the signature
4393 sheets, all of which have been bound together as a unit.
- 4394 (31) "Referendum petition" means:
- 4395 (a) as it relates to a statewide referendum, using the manual referendum process, the
4396 form described in Subsection 20A-7-303(2)(a), petitioning for submission of a law
4397 passed by the Legislature to legal voters for their approval or rejection;
- 4398 (b) as it relates to a statewide referendum, using the electronic referendum process, the
4399 form described in Subsection 20A-7-313(2), petitioning for submission of a law
4400 passed by the Legislature to legal voters for their approval or rejection;
- 4401 (c) as it relates to a local referendum, using the manual referendum process, the form
4402 described in Subsection 20A-7-603(2)(a), petitioning for submission of a local law to
4403 legal voters for their approval or rejection; or
- 4404 (d) as it relates to a local referendum, using the electronic referendum process, the form
4405 described in Subsection 20A-7-614(2), petitioning for submission of a local law to
4406 legal voters for their approval or rejection.
- 4407 (32) "Signature":
- 4408 (a) for a statewide initiative:
- 4409 (i) as it relates to the electronic initiative process, means an electronic signature
4410 collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); or
- 4411 (ii) as it relates to the manual initiative process:

- 4412 (A) means a holographic signature collected physically on a signature sheet
4413 described in Section 20A-7-203; and
- 4414 (B) does not include an electronic signature;
- 4415 (b) for a statewide referendum:
- 4416 (i) as it relates to the electronic referendum process, means an electronic signature
4417 collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or
- 4418 (ii) as it relates to the manual referendum process:
- 4419 (A) means a holographic signature collected physically on a signature sheet
4420 described in Section 20A-7-303; and
- 4421 (B) does not include an electronic signature;
- 4422 (c) for a local initiative:
- 4423 (i) as it relates to the electronic initiative process, means an electronic signature
4424 collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or
- 4425 (ii) as it relates to the manual initiative process:
- 4426 (A) means a holographic signature collected physically on a signature sheet
4427 described in Section 20A-7-503; and
- 4428 (B) does not include an electronic signature; or
- 4429 (d) for a local referendum:
- 4430 (i) as it relates to the electronic referendum process, means an electronic signature
4431 collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or
- 4432 (ii) as it relates to the manual referendum process:
- 4433 (A) means a holographic signature collected physically on a signature sheet
4434 described in Section 20A-7-603; and
- 4435 (B) does not include an electronic signature.
- 4436 (33) "Signature sheets" means sheets in the form required by this chapter that are used
4437 under the manual initiative process or the manual referendum process to collect
4438 signatures in support of an initiative or referendum.
- 4439 (34) "Special local ballot proposition" means a local ballot proposition that is not a standard
4440 local ballot proposition.
- 4441 (35) "Sponsors" means the legal voters who support the initiative or referendum and who
4442 sign the initiative application or referendum application.
- 4443 (36) (a) "Standard local ballot proposition" means a local ballot proposition for an
4444 initiative or a referendum.
- 4445 (b) "Standard local ballot proposition" does not include a property tax referendum

4446 described in Section 20A-7-613.

4447 (37) "Tax percentage difference" means the difference between the tax rate proposed by an
4448 initiative or an initiative petition and the current tax rate.

4449 (38) "Tax percentage increase" means a number calculated by dividing the tax percentage
4450 difference by the current tax rate and rounding the result to the nearest thousandth.

4451 (39) "Verified" means acknowledged by the person circulating the petition as required in
4452 Section 20A-7-105.

4453 Section 68. Section **20A-7-401.3** is amended to read:

4454 **20A-7-401.3 (Effective 05/01/24). Voter participation areas.**

4455 (1) (a) Except as provided in Subsection (2):

4456 (i) [~~a metro township with a population of 65,000 or more,~~] a city of the first or
4457 second class[;] or a county of the first or second class shall, no later than January
4458 1, 2020, again on January 1, 2022, and January 1 each 10 years after 2022, divide
4459 the[~~metro township,~~] city[;] or county into eight contiguous and compact voter
4460 participation areas of substantially equal population; and
4461 (ii) [~~a metro township with a population of 10,000 or more,~~] a city of the third or
4462 fourth class[;] or a county of the third or fourth class shall, no later than January 1,
4463 2020, again on January 1, 2022, and January 1 each 10 years after 2022, divide the[
4464 ~~metro township,~~] city[;] or county into four contiguous and compact voter
4465 participation areas of substantially equal population.

4466 (b) A[~~metro township,~~] city[;] or county shall use the voter participation areas described
4467 in Subsection (1)(a) or (2)(b) for the purpose described in Sections 20A-7-501 and
4468 20A-7-601.

4469 (2) (a) This section does not apply to[~~a metro township with a population of less than~~
4470 ~~10,000,~~] a county of the fifth or sixth class, a city of the fifth class, or a town.

4471 (b) A[~~metro township,~~] city[;] or county that has established council districts that are
4472 not at-large districts may, regardless of the number of council districts that are not
4473 at-large districts, use the council districts as voter participation areas under this
4474 section.

4475 Section 69. Section **20A-7-501** is amended to read:

4476 **20A-7-501 (Effective 05/01/24). Initiatives -- Signature requirements -- Time**
4477 **requirements.**

4478 (1) As used in this section:

4479 (a) "Number of active voters" means the number of active voters in the county, city, or

- 4480 town on the immediately preceding January 1.
- 4481 (b) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)
- 4482 or (2)(b).
- 4483 (2) An eligible voter seeking to have an initiative submitted to a local legislative body or to
- 4484 a vote of the people for approval or rejection shall, after filing an initiative application,
- 4485 obtain legal signatures equal to:
- 4486 (a) for a county of the first class:
- 4487 (i) 7.75% of the number of active voters in the county; and
- 4488 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least
- 4489 75% of the county's voter participation areas;
- 4490 (b) for~~[a metro township with a population of 100,000 or more, or]~~ a city of the first
- 4491 class:
- 4492 (i) 7.5% of the number of active voters in the~~[metro township or]~~ city; and
- 4493 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%
- 4494 of the~~[metro township's or]~~ city's voter participation areas;
- 4495 (c) for a county of the second class:
- 4496 (i) 8% of the number of active voters in the county; and
- 4497 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75%
- 4498 of the county's voter participation areas;
- 4499 (d) for~~[a metro township with a population of 65,000 or more but less than 100,000, or]~~
- 4500 a city of the second class:
- 4501 (i) 8.25% of the number of active voters in the~~[metro township or]~~ city; and
- 4502 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least
- 4503 75% of the~~[metro township's or]~~ city's voter participation areas;
- 4504 (e) for a county of the third class:
- 4505 (i) 9.5% of the number of active voters in the county; and
- 4506 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%
- 4507 of the county's voter participation areas;
- 4508 (f) for~~[a metro township with a population of 30,000 or more but less than 65,000, or]~~ a
- 4509 city of the third class:
- 4510 (i) 10% of the number of active voters in the~~[metro township or]~~ city; and
- 4511 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%
- 4512 of the~~[metro township's or]~~ city's voter participation areas;
- 4513 (g) for a county of the fourth class:

- 4514 (i) 11.5% of the number of active voters in the county; and
4515 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least
4516 75% of the county's voter participation areas;
- 4517 (h) for~~[a metro township with a population of 10,000 or more but less than 30,000, or]~~ a
4518 city of the fourth class:
- 4519 (i) 11.5% of the number of active voters in the~~[metro township or]~~ city; and
4520 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least
4521 75% of the~~[metro township's or]~~ city's voter participation areas;
- 4522 (i) for~~[a metro township with a population of 1,000 or more but less than 10,000,]~~ a city
4523 of the fifth class~~;~~ or a county of the fifth class, 25% of the number of active voters
4524 in the~~[metro township,]~~ city~~;~~ or county; or
- 4525 (j) for~~[a metro township with a population of less than 1,000,]~~ a town~~;~~ or a county of
4526 the sixth class, 35% of the number of active voters in the~~[metro township,]~~ town~~;~~
4527 or county.
- 4528 (3) If the total number of certified signatures collected for the initiative petition equals or
4529 exceeds the number of signatures required by this section, the clerk or recorder shall
4530 deliver the proposed law to the local legislative body at the local legislative body's next
4531 meeting.
- 4532 (4) (a) The local legislative body shall either adopt or reject the proposed law without
4533 change or amendment within 30 days after the day on which the local legislative
4534 body receives the proposed law under Subsection (3).
- 4535 (b) The local legislative body may:
- 4536 (i) adopt the proposed law and refer the proposed law to the people;
4537 (ii) adopt the proposed law without referring the proposed law to the people; or
4538 (iii) reject the proposed law.
- 4539 (c) If the local legislative body adopts the proposed law but does not refer the proposed
4540 law to the people, the proposed law is subject to referendum as with other local laws.
- 4541 (d) (i) If a county legislative body rejects a proposed law, or takes no action on a
4542 proposed law, the county clerk shall submit the proposed law to the voters of the
4543 county at the next regular general election immediately after the initiative
4544 application for the proposed law is filed under Section 20A-7-502.
- 4545 (ii) If a local legislative body of a municipality rejects a proposed law, or takes no
4546 action on a proposed law, the municipal recorder or clerk shall submit the
4547 proposed law to the voters of the municipality at the next municipal general

- 4548 election immediately after the initiative application is filed under Section
4549 20A-7-502.
- 4550 (e) (i) If a local legislative body rejects a proposed law, or takes no action on a
4551 proposed law, the local legislative body may adopt a competing local law.
4552 (ii) The local legislative body shall prepare and adopt the competing local law within
4553 the 30-day period described in Subsection (4)(a).
4554 (iii) If a local legislative body adopts a competing local law, the clerk or recorder
4555 shall refer the competing local law to the voters of the county or municipality at
4556 the same election at which the law proposed by initiative is submitted under
4557 Subsection (4)(d).
- 4558 (f) If conflicting local laws are submitted to the people at the same election and two or
4559 more of the conflicting measures are approved by the people, the proposed law that
4560 receives the greatest number of affirmative votes shall control all conflicts.
- 4561 Section 70. Section **20A-7-502.7** is amended to read:
4562 **20A-7-502.7 (Effective 05/01/24). Referability to voters.**
- 4563 (1) Within 20 days after the day on which an eligible voter files an initiative application
4564 under Section 20A-7-502, counsel for the county, city, or town~~[-or metro township]~~ to
4565 which the initiative pertains shall:
4566 (a) review the proposed law that is the subject of the initiative application to determine
4567 whether the law is legally referable to voters; and
4568 (b) notify the first three sponsors, in writing, whether the proposed law is:
4569 (i) legally referable to voters; or
4570 (ii) rejected as not legally referable to voters.
- 4571 (2) A proposed law that is the subject of an initiative application is legally referable to
4572 voters unless:
4573 (a) the proposed law:
4574 (i) is patently unconstitutional;
4575 (ii) is nonsensical;
4576 (iii) is administrative, rather than legislative, in nature;
4577 (iv) could not become law if passed;
4578 (v) contains more than one subject as evaluated in accordance with Subsection
4579 20A-7-502(3); or
4580 (b) is identical or substantially similar to a legally referable proposed law sought by an
4581 initiative application submitted to the local clerk, under Section 20A-7-502, within

4582 two years before the day on which the initiative application for the current proposed
4583 law is filed;

4584 (c) the subject of the proposed law is not clearly expressed in the law's title; or

4585 (d) the initiative application was not timely filed or does not comply with the
4586 requirements of this part.

4587 (3) After the end of the 20-day period described in Subsection (1), a county, city, or town[;
4588 ~~or metro township~~] may not:

4589 (a) reject a proposed initiative as not legally referable to voters; or

4590 (b) bring a legal action, other than to appeal a court decision, challenging a proposed
4591 initiative on the grounds that the proposed initiative is not legally referable to voters.

4592 (4) If a county, city, or town[~~or metro township~~] rejects a proposed initiative, a sponsor of
4593 the proposed initiative may, within 10 days after the day on which a sponsor is notified
4594 under Subsection (1)(b), appeal the decision to:

4595 (a) district court; or

4596 (b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.

4597 (5) If, on appeal, the court determines that the law proposed by the initiative application is
4598 legally referable to voters, the local clerk shall comply with Subsection 20A-7-504(3), or
4599 give the sponsors access to the website defined in Section 20A-21-101, within five days
4600 after the day on which the determination, and any appeal of the determination, is final.

4601 Section 71. Section **20A-7-504** is amended to read:

4602 **20A-7-504 (Effective 05/01/24). Manual initiative process -- Circulation**
4603 **requirements -- Local clerk to provide sponsors with materials.**

4604 (1) This section applies only to the manual initiative process.

4605 (2) In order to obtain the necessary number of signatures required by this part, the sponsors
4606 or an agent of the sponsors shall, after the sponsors receive the documents described in
4607 Subsections (3) and 20A-7-401.5(4)(b), circulate initiative packets that meet the form
4608 requirements of this part.

4609 (3) Within five days after the day on which a county, city, town,[~~metro township~~,] or
4610 court determines, in accordance with Section 20A-7-502.7, that a law proposed in an
4611 initiative petition is legally referable to voters, the local clerk shall provide to the
4612 sponsors:

4613 (a) a copy of the initiative petition; and

4614 (b) a signature sheet.

4615 (4) The sponsors of the initiative shall:

- 4616 (a) arrange and pay for the printing of all documents that are part of the initiative
4617 packets; and
- 4618 (b) ensure that the initiative packets and the documents described in Subsection (4)(a)
4619 meet the requirements of this part.
- 4620 (5) (a) The sponsors or an agent of the sponsors may prepare the initiative packets for
4621 circulation by creating multiple initiative packets.
- 4622 (b) The sponsors or an agent of the sponsors shall create initiative packets by binding a
4623 copy of the initiative petition with the text of the proposed law and no more than 50
4624 signature sheets together at the top in a manner that the initiative packets may be
4625 conveniently opened for signing.
- 4626 (c) An initiative packet is not required to have a uniform number of signature sheets.
- 4627 (d) The sponsors or an agent of the sponsors shall include, with each initiative packet, a
4628 copy of the proposition information pamphlet provided to the sponsors under
4629 Subsection 20A-7-401.5(4)(b).
- 4630 (6) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:
4631 (i) contact the county clerk to receive a range of numbers that the sponsors may use
4632 to number initiative packets; and
- 4633 (ii) number each initiative packet, sequentially, within the range of numbers provided
4634 by the county clerk, starting with the lowest number in the range.
- 4635 (b) The sponsors or an agent of the sponsors may not:
4636 (i) number an initiative packet in a manner not directed by the county clerk; or
4637 (ii) circulate or submit an initiative packet that is not numbered in the manner
4638 directed by the county clerk.
- 4639 (c) The county clerk shall keep a record of the number range provided under Subsection
4640 (6)(a).
- 4641 Section 72. Section **20A-7-601** is amended to read:
- 4642 **20A-7-601 (Effective 05/01/24). Referenda -- General signature requirements --**
4643 **Signature requirements for land use laws, subjurisdictional laws, and transit**
4644 **area land use laws -- Time requirements.**
- 4645 (1) As used in this section:
- 4646 (a) "Number of active voters" means the number of active voters in the county, city, or
4647 town on the immediately preceding January 1.
- 4648 (b) "Qualifying county" means a county that has created a small public transit district, as
4649 defined in Section 17B-2a-802, on or before January 1, 2022.

(c) "Qualifying transit area" means:

(i) a station area, as defined in Section 10-9a-403.1, for which the municipality with jurisdiction over the station area has satisfied the requirements of Subsection 10-9a-403.1(2)(a)(i), as demonstrated by the adoption of a station area plan or resolution under Subsection 10-9a-403.1(2); or

(ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created within a qualifying county.

(d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

(e) (i) "Subjurisdictional law" means a local law or local obligation law passed by a local legislative body that imposes a tax or other payment obligation on property in an area that does not include all precincts and subprecincts under the jurisdiction of the county, city, or town~~[-or metro township]~~.

(ii) "Subjurisdictional law" does not include a land use law.

(f) "Transit area land use law" means a land use law that relates to the use of land within a qualifying transit area.

(g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a) or (2)(b).

(2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have a local law passed by the local legislative body submitted to a vote of the people shall, after filing a referendum 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;

- 4684 (d) for~~[a metro township with a population of 65,000 or more but less than 100,000, or]~~
4685 a city of the second class:
- 4686 (i) 8.25% of the number of active voters in the~~[metro township or]~~ city; and
4687 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least
4688 75% of the~~[metro township's or]~~ city's voter participation areas;
- 4689 (e) for a county of the third class:
- 4690 (i) 9.5% of the number of active voters in the county; and
4691 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%
4692 of the county's voter participation areas;
- 4693 (f) for~~[a metro township with a population of 30,000 or more but less than 65,000, or]~~ a
4694 city of the third class:
- 4695 (i) 10% of the number of active voters in the~~[metro township or]~~ city; and
4696 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%
4697 of the~~[metro township's or]~~ city's voter participation areas;
- 4698 (g) for a county of the fourth class:
- 4699 (i) 11.5% of the number of active voters in the county; and
4700 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least
4701 75% of the county's voter participation areas;
- 4702 (h) for~~[a metro township with a population of 10,000 or more but less than 30,000, or]~~ a
4703 city of the fourth class:
- 4704 (i) 11.5% of the number of active voters in the~~[metro township or]~~ city; and
4705 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least
4706 75% of the~~[metro township's or]~~ city's voter participation areas;
- 4707 (i) for~~[a metro township with a population of 1,000 or more but less than 10,000,]~~ a city
4708 of the fifth class~~;~~ or a county of the fifth class, 25% of the number of active voters
4709 in the~~[metro township,]~~ city~~;~~ or county; or
- 4710 (j) for~~[a metro township with a population of less than 1,000,]~~ a town~~;~~ or a county of
4711 the sixth class, 35% of the number of active voters in the~~[metro township,]~~ town~~;~~
4712 or county.
- 4713 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land use
4714 law or local obligation law passed by the local legislative body submitted to a vote of the
4715 people shall, after filing a referendum application, obtain legal signatures equal to:
- 4716 (a) for a county of the first, second, third, or fourth class:
- 4717 (i) 16% of the number of active voters in the county; and

- 4718 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
4719 of the county's voter participation areas;
- 4720 (b) for a county of the fifth or sixth class:
- 4721 (i) 16% of the number of active voters in the county; and
- 4722 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
4723 of the county's voter participation areas;
- 4724 (c) for~~[a metro township with a population of 100,000 or more, or]~~ a city of the first
4725 class:
- 4726 (i) 15% of the number of active voters in the~~[metro township or]~~ city; and
- 4727 (ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75%
4728 of the~~[metro township's or]~~ city's voter participation areas;
- 4729 (d) for~~[a metro township with a population of 65,000 or more but less than 100,000, or]~~ a
4730 city of the second class:
- 4731 (i) 16% of the number of active voters in the~~[metro township or]~~ city; and
- 4732 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
4733 of the~~[metro township's or]~~ city's voter participation areas;
- 4734 (e) for~~[a metro township with a population of 30,000 or more but less than 65,000, or]~~ a
4735 city of the third class:
- 4736 (i) 27.5% of the number of active voters in the~~[metro township or]~~ city; and
- 4737 (ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least
4738 75% of the~~[metro township's or]~~ city's voter participation areas;
- 4739 (f) for~~[a metro township with a population of 10,000 or more but less than 30,000, or]~~ a
4740 city of the fourth class:
- 4741 (i) 29% of the number of active voters in the~~[metro township or]~~ city; and
- 4742 (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75%
4743 of the~~[metro township's or]~~ city's voter participation areas;
- 4744 (g) for~~[a metro township with a population of 1,000 or more but less than 10,000, or]~~ a
4745 city of the fifth class, 35% of the number of active voters in the~~[metro township or]~~
4746 city; or
- 4747 (h) for~~[a metro township with a population of less than 1,000 or]~~ a town, 40% of the
4748 number of active voters in the~~[metro township or]~~ town.
- 4749 (4) A person seeking to have a subjurisdictional law passed by the local legislative body
4750 submitted to a vote of the people shall, after filing a referendum application, obtain legal
4751 signatures of the residents in the subjurisdiction equal to:

- 4752 (a) 10% of the number of active voters in the subjurisdiction if the number of active
4753 voters exceeds 25,000;
- 4754 (b) 12-1/2% of the number of active voters in the subjurisdiction if the number of active
4755 voters does not exceed 25,000 but is more than 10,000;
- 4756 (c) 15% of the number of active voters in the subjurisdiction if the number of active
4757 voters does not exceed 10,000 but is more than 2,500;
- 4758 (d) 20% of the number of active voters in the subjurisdiction if the number of active
4759 voters does not exceed 2,500 but is more than 500;
- 4760 (e) 25% of the number of active voters in the subjurisdiction if the number of active
4761 voters does not exceed 500 but is more than 250; and
- 4762 (f) 30% of the number of active voters in the subjurisdiction if the number of active
4763 voters does not exceed 250.
- 4764 (5) An eligible voter seeking to have a transit area land use law passed by the local
4765 legislative body submitted to a vote of the people shall, after filing a referendum
4766 application, obtain legal signatures equal to:
- 4767 (a) for a county:
- 4768 (i) 20% of the number of active voters in the county; and
- 4769 (ii) 21% of the number of active voters in at least 75% of the county's voter
4770 participation areas;
- 4771 (b) for~~[a metro township with a population of 100,000 or more, or]~~ a city of the first
4772 class:
- 4773 (i) 20% of the number of active voters in the~~[metro township or]~~ city; and
- 4774 (ii) 20% of the number of active voters in at least 75% of the~~[metro township's or]~~
4775 city's voter participation areas;
- 4776 (c) for~~[a metro township with a population of 65,000 or more but less than 100,000, or]~~
4777 a city of the second class:
- 4778 (i) 20% of the number of active voters in the~~[metro township or]~~ city; and
- 4779 (ii) 21% of the number of active voters in at least 75% of the~~[metro township's or]~~
4780 city's voter participation areas;
- 4781 (d) for~~[a metro township with a population of 30,000 or more but less than 65,000, or]~~ a
4782 city of the third class:
- 4783 (i) 34% of the number of active voters in the~~[metro township or]~~ city; and
- 4784 (ii) 34% of the number of active voters in at least 75% of the~~[metro township's or]~~
4785 city's voter participation areas;

(e) for~~[a metro township with a population of 10,000 or more but less than 30,000, or]~~ a city of the fourth class:

(i) 36% of the number of active voters in the~~[metro township or]~~ city; and

(ii) 36% of the number of active voters in at least 75% of the~~[metro township's or]~~ city's voter participation areas; or

(f) for~~[a metro township with a population less than 10,000,]~~ a city of the fifth class~~;~~ or a town, 40% of the number of active voters in the~~[metro township,]~~ city~~;~~ or town.

(6) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), or (5), any local law passed by a local legislative body shall file the application before 5 p.m. within seven days after the day on which the local law was passed.

(7) Nothing in this section authorizes a local legislative body to impose a tax or other payment obligation on a subjurisdiction in order to benefit an area outside of the subjurisdiction.

Section 73. Section **20A-7-602.7** is amended to read:

20A-7-602.7 (Effective 05/01/24). Referability to voters of local law other than land use law.

(1) Within 20 days after the day on which an eligible voter files a referendum application under Section 20A-7-602 for a local law other than a land use law, counsel for the county, city, or town~~;~~~~or metro township]~~ to which the referendum pertains shall:

(a) review the referendum application to determine whether the proposed referendum is legally referable to voters; and

(b) notify the first three sponsors, in writing, whether the proposed referendum is:

(i) legally referable to voters; or

(ii) rejected as not legally referable to voters.

(2) For a local law other than a land use law, a proposed referendum is legally referable to voters unless:

(a) the proposed referendum challenges an action that is administrative, rather than legislative, in nature;

(b) the proposed referendum challenges more than one law passed by the local legislative body; or

(c) the referendum 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~~;~~

- 4820 ~~or metro township]~~ may not, for a local law other than a land use law:
- 4821 (a) reject a proposed referendum as not legally referable to voters; or
- 4822 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
- 4823 proposed referendum on the grounds that the proposed referendum is not legally
- 4824 referable to voters.
- 4825 (4) (a) If, under Subsection (1)(b)(ii), a county, city, or town~~[, or metro township]~~ rejects
- 4826 a proposed referendum concerning a local law other than a land use law, a sponsor of
- 4827 the proposed referendum may, within 10 days after the day on which a sponsor is
- 4828 notified under Subsection (1)(b), challenge or appeal the decision to:
- 4829 (i) the Supreme Court, by means of an extraordinary writ, if possible; or
- 4830 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
- 4831 under Subsection (4)(a)(i).
- 4832 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a)
- 4833 terminates the referendum.
- 4834 (5) If, on a challenge or appeal, the court determines that the proposed referendum
- 4835 described in Subsection (4) is legally referable to voters, the local clerk shall comply
- 4836 with Subsection 20A-7-604(3), or give the sponsors access to the website defined in
- 4837 Section 20A-21-101, within five days after the day on which the determination, and any
- 4838 challenge or appeal of the determination, is final.
- 4839 Section 74. Section **20A-7-602.8** is amended to read:
- 4840 **20A-7-602.8 (Effective 05/01/24). Referability to voters of local land use law.**
- 4841 (1) Within 20 days after the day on which a referendum eligible voter files an application
- 4842 under Section 20A-7-602 for a land use law, counsel for the county, city, or town~~[, or~~
- 4843 ~~metro township]~~ to which the referendum pertains shall:
- 4844 (a) review the referendum application to determine whether the proposed referendum is
- 4845 legally referable to voters; and
- 4846 (b) notify the first three sponsors, in writing, whether the proposed referendum is:
- 4847 (i) legally referable to voters; or
- 4848 (ii) rejected as not legally referable to voters.
- 4849 (2) (a) Subject to Subsection (2)(b), for a land use law, a proposed referendum is legally
- 4850 referable to voters unless:
- 4851 (i) the proposed referendum challenges an action that is administrative, rather than
- 4852 legislative, in nature;
- 4853 (ii) the proposed referendum challenges a land use decision, rather than a land use

- 4854 regulation, as those terms are defined in Section 10-9a-103 or 17-27a-103;
- 4855 (iii) the proposed referendum challenges more than one law passed by the local
- 4856 legislative body; or
- 4857 (iv) the referendum application was not timely filed or does not comply with the
- 4858 requirements of this part.
- 4859 (b) In addition to the limitations of Subsection (2)(a), a proposed referendum is not
- 4860 legally referable to voters for a:
- 4861 (i) municipal land use law, as defined in Section 20A-7-101, if the land use law was
- 4862 passed by a unanimous vote of the local legislative body; or
- 4863 (ii) transit area land use law, as defined in Section 20A-7-601, if the transit area land
- 4864 use law was passed by a two-thirds vote of the local legislative body.
- 4865 (3) After the end of the 20-day period described in Subsection (1), a county, city, or town[;
- 4866 ~~or metro township~~] may not, for a land use law:
- 4867 (a) reject a proposed referendum as not legally referable to voters; or
- 4868 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
- 4869 proposed referendum on the grounds that the proposed referendum is not legally
- 4870 referable to voters.
- 4871 (4) (a) If a county, city, or town[, ~~or metro township~~] rejects a proposed referendum
- 4872 concerning a land use law, a sponsor of the proposed referendum may, within seven
- 4873 days after the day on which a sponsor is notified under Subsection (1)(b), challenge
- 4874 or appeal the decision to:
- 4875 (i) the Supreme Court, by means of an extraordinary writ, if possible; or
- 4876 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
- 4877 under Subsection (4)(a)(i).
- 4878 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a)
- 4879 terminates the referendum.
- 4880 (5) If, on challenge or appeal, the court determines that the proposed referendum is legally
- 4881 referable to voters, the local clerk shall comply with Subsection 20A-7-604(3), or give
- 4882 the sponsors access to the website defined in Section 20A-21-101, within five days after
- 4883 the day on which the determination, and any challenge or appeal of the determination, is
- 4884 final.
- 4885 Section 75. Section **20A-7-604** is amended to read:
- 4886 **20A-7-604 (Effective 05/01/24). Manual referendum process -- Circulation**
- 4887 **requirements -- Local clerk to provide sponsors with materials.**

- 4888 (1) This section applies only to the manual referendum process.
- 4889 (2) In order to obtain the necessary number of signatures required by this part, the sponsors
4890 or an agent of the sponsors shall, after the sponsors receive the documents described in
4891 Subsections (3) and 20A-7-401.5(4)(b), circulate referendum packets that meet the form
4892 requirements of this part.
- 4893 (3) Within five days after the day on which a county, city, town,~~metro township,~~ or court
4894 determines, in accordance with Section 20A-7-602.7, that a proposed referendum is legally
4895 referable to voters, the local clerk shall provide the sponsors with
4896 a copy of the referendum petition and a signature sheet.
- 4897 (4) The sponsors of the referendum petition shall:
- 4898 (a) arrange and pay for the printing of all documents that are part of the referendum
4899 packets; and
- 4900 (b) ensure that the referendum packets and the documents described in Subsection (4)(a)
4901 meet the form requirements of this section.
- 4902 (5) (a) The sponsors or an agent of the sponsors may prepare the referendum packets for
4903 circulation by creating multiple referendum packets.
- 4904 (b) The sponsors or an agent of the sponsors shall create referendum packets by binding
4905 a copy of the referendum petition with the text of the law that is the subject of the
4906 referendum and no more than 50 signature sheets together at the top in a manner that
4907 the referendum packets may be conveniently opened for signing.
- 4908 (c) A referendum packet is not required to have a uniform number of signature sheets.
- 4909 (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of
4910 the proposition information pamphlet provided to the sponsors under Subsection
4911 20A-7-401.5(4)(b).
- 4912 (6) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:
- 4913 (i) contact the county clerk to receive a range of numbers that the sponsors may use
4914 to number referendum packets;
- 4915 (ii) sign an agreement with the local clerk, specifying the range of numbers that the
4916 sponsor will use to number the referendum packets; and
- 4917 (iii) number each referendum packet, sequentially, within the range of numbers
4918 provided by the county clerk, starting with the lowest number in the range.
- 4919 (b) The sponsors or an agent of the sponsors may not:
- 4920 (i) number a referendum packet in a manner not directed by the county clerk; or
- 4921 (ii) circulate or submit a referendum packet that is not numbered in the manner

4922 directed by the county clerk.

4923 Section 76. Section **20A-11-101** is amended to read:

4924 **20A-11-101 (Effective 05/01/24). Definitions.**

4925 As used in this chapter:

4926 (1) (a) "Address" means the number and street where an individual resides or where a
4927 reporting entity has its principal office.

4928 (b) "Address" does not include a post office box.

4929 (2) "Agent of a reporting entity" means:

4930 (a) a person acting on behalf of a reporting entity at the direction of the reporting entity;

4931 (b) a person employed by a reporting entity in the reporting entity's capacity as a
4932 reporting entity;

4933 (c) the personal campaign committee of a candidate or officeholder;

4934 (d) a member of the personal campaign committee of a candidate or officeholder in the
4935 member's capacity as a member of the personal campaign committee of the candidate
4936 or officeholder; or

4937 (e) a political consultant of a reporting entity.

4938 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
4939 amendments, and any other ballot propositions submitted to the voters that are
4940 authorized by the Utah Code Annotated 1953.

4941 (4) "Candidate" means any person who:

4942 (a) files a declaration of candidacy for a public office; or

4943 (b) receives contributions, makes expenditures, or gives consent for any other person to
4944 receive contributions or make expenditures to bring about the person's nomination or
4945 election to a public office.

4946 (5) "Chief election officer" means:

4947 (a) the lieutenant governor for state office candidates, legislative office candidates,
4948 officeholders, political parties, political action committees, corporations, political
4949 issues committees, state school board candidates, judges, and labor organizations, as
4950 defined in Section 20A-11-1501; and

4951 (b) the county clerk for local school board candidates.

4952 (6) (a) "Contribution" means any of the following when done for political purposes:

4953 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
4954 value given to the filing entity;

4955 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,

- 4956 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
4957 money or anything of value to the filing entity;
- 4958 (iii) any transfer of funds from another reporting entity to the filing entity;
- 4959 (iv) compensation paid by any person or reporting entity other than the filing entity
4960 for personal services provided without charge to the filing entity;
- 4961 (v) remuneration from:
- 4962 (A) any organization or its directly affiliated organization that has a registered
4963 lobbyist; or
- 4964 (B) any agency or subdivision of the state, including school districts;
- 4965 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
4966 (vii) in-kind contributions.
- 4967 (b) "Contribution" does not include:
- 4968 (i) services provided by individuals volunteering a portion or all of their time on
4969 behalf of the filing entity if the services are provided without compensation by the
4970 filing entity or any other person;
- 4971 (ii) money lent to the filing entity by a financial institution in the ordinary course of
4972 business;
- 4973 (iii) goods or services provided for the benefit of a political entity at less than fair
4974 market value that are not authorized by or coordinated with the political entity; or
4975 (iv) data or information described in Subsection (24)(b).
- 4976 (7) "Coordinated with" means that goods or services provided for the benefit of a political
4977 entity are provided:
- 4978 (a) with the political entity's prior knowledge, if the political entity does not object;
- 4979 (b) by agreement with the political entity;
- 4980 (c) in coordination with the political entity; or
- 4981 (d) using official logos, slogans, and similar elements belonging to a political entity.
- 4982 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
4983 organization that is registered as a corporation or is authorized to do business in a
4984 state and makes any expenditure from corporate funds for:
- 4985 (i) the purpose of expressly advocating for political purposes; or
4986 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
4987 proposition.
- 4988 (b) "Corporation" does not mean:
- 4989 (i) a business organization's political action committee or political issues committee;

- 4990 or
- 4991 (ii) a business entity organized as a partnership or a sole proprietorship.
- 4992 (9) "County political party" means, for each registered political party, all of the persons
- 4993 within a single county who, under definitions established by the political party, are
- 4994 members of the registered political party.
- 4995 (10) "County political party officer" means a person whose name is required to be
- 4996 submitted by a county political party to the lieutenant governor in accordance with
- 4997 Section 20A-8-402.
- 4998 (11) "Detailed listing" means:
- 4999 (a) for each contribution or public service assistance:
- 5000 (i) the name and address of the individual or source making the contribution or public
- 5001 service assistance, except to the extent that the name or address of the individual
- 5002 or source is unknown;
- 5003 (ii) the amount or value of the contribution or public service assistance; and
- 5004 (iii) the date the contribution or public service assistance was made; and
- 5005 (b) for each expenditure:
- 5006 (i) the amount of the expenditure;
- 5007 (ii) the goods or services acquired by the expenditure; and
- 5008 (iii) the date the expenditure was made.
- 5009 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
- 5010 for membership in the corporation, to a corporation without receiving full and
- 5011 adequate consideration for the money.
- 5012 (b) "Donor" does not include a person that signs a statement that the corporation may not
- 5013 use the money for an expenditure or political issues expenditure.
- 5014 (13) "Election" means each:
- 5015 (a) regular general election;
- 5016 (b) regular primary election; and
- 5017 (c) special election at which candidates are eliminated and selected.
- 5018 (14) "Electioneering communication" means a communication that:
- 5019 (a) has at least a value of \$10,000;
- 5020 (b) clearly identifies a candidate or judge; and
- 5021 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 5022 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the
- 5023 clearly identified candidate's or judge's election date.

- 5024 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
5025 agent of a reporting entity on behalf of the reporting entity:
- 5026 (i) any disbursement from contributions, receipts, or from the separate bank account
5027 required by this chapter;
 - 5028 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
5029 or anything of value made for political purposes;
 - 5030 (iii) an express, legally enforceable contract, promise, or agreement to make any
5031 purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
5032 or anything of value for political purposes;
 - 5033 (iv) compensation paid by a filing entity for personal services rendered by a person
5034 without charge to a reporting entity;
 - 5035 (v) a transfer of funds between the filing entity and a candidate's personal campaign
5036 committee;
 - 5037 (vi) goods or services provided by the filing entity to or for the benefit of another
5038 reporting entity for political purposes at less than fair market value; or
 - 5039 (vii) an independent expenditure, as defined in Section 20A-11-1702.
- 5040 (b) "Expenditure" does not include:
- 5041 (i) services provided without compensation by individuals volunteering a portion or
5042 all of their time on behalf of a reporting entity;
 - 5043 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
5044 business; or
 - 5045 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
5046 candidates for office or officeholders in states other than Utah.
- 5047 (16) "Federal office" means the office of president of the United States, United States
5048 Senator, or United States Representative.
- 5049 (17) "Filing entity" means the reporting entity that is required to file a financial statement
5050 required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.
- 5051 (18) "Financial statement" includes any summary report, interim report, verified financial
5052 statement, or other statement disclosing contributions, expenditures, receipts, donations,
5053 or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial Retention
5054 Elections.
- 5055 (19) "Governing board" means the individual or group of individuals that determine the
5056 candidates and committees that will receive expenditures from a political action
5057 committee, political party, or corporation.

- 5058 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal
5059 Incorporation, by which a geographical area becomes legally recognized as a city[, or
5060 town[, ~~or metro township~~].
- 5061 (21) "Incorporation election" means the election conducted under Section 10-2a-210[~~or~~
5062 ~~10-2a-404~~].
- 5063 (22) "Incorporation petition" means a petition described in Section 10-2a-208.
- 5064 (23) "Individual" means a natural person.
- 5065 (24) (a) "In-kind contribution" means anything of value, other than money, that is
5066 accepted by or coordinated with a filing entity.
- 5067 (b) "In-kind contribution" does not include survey results, voter lists, voter contact
5068 information, demographic data, voting trend data, or other information that:
- 5069 (i) is not commissioned for the benefit of a particular candidate or officeholder; and
5070 (ii) is offered at no cost to a candidate or officeholder.
- 5071 (25) "Interim report" means a report identifying the contributions received and expenditures
5072 made since the last report.
- 5073 (26) "Legislative office" means the office of state senator, state representative, speaker of
5074 the House of Representatives, president of the Senate, and the leader, whip, and assistant
5075 whip of any party caucus in either house of the Legislature.
- 5076 (27) "Legislative office candidate" means a person who:
- 5077 (a) files a declaration of candidacy for the office of state senator or state representative;
5078 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
5079 speaker of the House of Representatives, president of the Senate, or the leader, whip,
5080 and assistant whip of any party caucus in either house of the Legislature; or
- 5081 (c) receives contributions, makes expenditures, or gives consent for any other person to
5082 receive contributions or make expenditures to bring about the person's nomination,
5083 election, or appointment to a legislative office.
- 5084 (28) "Loan" means any of the following provided by a person that benefits a filing entity if
5085 the person expects repayment or reimbursement:
- 5086 (a) an expenditure made using any form of payment;
5087 (b) money or funds received by the filing entity;
5088 (c) the provision of a good or service with an agreement or understanding that payment
5089 or reimbursement will be delayed; or
- 5090 (d) use of any line of credit.
- 5091 (29) "Major political party" means either of the two registered political parties that have the

- 5092 greatest number of members elected to the two houses of the Legislature.
- 5093 (30) "Officeholder" means a person who holds a public office.
- 5094 (31) "Party committee" means any committee organized by or authorized by the governing
- 5095 board of a registered political party.
- 5096 (32) "Person" means both natural and legal persons, including individuals, business
- 5097 organizations, personal campaign committees, party committees, political action
- 5098 committees, political issues committees, and labor organizations, as defined in Section
- 5099 20A-11-1501.
- 5100 (33) "Personal campaign committee" means the committee appointed by a candidate to act
- 5101 for the candidate as provided in this chapter.
- 5102 (34) "Personal use expenditure" has the same meaning as provided under Section
- 5103 20A-11-104.
- 5104 (35) (a) "Political action committee" means an entity, or any group of individuals or
- 5105 entities within or outside this state, a major purpose of which is to:
- 5106 (i) solicit or receive contributions from any other person, group, or entity for political
- 5107 purposes; or
- 5108 (ii) make expenditures to expressly advocate for any person to refrain from voting or
- 5109 to vote for or against any candidate or person seeking election to a municipal or
- 5110 county office.
- 5111 (b) "Political action committee" includes groups affiliated with a registered political
- 5112 party but not authorized or organized by the governing board of the registered
- 5113 political party that receive contributions or makes expenditures for political purposes.
- 5114 (c) "Political action committee" does not mean:
- 5115 (i) a party committee;
- 5116 (ii) any entity that provides goods or services to a candidate or committee in the
- 5117 regular course of its business at the same price that would be provided to the
- 5118 general public;
- 5119 (iii) an individual;
- 5120 (iv) individuals who are related and who make contributions from a joint checking
- 5121 account;
- 5122 (v) a corporation, except a corporation a major purpose of which is to act as a
- 5123 political action committee; or
- 5124 (vi) a personal campaign committee.
- 5125 (36) (a) "Political consultant" means a person who is paid by a reporting entity, or paid

- 5126 by another person on behalf of and with the knowledge of the reporting entity, to
5127 provide political advice to the reporting entity.
- 5128 (b) "Political consultant" includes a circumstance described in Subsection (36)(a), where
5129 the person:
- 5130 (i) has already been paid, with money or other consideration;
 - 5131 (ii) expects to be paid in the future, with money or other consideration; or
 - 5132 (iii) understands that the person may, in the discretion of the reporting entity or
5133 another person on behalf of and with the knowledge of the reporting entity, be
5134 paid in the future, with money or other consideration.
- 5135 (37) "Political convention" means a county or state political convention held by a registered
5136 political party to select candidates.
- 5137 (38) "Political entity" means a candidate, a political party, a political action committee, or a
5138 political issues committee.
- 5139 (39) (a) "Political issues committee" means an entity, or any group of individuals or
5140 entities within or outside this state, a major purpose of which is to:
- 5141 (i) solicit or receive donations from any other person, group, or entity to assist in
5142 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off
5143 the ballot, or to advocate that a voter refrain from voting or vote for or vote
5144 against any ballot proposition;
 - 5145 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
5146 ballot proposition or incorporation petition or refrain from voting, vote for, or vote
5147 against any proposed ballot proposition or an incorporation in an incorporation
5148 election; or
 - 5149 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
5150 ballot or to assist in keeping a ballot proposition off the ballot.
- 5151 (b) "Political issues committee" does not mean:
- 5152 (i) a registered political party or a party committee;
 - 5153 (ii) any entity that provides goods or services to an individual or committee in the
5154 regular course of its business at the same price that would be provided to the
5155 general public;
 - 5156 (iii) an individual;
 - 5157 (iv) individuals who are related and who make contributions from a joint checking
5158 account;
 - 5159 (v) a corporation, except a corporation a major purpose of which is to act as a

5160 political issues committee; or
5161 (vi) a group of individuals who:
5162 (A) associate together for the purpose of challenging or supporting a single ballot
5163 proposition, ordinance, or other governmental action by a county, city, town,
5164 special district, special service district, or other local political subdivision of
5165 the state;
5166 (B) have a common liberty, property, or financial interest that is directly impacted
5167 by the ballot proposition, ordinance, or other governmental action;
5168 (C) do not associate together, for the purpose described in Subsection
5169 (39)(b)(vi)(A), via a legal entity;
5170 (D) do not receive funds for challenging or supporting the ballot proposition,
5171 ordinance, or other governmental action from a person other than an individual
5172 in the group; and
5173 (E) do not expend a total of more than \$5,000 for the purpose described in
5174 Subsection (39)(b)(vi)(A).

5175 (40) (a) "Political issues contribution" means any of the following:
5176 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money
5177 or anything of value given to a political issues committee;
5178 (ii) an express, legally enforceable contract, promise, or agreement to make a
5179 political issues donation to influence the approval or defeat of any ballot
5180 proposition;
5181 (iii) any transfer of funds received by a political issues committee from a reporting
5182 entity;
5183 (iv) compensation paid by another reporting entity for personal services rendered
5184 without charge to a political issues committee; and
5185 (v) goods or services provided to or for the benefit of a political issues committee at
5186 less than fair market value.

5187 (b) "Political issues contribution" does not include:
5188 (i) services provided without compensation by individuals volunteering a portion or
5189 all of their time on behalf of a political issues committee; or
5190 (ii) money lent to a political issues committee by a financial institution in the
5191 ordinary course of business.

5192 (41) (a) "Political issues expenditure" means any of the following when made by a
5193 political issues committee or on behalf of a political issues committee by an agent of

the reporting entity:

- (i) any payment from political issues contributions made for the purpose of influencing the approval or the defeat of:
 - (A) a ballot proposition; or
 - (B) an incorporation petition or incorporation election;
- (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for the express purpose of influencing the approval or the defeat of:
 - (A) a ballot proposition; or
 - (B) an incorporation petition or incorporation election;
- (iii) an express, legally enforceable contract, promise, or agreement to make any political issues expenditure;
- (iv) compensation paid by a reporting entity for personal services rendered by a person without charge to a political issues committee; or
- (v) goods or services provided to or for the benefit of another reporting entity at less than fair market value.

(b) "Political issues expenditure" does not include:

- (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or
- (ii) money lent to a political issues committee by a financial institution in the ordinary course of business.

(42) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:

- (a) candidate or a person seeking a municipal or county office at any caucus, political convention, or election; or
- (b) judge standing for retention at any election.

(43) (a) "Poll" means the survey of a person regarding the person's opinion or knowledge of an individual who has filed a declaration of candidacy for public office, or of a ballot proposition that has legally qualified for placement on the ballot, which is conducted in person or by telephone, facsimile, Internet, postal mail, or email.

(b) "Poll" does not include:

- (i) a ballot; or
- (ii) an interview of a focus group that is conducted, in person, by one individual, if:

- 5228 (A) the focus group consists of more than three, and less than thirteen, individuals;
5229 and
- 5230 (B) all individuals in the focus group are present during the interview.
- 5231 (44) "Primary election" means any regular primary election held under the election laws.
- 5232 (45) "Publicly identified class of individuals" means a group of 50 or more individuals
5233 sharing a common occupation, interest, or association that contribute to a political action
5234 committee or political issues committee and whose names can be obtained by contacting
5235 the political action committee or political issues committee upon whose financial
5236 statement the individuals are listed.
- 5237 (46) "Public office" means the office of governor, lieutenant governor, state auditor, state
5238 treasurer, attorney general, state school board member, state senator, state representative,
5239 speaker of the House of Representatives, president of the Senate, and the leader, whip,
5240 and assistant whip of any party caucus in either house of the Legislature.
- 5241 (47) (a) "Public service assistance" means the following when given or provided to an
5242 officeholder to defray the costs of functioning in a public office or aid the
5243 officeholder to communicate with the officeholder's constituents:
- 5244 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit
5245 of money or anything of value to an officeholder; or
- 5246 (ii) goods or services provided at less than fair market value to or for the benefit of
5247 the officeholder.
- 5248 (b) "Public service assistance" does not include:
- 5249 (i) anything provided by the state;
- 5250 (ii) services provided without compensation by individuals volunteering a portion or
5251 all of their time on behalf of an officeholder;
- 5252 (iii) money lent to an officeholder by a financial institution in the ordinary course of
5253 business;
- 5254 (iv) news coverage or any publication by the news media; or
- 5255 (v) any article, story, or other coverage as part of any regular publication of any
5256 organization unless substantially all the publication is devoted to information
5257 about the officeholder.
- 5258 (48) "Receipts" means contributions and public service assistance.
- 5259 (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11, Lobbyist
5260 Disclosure and Regulation Act.
- 5261 (50) "Registered political action committee" means any political action committee that is

- 5262 required by this chapter to file a statement of organization with the Office of the
5263 Lieutenant Governor.
- 5264 (51) "Registered political issues committee" means any political issues committee that is
5265 required by this chapter to file a statement of organization with the Office of the
5266 Lieutenant Governor.
- 5267 (52) "Registered political party" means an organization of voters that:
- 5268 (a) participated in the last regular general election and polled a total vote equal to 2% or
5269 more of the total votes cast for all candidates for the United States House of
5270 Representatives for any of its candidates for any office; or
- 5271 (b) has complied with the petition and organizing procedures of Chapter 8, Political
5272 Party Formation and Procedures.
- 5273 (53) (a) "Remuneration" means a payment:
- 5274 (i) made to a legislator for the period the Legislature is in session; and
5275 (ii) that is approximately equivalent to an amount a legislator would have earned
5276 during the period the Legislature is in session in the legislator's ordinary course of
5277 business.
- 5278 (b) "Remuneration" does not mean anything of economic value given to a legislator by:
- 5279 (i) the legislator's primary employer in the ordinary course of business; or
5280 (ii) a person or entity in the ordinary course of business:
- 5281 (A) because of the legislator's ownership interest in the entity; or
5282 (B) for services rendered by the legislator on behalf of the person or entity.
- 5283 (54) "Reporting entity" means a candidate, a candidate's personal campaign committee, a
5284 judge, a judge's personal campaign committee, an officeholder, a party committee, a
5285 political action committee, a political issues committee, a corporation, or a labor
5286 organization, as defined in Section 20A-11-1501.
- 5287 (55) "School board office" means the office of state school board.
- 5288 (56) (a) "Source" means the person or entity that is the legal owner of the tangible or
5289 intangible asset that comprises the contribution.
- 5290 (b) "Source" means, for political action committees and corporations, the political action
5291 committee and the corporation as entities, not the contributors to the political action
5292 committee or the owners or shareholders of the corporation.
- 5293 (57) "State office" means the offices of governor, lieutenant governor, attorney general,
5294 state auditor, and state treasurer.
- 5295 (58) "State office candidate" means a person who:

- 5296 (a) files a declaration of candidacy for a state office; or
5297 (b) receives contributions, makes expenditures, or gives consent for any other person to
5298 receive contributions or make expenditures to bring about the person's nomination,
5299 election, or appointment to a state office.
- 5300 (59) "Summary report" means the year end report containing the summary of a reporting
5301 entity's contributions and expenditures.
- 5302 (60) "Supervisory board" means the individual or group of individuals that allocate
5303 expenditures from a political issues committee.
- 5304 Section 77. Section **26B-2-101** is amended to read:
5305 **26B-2-101 (Effective 05/01/24). Definitions.**
5306 As used in this part:
- 5307 (1) "Adoption services" means the same as that term is defined in Section 80-2-801.
5308 (2) "Adult day care" means nonresidential care and supervision:
5309 (a) for three or more adults for at least four but less than 24 hours a day; and
5310 (b) that meets the needs of functionally impaired adults through a comprehensive
5311 program that provides a variety of health, social, recreational, and related support
5312 services in a protective setting.
- 5313 (3) "Applicant" means a person that applies for an initial license or a license renewal under
5314 this part.
- 5315 (4) (a) "Associated with the licensee" means that an individual is:
5316 (i) affiliated with a licensee as an owner, director, member of the governing body,
5317 employee, agent, provider of care, department contractor, or volunteer; or
5318 (ii) applying to become affiliated with a licensee in a capacity described in
5319 Subsection (4)(a)(i).
- 5320 (b) "Associated with the licensee" does not include:
5321 (i) service on the following bodies, unless that service includes direct access to a
5322 child or a vulnerable adult:
5323 (A) a local mental health authority described in Section 17-43-301;
5324 (B) a local substance abuse authority described in Section 17-43-201; or
5325 (C) a board of an organization operating under a contract to provide mental health
5326 or substance use programs, or services for the local mental health authority or
5327 substance abuse authority; or
5328 (ii) a guest or visitor whose access to a child or a vulnerable adult is directly
5329 supervised at all times.

- 5330 (5) (a) "Boarding school" means a private school that:
- 5331 (i) uses a regionally accredited education program;
- 5332 (ii) provides a residence to the school's students:
- 5333 (A) for the purpose of enabling the school's students to attend classes at the
- 5334 school; and
- 5335 (B) as an ancillary service to educating the students at the school;
- 5336 (iii) has the primary purpose of providing the school's students with an education, as
- 5337 defined in Subsection (5)(b)(i); and
- 5338 (iv) (A) does not provide the treatment or services described in Subsection (38)(a);
- 5339 or
- 5340 (B) provides the treatment or services described in Subsection (38)(a) on a limited
- 5341 basis, as described in Subsection (5)(b)(ii).
- 5342 (b) (i) For purposes of Subsection (5)(a)(iii), "education" means a course of study for
- 5343 one or more grades from kindergarten through grade 12.
- 5344 (ii) For purposes of Subsection (5)(a)(iv)(B), a private school provides the treatment
- 5345 or services described in Subsection (38)(a) on a limited basis if:
- 5346 (A) the treatment or services described in Subsection (38)(a) are provided only as
- 5347 an incidental service to a student; and
- 5348 (B) the school does not:
- 5349 (I) specifically solicit a student for the purpose of providing the treatment or
- 5350 services described in Subsection (38)(a); or
- 5351 (II) have a primary purpose of providing the treatment or services described in
- 5352 Subsection (38)(a).
- 5353 (c) "Boarding school" does not include a therapeutic school.
- 5354 (6) "Child" means an individual under 18 years old.
- 5355 (7) "Child placing" means receiving, accepting, or providing custody or care for any child,
- 5356 temporarily or permanently, for the purpose of:
- 5357 (a) finding a person to adopt the child;
- 5358 (b) placing the child in a home for adoption; or
- 5359 (c) foster home placement.
- 5360 (8) "Child-placing agency" means a person that engages in child placing.
- 5361 (9) "Client" means an individual who receives or has received services from a licensee.
- 5362 (10) (a) "Congregate care program" means any of the following that provide services to
- 5363 a child:

- 5364 (i) an outdoor youth program;
5365 (ii) a residential support program;
5366 (iii) a residential treatment program; or
5367 (iv) a therapeutic school.
- 5368 (b) "Congregate care program" does not include a human services program that:
5369 (i) is licensed to serve adults; and
5370 (ii) is approved by the office to service a child for a limited time.
- 5371 (11) "Day treatment" means specialized treatment that is provided to:
5372 (a) a client less than 24 hours a day; and
5373 (b) four or more persons who:
5374 (i) are unrelated to the owner or provider; and
5375 (ii) have emotional, psychological, developmental, physical, or behavioral
5376 dysfunctions, impairments, or chemical dependencies.
- 5377 (12) "Department contractor" means an individual who:
5378 (a) provides services under a contract with the department; and
5379 (b) due to the contract with the department, has or will likely have direct access to a
5380 child or vulnerable adult.
- 5381 (13) "Direct access" means that an individual has, or likely will have:
5382 (a) contact with or access to a child or vulnerable adult that provides the individual with
5383 an opportunity for personal communication or touch; or
5384 (b) an opportunity to view medical, financial, or other confidential personal identifying
5385 information of the child, the child's parents or legal guardians, or the vulnerable adult.
- 5386 (14) "Directly supervised" means that an individual is being supervised under the
5387 uninterrupted visual and auditory surveillance of another individual who has a current
5388 background screening approval issued by the office.
- 5389 (15) "Director" means the director of the office.
- 5390 (16) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 5391 (17) "Domestic violence treatment program" means a nonresidential program designed to
5392 provide psychological treatment and educational services to perpetrators and victims of
5393 domestic violence.
- 5394 (18) "Elder adult" means a person 65 years old or older.
- 5395 (19) "Foster home" means a residence that is licensed or certified by the office for the
5396 full-time substitute care of a child.
- 5397 (20) "Health benefit plan" means the same as that term is defined in Section 31A-22-634.

- 5398 (21) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- 5399 (22) "Health insurer" means the same as that term is defined in Section 31A-22-615.5.
- 5400 (23) (a) "Human services program" means:
- 5401 (i) a foster home;
- 5402 (ii) a therapeutic school;
- 5403 (iii) a youth program;
- 5404 (iv) an outdoor youth program;
- 5405 (v) a residential treatment program;
- 5406 (vi) a residential support program;
- 5407 (vii) a resource family home;
- 5408 (viii) a recovery residence; or
- 5409 (ix) a facility or program that provides:
- 5410 (A) adult day care;
- 5411 (B) day treatment;
- 5412 (C) outpatient treatment;
- 5413 (D) domestic violence treatment;
- 5414 (E) child-placing services;
- 5415 (F) social detoxification; or
- 5416 (G) any other human services that are required by contract with the department to
- 5417 be licensed with the department.
- 5418 (b) "Human services program" does not include:
- 5419 (i) a boarding school; or
- 5420 (ii) a residential, vocational and life skills program, as defined in Section 13-53-102.
- 5421 (24) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 5422 (25) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.
- 5423 (26) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 5424 (27) "Intermediate secure treatment" means 24-hour specialized residential treatment or
- 5425 care for an individual who:
- 5426 (a) cannot live independently or in a less restrictive environment; and
- 5427 (b) requires, without the individual's consent or control, the use of locked doors to care
- 5428 for the individual.
- 5429 (28) "Licensee" means an individual or a human services program licensed by the office.
- 5430 (29) "Local government" means a city, town[, ~~metro-township~~], or county.
- 5431 (30) "Minor" means child.

- 5432 (31) "Office" means the Office of Licensing within the department.
- 5433 (32) "Outdoor youth program" means a program that provides:
- 5434 (a) services to a child that has:
- 5435 (i) a chemical dependency; or
- 5436 (ii) a dysfunction or impairment that is emotional, psychological, developmental,
- 5437 physical, or behavioral;
- 5438 (b) a 24-hour outdoor group living environment; and
- 5439 (c) (i) regular therapy, including group, individual, or supportive family therapy; or
- 5440 (ii) informal therapy or similar services, including wilderness therapy, adventure
- 5441 therapy, or outdoor behavioral healthcare.
- 5442 (33) "Outpatient treatment" means individual, family, or group therapy or counseling
- 5443 designed to improve and enhance social or psychological functioning for those whose
- 5444 physical and emotional status allows them to continue functioning in their usual living
- 5445 environment.
- 5446 (34) "Practice group" or "group practice" means two or more health care providers legally
- 5447 organized as a partnership, professional corporation, or similar association, for which:
- 5448 (a) substantially all of the services of the health care providers who are members of the
- 5449 group are provided through the group and are billed in the name of the group and
- 5450 amounts received are treated as receipts of the group; and
- 5451 (b) the overhead expenses of and the income from the practice are distributed in
- 5452 accordance with methods previously determined by members of the group.
- 5453 (35) "Private-placement child" means a child whose parent or guardian enters into a
- 5454 contract with a congregate care program for the child to receive services.
- 5455 (36) (a) "Recovery residence" means a home, residence, or facility that meets at least
- 5456 two of the following requirements:
- 5457 (i) provides a supervised living environment for individuals recovering from a
- 5458 substance use disorder;
- 5459 (ii) provides a living environment in which more than half of the individuals in the
- 5460 residence are recovering from a substance use disorder;
- 5461 (iii) provides or arranges for residents to receive services related to the resident's
- 5462 recovery from a substance use disorder, either on or off site;
- 5463 (iv) is held out as a living environment in which individuals recovering from
- 5464 substance abuse disorders live together to encourage continued sobriety; or
- 5465 (v) (A) receives public funding; or

- 5466 (B) is run as a business venture, either for-profit or not-for-profit.
- 5467 (b) "Recovery residence" does not mean:
- 5468 (i) a residential treatment program;
- 5469 (ii) residential support program; or
- 5470 (iii) a home, residence, or facility, in which:
- 5471 (A) residents, by a majority vote of the residents, establish, implement, and
- 5472 enforce policies governing the living environment, including the manner in
- 5473 which applications for residence are approved and the manner in which
- 5474 residents are expelled;
- 5475 (B) residents equitably share rent and housing-related expenses; and
- 5476 (C) a landlord, owner, or operator does not receive compensation, other than fair
- 5477 market rental income, for establishing, implementing, or enforcing policies
- 5478 governing the living environment.
- 5479 (37) "Regular business hours" means:
- 5480 (a) the hours during which services of any kind are provided to a client; or
- 5481 (b) the hours during which a client is present at the facility of a licensee.
- 5482 (38) (a) "Residential support program" means a program that arranges for or provides
- 5483 the necessities of life as a protective service to individuals or families who have a
- 5484 disability or who are experiencing a dislocation or emergency that prevents them
- 5485 from providing these services for themselves or their families.
- 5486 (b) "Residential support program" includes a program that provides a supervised living
- 5487 environment for individuals with dysfunctions or impairments that are:
- 5488 (i) emotional;
- 5489 (ii) psychological;
- 5490 (iii) developmental; or
- 5491 (iv) behavioral.
- 5492 (c) Treatment is not a necessary component of a residential support program.
- 5493 (d) "Residential support program" does not include:
- 5494 (i) a recovery residence; or
- 5495 (ii) a program that provides residential services that are performed:
- 5496 (A) exclusively under contract with the department and provided to individuals
- 5497 through the Division of Services for People with Disabilities; or
- 5498 (B) in a facility that serves fewer than four individuals.
- 5499 (39) (a) "Residential treatment" means a 24-hour group living environment for four or

5500 more individuals unrelated to the owner or provider that offers room or board and
5501 specialized treatment, behavior modification, rehabilitation, discipline, emotional
5502 growth, or habilitation services for persons with emotional, psychological,
5503 developmental, or behavioral dysfunctions, impairments, or chemical dependencies.

5504 (b) "Residential treatment" does not include a:

- 5505 (i) boarding school;
- 5506 (ii) foster home; or
- 5507 (iii) recovery residence.

5508 (40) "Residential treatment program" means a program or facility that provides:

- 5509 (a) residential treatment; or
- 5510 (b) intermediate secure treatment.

5511 (41) "Seclusion" means the involuntary confinement of an individual in a room or an area:

- 5512 (a) away from the individual's peers; and
- 5513 (b) in a manner that physically prevents the individual from leaving the room or area.

5514 (42) "Social detoxification" means short-term residential services for persons who are
5515 experiencing or have recently experienced drug or alcohol intoxication, that are provided
5516 outside of a health care facility licensed under Part 2, Health Care Facility Licensing and
5517 Inspection, and that include:

- 5518 (a) room and board for persons who are unrelated to the owner or manager of the facility;
- 5519 (b) specialized rehabilitation to acquire sobriety; and
- 5520 (c) aftercare services.

5521 (43) "Substance abuse disorder" or "substance use disorder" mean the same as "substance
5522 use disorder" is defined in Section 26B-5-501.

5523 (44) "Substance abuse treatment program" or "substance use disorder treatment program"
5524 means a program:

5525 (a) designed to provide:

- 5526 (i) specialized drug or alcohol treatment;
- 5527 (ii) rehabilitation; or
- 5528 (iii) habilitation services; and

5529 (b) that provides the treatment or services described in Subsection (44)(a) to persons
5530 with:

- 5531 (i) a diagnosed substance use disorder; or
- 5532 (ii) chemical dependency disorder.

5533 (45) "Therapeutic school" means a residential group living facility:

- 5534 (a) for four or more individuals that are not related to:
5535 (i) the owner of the facility; or
5536 (ii) the primary service provider of the facility;
- 5537 (b) that serves students who have a history of failing to function:
5538 (i) at home;
5539 (ii) in a public school; or
5540 (iii) in a nonresidential private school; and
- 5541 (c) that offers:
5542 (i) room and board; and
5543 (ii) an academic education integrated with:
5544 (A) specialized structure and supervision; or
5545 (B) services or treatment related to:
5546 (I) a disability;
5547 (II) emotional development;
5548 (III) behavioral development;
5549 (IV) familial development; or
5550 (V) social development.
- 5551 (46) "Unrelated persons" means persons other than parents, legal guardians, grandparents,
5552 brothers, sisters, uncles, or aunts.
- 5553 (47) "Vulnerable adult" means an elder adult or an adult who has a temporary or permanent
5554 mental or physical impairment that substantially affects the person's ability to:
5555 (a) provide personal protection;
5556 (b) provide necessities such as food, shelter, clothing, or mental or other health care;
5557 (c) obtain services necessary for health, safety, or welfare;
5558 (d) carry out the activities of daily living;
5559 (e) manage the adult's own resources; or
5560 (f) comprehend the nature and consequences of remaining in a situation of abuse,
5561 neglect, or exploitation.
- 5562 (48) (a) "Youth program" means a program designed to provide behavioral, substance
5563 use, or mental health services to minors that:
5564 (i) serves adjudicated or nonadjudicated youth;
5565 (ii) charges a fee for the program's services;
5566 (iii) may provide host homes or other arrangements for overnight accommodation of
5567 the youth;

- 5568 (iv) may provide all or part of the program's services in the outdoors;
5569 (v) may limit or censor access to parents or guardians; and
5570 (vi) prohibits or restricts a minor's ability to leave the program at any time of the
5571 minor's own free will.
- 5572 (b) "Youth program" does not include recreational programs such as Boy Scouts, Girl
5573 Scouts, 4-H, and other such organizations.
- 5574 (49) (a) "Youth transportation company" means any person that transports a child for
5575 payment to or from a congregate care program in Utah.
- 5576 (b) "Youth transportation company" does not include:
5577 (i) a relative of the child;
5578 (ii) a state agency; or
5579 (iii) a congregate care program's employee who transports the child from the
5580 congregate care program that employs the employee and returns the child to the
5581 same congregate care program.
- 5582 Section 78. Section **32B-1-102** is amended to read:
5583 **32B-1-102 (Effective 05/01/24). Definitions.**
5584 As used in this title:
- 5585 (1) "Airport lounge" means a business location:
5586 (a) at which an alcoholic product is sold at retail for consumption on the premises; and
5587 (b) that is located at an international airport or domestic airport.
- 5588 (2) "Airport lounge license" means a license issued in accordance with Chapter 5, Retail
5589 License Act, and Chapter 6, Part 5, Airport Lounge License.
- 5590 (3) "Alcoholic beverage" means the following:
5591 (a) beer; or
5592 (b) liquor.
- 5593 (4) (a) "Alcoholic product" means a product that:
5594 (i) contains at least .5% of alcohol by volume; and
5595 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other
5596 process that uses liquid or combinations of liquids, whether drinkable or not, to
5597 create alcohol in an amount equal to or greater than .5% of alcohol by volume.
- 5598 (b) "Alcoholic product" includes an alcoholic beverage.
- 5599 (c) "Alcoholic product" does not include any of the following common items that
5600 otherwise come within the definition of an alcoholic product:
5601 (i) except as provided in Subsection (4)(d), an extract;

- 5602 (ii) vinegar;
5603 (iii) preserved nonintoxicating cider;
5604 (iv) essence;
5605 (v) tincture;
5606 (vi) food preparation; or
5607 (vii) an over-the-counter medicine.
- 5608 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
5609 when it is used as a flavoring in the manufacturing of an alcoholic product.
- 5610 (5) "Alcohol training and education seminar" means a seminar that is:
5611 (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and
5612 (b) described in Section 26B-5-205.
- 5613 (6) "Arena" means an enclosed building:
5614 (a) that is managed by:
5615 (i) the same person who owns the enclosed building;
5616 (ii) a person who has a majority interest in each person who owns or manages a space
5617 in the enclosed building; or
5618 (iii) a person who has authority to direct or exercise control over the management or
5619 policy of each person who owns or manages a space in the enclosed building;
- 5620 (b) that operates as a venue; and
5621 (c) that has an occupancy capacity of at least 12,500.
- 5622 (7) "Arena license" means a license issued in accordance with Chapter 5, Retail License
5623 Act, and Chapter 8c, Arena License Act.
- 5624 (8) "Banquet" means an event:
5625 (a) that is a private event or a privately sponsored event;
5626 (b) that is held at one or more designated locations approved by the commission in or on
5627 the premises of:
5628 (i) a hotel;
5629 (ii) a resort facility;
5630 (iii) a sports center;
5631 (iv) a convention center;
5632 (v) a performing arts facility;
5633 (vi) an arena; or
5634 (vii) a restaurant venue;
5635 (c) for which there is a contract:

- 5636 (i) between a person operating a facility listed in Subsection (8)(b) and another
5637 person that has common ownership of less than 20% with the person operating the
5638 facility; and
- 5639 (ii) under which the person operating a facility listed in Subsection (8)(b) is required
5640 to provide an alcoholic product at the event; and
- 5641 (d) at which food and alcoholic products may be sold, offered for sale, or furnished.
- 5642 (9) (a) "Bar establishment license" means a license issued in accordance with Chapter 5,
5643 Retail License Act, and Chapter 6, Part 4, Bar Establishment License.
- 5644 (b) "Bar establishment license" includes:
- 5645 (i) a dining club license;
- 5646 (ii) an equity license;
- 5647 (iii) a fraternal license; or
- 5648 (iv) a bar license.
- 5649 (10) "Bar license" means a license issued in accordance with Chapter 5, Retail License Act,
5650 and Chapter 6, Part 4, Bar Establishment License.
- 5651 (11) (a) "Beer" means a product that:
- 5652 (i) contains:
- 5653 (A) at least .5% of alcohol by volume; and
- 5654 (B) no more than 5% of alcohol by volume or 4% by weight;
- 5655 (ii) is obtained by fermentation, infusion, or decoction of:
- 5656 (A) malt; or
- 5657 (B) a malt substitute; and
- 5658 (iii) is clearly marketed, labeled, and identified as:
- 5659 (A) beer;
- 5660 (B) ale;
- 5661 (C) porter;
- 5662 (D) stout;
- 5663 (E) lager;
- 5664 (F) a malt;
- 5665 (G) a malted beverage; or
- 5666 (H) seltzer.
- 5667 (b) "Beer" may contain:
- 5668 (i) hops extract;
- 5669 (ii) caffeine, if the caffeine is a natural constituent of an added ingredient; or

- 5670 (iii) a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that:
5671 (A) is used in the production of beer;
5672 (B) is in a formula approved by the federal Alcohol and Tobacco Tax and Trade
5673 Bureau after the formula is filed for approval under 27 C.F.R. Sec. 25.55; and
5674 (C) does not contribute more than 10% of the overall alcohol content of the beer.
- 5675 (c) "Beer" does not include:
5676 (i) a flavored malt beverage;
5677 (ii) a product that contains alcohol derived from:
5678 (A) except as provided in Subsection (11)(b)(iii), spirituous liquor; or
5679 (B) wine; or
5680 (iii) a product that contains an additive masking or altering a physiological effect of
5681 alcohol, including kratom, kava, cannabidiol, or natural or synthetic
5682 tetrahydrocannabinol.
- 5683 (12) "Beer-only restaurant license" means a license issued in accordance with Chapter 5,
5684 Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
- 5685 (13) "Beer retailer" means a business that:
5686 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether for
5687 consumption on or off the business premises; and
5688 (b) is licensed as:
5689 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise
5690 Beer Retailer Local Authority; or
5691 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and
5692 Chapter 6, Part 7, On-Premise Beer Retailer License.
- 5693 (14) "Beer wholesaling license" means a license:
5694 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
5695 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more retail
5696 licensees or off-premise beer retailers.
- 5697 (15) "Billboard" means a public display used to advertise, including:
5698 (a) a light device;
5699 (b) a painting;
5700 (c) a drawing;
5701 (d) a poster;
5702 (e) a sign;
5703 (f) a signboard; or

- 5704 (g) a scoreboard.
- 5705 (16) "Brewer" means a person engaged in manufacturing:
- 5706 (a) beer;
- 5707 (b) heavy beer; or
- 5708 (c) a flavored malt beverage.
- 5709 (17) "Brewery manufacturing license" means a license issued in accordance with Chapter
- 5710 11, Part 5, Brewery Manufacturing License.
- 5711 (18) "Certificate of approval" means a certificate of approval obtained from the department
- 5712 under Section 32B-11-201.
- 5713 (19) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by a
- 5714 bus company to a group of persons pursuant to a common purpose:
- 5715 (a) under a single contract;
- 5716 (b) at a fixed charge in accordance with the bus company's tariff; and
- 5717 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other
- 5718 motor vehicle, and a driver to travel together to one or more specified destinations.
- 5719 (20) "Church" means a building:
- 5720 (a) set apart for worship;
- 5721 (b) in which religious services are held;
- 5722 (c) with which clergy is associated; and
- 5723 (d) that is tax exempt under the laws of this state.
- 5724 (21) "Commission" means the Alcoholic Beverage Services Commission created in Section
- 5725 32B-2-201.
- 5726 (22) "Commissioner" means a member of the commission.
- 5727 (23) "Community location" means:
- 5728 (a) a public or private school;
- 5729 (b) a church;
- 5730 (c) a public library;
- 5731 (d) a public playground; or
- 5732 (e) a public park.
- 5733 (24) "Community location governing authority" means:
- 5734 (a) the governing body of the community location; or
- 5735 (b) if the commission does not know who is the governing body of a community
- 5736 location, a person who appears to the commission to have been given on behalf of the
- 5737 community location the authority to prohibit an activity at the community location.

- 5738 (25) "Container" means a receptacle that contains an alcoholic product, including:
5739 (a) a bottle;
5740 (b) a vessel; or
5741 (c) a similar item.
- 5742 (26) "Controlled group of manufacturers" means as the commission defines by rule made in
5743 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 5744 (27) "Convention center" means a facility that is:
5745 (a) in total at least 30,000 square feet; and
5746 (b) otherwise defined as a "convention center" by the commission by rule.
- 5747 (28) (a) "Counter" means a surface or structure in a dining area of a licensed premises
5748 where seating is provided to a patron for service of food.
5749 (b) "Counter" does not include a dispensing structure.
- 5750 (29) "Crime involving moral turpitude" is as defined by the commission by rule.
- 5751 (30) "Department" means the Department of Alcoholic Beverage Services created in
5752 Section 32B-2-203.
- 5753 (31) "Department compliance officer" means an individual who is:
5754 (a) an auditor or inspector; and
5755 (b) employed by the department.
- 5756 (32) "Department sample" means liquor that is placed in the possession of the department
5757 for testing, analysis, and sampling.
- 5758 (33) "Dining club license" means a license issued in accordance with Chapter 5, Retail
5759 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
5760 commission as a dining club license.
- 5761 (34) "Director," unless the context requires otherwise, means the director of the department.
- 5762 (35) "Disciplinary proceeding" means an adjudicative proceeding permitted under this title:
5763 (a) against a person subject to administrative action; and
5764 (b) that is brought on the basis of a violation of this title.
- 5765 (36) (a) Subject to Subsection (36)(b), "dispense" means:
5766 (i) drawing an alcoholic product; and
5767 (ii) using the alcoholic product at the location from which it was drawn to mix or
5768 prepare an alcoholic product to be furnished to a patron of the retail licensee.
- 5769 (b) The definition of "dispense" in this Subsection (36) applies only to:
5770 (i) a full-service restaurant license;
5771 (ii) a limited-service restaurant license;

- 5772 (iii) a reception center license;
- 5773 (iv) a beer-only restaurant license;
- 5774 (v) a bar license;
- 5775 (vi) an on-premise beer retailer;
- 5776 (vii) an airport lounge license;
- 5777 (viii) an on-premise banquet license; and
- 5778 (ix) a hospitality amenity license.
- 5779 (37) "Dispensing structure" means a surface or structure on a licensed premises:
- 5780 (a) where an alcoholic product is dispensed; or
- 5781 (b) from which an alcoholic product is served.
- 5782 (38) "Distillery manufacturing license" means a license issued in accordance with Chapter
- 5783 11, Part 4, Distillery Manufacturing License.
- 5784 (39) "Distressed merchandise" means an alcoholic product in the possession of the
- 5785 department that is saleable, but for some reason is unappealing to the public.
- 5786 (40) "Domestic airport" means an airport that:
- 5787 (a) has at least 15,000 commercial airline passenger boardings in any five-year period;
- 5788 (b) receives scheduled commercial passenger aircraft service; and
- 5789 (c) is not an international airport.
- 5790 (41) "Equity license" means a license issued in accordance with Chapter 5, Retail License
- 5791 Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
- 5792 commission as an equity license.
- 5793 (42) "Event permit" means:
- 5794 (a) a single event permit; or
- 5795 (b) a temporary beer event permit.
- 5796 (43) "Exempt license" means a license exempt under Section 32B-1-201 from being
- 5797 considered in determining the total number of retail licenses that the commission may
- 5798 issue at any time.
- 5799 (44) (a) "Flavored malt beverage" means a beverage:
- 5800 (i) that contains at least .5% alcohol by volume;
- 5801 (ii) for which the producer is required to file a formula for approval with the federal
- 5802 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because
- 5803 the beverage is treated by processing, filtration, or another method of manufacture
- 5804 that is not generally recognized as a traditional process in the production of a beer,
- 5805 ale, porter, stout, lager, or malt liquor; and

- 5806 (iii) for which the producer is required to file a formula for approval with the federal
5807 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because
5808 the beverage includes an ingredient containing alcohol.
- 5809 (b) "Flavored malt beverage" may contain a propylene glycol-, ethyl alcohol-, or
5810 ethanol-based flavoring agent that contributes to the overall alcohol content of the
5811 beverage.
- 5812 (c) "Flavored malt beverage" does not include beer or heavy beer.
- 5813 (d) "Flavored malt beverage" is considered liquor for purposes of this title.
- 5814 (45) "Fraternal license" means a license issued in accordance with Chapter 5, Retail License
5815 Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
5816 commission as a fraternal license.
- 5817 (46) "Full-service restaurant license" means a license issued in accordance with Chapter 5,
5818 Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.
- 5819 (47) (a) "Furnish" means by any means to provide with, supply, or give an individual an
5820 alcoholic product, by sale or otherwise.
- 5821 (b) "Furnish" includes to:
- 5822 (i) serve;
- 5823 (ii) deliver; or
- 5824 (iii) otherwise make available.
- 5825 (48) "Guest" means an individual who meets the requirements of Subsection 32B-6-407(9).
- 5826 (49) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.
- 5827 (50) "Health care practitioner" means:
- 5828 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 5829 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
- 5830 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 5831 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice
5832 Act;
- 5833 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
5834 Nurse Practice Act;
- 5835 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
5836 Practice Act;
- 5837 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
5838 Therapy Practice Act;
- 5839 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;

- 5840 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health
5841 Professional Practice Act;
- 5842 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
- 5843 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice
5844 Act;
- 5845 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
5846 Hygienist Practice Act; and
- 5847 (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
5848 Act.
- 5849 (51) (a) "Heavy beer" means a product that:
- 5850 (i) (A) contains more than 5% alcohol by volume;
- 5851 (B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
5852 volume or 4% by weight, and a propylene glycol-, ethyl alcohol-, or
5853 ethanol-based flavoring agent that contributes more than 10% of the overall
5854 alcohol content of the product; or
- 5855 (C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
5856 volume or 4% by weight, and has a label or packaging that is rejected under
5857 Subsection 32B-1-606(3)(b); and
- 5858 (ii) is obtained by fermentation, infusion, or decoction of:
- 5859 (A) malt; or
- 5860 (B) a malt substitute.
- 5861 (b) "Heavy beer" may, if the heavy beer contains more than 5% alcohol by volume,
5862 contain a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that
5863 contributes to the overall alcohol content of the heavy beer.
- 5864 (c) "Heavy beer" does not include:
- 5865 (i) a flavored malt beverage;
- 5866 (ii) a product that contains alcohol derived from:
- 5867 (A) except as provided in Subsections (51)(a)(i)(B) and (51)(b), spirituous liquor;
5868 or
- 5869 (B) wine; or
- 5870 (iii) a product that contains an additive masking or altering a physiological effect of
5871 alcohol, including kratom, kava, cannabidiol, or natural or synthetic
5872 tetrahydrocannabinol.
- 5873 (d) "Heavy beer" is considered liquor for the purposes of this title.

- 5874 (52) "Hospitality amenity license" means a license issued in accordance with Chapter 5,
5875 Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.
- 5876 (53) (a) "Hotel" means a commercial lodging establishment that:
- 5877 (i) offers at least 40 rooms as temporary sleeping accommodations for compensation;
5878 (ii) is capable of hosting conventions, conferences, and food and beverage functions
5879 under a banquet contract; and
- 5880 (iii) (A) has adequate kitchen or culinary facilities on the premises to provide
5881 complete meals;
5882 (B) has at least 1,000 square feet of function space consisting of meeting or dining
5883 rooms that can be reserved for a banquet and can accommodate at least 75
5884 individuals; or
- 5885 (C) if the establishment is located in a small or unincorporated locality, has an
5886 appropriate amount of function space consisting of meeting or dining rooms
5887 that can be reserved for private use under a banquet contract, as determined by
5888 the commission.
- 5889 (b) "Hotel" includes a commercial lodging establishment that:
- 5890 (i) meets the requirements under Subsection (53)(a); and
5891 (ii) has one or more privately owned dwelling units.
- 5892 (54) "Hotel license" means a license issued in accordance with Chapter 5, Retail License
5893 Act, and Chapter 8b, Hotel License Act.
- 5894 (55) "Identification card" means an identification card issued under Title 53, Chapter 3, Part
5895 8, Identification Card Act.
- 5896 (56) "Industry representative" means an individual who is compensated by salary,
5897 commission, or other means for representing and selling an alcoholic product of a
5898 manufacturer, supplier, or importer of liquor.
- 5899 (57) "Industry representative sample" means liquor that is placed in the possession of the
5900 department for testing, analysis, and sampling by a local industry representative on the
5901 premises of the department to educate the local industry representative of the quality and
5902 characteristics of the product.
- 5903 (58) "Interdicted person" means a person to whom the sale, offer for sale, or furnishing of
5904 an alcoholic product is prohibited by:
- 5905 (a) law; or
5906 (b) court order.
- 5907 (59) "International airport" means an airport:

- 5908 (a) with a United States Customs and Border Protection office on the premises of the
5909 airport; and
- 5910 (b) at which international flights may enter and depart.
- 5911 (60) "Intoxicated" or "intoxication" means that
5912 an individual exhibits plain and easily observable outward manifestations of behavior or
5913 physical signs produced by or as a result of the use of:
- 5914 (a) an alcoholic product;
5915 (b) a controlled substance;
5916 (c) a substance having the property of releasing toxic vapors; or
5917 (d) a combination of products or substances described in Subsections (60)(a) through (c).
- 5918 (61) "Investigator" means an individual who is:
5919 (a) a department compliance officer; or
5920 (b) a nondepartment enforcement officer.
- 5921 (62) "License" means:
5922 (a) a retail license;
5923 (b) a sublicense;
5924 (c) a license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer State
5925 License;
5926 (d) a license issued in accordance with Chapter 11, Manufacturing and Related Licenses
5927 Act;
5928 (e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;
5929 (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or
5930 (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.
- 5931 (63) "Licensee" means a person who holds a license.
- 5932 (64) "Limited-service restaurant license" means a license issued in accordance with Chapter
5933 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.
- 5934 (65) "Limousine" means a motor vehicle licensed by the state or a local authority, other
5935 than a bus or taxicab:
5936 (a) in which the driver and a passenger are separated by a partition, glass, or other
5937 barrier;
5938 (b) that is provided by a business entity to one or more individuals at a fixed charge in
5939 accordance with the business entity's tariff; and
5940 (c) to give the one or more individuals the exclusive use of the limousine and a driver to
5941 travel to one or more specified destinations.

- 5942 (66) (a) (i) "Liquor" means a liquid that:
5943 (A) is:
5944 (I) alcohol;
5945 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;
5946 (III) a combination of liquids a part of which is spirituous, vinous, or
5947 fermented; or
5948 (IV) other drink or drinkable liquid; and
5949 (B) (I) contains at least .5% alcohol by volume; and
5950 (II) is suitable to use for beverage purposes.
5951 (ii) "Liquor" includes:
5952 (A) heavy beer;
5953 (B) wine; and
5954 (C) a flavored malt beverage.
5955 (b) "Liquor" does not include beer.
5956 (67) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.
5957 (68) "Liquor transport license" means a license issued in accordance with Chapter 17,
5958 Liquor Transport License Act.
5959 (69) "Liquor warehousing license" means a license that is issued:
5960 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and
5961 (b) to a person, other than a licensed manufacturer, who engages in the importation for
5962 storage, sale, or distribution of liquor regardless of amount.
5963 (70) "Local authority" means:
5964 (a) for premises that are located in an unincorporated area of a county, the governing
5965 body of a county;
5966 (b) for premises that are located in an incorporated city[;] or town~~[; or metro township]~~,
5967 the governing body of the city[;] or town~~[; or metro township]~~; or
5968 (c) for premises that are located in a project area as defined in Section 63H-1-102 and in
5969 a project area plan adopted by the Military Installation Development Authority under
5970 Title 63H, Chapter 1, Military Installation Development Authority Act, the Military
5971 Installation Development Authority.
5972 (71) "Lounge or bar area" is as defined by rule made by the commission.
5973 (72) "Malt substitute" means:
5974 (a) rice;
5975 (b) grain;

- 5976 (c) bran;
5977 (d) glucose;
5978 (e) sugar; or
5979 (f) molasses.
- 5980 (73) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or
5981 otherwise make an alcoholic product for personal use or for sale or distribution to others.
- 5982 (74) "Member" means an individual who, after paying regular dues, has full privileges in an
5983 equity licensee or fraternal licensee.
- 5984 (75) (a) "Military installation" means a base, air field, camp, post, station, yard, center,
5985 or homeport facility for a ship:
- 5986 (i) (A) under the control of the United States Department of Defense; or
5987 (B) of the National Guard;
5988 (ii) that is located within the state; and
5989 (iii) including a leased facility.
- 5990 (b) "Military installation" does not include a facility used primarily for:
- 5991 (i) civil works;
5992 (ii) a rivers and harbors project; or
5993 (iii) a flood control project.
- 5994 (76) "Minibar" means an area of a hotel guest room where one or more alcoholic products
5995 are kept and offered for self-service sale or consumption.
- 5996 (77) "Minor" means an individual under 21 years old.
- 5997 (78) "Nondepartment enforcement agency" means an agency that:
- 5998 (a) (i) is a state agency other than the department; or
5999 (ii) is an agency of a county, city, or town~~[- or metro township]~~; and
6000 (b) has a responsibility to enforce one or more provisions of this title.
- 6001 (79) "Nondepartment enforcement officer" means an individual who is:
- 6002 (a) a peace officer, examiner, or investigator; and
6003 (b) employed by a nondepartment enforcement agency.
- 6004 (80) (a) "Off-premise beer retailer" means a beer retailer who is:
- 6005 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and
6006 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
6007 premises.
- 6008 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.
- 6009 (81) "Off-premise beer retailer state license" means a state license issued in accordance

- 6010 with Chapter 7, Part 4, Off-premise Beer Retailer State License.
- 6011 (82) "On-premise banquet license" means a license issued in accordance with Chapter 5,
6012 Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.
- 6013 (83) "On-premise beer retailer" means a beer retailer who is:
- 6014 (a) authorized to sell, offer for sale, or furnish beer under a license issued in accordance
6015 with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer
6016 License; and
- 6017 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
6018 premises:
- 6019 (i) regardless of whether the beer retailer sells beer for consumption off the licensed
6020 premises; and
- 6021 (ii) on and after March 1, 2012, operating:
- 6022 (A) as a tavern; or
- 6023 (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).
- 6024 (84) "Opaque" means impenetrable to sight.
- 6025 (85) "Package agency" means a retail liquor location operated:
- 6026 (a) under an agreement with the department; and
- 6027 (b) by a person:
- 6028 (i) other than the state; and
- 6029 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6,
6030 Package Agency, to sell packaged liquor for consumption off the premises of the
6031 package agency.
- 6032 (86) "Package agent" means a person who holds a package agency.
- 6033 (87) "Patron" means an individual to whom food, beverages, or services are sold, offered
6034 for sale, or furnished, or who consumes an alcoholic product including:
- 6035 (a) a customer;
- 6036 (b) a member;
- 6037 (c) a guest;
- 6038 (d) an attendee of a banquet or event;
- 6039 (e) an individual who receives room service;
- 6040 (f) a resident of a resort; or
- 6041 (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity
6042 license.
- 6043 (88) (a) "Performing arts facility" means a multi-use performance space that:

- 6044 (i) is primarily used to present various types of performing arts, including dance,
6045 music, and theater;
- 6046 (ii) contains over 2,500 seats;
- 6047 (iii) is owned and operated by a governmental entity; and
- 6048 (iv) is located in a city of the first class.
- 6049 (b) "Performing arts facility" does not include a space that is used to present sporting
6050 events or sporting competitions.
- 6051 (89) "Permittee" means a person issued a permit under:
- 6052 (a) Chapter 9, Event Permit Act; or
- 6053 (b) Chapter 10, Special Use Permit Act.
- 6054 (90) "Person subject to administrative action" means:
- 6055 (a) a licensee;
- 6056 (b) a permittee;
- 6057 (c) a manufacturer;
- 6058 (d) a supplier;
- 6059 (e) an importer;
- 6060 (f) one of the following holding a certificate of approval:
- 6061 (i) an out-of-state brewer;
- 6062 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
- 6063 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
- 6064 (g) staff of:
- 6065 (i) a person listed in Subsections (90)(a) through (f); or
- 6066 (ii) a package agent.
- 6067 (91) "Premises" means a building, enclosure, or room used in connection with the storage,
6068 sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product,
6069 unless otherwise defined in this title or rules made by the commission.
- 6070 (92) "Prescription" means an order issued by a health care practitioner when:
- 6071 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,
6072 to prescribe a controlled substance, other drug, or device for medicinal purposes;
- 6073 (b) the order is made in the course of that health care practitioner's professional practice;
6074 and
- 6075 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.
- 6076 (93) (a) "Primary spirituous liquor" means the main distilled spirit in a beverage.
- 6077 (b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.

- 6078 (94) "Principal license" means:
- 6079 (a) a resort license;
- 6080 (b) a hotel license; or
- 6081 (c) an arena license.
- 6082 (95) (a) "Private event" means a specific social, business, or recreational event:
- 6083 (i) for which an entire room, area, or hall is leased or rented in advance by an
- 6084 identified group; and
- 6085 (ii) that is limited in attendance to people who are specifically designated and their
- 6086 guests.
- 6087 (b) "Private event" does not include an event to which the general public is invited,
- 6088 whether for an admission fee or not.
- 6089 (96) "Privately sponsored event" means a specific social, business, or recreational event:
- 6090 (a) that is held in or on the premises of an on-premise banquet licensee; and
- 6091 (b) to which entry is restricted by an admission fee.
- 6092 (97) (a) "Proof of age" means:
- 6093 (i) an identification card;
- 6094 (ii) an identification that:
- 6095 (A) is substantially similar to an identification card;
- 6096 (B) is issued in accordance with the laws of a state other than Utah in which the
- 6097 identification is issued;
- 6098 (C) includes date of birth; and
- 6099 (D) has a picture affixed;
- 6100 (iii) a valid driver license certificate that:
- 6101 (A) includes date of birth;
- 6102 (B) has a picture affixed; and
- 6103 (C) is issued:
- 6104 (I) under Title 53, Chapter 3, Uniform Driver License Act;
- 6105 (II) in accordance with the laws of the state in which it is issued; or
- 6106 (III) in accordance with federal law by the United States Department of State;
- 6107 (iv) a military identification card that:
- 6108 (A) includes date of birth; and
- 6109 (B) has a picture affixed; or
- 6110 (v) a valid passport.
- 6111 (b) "Proof of age" does not include a driving privilege card issued in accordance with

6112 Section 53-3-207.

6113 (98) "Provisions applicable to a sublicense" means:

- 6114 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service
6115 restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;
6116 (b) for a limited-service restaurant sublicense, the provisions applicable to a
6117 limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant
6118 License;
6119 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment
6120 license under Chapter 6, Part 4, Bar Establishment License;
6121 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise
6122 banquet license under Chapter 6, Part 6, On-Premise Banquet License;
6123 (e) for an on-premise beer retailer sublicense, the provisions applicable to an on-premise
6124 beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
6125 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only
6126 restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
6127 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity
6128 license under Chapter 6, Part 10, Hospitality Amenity License; and
6129 (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d,
6130 Part 2, Resort Spa Sublicense.

6131 (99) (a) "Public building" means a building or permanent structure that is:

6132 (i) owned or leased by:

6133 (A) the state; or

6134 (B) a local government entity; and

6135 (ii) used for:

6136 (A) public education;

6137 (B) transacting public business; or

6138 (C) regularly conducting government activities.

6139 (b) "Public building" does not include a building owned by the state or a local
6140 government entity when the building is used by a person, in whole or in part, for a
6141 proprietary function.

6142 (100) "Public conveyance" means a conveyance that the public or a portion of the public
6143 has access to and a right to use for transportation, including an airline, railroad, bus,
6144 boat, or other public conveyance.

6145 (101) "Reception center" means a business that:

- 6146 (a) operates facilities that are at least 5,000 square feet; and
6147 (b) has as its primary purpose the leasing of the facilities described in Subsection
6148 (101)(a) to a third party for the third party's event.
- 6149 (102) "Reception center license" means a license issued in accordance with Chapter 5,
6150 Retail License Act, and Chapter 6, Part 8, Reception Center License.
- 6151 (103) (a) "Record" means information that is:
6152 (i) inscribed on a tangible medium; or
6153 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.
- 6154 (b) "Record" includes:
6155 (i) a book;
6156 (ii) a book of account;
6157 (iii) a paper;
6158 (iv) a contract;
6159 (v) an agreement;
6160 (vi) a document; or
6161 (vii) a recording in any medium.
- 6162 (104) "Residence" means a person's principal place of abode within Utah.
- 6163 (105) "Resident," in relation to a resort, means the same as that term is defined in Section
6164 32B-8-102.
- 6165 (106) "Resort" means the same as that term is defined in Section 32B-8-102.
- 6166 (107) "Resort facility" is as defined by the commission by rule.
- 6167 (108) "Resort license" means a license issued in accordance with Chapter 5, Retail License
6168 Act, and Chapter 8, Resort License Act.
- 6169 (109) "Responsible alcohol service plan" means a written set of policies and procedures that
6170 outlines measures to prevent employees from:
6171 (a) over-serving alcoholic beverages to customers;
6172 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously
6173 intoxicated; and
6174 (c) serving alcoholic beverages to minors.
- 6175 (110) "Restaurant" means a business location:
6176 (a) at which a variety of foods are prepared;
6177 (b) at which complete meals are served; and
6178 (c) that is engaged primarily in serving meals.
- 6179 (111) "Restaurant license" means one of the following licenses issued under this title:

- 6180 (a) a full-service restaurant license;
6181 (b) a limited-service restaurant license; or
6182 (c) a beer-only restaurant license.
- 6183 (112) "Restaurant venue" means a room within a restaurant that:
6184 (a) is located on the licensed premises of a restaurant licensee;
6185 (b) is separated from the area within the restaurant for a patron's consumption of food by
6186 a permanent, opaque, floor-to-ceiling wall such that the inside of the room is not
6187 visible to a patron in the area within the restaurant for a patron's consumption of
6188 food; and
6189 (c) (i) has at least 1,000 square feet that:
6190 (A) may be reserved for a banquet; and
6191 (B) accommodates at least 75 individuals; or
6192 (ii) if the restaurant is located in a small or unincorporated locality, has an
6193 appropriate amount of space, as determined by the commission, that may be
6194 reserved for a banquet.
- 6195 (113) "Retail license" means one of the following licenses issued under this title:
6196 (a) a full-service restaurant license;
6197 (b) a master full-service restaurant license;
6198 (c) a limited-service restaurant license;
6199 (d) a master limited-service restaurant license;
6200 (e) a bar establishment license;
6201 (f) an airport lounge license;
6202 (g) an on-premise banquet license;
6203 (h) an on-premise beer license;
6204 (i) a reception center license;
6205 (j) a beer-only restaurant license;
6206 (k) a hospitality amenity license;
6207 (l) a resort license;
6208 (m) a hotel license; or
6209 (n) an arena license.
- 6210 (114) "Room service" means furnishing an alcoholic product to a person in a guest room or
6211 privately owned dwelling unit of a:
6212 (a) hotel; or
6213 (b) resort facility.

- 6214 (115) (a) "School" means a building in which any part is used for more than three hours
6215 each weekday during a school year as a public or private:
- 6216 (i) elementary school;
 - 6217 (ii) secondary school; or
 - 6218 (iii) kindergarten.
- 6219 (b) "School" does not include:
- 6220 (i) a nursery school;
 - 6221 (ii) a day care center;
 - 6222 (iii) a trade and technical school;
 - 6223 (iv) a preschool; or
 - 6224 (v) a home school.
- 6225 (116) "Secondary flavoring ingredient" means any spirituous liquor added to a beverage for
6226 additional flavoring that is different in type, flavor, or brand from the primary spirituous
6227 liquor in the beverage.
- 6228 (117) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for
6229 consideration, an alcoholic product is either directly or indirectly transferred, solicited,
6230 ordered, delivered for value, or by a means or under a pretext is promised or obtained,
6231 whether done by a person as a principal, proprietor, or as staff, unless otherwise defined
6232 in this title or the rules made by the commission.
- 6233 (118) "Serve" means to place an alcoholic product before an individual.
- 6234 (119) "Sexually oriented entertainer" means a person who while in a state of seminudity
6235 appears at or performs:
- 6236 (a) for the entertainment of one or more patrons;
 - 6237 (b) on the premises of:
 - 6238 (i) a bar licensee; or
 - 6239 (ii) a tavern;
 - 6240 (c) on behalf of or at the request of the licensee described in Subsection (119)(b);
 - 6241 (d) on a contractual or voluntary basis; and
 - 6242 (e) whether or not the person is designated as:
 - 6243 (i) an employee;
 - 6244 (ii) an independent contractor;
 - 6245 (iii) an agent of the licensee; or
 - 6246 (iv) a different type of classification.
- 6247 (120) "Shared seating area" means the licensed premises of two or more restaurant

- 6248 licensees that the restaurant licensees share as an area for alcoholic beverage
6249 consumption in accordance with Subsection 32B-5-207(3).
- 6250 (121) "Single event permit" means a permit issued in accordance with Chapter 9, Part 3,
6251 Single Event Permit.
- 6252 (122) "Small brewer" means a brewer who manufactures less than 60,000 barrels of beer,
6253 heavy beer, and flavored malt beverage per year, as the department calculates by:
6254 (a) if the brewer is part of a controlled group of manufacturers, including the combined
6255 volume totals of production for all breweries that constitute the controlled group of
6256 manufacturers; and
6257 (b) excluding beer, heavy beer, or flavored malt beverage the brewer:
6258 (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission
6259 determines by rule made in accordance with Title 63G, Chapter 3, Utah
6260 Administrative Rulemaking Act; and
6261 (ii) does not sell for consumption as, or in, a beverage.
- 6262 (123) "Small or unincorporated locality" means:
6263 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;
6264 (b) a town, as classified under Section 10-2-301; or
6265 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified
6266 under Section 17-50-501.
- 6267 (124) "Spa sublicense" means a sublicense:
6268 (a) to a resort license or hotel license; and
6269 (b) that the commission issues in accordance with Chapter 8d, Part 2, Resort Spa
6270 Sublicense.
- 6271 (125) "Special use permit" means a permit issued in accordance with Chapter 10, Special
6272 Use Permit Act.
- 6273 (126) (a) "Spirituous liquor" means liquor that is distilled.
6274 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by 27
6275 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.
- 6276 (127) "Sports center" is as defined by the commission by rule.
- 6277 (128) (a) "Staff" means an individual who engages in activity governed by this title:
6278 (i) on behalf of a business, including a package agent, licensee, permittee, or
6279 certificate holder;
6280 (ii) at the request of the business, including a package agent, licensee, permittee, or
6281 certificate holder; or

- 6282 (iii) under the authority of the business, including a package agent, licensee,
6283 permittee, or certificate holder.
- 6284 (b) "Staff" includes:
- 6285 (i) an officer;
- 6286 (ii) a director;
- 6287 (iii) an employee;
- 6288 (iv) personnel management;
- 6289 (v) an agent of the licensee, including a managing agent;
- 6290 (vi) an operator; or
- 6291 (vii) a representative.
- 6292 (129) "State of nudity" means:
- 6293 (a) the appearance of:
- 6294 (i) the nipple or areola of a female human breast;
- 6295 (ii) a human genital;
- 6296 (iii) a human pubic area; or
- 6297 (iv) a human anus; or
- 6298 (b) a state of dress that fails to opaquely cover:
- 6299 (i) the nipple or areola of a female human breast;
- 6300 (ii) a human genital;
- 6301 (iii) a human pubic area; or
- 6302 (iv) a human anus.
- 6303 (130) "State of seminudity" means a state of dress in which opaque clothing covers no more
6304 than:
- 6305 (a) the nipple and areola of the female human breast in a shape and color other than the
6306 natural shape and color of the nipple and areola; and
- 6307 (b) the human genitals, pubic area, and anus:
- 6308 (i) with no less than the following at its widest point:
- 6309 (A) four inches coverage width in the front of the human body; and
- 6310 (B) five inches coverage width in the back of the human body; and
- 6311 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.
- 6312 (131) (a) "State store" means a facility for the sale of packaged liquor:
- 6313 (i) located on premises owned or leased by the state; and
- 6314 (ii) operated by a state employee.
- 6315 (b) "State store" does not include:

- 6316 (i) a package agency;
6317 (ii) a licensee; or
6318 (iii) a permittee.
- 6319 (132) (a) "Storage area" means an area on licensed premises where the licensee stores an
6320 alcoholic product.
- 6321 (b) "Store" means to place or maintain in a location an alcoholic product.
- 6322 (133) "Sublicense" means:
- 6323 (a) any of the following licenses issued as a subordinate license to, and contingent on the
6324 issuance of, a principal license:
- 6325 (i) a full-service restaurant license;
6326 (ii) a limited-service restaurant license;
6327 (iii) a bar establishment license;
6328 (iv) an on-premise banquet license;
6329 (v) an on-premise beer retailer license;
6330 (vi) a beer-only restaurant license; or
6331 (vii) a hospitality amenity license; or
6332 (b) a spa sublicense.
- 6333 (134) "Supplier" means a person who sells an alcoholic product to the department.
- 6334 (135) "Tavern" means an on-premise beer retailer who is:
- 6335 (a) issued a license by the commission in accordance with Chapter 5, Retail License Act,
6336 and Chapter 6, Part 7, On-Premise Beer Retailer License; and
6337 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,
6338 On-Premise Beer Retailer License.
- 6339 (136) "Temporary beer event permit" means a permit issued in accordance with Chapter 9,
6340 Part 4, Temporary Beer Event Permit.
- 6341 (137) "Temporary domicile" means the principal place of abode within Utah of a person
6342 who does not have a present intention to continue residency within Utah permanently or
6343 indefinitely.
- 6344 (138) "Translucent" means a substance that allows light to pass through, but does not allow
6345 an object or person to be seen through the substance.
- 6346 (139) "Unsaleable liquor merchandise" means a container that:
- 6347 (a) is unsaleable because the container is:
- 6348 (i) unlabeled;
6349 (ii) leaky;

- 6350 (iii) damaged;
- 6351 (iv) difficult to open; or
- 6352 (v) partly filled;
- 6353 (b) (i) has faded labels or defective caps or corks;
- 6354 (ii) has contents that are:
- 6355 (A) cloudy;
- 6356 (B) spoiled; or
- 6357 (C) chemically determined to be impure; or
- 6358 (iii) contains:
- 6359 (A) sediment; or
- 6360 (B) a foreign substance; or
- 6361 (c) is otherwise considered by the department as unfit for sale.
- 6362 (140) (a) "Wine" means an alcoholic product obtained by the fermentation of the natural
- 6363 sugar content of fruits, plants, honey, or milk, or other like substance, whether or not
- 6364 another ingredient is added.
- 6365 (b) "Wine" includes:
- 6366 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R.
- 6367 Sec. 4.10; and
- 6368 (ii) hard cider.
- 6369 (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided in
- 6370 this title.
- 6371 (141) "Winery manufacturing license" means a license issued in accordance with Chapter
- 6372 11, Part 3, Winery Manufacturing License.
- 6373 Section 79. Section **32B-1-702** is amended to read:
- 6374 **32B-1-702 (Effective 05/01/24). Alcohol training and education -- Revocation,**
- 6375 **suspension, or nonrenewal of retail license.**
- 6376 (1) The commission may suspend, revoke, or not renew a license of a retail licensee if any
- 6377 of the following individuals fail to complete an alcohol training and education seminar:
- 6378 (a) a retail manager; or
- 6379 (b) retail staff.
- 6380 (2) A city, town[, ~~metro township~~], or county in which a retail licensee conducts business
- 6381 may suspend, revoke, or not renew the business license of the retail licensee if a retail
- 6382 manager or retail staff fails to complete an alcohol training and education seminar.
- 6383 (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 80. Section **32B-1-704** is amended to read:

32B-1-704 (Effective 05/01/24). 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 beer retailer who violates a provision of this title related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated individual or a minor, that addresses:
 - (i) the statutes and rules that govern the most common types of violations under this title;
 - (ii) how to avoid common violations; and
 - (iii) any other topic the department determines beneficial to the training program.
- (2) No later than January 1, 2019, the department shall develop a training program for off-premise retail managers that is provided either in-person or online and addresses:
 - (a) the statutes and rules that govern sales at an off-premise beer retailer;
 - (b) the requirements for operating an off-premise beer retailer;
 - (c) using compliance assistance from the department; and
 - (d) any other topic the department determines beneficial to an off-premise retail manager.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the provisions of this section, the department shall make rules to develop and implement the training programs described in this section, including rules that establish:
 - (a) the requirements for each training program described in this section;
 - (b) measures that accurately identify each individual who takes and completes a training program;

- 6418 (c) measures that ensure an individual taking a training program is focused and actively
6419 engaged in the training material throughout the training program;
- 6420 (d) a record that certifies that an individual has completed a training program; and
- 6421 (e) a fee for participation in a training program to cover the department's cost of
6422 providing the training program.
- 6423 (4) (a) Each retail manager shall complete the training described in Subsection (1)(a) no
6424 later than the later of:
- 6425 (i) 30 days after the day on which the retail manager is hired; or
- 6426 (ii) the day on which the retail licensee obtains a retail license.
- 6427 (b) Each off-premise retail manager shall complete the training described in Subsection
6428 (2) no later than the later of:
- 6429 (i) 30 days after the day on which the off-premise retail manager is hired; or
- 6430 (ii) 30 days after the day on which the off-premise beer retailer obtains an
6431 off-premise beer retailer state license.
- 6432 (c) (i) If the commission finds that a retail licensee violated a provision of this title
6433 related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated
6434 individual or a minor for a second time within 36 consecutive months after the day
6435 on which the first violation was adjudicated, the violator, all retail staff, and each
6436 retail manager shall complete the training program described in Subsection (1)(b).
- 6437 (ii) If the commission finds that an off-premise beer retailer violated a provision of
6438 this title related to the sale, service, or furnishing of an alcoholic beverage to an
6439 intoxicated individual or a minor for a second time within 36 consecutive months
6440 after the day on which the first violation was adjudicated, the violator and each
6441 off-premise retail manager shall complete the training program described in
6442 Subsection (1)(b).
- 6443 (5) If an individual fails to complete a required training program under this section:
- 6444 (a) the commission may suspend, revoke, or not renew the retail license or off-premise
6445 beer retailer state license;
- 6446 (b) a city, town~~[-metro-township]~~, or county in which the retail licensee or off-premise
6447 beer retailer is located may suspend, revoke, or not renew the retail licensee's or
6448 off-premise beer retailer's business license; or
- 6449 (c) a local authority may suspend, revoke, or not renew the off-premise beer retailer's
6450 license.
- 6451 Section 81. Section **32B-2-402** is amended to read:

6452 **32B-2-402 (Effective 05/01/24). Definitions -- Calculations.**

6453 (1) As used in this part:

6454 (a) "Account" means the Alcoholic Beverage and Substance Abuse Enforcement and
6455 Treatment Restricted Account created in Section 32B-2-403.6456 (b) "Advisory council" means the Utah Substance Use and Mental Health Advisory
6457 Council created in Section 63M-7-301.

6458 (c) "Alcohol-related offense" means:

6459 (i) a violation of:

6460 (A) Section 41-6a-502; or

6461 (B) an ordinance that complies with the requirements of:

6462 (I) Subsection 41-6a-510(1); or

6463 (II) Section 76-5-207; or

6464 (ii) an offense involving the illegal:

6465 (A) sale of an alcoholic product;

6466 (B) consumption of an alcoholic product;

6467 (C) distribution of an alcoholic product;

6468 (D) transportation of an alcoholic product; or

6469 (E) possession of an alcoholic product.

6470 (d) "Annual conviction time period" means the time period that:

6471 (i) begins on July 1 and ends on June 30; and

6472 (ii) immediately precedes the fiscal year for which an appropriation under this part is
6473 made.6474 (e) "Municipality" means[+] a city or town.6475 [(+) ~~a city;~~]6476 [(ii) ~~a town; or~~]6477 [(iii) ~~a metro township.~~]6478 (f) (i) "Prevention" is as defined by rule, in accordance with Title 63G, Chapter 3,
6479 Utah Administrative Rulemaking Act, by the Division of Integrated Healthcare
6480 within the Department of Health and Human Services.6481 (ii) In defining the term "prevention," the Division of Substance Abuse and Mental
6482 Health shall:

6483 (A) include only evidence-based or evidence-informed programs; and

6484 (B) provide for coordination with local substance abuse authorities designated to
6485 provide substance abuse services in accordance with Section 17-43-201.

- 6486 (2) For purposes of Subsection 32B-2-404(1)(b)(iii), the number of premises located within
6487 the limits of a municipality or county:
- 6488 (a) is the number determined by the department to be so located;
- 6489 (b) includes the aggregate number of premises of the following:
- 6490 (i) a state store;
- 6491 (ii) a package agency; and
- 6492 (iii) a retail licensee; and
- 6493 (c) for a county, consists only of the number located within an unincorporated area of
6494 the county.
- 6495 (3) The department shall determine:
- 6496 (a) a population figure according to the most current population estimate prepared by the
6497 Utah Population Committee;
- 6498 (b) a county's population for the 25% distribution to municipalities and counties under
6499 Subsection 32B-2-404(1)(b)(i) only with reference to the population in the
6500 unincorporated areas of the county; and
- 6501 (c) a county's population for the 25% distribution to counties under Subsection
6502 32B-2-404(1)(b)(iv) only with reference to the total population in the county,
6503 including that of a municipality.
- 6504 (4) (a) A conviction occurs in the municipality or county that actually prosecutes the
6505 offense to judgment.
- 6506 (b) If a conviction is based upon a guilty plea, the conviction is considered to occur in
6507 the municipality or county that, except for the guilty plea, would have prosecuted the
6508 offense.
- 6509 Section 82. Section **32B-4-202** is amended to read:
- 6510 **32B-4-202 (Effective 05/01/24). Duties to enforce this title.**
- 6511 It is the duty of the following to diligently enforce this title in their respective
6512 capacities:
- 6513 (1) the governor;
- 6514 (2) a commissioner;
- 6515 (3) the director;
- 6516 (4) an official, inspector, or department employee;
- 6517 (5) a prosecuting official of the state or its political subdivisions;
- 6518 (6) a county, city, or town~~[, or metro township]~~;
- 6519 (7) a peace officer, sheriff, deputy sheriff, constable, marshal, or law enforcement official;

6520 (8) a state health official; and

6521 (9) a clerk of the court.

6522 Section 83. Section **35A-8-805** is amended to read:

6523 **35A-8-805 (Effective 05/01/24). Reporting requirements.**

6524 (1) As used in this section:

6525 (a) "Affordable housing" means, as determined by the department, the number of
6526 housing units within a county or municipality where a household whose income is at
6527 or below 50% of area median income is able to live in a unit without spending more
6528 than 30% of their income on housing costs.

6529 (b) "County" means the unincorporated area of a county.

6530 (c) "Low-income housing" means, as determined by the department, the number of
6531 Section 42, Internal Revenue Code, housing units within a county or municipality.

6532 (d) "Municipality" means a city[,] or town[, ~~or metro-township~~].

6533 (2) (a) On or before October 1 of each year, the division shall provide a report to the
6534 department for inclusion in the department's annual report described in Section
6535 35A-1-109.

6536 (b) The report shall include:

- 6537 (i) an estimate of how many affordable housing units and how many low-income
6538 housing units are available in each county and municipality in the state;
6539 (ii) a determination of the percentage of affordable housing available in each county
6540 and municipality in the state as compared to the statewide average;
6541 (iii) a determination of the percentage of low-income housing available in each
6542 county and municipality in the state as compared to the statewide average; and
6543 (iv) a description of how information in the report was calculated.

6544 Section 84. Section **35A-16-401** is amended to read:

6545 **35A-16-401 (Effective 05/01/24). Definitions.**

6546 As used in this part:

6547 (1) "Account" means the Homeless Shelter Cities Mitigation Restricted Account created in
6548 Section 35A-16-402.

6549 (2) "Authorized provider" means a nonprofit provider of homeless services that is
6550 authorized by a third-tier eligible municipality to operate a temporary winter response
6551 shelter within the municipality in accordance with Part 5, Winter Response Plan
6552 Requirements.

6553 (3) "Eligible municipality" means:

- 6554 (a) a first-tier eligible municipality;
6555 (b) a second-tier eligible municipality; or
6556 (c) a third-tier eligible municipality.
- 6557 (4) "Eligible services" means any activities or services that mitigate the impacts of the
6558 location of an eligible shelter, including direct services, public safety services, and
6559 emergency services, as further defined by rule made by the office in accordance with
6560 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 6561 (5) "Eligible shelter" means:
- 6562 (a) for a first-tier eligible municipality, a homeless shelter that:
- 6563 (i) has the capacity to provide temporary shelter to at least 80 individuals per night,
6564 as verified by the office;
- 6565 (ii) operates year-round; and
- 6566 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of
6567 operation;
- 6568 (b) for a second-tier municipality, a homeless shelter that:
- 6569 (i) has the capacity to provide temporary shelter to at least 25 individuals per night,
6570 as verified by the office;
- 6571 (ii) operates year-round; and
- 6572 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of
6573 operation; and
- 6574 (c) for a third-tier eligible municipality, a homeless shelter that:
- 6575 (i) (A) has the capacity to provide temporary shelter to at least 50 individuals per
6576 night, as verified by the office; and
- 6577 (B) operates for no less than three months during the period beginning October 1
6578 and ending April 30 of the following year; or
- 6579 (ii) (A) meets the definition of a homeless shelter under Section 35A-16-501; and
- 6580 (B) increases capacity during a winter response period, as defined in Section
6581 35A-16-501, in accordance with Subsection 35A-16-502(6)(a).
- 6582 (6) "First-tier eligible municipality" means a municipality that:
- 6583 (a) is located within a county of the first or second class;
- 6584 (b) as determined by the office, has or is proposed to have an eligible shelter within the
6585 municipality's geographic boundaries within the following fiscal year;
- 6586 (c) due to the location of an eligible shelter within the municipality's geographic
6587 boundaries, requires eligible services; and

6588 (d) is certified as a first-tier eligible municipality in accordance with Section 35A-16-404.

6589 (7) "Homeless shelter" means a facility that provides or is proposed to provide temporary
6590 shelter to individuals experiencing homelessness.

6591 (8) "Municipality" means a city[;] or town[~~or metro township~~].

6592 (9) "Public safety services" means law enforcement, emergency medical services, or fire
6593 protection.

6594 (10) "Second-tier eligible municipality" means a municipality that:

6595 (a) is located within a county of the third, fourth, fifth, or sixth class;

6596 (b) as determined by the office, has or is proposed to have an eligible shelter within the
6597 municipality's geographic boundaries within the following fiscal year;

6598 (c) due to the location of an eligible shelter within the municipality's geographic
6599 boundaries, requires eligible services; and

6600 (d) is certified as a second-tier eligible municipality in accordance with Section
6601 35A-16-404.

6602 (11) "Third-tier eligible municipality" means a municipality that:

6603 (a) as determined by the office, has or is proposed to have an eligible shelter within the
6604 municipality's geographic boundaries within the following fiscal year; and

6605 (b) due to the location of an eligible shelter within the municipality's geographic
6606 boundaries, requires eligible services.

6607 Section 85. Section **35A-16-501** is amended to read:

6608 **35A-16-501 (Effective 05/01/24). Definitions.**

6609 As used in this part:

6610 (1) "Applicable county" means a county of the first or second class.

6611 (2) "Applicable local homeless council" means the local homeless council that is
6612 responsible for coordinating homeless response within an applicable county.

6613 (3) "Capacity limit" means a limit as to the number of individuals that a homeless shelter
6614 may provide overnight shelter to under a conditional use permit.

6615 (4) "Chief executive officer" means the same as that term is defined in Section 11-51-102.

6616 (5) "Community location" means the same as that term is defined in Section 10-8-41.6.

6617 (6) "Conference of mayors" means an association consisting of the mayor of each
6618 municipality located within a county.

6619 (7) "Council of governments" means the same as that term is defined in Section 72-2-117.5.

6620 (8) "County winter response task force" or "task force" means a task force described in
6621 Section 35A-16-501.5.

- 6622 (9) "Homeless shelter" means a facility that:
- 6623 (a) provides temporary shelter to individuals experiencing homelessness;
- 6624 (b) operates year-round; and
- 6625 (c) is not subject to restrictions that limit the hours, days, weeks, or months of operation.
- 6626 (10) "Municipality" means a city[, or town~~, or metro township~~].
- 6627 (11) "State facility" means the same as that term is defined in Section 63A-5b-1001.
- 6628 (12) "Subsequent winter response period" means the winter response period that begins on
- 6629 October 15 of the year in which a county winter response task force is required to submit
- 6630 a winter response plan to the office under Section 35A-16-502.
- 6631 (13) "Targeted winter response bed count" means the targeted bed count number for an
- 6632 applicable county during the winter response period, as determined jointly by the
- 6633 applicable local homeless council and the office.
- 6634 (14) "Temporary winter response shelter" means a facility that:
- 6635 (a) provides temporary emergency shelter to individuals experiencing homelessness
- 6636 during a winter response period; and
- 6637 (b) does not operate year-round.
- 6638 (15) "Winter response period" means the period beginning October 15 and ending April 30
- 6639 of the following year.
- 6640 (16) "Winter response plan" means the plan described in Section 35A-16-502.
- 6641 Section 86. Section **35A-16-701** is amended to read:
- 6642 **35A-16-701 (Effective 05/01/24). Definitions.**
- 6643 As used in this part:
- 6644 (1) "Affected county" means a county of the first, second, third, or fourth class in which a
- 6645 code blue event is anticipated.
- 6646 (2) "Applicable local homeless council" means the local homeless council that is
- 6647 responsible for coordinating homeless response within an affected county.
- 6648 (3) "Capacity limit" means a limit as to the number of individuals that a homeless shelter
- 6649 may provide temporary shelter to under a conditional use permit.
- 6650 (4) "Code blue alert" means a proclamation issued by the Department of Health and Human
- 6651 Services under Section 35A-16-702 to alert the public of a code blue event.
- 6652 (5) "Code blue event" means a weather event in which the National Weather Service
- 6653 predicts temperatures of 15 degrees Fahrenheit or less, including wind chill, or any other
- 6654 extreme weather conditions established in rules made by the Department of Health and
- 6655 Human Services under Subsection 35A-16-702(4), to occur in any county of the first,

6656 second, third, or fourth class for two hours or longer within the next 24 to 48 hours.

6657 (6) "Homeless shelter" means a facility that provides temporary shelter to individuals
6658 experiencing homelessness.

6659 (7) "Municipality" means a city[;] or town[~~or metro township~~].

6660 Section 87. Section **36-11-102** is amended to read:

6661 **36-11-102 (Effective 05/01/24). Definitions.**

6662 As used in this chapter:

6663 (1) "Aggregate daily expenditures" means:

6664 (a) for a single lobbyist, principal, or government officer, the total of all expenditures
6665 made within a calendar day by the lobbyist, principal, or government officer for the
6666 benefit of an individual public official;

6667 (b) for an expenditure made by a member of a lobbyist group, the total of all
6668 expenditures made within a calendar day by every member of the lobbyist group for
6669 the benefit of an individual public official; or

6670 (c) for a multiclient lobbyist, the total of all expenditures made by the multiclient
6671 lobbyist within a calendar day for the benefit of an individual public official,
6672 regardless of whether the expenditures were attributed to different clients.

6673 (2) "Approved activity" means an event, a tour, or a meeting:

6674 (a) (i) to which a legislator or another nonexecutive branch public official is invited;
6675 and

6676 (ii) attendance at which is approved by:

6677 (A) the speaker of the House of Representatives, if the public official is a member
6678 of the House of Representatives or another nonexecutive branch public official;
6679 or

6680 (B) the president of the Senate, if the public official is a member of the Senate or
6681 another nonexecutive branch public official; or

6682 (b) (i) to which a public official who holds a position in the executive branch of state
6683 government is invited; and

6684 (ii) attendance at which is approved by the governor or the lieutenant governor.

6685 (3) "Board of education" means:

6686 (a) a local school board described in Title 53G, Chapter 4, School Districts;

6687 (b) the State Board of Education;

6688 (c) the State Charter School Board created under Section 53G-5-201; or

6689 (d) a charter school governing board described in Title 53G, Chapter 5, Charter Schools.

- 6690 (4) "Capitol hill complex" means the same as that term is defined in Section 63C-9-102.
- 6691 (5) (a) "Compensation" means anything of economic value, however designated, that is
- 6692 paid, loaned, granted, given, donated, or transferred to an individual for the provision
- 6693 of services or ownership before any withholding required by federal or state law.
- 6694 (b) "Compensation" includes:
- 6695 (i) a salary or commission;
- 6696 (ii) a bonus;
- 6697 (iii) a benefit;
- 6698 (iv) a contribution to a retirement program or account;
- 6699 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue
- 6700 Code, and subject to social security deductions, including a payment in excess of
- 6701 the maximum amount subject to deduction under social security law;
- 6702 (vi) an amount that the individual authorizes to be deducted or reduced for salary
- 6703 deferral or other benefits authorized by federal law; or
- 6704 (vii) income based on an individual's ownership interest.
- 6705 (6) "Compensation payor" means a person who pays compensation to a public official in
- 6706 the ordinary course of business:
- 6707 (a) because of the public official's ownership interest in the compensation payor; or
- 6708 (b) for services rendered by the public official on behalf of the compensation payor.
- 6709 (7) "Education action" means:
- 6710 (a) a resolution, policy, or other official action for consideration by a board of education;
- 6711 (b) a nomination or appointment by an education official or a board of education;
- 6712 (c) a vote on an administrative action taken by a vote of a board of education;
- 6713 (d) an adjudicative proceeding over which an education official has direct or indirect
- 6714 control;
- 6715 (e) a purchasing or contracting decision;
- 6716 (f) drafting or making a policy, resolution, or rule;
- 6717 (g) determining a rate or fee; or
- 6718 (h) making an adjudicative decision.
- 6719 (8) "Education official" means:
- 6720 (a) a member of a board of education;
- 6721 (b) an individual appointed to or employed in a position under a board of education, if
- 6722 that individual:
- 6723 (i) occupies a policymaking position or makes purchasing or contracting decisions;

- 6724 (ii) drafts resolutions or policies or drafts or makes rules;
6725 (iii) determines rates or fees;
6726 (iv) makes decisions relating to an education budget or the expenditure of public
6727 money; or
6728 (v) makes adjudicative decisions; or
6729 (c) an immediate family member of an individual described in Subsection (8)(a) or (b).
6730 (9) "Event" means entertainment, a performance, a contest, or a recreational activity that an
6731 individual participates in or is a spectator at, including a sporting event, an artistic event,
6732 a play, a movie, dancing, or singing.
6733 (10) "Executive action" means:
6734 (a) a nomination or appointment by the governor;
6735 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule
6736 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
6737 (c) agency ratemaking proceedings; or
6738 (d) an adjudicative proceeding of a state agency.
6739 (11) (a) "Expenditure" means any of the items listed in this Subsection (11)(a) when
6740 given to or for the benefit of a public official unless consideration of equal or greater
6741 value is received:
6742 (i) a purchase, payment, or distribution;
6743 (ii) a loan, gift, or advance;
6744 (iii) a deposit, subscription, or forbearance;
6745 (iv) services or goods;
6746 (v) money;
6747 (vi) real property;
6748 (vii) a ticket or admission to an event; or
6749 (viii) a contract, promise, or agreement, whether or not legally enforceable, to
6750 provide any item listed in Subsections (11)(a)(i) through (vii).
6751 (b) "Expenditure" does not mean:
6752 (i) a commercially reasonable loan made in the ordinary course of business;
6753 (ii) a campaign contribution:
6754 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial
6755 Reporting Requirements, Section 10-3-208, Section 17-16-6.5, or any
6756 applicable ordinance adopted under Subsection 10-3-208(6) or 17-16-6.5(1); or
6757 (B) lawfully given to a person that is not required to report the contribution under

- 6758 a law or ordinance described in Subsection (11)(b)(ii)(A);
- 6759 (iii) printed informational material that is related to the performance of the recipient's
- 6760 official duties;
- 6761 (iv) a devise or inheritance;
- 6762 (v) any item listed in Subsection (11)(a) if:
- 6763 (A) given by a relative;
- 6764 (B) given by a compensation payor for a purpose solely unrelated to the public
- 6765 official's position as a public official;
- 6766 (C) the item is food or beverage with a value that does not exceed the food
- 6767 reimbursement rate, and the aggregate daily expenditures for food and
- 6768 beverage do not exceed the food reimbursement rate; or
- 6769 (D) the item is not food or beverage, has a value of less than \$10, and the
- 6770 aggregate daily expenditures do not exceed \$10;
- 6771 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the
- 6772 following are invited:
- 6773 (A) all members of the Legislature;
- 6774 (B) all members of a standing or interim committee;
- 6775 (C) all members of an official legislative task force;
- 6776 (D) all members of a party caucus; or
- 6777 (E) all members of a group described in Subsections (11)(b)(vi)(A) through (D)
- 6778 who are attending a meeting of a national organization whose primary purpose
- 6779 is addressing general legislative policy;
- 6780 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public
- 6781 official who is:
- 6782 (A) giving a speech at the event, tour, or meeting;
- 6783 (B) participating in a panel discussion at the event, tour, or meeting; or
- 6784 (C) presenting or receiving an award at the event, tour, or meeting;
- 6785 (viii) a plaque, commendation, or award that:
- 6786 (A) is presented in public; and
- 6787 (B) has the name of the individual receiving the plaque, commendation, or award
- 6788 inscribed, etched, printed, or otherwise permanently marked on the plaque,
- 6789 commendation, or award;
- 6790 (ix) a gift that:
- 6791 (A) is an item that is not consumable and not perishable;

- 6792 (B) a public official, other than a local official or an education official, accepts on
6793 behalf of the state;
- 6794 (C) the public official promptly remits to the state;
- 6795 (D) a property administrator does not reject under Section 63G-23-103;
- 6796 (E) does not constitute a direct benefit to the public official before or after the
6797 public official remits the gift to the state; and
- 6798 (F) after being remitted to the state, is not transferred, divided, distributed, or used
6799 to distribute a gift or benefit to one or more public officials in a manner that
6800 would otherwise qualify the gift as an expenditure if the gift were given
6801 directly to a public official;
- 6802 (x) any of the following with a cash value not exceeding \$30:
- 6803 (A) a publication; or
- 6804 (B) a commemorative item;
- 6805 (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose
6806 of which is:
- 6807 (A) to solicit a contribution that is reportable under Title 20A, Chapter 11,
6808 Campaign and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section
6809 10-3-208, Section 17-16-6.5, or an applicable ordinance adopted under
6810 Subsection 10-3-208(6) or 17-16-6.5(1);
- 6811 (B) to solicit a campaign contribution that a person is not required to report under
6812 a law or ordinance described in Subsection (11)(b)(xi)(A); or
- 6813 (C) charitable solicitation, as defined in Section 13-22-2;
- 6814 (xii) travel to, lodging at, food or beverage served at, and admission to an approved
6815 activity;
- 6816 (xiii) sponsorship of an approved activity;
- 6817 (xiv) notwithstanding Subsection (11)(a)(vii), admission to, attendance at, or travel to
6818 or from an event, a tour, or a meeting:
- 6819 (A) that is sponsored by a governmental entity;
- 6820 (B) that is widely attended and related to a governmental duty of a public official;
- 6821 (C) for a local official, that is sponsored by an organization that represents only
6822 local governments, including the Utah Association of Counties, the Utah
6823 League of Cities and Towns, or the Utah Association of Special Districts; or
- 6824 (D) for an education official, that is sponsored by a public school, a charter
6825 school, or an organization that represents only public schools or charter

- 6826 schools, including the Utah Association of Public Charter Schools, the Utah
6827 School Boards Association, or the Utah School Superintendents Association; or
- 6828 (xv) travel to a widely attended tour or meeting related to a governmental duty of a
6829 public official if that travel results in a financial savings to:
- 6830 (A) for a public official who is not a local official or an education official, the
6831 state; or
- 6832 (B) for a public official who is a local official or an education official, the local
6833 government or board of education to which the public official belongs.
- 6834 (12) "Food reimbursement rate" means the total amount set by the director of the Division
6835 of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an
6836 employee of the executive branch, for an entire day.
- 6837 (13) (a) "Foreign agent" means an individual who engages in lobbying under contract
6838 with a foreign government.
- 6839 (b) "Foreign agent" does not include an individual who is recognized by the United
6840 States Department of State as a duly accredited diplomatic or consular officer of a
6841 foreign government, including a duly accredited honorary consul.
- 6842 (14) "Foreign government" means a government other than the government of:
- 6843 (a) the United States;
- 6844 (b) a state within the United States;
- 6845 (c) a territory or possession of the United States; or
- 6846 (d) a political subdivision of the United States.
- 6847 (15) (a) "Government officer" means:
- 6848 (i) an individual elected to a position in state or local government, when acting in the
6849 capacity of the state or local government position;
- 6850 (ii) an individual elected to a board of education, when acting in the capacity of a
6851 member of a board of education;
- 6852 (iii) an individual appointed to fill a vacancy in a position described in Subsection
6853 (15)(a)(i) or (ii), when acting in the capacity of the position; or
- 6854 (iv) an individual appointed to or employed in a full-time position by state
6855 government, local government, or a board of education, when acting in the
6856 capacity of the individual's appointment or employment.
- 6857 (b) "Government officer" does not mean a member of the legislative branch of state
6858 government.
- 6859 (16) "Immediate family" means:

- 6860 (a) a spouse;
- 6861 (b) a child residing in the household; or
- 6862 (c) an individual claimed as a dependent for tax purposes.
- 6863 (17) "Legislative action" means:
- 6864 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or
- 6865 proposed in either house of the Legislature or its committees or requested by a
- 6866 legislator; and
- 6867 (b) the action of the governor in approving or vetoing legislation.
- 6868 (18) "Lobbying" means communicating with a public official for the purpose of influencing
- 6869 a legislative action, executive action, local action, or education action.
- 6870 (19) (a) "Lobbyist" means:
- 6871 (i) an individual who is employed by a principal; or
- 6872 (ii) an individual who contracts for economic consideration, other than
- 6873 reimbursement for reasonable travel expenses, with a principal to lobby a public
- 6874 official.
- 6875 (b) "Lobbyist" does not include:
- 6876 (i) a government officer;
- 6877 (ii) a member or employee of the legislative branch of state government;
- 6878 (iii) a person, including a principal, while appearing at, or providing written
- 6879 comments to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah
- 6880 Administrative Rulemaking Act or Title 63G, Chapter 4, Administrative
- 6881 Procedures Act;
- 6882 (iv) a person participating on or appearing before an advisory or study task force,
- 6883 commission, board, or committee, constituted by the Legislature, a local
- 6884 government, a board of education, or any agency or department of state
- 6885 government, except legislative standing, appropriation, or interim committees;
- 6886 (v) a representative of a political party;
- 6887 (vi) an individual representing a bona fide church solely for the purpose of protecting
- 6888 the right to practice the religious doctrines of the church, unless the individual or
- 6889 church makes an expenditure that confers a benefit on a public official;
- 6890 (vii) a newspaper, television station or network, radio station or network, periodical
- 6891 of general circulation, or book publisher for the purpose of publishing news items,
- 6892 editorials, other comments, or paid advertisements that directly or indirectly urge
- 6893 legislative action, executive action, local action, or education action;

(viii) an individual who appears on the individual's own behalf before a committee of the Legislature, an agency of the executive branch of state government, a board of education, the governing body of a local government, a committee of a local government, or a committee of a board of education, solely for the purpose of testifying in support of or in opposition to legislative action, executive action, local action, or education action; or

(ix) an individual representing a business, entity, or industry, who:

(A) interacts with a public official, in the public official's capacity as a public official, while accompanied by a registered lobbyist who is lobbying in relation to the subject of the interaction or while presenting at a legislative committee meeting at the same time that the registered lobbyist is attending another legislative committee meeting; and

(B) does not make an expenditure for, or on behalf of, a public official in relation to the interaction or during the period of interaction.

(20) "Lobbyist group" means two or more lobbyists, principals, government officers, or any combination of lobbyists, principals, and government officers, who each contribute a portion of an expenditure made to benefit a public official or member of the public official's immediate family.

(21) "Local action" means:

- (a) an ordinance or resolution for consideration by a local government;
- (b) a nomination or appointment by a local official or a local government;
- (c) a vote on an administrative action taken by a vote of a local government's legislative body;
- (d) an adjudicative proceeding over which a local official has direct or indirect control;
- (e) a purchasing or contracting decision;
- (f) drafting or making a policy, resolution, or rule;
- (g) determining a rate or fee; or
- (h) making an adjudicative decision.

(22) "Local government" means:

- (a) a county, city, or town~~[-or metro township]~~;
- (b) a special district governed by Title 17B, Limited Purpose Local Government Entities - Special Districts;
- (c) a special service district governed by Title 17D, Chapter 1, Special Service District Act;

- 6928 (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local
6929 Government Entities - Community Reinvestment Agency Act;
- 6930 (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;
- 6931 (f) a redevelopment agency; or
- 6932 (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter
6933 13, Interlocal Cooperation Act.
- 6934 (23) "Local official" means:
- 6935 (a) an elected member of a local government;
- 6936 (b) an individual appointed to or employed in a position in a local government if that
6937 individual:
- 6938 (i) occupies a policymaking position or makes purchasing or contracting decisions;
- 6939 (ii) drafts ordinances or resolutions or drafts or makes rules;
- 6940 (iii) determines rates or fees; or
- 6941 (iv) makes adjudicative decisions; or
- 6942 (c) an immediate family member of an individual described in Subsection (23)(a) or (b).
- 6943 (24) "Meeting" means a gathering of people to discuss an issue, receive instruction, or make
6944 a decision, including a conference, seminar, or summit.
- 6945 (25) "Multiclient lobbyist" means a single lobbyist, principal, or government officer who
6946 represents two or more clients and divides the aggregate daily expenditure made to
6947 benefit a public official or member of the public official's immediate family between
6948 two or more of those clients.
- 6949 (26) "Principal" means a person that employs an individual to perform lobbying, either as
6950 an employee or as an independent contractor.
- 6951 (27) "Public official" means:
- 6952 (a) (i) a member of the Legislature;
- 6953 (ii) an individual elected to a position in the executive branch of state government; or
- 6954 (iii) an individual appointed to or employed in a position in the executive or
6955 legislative branch of state government if that individual:
- 6956 (A) occupies a policymaking position or makes purchasing or contracting
6957 decisions;
- 6958 (B) drafts legislation or makes rules;
- 6959 (C) determines rates or fees; or
- 6960 (D) makes adjudicative decisions;
- 6961 (b) an immediate family member of a person described in Subsection (27)(a);

- 6962 (c) a local official; or
6963 (d) an education official.
- 6964 (28) "Public official type" means a notation to identify whether a public official is:
- 6965 (a) (i) a member of the Legislature;
6966 (ii) an individual elected to a position in the executive branch of state government;
6967 (iii) an individual appointed to or employed in a position in the legislative branch of
6968 state government who meets the definition of public official under Subsection
6969 (27)(a)(iii);
6970 (iv) an individual appointed to or employed in a position in the executive branch of
6971 state government who meets the definition of public official under Subsection
6972 (27)(a)(iii);
6973 (v) a local official, including a description of the type of local government for which
6974 the individual is a local official; or
6975 (vi) an education official, including a description of the type of board of education for
6976 which the individual is an education official; or
- 6977 (b) an immediate family member of an individual described in Subsection (27)(a), (c), or
6978 (d).
- 6979 (29) "Quarterly reporting period" means the three-month period covered by each financial
6980 report required under Subsection 36-11-201(2)(a).
- 6981 (30) "Related person" means a person, agent, or employee who knowingly and intentionally
6982 assists a lobbyist, principal, or government officer in lobbying.
- 6983 (31) "Relative" means:
- 6984 (a) a spouse;
6985 (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law,
6986 sister-in-law, nephew, niece, aunt, uncle, or first cousin; or
6987 (c) a spouse of an individual described in Subsection (31)(b).
- 6988 (32) "Tour" means visiting a location, for a purpose relating to the duties of a public
6989 official, and not primarily for entertainment, including:
- 6990 (a) viewing a facility;
6991 (b) viewing the sight of a natural disaster; or
6992 (c) assessing a circumstance in relation to which a public official may need to take
6993 action within the scope of the public official's duties.
- 6994 Section 88. Section **41-1a-1222** is amended to read:
- 6995 **41-1a-1222 (Effective 05/01/24). Local option highway construction and**

6996 **transportation corridor preservation fee -- Exemptions -- Deposit -- Transfer --**

6997 **County ordinance -- Notice.**

6998 (1) As used in this section[:]

6999 [~~(a) "Metro township" means the same as that term is defined in Section 10-2a-403.(b)~~

7000 "~~Unincorporated~~"] , "unincorporated" means the same as that term is defined in

7001 Section 10-1-104.

7002 (2) (a) (i) Except as provided in Subsection (2)(a)(ii), a county legislative body may

7003 impose a local option highway construction and transportation corridor

7004 preservation fee of up to \$10 on each motor vehicle registration within the county.

7005 (ii) A county legislative body may impose a local option highway construction and

7006 transportation corridor preservation fee of up to \$7.75 on each motor vehicle

7007 registration for a six-month registration period under Section 41-1a-215.5 within

7008 the county.

7009 (iii) A fee imposed under Subsection (2)(a)(i) or (ii) shall be set in whole dollar

7010 increments.

7011 (b) If imposed under Subsection (2)(a), at the time application is made for registration or

7012 renewal of registration of a motor vehicle under this chapter, the applicant shall pay

7013 the local option highway construction and transportation corridor preservation fee

7014 established by the county legislative body.

7015 (c) The following are exempt from the fee required under Subsection (2)(a):

7016 (i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209

7017 or Subsection 41-1a-419(3);

7018 (ii) a commercial vehicle with an apportioned registration under Section 41-1a-301;

7019 and

7020 (iii) a motor vehicle with a Purple Heart special group license plate issued:

7021 (A) on or before December 31, 2023; or

7022 (B) in accordance with Part 16, Sponsored Special Group License Plates.

7023 (3) (a) Except as provided in Subsection (3)(b), the revenue generated under this section

7024 shall be:

7025 (i) deposited in the Local Highway and Transportation Corridor Preservation Fund

7026 created in Section 72-2-117.5;

7027 (ii) credited to the county from which it is generated; and

7028 (iii) used and distributed in accordance with Section 72-2-117.5.

7029 (b) The revenue generated by a fee imposed under this section in a county of the first

7030 class shall be deposited or transferred as follows:

7031 (i) 50% of the revenue shall be:

7032 (A) deposited in the County of the First Class Highway Projects Fund created in

7033 Section 72-2-121; and

7034 (B) used in accordance with Section 72-2-121;

7035 (ii) 30% of the revenue shall be deposited, credited, and used as provided in

7036 Subsection (3)(a); and

7037 (iii) 20% of the revenue shall be transferred to the legislative body of a county of the

7038 first class.

7039 (4) Beginning in a fiscal year beginning on or after July 1, 2023, and for 15 years thereafter,

7040 the legislative body of the county of the first class shall annually transfer, from the

7041 revenue transferred to the legislative body of a county of the first class as described in

7042 Subsection (3)(b)(iii):

7043 (a) \$300,000 to Kearns~~[-township]~~; and

7044 (b) \$225,000 to Magna~~[-township]~~.

7045 (5) To impose or change the amount of a fee under this section, the county legislative body

7046 shall pass an ordinance:

7047 (a) approving the fee;

7048 (b) setting the amount of the fee; and

7049 (c) providing an effective date for the fee as provided in Subsection (6).

7050 (6) (a) If a county legislative body enacts, changes, or repeals a fee under this section,

7051 the enactment, change, or repeal shall take effect on July 1 if the commission

7052 receives notice meeting the requirements of Subsection (6)(b) from the county prior

7053 to April 1.

7054 (b) The notice described in Subsection (6)(a) shall:

7055 (i) state that the county will enact, change, or repeal a fee under this part;

7056 (ii) include a copy of the ordinance imposing the fee; and

7057 (iii) if the county enacts or changes the fee under this section, state the amount of the

7058 fee.

7059 Section 89. Section **41-6a-1115.1** is amended to read:

7060 **41-6a-1115.1 (Effective 05/01/24). Scooter-share programs -- Local ordinances**

7061 **regulating motor assisted scooters.**

7062 (1) For the purposes of this section:

7063 (a) "Local authority" means a county, city, or town~~[-, or metro-township]~~.

- 7064 (b) "Scooter-share operator" means a person offering a shared scooter for hire.
- 7065 (c) "Scooter-share program" means the offering of a shared scooter for hire.
- 7066 (d) "Shared scooter" means a motor assisted scooter offered for hire.
- 7067 (2) A local authority may regulate the operation of a motor assisted scooter within its
- 7068 jurisdiction.
- 7069 (3) A local authority may authorize the operation of a motor assisted scooter on sidewalks
- 7070 and regulate the operation, including the maximum speed on the sidewalks.
- 7071 (4) A regulation adopted by a local authority pursuant to this section regarding the
- 7072 operation of a motor assisted scooter shall be consistent with the regulation of bicycles
- 7073 and this title.
- 7074 (5) (a) A local authority may regulate the operation of a scooter-share program within its
- 7075 jurisdiction. Regulation of scooter-share programs shall be consistent with this
- 7076 Subsection (5).
- 7077 (b) A shared scooter shall bear a single unique alphanumeric identification visible from
- 7078 a distance of five feet, that may not be obfuscated by branding or other markings, and
- 7079 that shall be used throughout the state, including by local authorities, to identify the
- 7080 shared scooter.
- 7081 (c) A scooter-share operator shall maintain the following insurance coverage dedicated
- 7082 exclusively for operation of shared scooters:
- 7083 (i) commercial general liability insurance coverage with a limit of at least \$1,000,000
- 7084 each occurrence and \$5,000,000 aggregate;
- 7085 (ii) automobile insurance coverage with a limit of at least \$1,000,000 each
- 7086 occurrence and \$1,000,000 aggregate;
- 7087 (iii) umbrella or excess liability coverage with a limit of at least \$5,000,000 each
- 7088 occurrence and \$5,000,000 aggregate; and
- 7089 (iv) when the scooter-share operator employs an individual, workers' compensation
- 7090 coverage of no less than required by law.
- 7091 (d) Penalties for a moving or parking violation involving a motor assisted scooter or a
- 7092 shared scooter shall be assessed to the person responsible for the violation, and may
- 7093 not exceed penalties assessed to a rider of a bicycle.
- 7094 (e) A scooter-share operator may be required to pay fees, provided that the total amount
- 7095 of the fees collected may not exceed the reasonable and necessary cost to the local
- 7096 authority of administering scooter-share programs, including a reasonable fee for the
- 7097 use of the right-of-way, commensurate and proportional to fees charged for similar

uses.

- (f) A scooter-share operator may be required to indemnify the local authority for claims, demands, costs, including reasonable attorney fees, losses, or damages brought against the local authority, and arising out of a negligent act, error, omission, or willful misconduct by the scooter-share operator or the scooter-share operator's employees, except to the extent the claims, demands, costs, losses, or damages arise out of such local authority's negligence or willful misconduct.
- (g) In the interests of safety and right-of-way management, a local authority may designate locations where scooter-share operators may not stage shared scooters, provided that at least one location shall be permitted on each side of each city block in commercial zones and business districts.
- (h) A local authority may require scooter-share operators, as a condition for operating a scooter-share program, to provide to the local authority anonymized fleet and ride activity data for completed trips starting or ending within the jurisdiction of the local authority on a vehicle of the scooter-share operator or of any person or company controlled by, controlling, or under common control with the scooter-share operator, provided that, to ensure individual privacy the trip data:
- (i) is provided via an application programming interface, subject to the scooter-share operator's license agreement for such interface, in compliance with a national data format specification;
 - (ii) provided shall be treated as trade secret and proprietary business information, and may not be shared to third parties without the scooter-share operator's consent, and may not be treated as owned by the local authority; and
 - (iii) shall be considered private information, and may not be disclosed under Title 63G, Chapter 2, Government Records Access and Management Act, pursuant to a public records request received by the local authority without prior aggregation or obfuscation to protect individual privacy.
- (i) In regulating a shared scooter or a scooter-share program, a local authority may not impose any unduly restrictive requirement on a scooter-share operator, including:
- (i) requiring operation below cost; or
 - (ii) subjecting riders of shared scooters to requirements more restrictive than those applicable to riders of privately owned motor assisted scooters or bicycles.

Section 90. Section **52-1-1** is amended to read:

52-1-1 (Effective 05/01/24). Official bonds to run to state, county, municipality,

7132 **or other agency.**

7133 [When the law directs that a public officer shall give a bond without prescribing to
 7134 ~~whom it shall run it shall be made, if the public officer is a state officer, to the~~
 7135 ~~state; if a county, precinct or district officer, to the county; if a municipal officer,~~
 7136 ~~to the city, town, or metro township; and if a school officer, to the board of~~
 7137 ~~education.] If a public officer is required to give a bond but the requirement does~~
 7138 ~~not prescribe to whom the bond is to be made, the bond shall be made to:~~

7139 (1) the state, if the public officer is a state officer;

7140 (2) the county, if the public officer is a county, precinct, or district officer;

7141 (3) the city or town, if the public officer is a municipal officer; or

7142 (4) the board of education, if the public officer is a school officer.

7143 Section 91. Section **52-4-203** is amended to read:

7144 **52-4-203 (Effective 05/01/24). Written minutes of open meetings -- Public**
 7145 **records -- Recording of meetings.**

7146 (1) Except as provided under Subsection (7), written minutes and a recording shall be kept
 7147 of all open meetings.

7148 (2) (a) Written minutes of an open meeting shall include:

7149 (i) the date, time, and place of the meeting;

7150 (ii) the names of members present and absent;

7151 (iii) the substance of all matters proposed, discussed, or decided by the public body

7152 which may include a summary of comments made by members of the public body;

7153 (iv) a record, by individual member, of each vote taken by the public body;

7154 (v) the name of each person who:

7155 (A) is not a member of the public body; and

7156 (B) after being recognized by the presiding member of the public body, provided
 7157 testimony or comments to the public body;

7158 (vi) the substance, in brief, of the testimony or comments provided by the public
 7159 under Subsection (2)(a)(v); and

7160 (vii) any other information that is a record of the proceedings of the meeting that any
 7161 member requests be entered in the minutes or recording.

7162 (b) A public body may satisfy the requirement under Subsection (2)(a)(iii) or (vi) that

7163 minutes include the substance of matters proposed, discussed, or decided or the

7164 substance of testimony or comments by maintaining a publicly available online

7165 version of the minutes that provides a link to the meeting recording at the place in the

- 7166 recording where the matter is proposed, discussed, or decided or the testimony or
7167 comments provided.
- 7168 (c) A public body that has members who were elected to the public body shall satisfy the
7169 requirement described in Subsection (2)(a)(iv) by recording each vote:
7170 (i) in list format;
7171 (ii) by category for each action taken by a member, including yes votes, no votes, and
7172 absent members; and
7173 (iii) by each member's name.
- 7174 (3) A recording of an open meeting shall:
7175 (a) be a complete and unedited record of all open portions of the meeting from the
7176 commencement of the meeting through adjournment of the meeting; and
7177 (b) be properly labeled or identified with the date, time, and place of the meeting.
- 7178 (4) (a) As used in this Subsection (4):
7179 (i) "Approved minutes" means written minutes:
7180 (A) of an open meeting; and
7181 (B) that have been approved by the public body that held the open meeting.
7182 (ii) "Electronic information" means information presented or provided in an
7183 electronic format.
7184 (iii) "Pending minutes" means written minutes:
7185 (A) of an open meeting; and
7186 (B) that have been prepared in draft form and are subject to change before being
7187 approved by the public body that held the open meeting.
7188 (iv) "Specified local public body" means a legislative body of a county, city, or town[;
7189 ~~or metro township~~].
7190 (v) "State public body" means a public body that is an administrative, advisory,
7191 executive, or legislative body of the state.
7192 (vi) "State website" means the Utah Public Notice Website created under Section
7193 63A-16-601.
- 7194 (b) Pending minutes, approved minutes, and a recording of a public meeting are public
7195 records under Title 63G, Chapter 2, Government Records Access and Management
7196 Act.
- 7197 (c) Pending minutes shall contain a clear indication that the public body has not yet
7198 approved the minutes or that the minutes are subject to change until the public body
7199 approves them.

- (d) A public body shall require an individual who, at an open meeting of the public body, publicly presents or provides electronic information, relating to an item on the public body's meeting agenda, to provide the public body, at the time of the meeting, an electronic or hard copy of the electronic information for inclusion in the public record.
- (e) A state public body shall:
- (i) make pending minutes available to the public within 30 days after holding the open meeting that is the subject of the pending minutes;
 - (ii) within three business days after approving written minutes of an open meeting:
 - (A) post to the state website a copy of the approved minutes and any public materials distributed at the meeting;
 - (B) make the approved minutes and public materials available to the public at the public body's primary office; and
 - (C) if the public body provides online minutes under Subsection (2)(b), post approved minutes that comply with Subsection (2)(b) and the public materials on the public body's website; and
 - (iii) within three business days after holding an open meeting, post on the state website an audio recording of the open meeting, or a link to the recording.
- (f) A specified local public body shall:
- (i) make pending minutes available to the public within 30 days after holding the open meeting that is the subject of the pending minutes;
 - (ii) within three business days after approving written minutes of an open meeting, post and make available a copy of the approved minutes and any public materials distributed at the meeting, as provided in Subsection (4)(e)(ii); and
 - (iii) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.
- (g) A public body that is not a state public body or a specified local public body shall:
- (i) make pending minutes available to the public within a reasonable time after holding the open meeting that is the subject of the pending minutes;
 - (ii) within three business days after approving written minutes of an open meeting:
 - (A) post and make available a copy of the approved minutes and any public materials distributed at the meeting, as provided in Subsection (4)(e)(ii); or
 - (B) comply with Subsections (4)(e)(ii)(B) and (C) and post to the state website a link to a website on which the approved minutes and any public materials

- 7234 distributed at the meeting are posted; and
- 7235 (iii) within three business days after holding an open meeting, make an audio
- 7236 recording of the open meeting available to the public for listening.
- 7237 (h) A public body shall establish and implement procedures for the public body's
- 7238 approval of the written minutes of each meeting.
- 7239 (i) Approved minutes of an open meeting are the official record of the meeting.
- 7240 (5) All or any part of an open meeting may be independently recorded by any person in
- 7241 attendance if the recording does not interfere with the conduct of the meeting.
- 7242 (6) The written minutes or recording of an open meeting that are required to be retained
- 7243 permanently shall be maintained in or converted to a format that meets long-term
- 7244 records storage requirements.
- 7245 (7) Notwithstanding Subsection (1), a recording is not required to be kept of:
- 7246 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken by
- 7247 the public body; or
- 7248 (b) an open meeting of a special district under Title 17B, Limited Purpose Local
- 7249 Government Entities - Special Districts, or special service district under Title 17D,
- 7250 Chapter 1, Special Service District Act, if the district's annual budgeted expenditures
- 7251 for all funds, excluding capital expenditures and debt service, are \$50,000 or less.
- 7252 Section 92. Section **53-2a-208** is amended to read:
- 7253 **53-2a-208 (Effective 05/01/24). Local emergency -- Declarations -- Termination**
- 7254 **of a local emergency.**
- 7255 (1) (a) Except as provided in Subsection (1)(b), a chief executive officer of a
- 7256 municipality or county may declare by proclamation a state of emergency if the chief
- 7257 executive officer finds:
- 7258 (i) a disaster has occurred or the occurrence or threat of a disaster is imminent in an
- 7259 area of the municipality or county; and
- 7260 (ii) the municipality or county requires additional assistance to supplement the
- 7261 response and recovery efforts of the municipality or county.
- 7262 (b) A chief executive officer of a municipality may not declare by proclamation a state
- 7263 of emergency in response to an epidemic or a pandemic.
- 7264 (2) A declaration of a local emergency:
- 7265 (a) constitutes an official recognition that a disaster situation exists within the affected
- 7266 municipality or county;
- 7267 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance

- 7268 from other political subdivisions or from the state or federal government;
- 7269 (c) activates the response and recovery aspects of any and all applicable local disaster
- 7270 emergency plans; and
- 7271 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.
- 7272 (3) A local emergency proclamation issued under this section shall state:
- 7273 (a) the nature of the local emergency;
- 7274 (b) the area or areas that are affected or threatened; and
- 7275 (c) the conditions which caused the emergency.
- 7276 (4) The emergency declaration process within the state shall be as follows:
- 7277 (a) a city[;] or town,~~[-or metro-township]~~ shall declare to the county;
- 7278 (b) a county shall declare to the state;
- 7279 (c) the state shall declare to the federal government; and
- 7280 (d) a tribe, as defined in Section 23A-1-202, shall declare as determined under the
- 7281 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec.
- 7282 5121 et seq.
- 7283 (5) Nothing in this part affects:
- 7284 (a) the governor's authority to declare a state of emergency under Section 53-2a-206; or
- 7285 (b) the duties, requests, reimbursements, or other actions taken by a political subdivision
- 7286 participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a,
- 7287 Part 3, Statewide Mutual Aid Act.
- 7288 (6) (a) Except as provided in Subsection (6)(b), a state of emergency described in
- 7289 Subsection (1) expires the earlier of:
- 7290 (i) the day on which the chief executive officer finds that:
- 7291 (A) the threat or danger has passed;
- 7292 (B) the disaster reduced to the extent that emergency conditions no longer exist; or
- 7293 (C) the municipality or county no longer requires state government assistance to
- 7294 supplement the response and recovery efforts of the municipality or county;
- 7295 (ii) 30 days after the day on which the chief executive officer declares the state of
- 7296 emergency; or
- 7297 (iii) the day on which the legislative body of the municipality or county terminates
- 7298 the state of emergency by majority vote.
- 7299 (b) (i) (A) The legislative body of a municipality may at any time terminate by
- 7300 majority vote a state of emergency declared by the chief executive officer of
- 7301 the municipality.

- 7302 (B) The legislative body of a county may at any time terminate by majority vote a
7303 state of emergency declared by the chief executive officer of the county.
- 7304 (ii) The legislative body of a municipality or county may by majority vote extend a
7305 state of emergency for a time period stated in the motion.
- 7306 (iii) If the legislative body of a municipality or county extends a state of emergency
7307 in accordance with this subsection, the state of emergency expires on the date
7308 designated by the legislative body in the motion.
- 7309 (iv) An action by a legislative body of a municipality or county to terminate a state of
7310 emergency as described in this Subsection (6)(b) is not subject to veto by the
7311 relevant chief executive officer.
- 7312 (c) Except as provided in Subsection (7), after a state of emergency expires in
7313 accordance with this Subsection (6), the chief executive officer may not declare a
7314 new state of emergency in response to the same disaster or occurrence as the expired
7315 state of emergency.
- 7316 (7) (a) After a state of emergency expires in accordance with Subsection (6), the chief
7317 executive officer may declare a new state of emergency in response to the same
7318 disaster or occurrence as the expired state of emergency, if the chief executive officer
7319 finds that exigent circumstances exist.
- 7320 (b) A state of emergency declared in accordance with Subsection (7)(a) expires in
7321 accordance with Subsections (6)(a) and (b).
- 7322 (c) After a state of emergency declared in accordance with Subsection (7)(a) expires, the
7323 chief executive officer may not declare a new state of emergency in response to the
7324 same disaster or occurrence as the expired state of emergency, regardless of whether
7325 exigent circumstances exist.
- 7326 Section 93. Section **53-2a-802** is amended to read:
- 7327 **53-2a-802 (Effective 05/01/24). Definitions.**
- 7328 (1) (a) "Absent" means:
- 7329 (i) not physically present or not able to be communicated with for 48 hours; or
7330 (ii) for local government officers, as defined by local ordinances.
- 7331 (b) "Absent" does not include a person who can be communicated with via telephone,
7332 radio, or telecommunications.
- 7333 (2) "Department" means the Department of Government Operations, the Department of
7334 Agriculture and Food, the Alcoholic Beverage Services Commission, the Department of
7335 Commerce, the Department of Cultural and Community Engagement, the Department of

7336 Corrections, the Department of Environmental Quality, the Department of Financial
7337 Institutions, the Department of Health, the Department of Workforce Services, the Labor
7338 Commission, the National Guard, the Department of Insurance, the Department of
7339 Natural Resources, the Department of Public Safety, the Public Service Commission, the
7340 Department of Human Services, the State Tax Commission, the Department of
7341 Transportation, any other major administrative subdivisions of state government, the
7342 State Board of Education, the Utah Board of Higher Education, the Utah Housing
7343 Corporation, the State Retirement Board, and each institution of higher education within
7344 the system of higher education.

7345 (3) "Division" means the Division of Emergency Management established in Title 53,
7346 Chapter 2a, Part 1, Emergency Management Act.

7347 (4) "Emergency interim successor" means a person designated by this part to exercise the
7348 powers and discharge the duties of an office when the person legally exercising the
7349 powers and duties of the office is unavailable.

7350 (5) "Executive director" means the person with ultimate responsibility for managing and
7351 overseeing the operations of each department, however denominated.

7352 (6) (a) "Office" includes all state and local offices, the powers and duties of which are
7353 defined by constitution, statutes, charters, optional plans, ordinances, articles, or
7354 by-laws.

7355 (b) "Office" does not include the office of governor or the legislative or judicial offices.

7356 (7) "Place of governance" means the physical location where the powers of an office are
7357 being exercised.

7358 (8) "Political subdivision" includes counties, cities, towns~~[-metro townships]~~, districts,
7359 authorities, and other public corporations and entities whether organized and existing
7360 under charter or general law.

7361 (9) "Political subdivision officer" means a person holding an office in a political
7362 subdivision.

7363 (10) "State officer" means the attorney general, the state treasurer, the state auditor, and the
7364 executive director of each department.

7365 (11) "Unavailable" means:

7366 (a) absent from the place of governance during a disaster that seriously disrupts normal
7367 governmental operations, whether or not that absence or inability would give rise to a
7368 vacancy under existing constitutional or statutory provisions; or

7369 (b) as otherwise defined by local ordinance.

Section 94. Section **53-2a-1403** is amended to read:

53-2a-1403 (Effective 05/01/24). 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 95. Section **53-2d-101** 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:

(A) 911 ambulance service;

(B) 911 paramedic service; or

(C) both 911 ambulance and paramedic service; and

(ii) a response to a 911 call received by a designated dispatch center that receives 911 or E911 calls.

(b) "911 ambulance or paramedic services" does not mean a seven or 10 digit telephone call received directly by an ambulance provider licensed under this chapter.

(2) "Account" means the Automatic External Defibrillator Restricted Account, created in Section 53-2d-809.

(3) "Ambulance" means a ground, air, or water vehicle that:

(a) transports patients and is used to provide emergency medical services; and

(b) is required to obtain a permit under Section 53-2d-404 to operate in the state.

(4) "Ambulance provider" means an emergency medical service provider that:

(a) transports and provides emergency medical care to patients; and

(b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

(5) "Automatic external defibrillator" or "AED" means an automated or automatic computerized medical device that:

(a) has received pre-market notification approval from the United States Food and Drug Administration, pursuant to 21 U.S.C. Sec. 360(k);

(b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;

(c) is capable of determining, without intervention by an operator, whether defibrillation

- 7404 should be performed; and
- 7405 (d) upon determining that defibrillation should be performed, automatically charges,
- 7406 enabling delivery of, or automatically delivers, an electrical impulse through the
- 7407 chest wall and to an individual's heart.
- 7408 (6) (a) "Behavioral emergency services" means delivering a behavioral health
- 7409 intervention to a patient in an emergency context within a scope and in accordance
- 7410 with guidelines established by the department.
- 7411 (b) "Behavioral emergency services" does not include engaging in the:
- 7412 (i) practice of mental health therapy as defined in Section 58-60-102;
- 7413 (ii) practice of psychology as defined in Section 58-61-102;
- 7414 (iii) practice of clinical social work as defined in Section 58-60-202;
- 7415 (iv) practice of certified social work as defined in Section 58-60-202;
- 7416 (v) practice of marriage and family therapy as defined in Section 58-60-302;
- 7417 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or
- 7418 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.
- 7419 (7) "Bureau" means the Bureau of Emergency Medical Services created in Section
- 7420 53-2d-102.
- 7421 (8) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external chest
- 7422 compression applied to a person who is unresponsive and not breathing.
- 7423 (9) "Committee" means the State Emergency Medical Services Committee created by
- 7424 Section 53-2d-104.
- 7425 (10) "Community paramedicine" means medical care:
- 7426 (a) provided by emergency medical service personnel; and
- 7427 (b) provided to a patient who is not:
- 7428 (i) in need of ambulance transportation; or
- 7429 (ii) located in a health care facility as defined in Section 26B-2-201.
- 7430 (11) "Division" means the Division of Emergency Management created in Section
- 7431 53-2a-103.
- 7432 (12) "Direct medical observation" means in-person observation of a patient by a physician,
- 7433 registered nurse, physician's assistant, or individual licensed under Section 26B-4-116.
- 7434 (13) "Emergency medical condition" means:
- 7435 (a) a medical condition that manifests itself by symptoms of sufficient severity,
- 7436 including severe pain, that a prudent layperson, who possesses an average knowledge
- 7437 of health and medicine, could reasonably expect the absence of immediate medical

- 7438 attention to result in:
- 7439 (i) placing the individual's health in serious jeopardy;
- 7440 (ii) serious impairment to bodily functions; or
- 7441 (iii) serious dysfunction of any bodily organ or part; or
- 7442 (b) a medical condition that in the opinion of a physician or the physician's designee
- 7443 requires direct medical observation during transport or may require the intervention
- 7444 of an individual licensed under Section 53-2d-402 during transport.
- 7445 (14) "Emergency medical dispatch center" means a public safety answering point, as
- 7446 defined in Section 63H-7a-103, that is designated as an emergency medical dispatch
- 7447 center by the bureau.
- 7448 (15) (a) "Emergency medical service personnel" means an individual who provides
- 7449 emergency medical services or behavioral emergency services to a patient and is
- 7450 required to be licensed or certified under Section 53-2d-402.
- 7451 (b) "Emergency medical service personnel" includes a paramedic, medical director of a
- 7452 licensed emergency medical service provider, emergency medical service instructor,
- 7453 behavioral emergency services technician, other categories established by the
- 7454 committee, and a certified emergency medical dispatcher.
- 7455 (16) "Emergency medical service providers" means:
- 7456 (a) licensed ambulance providers and paramedic providers;
- 7457 (b) a facility or provider that is required to be designated under Subsection 53-2d-403
- 7458 (1)(a); and
- 7459 (c) emergency medical service personnel.
- 7460 (17) "Emergency medical services" means:
- 7461 (a) medical services;
- 7462 (b) transportation services;
- 7463 (c) behavioral emergency services; or
- 7464 (d) any combination of the services described in Subsections (17)(a) through (c).
- 7465 (18) "Emergency medical service vehicle" means a land, air, or water vehicle that is:
- 7466 (a) maintained and used for the transportation of emergency medical personnel,
- 7467 equipment, and supplies to the scene of a medical emergency; and
- 7468 (b) required to be permitted under Section 53-2d-404.
- 7469 (19) "Governing body":
- 7470 (a) means the same as that term is defined in Section 11-42-102; and
- 7471 (b) for purposes of a "special service district" under Section 11-42-102, means a special

- 7472 service district that has been delegated the authority to select a provider under this
7473 chapter by the special service district's legislative body or administrative control
7474 board.
- 7475 (20) "Interested party" means:
- 7476 (a) a licensed or designated emergency medical services provider that provides
7477 emergency medical services within or in an area that abuts an exclusive geographic
7478 service area that is the subject of an application submitted pursuant to Part 5,
7479 Ambulance and Paramedic Providers;
- 7480 (b) any municipality, county, or fire district that lies within or abuts a geographic service
7481 area that is the subject of an application submitted pursuant to Part 5, Ambulance and
7482 Paramedic Providers; or
- 7483 (c) the department when acting in the interest of the public.
- 7484 (21) "Level of service" means the level at which an ambulance provider type of service is
7485 licensed as:
- 7486 (a) emergency medical technician;
7487 (b) advanced emergency medical technician; or
7488 (c) paramedic.
- 7489 (22) "Medical control" means a person who provides medical supervision to an emergency
7490 medical service provider.
- 7491 (23) "Non-911 service" means transport of a patient that is not 911 transport under
7492 Subsection (1).
- 7493 (24) "Nonemergency secured behavioral health transport" means an entity that:
- 7494 (a) provides nonemergency secure transportation services for an individual who:
- 7495 (i) is not required to be transported by an ambulance under Section 53-2d-405; and
7496 (ii) requires behavioral health observation during transport between any of the
7497 following facilities:
- 7498 (A) a licensed acute care hospital;
7499 (B) an emergency patient receiving facility;
7500 (C) a licensed mental health facility; and
7501 (D) the office of a licensed health care provider; and
- 7502 (b) is required to be designated under Section 53-2d-403.
- 7503 (25) "Paramedic provider" means an entity that:
- 7504 (a) employs emergency medical service personnel; and
7505 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

- 7506 (26) "Patient" means an individual who, as the result of illness, injury, or a behavioral
7507 emergency condition, meets any of the criteria in Section 26B-4-119.
- 7508 (27) "Political subdivision" means:
- 7509 (a) a city~~[;]~~ or town~~[; or metro township];~~
7510 (b) a county;
7511 (c) a special service district created under Title 17D, Chapter 1, Special Service District
7512 Act, for the purpose of providing fire protection services under Subsection 17D-1-201
7513 (9);
7514 (d) a special district created under Title 17B, Limited Purpose Local Government
7515 Entities - Special Districts, for the purpose of providing fire protection, paramedic,
7516 and emergency services;
7517 (e) areas coming together as described in Subsection 53-2d-505.2(2)(b)(ii); or
7518 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.
- 7519 (28) "Sudden cardiac arrest" means a life-threatening condition that results when a person's
7520 heart stops or fails to produce a pulse.
- 7521 (29) "Trauma" means an injury requiring immediate medical or surgical intervention.
- 7522 (30) "Trauma system" means a single, statewide system that:
- 7523 (a) organizes and coordinates the delivery of trauma care within defined geographic
7524 areas from the time of injury through transport and rehabilitative care; and
7525 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
7526 delivering care for trauma patients, regardless of severity.
- 7527 (31) "Triage" means the sorting of patients in terms of disposition, destination, or priority.
7528 For prehospital trauma victims, triage requires a determination of injury severity to
7529 assess the appropriate level of care according to established patient care protocols.
- 7530 (32) "Triage, treatment, transportation, and transfer guidelines" means written procedures
7531 that:
- 7532 (a) direct the care of patients; and
7533 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
7534 center, or an emergency medical service provider.
- 7535 (33) "Type of service" means the category at which an ambulance provider is licensed as:
- 7536 (a) ground ambulance transport;
7537 (b) ground ambulance interfacility transport; or
7538 (c) both ground ambulance transport and ground ambulance interfacility transport.
- 7539 Section 96. Section **53-5a-202** is amended to read:

7540 **53-5a-202 (Effective 05/01/24). Definitions.**

7541 As used in this part:

- 7542 (1) (a) "Federal regulation" means a federal executive order, rule, or regulation that
7543 infringes upon, prohibits, restricts, or requires individual licensure for, or registration
7544 of, the purchase, ownership, possession, transfer, or use of a firearm, ammunition, or
7545 firearm accessory.
- 7546 (b) "Federal regulation" does not include:
7547 (i) a federal firearm statute; or
7548 (ii) a federal executive order, rule, or regulation that is incorporated into the Utah
7549 Code by reference.
- 7550 (2) "Firearm" means the same as that term is defined in Section 76-10-501.
- 7551 (3) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
- 7552 (4) "Political subdivision" means a city, town,~~metro township,~~ county, special district, or
7553 water conservancy district.

7554 Section 97. Section **53-7-225** is amended to read:7555 **53-7-225 (Effective 05/01/24). Times for sale and discharge of fireworks --**7556 **Criminal penalty -- Permissible closure of certain areas -- Maps and signage.**

- 7557 (1) Except as provided in Section 53-7-221, this section supersedes any other code
7558 provision regarding the sale or discharge of fireworks.
- 7559 (2) A person may sell class C common state approved explosives in the state as follows:
7560 (a) beginning on June 24 and ending on July 25;
7561 (b) beginning on December 29 and ending on December 31; and
7562 (c) two days before and on the Chinese New Year's eve.
- 7563 (3) A person may not discharge class C common state approved explosives in the state
7564 except as follows:
7565 (a) between the hours of 11 a.m. and 11 p.m., except that on July 4 and July 24, the
7566 hours are 11 a.m. to midnight:
7567 (i) beginning on July 2 and ending on July 5; and
7568 (ii) beginning on July 22 and ending on July 25;
7569 (b) (i) beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following
7570 day; or
7571 (ii) if New Year's eve is on a Sunday and the county~~;~~ or municipality~~;~~ ~~or metro~~
7572 ~~township~~ determines to celebrate New Year's eve on the prior Saturday, then a
7573 person may discharge class C common state approved explosives on that prior

- 7574 Saturday within the county[;] or municipality[~~or metro township~~];
- 7575 (c) between the hours of 11 a.m. and 11 p.m. on January 1; and
- 7576 (d) beginning at 11 a.m. on the Chinese New Year's eve and ending at 1 a.m. on the
- 7577 following day.
- 7578 (4) A person is guilty of an infraction, punishable by a fine of up to \$1,000, if the person
- 7579 discharges a class C common state approved explosive:
- 7580 (a) outside the legal discharge dates and times described in Subsection (3); or
- 7581 (b) in an area in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b).
- 7582 (5) (a) Except as provided in Subsection (5)(b) or (c), a county, a municipality[~~a metro~~
- 7583 ~~township~~], or the state forester may not prohibit a person from discharging class C
- 7584 common state approved explosives during the permitted periods described in
- 7585 Subsection (3).
- 7586 (b) (i) As used in this Subsection (5)(b), "negligent discharge":
- 7587 (A) means the improper use and discharge of a class C common state approved
- 7588 explosive; and
- 7589 (B) does not include the date or location of discharge or the type of explosive used.
- 7590 (ii) A municipality[~~or metro township~~] may prohibit:
- 7591 (A) the discharge of class C common state approved explosives in certain areas
- 7592 with hazardous environmental conditions, in accordance with Subsection
- 7593 15A-5-202.5(1)(b); or
- 7594 (B) the negligent discharge of class C common state approved explosives.
- 7595 (iii) A county may prohibit the negligent discharge of class C common state approved
- 7596 explosives.
- 7597 (c) The state forester may prohibit the discharge of class C common state approved
- 7598 explosives as provided in Subsection 15A-5-202.5(1)(b) or Section 65A-8-212.
- 7599 (6) If a municipal legislative body[;] or the state forester[~~or a metro township legislative~~
- 7600 ~~body~~] provides a map to a county identifying an area in which the discharge of fireworks
- 7601 is prohibited due to a historical hazardous environmental condition under Subsection
- 7602 15A-5-202.5(1)(b), the county shall, before June 1 of that same year:
- 7603 (a) create a county-wide map, based on each map the county has received, indicating
- 7604 each area within the county in which fireworks are prohibited under Subsection
- 7605 15A-5-202.5(1)(b);
- 7606 (b) provide the map described in Subsection (6)(a) to:
- 7607 (i) each retailer that sells fireworks within the county; and

- 7608 (ii) the state fire marshal; and
7609 (c) publish the map on the county's website.
7610 (7) A retailer that sells fireworks shall display:
7611 (a) a sign that:
7612 (i) is clearly visible to the general public in a prominent location near the point of
7613 sale;
7614 (ii) indicates the legal discharge dates and times described in Subsection (3); and
7615 (iii) indicates the criminal charge and fine associated with discharge:
7616 (A) outside the legal dates and times described in Subsection (3); and
7617 (B) within an area in which fireworks are prohibited under Subsection
7618 15A-5-202.5(1)(b); and
7619 (b) the map that the county provides, in accordance with Subsection (6)(b).

7620 Section 98. Section **53B-21-107** is amended to read:

7621 **53B-21-107 (Effective 05/01/24). Investment in bonds by private and public**
7622 **entities -- Approval as collateral security.**

- 7623 (1) Any bank, savings and loan association, trust, or insurance company organized under
7624 the laws of this state or federal law may invest its capital and surplus in bonds issued
7625 under this chapter.
7626 (2) The officers having charge of a sinking fund or any county, city[,metro township],
7627 town[,], or school district may invest the sinking fund in bonds issued under this chapter.
7628 (3) The bonds shall also be approved as collateral security for the deposit of any public
7629 funds and for the investment of trust funds.

7630 Section 99. Section **56-1-39** is amended to read:

7631 **56-1-39 (Effective 03/31/24). Assessment for right of way infrastructure**
7632 **improvements.**

- 7633 (1) As used in this section:
7634 (a) "Benefit" includes enhanced property value, enhanced safety or efficiency, reduced
7635 costs, and liability avoidance.
7636 (b) "Government entity" means the state or a county, city, town, [~~metro township, local~~]
7637 special district, or special service district.
7638 (c) (i) "Railroad" means a rail carrier that is a Class I railroad, as classified by the
7639 federal Surface Transportation Board.
7640 (ii) "Railroad" does not include a rail carrier that is:
7641 (A) exempt from assessment under 49 U.S.C. Sec. 24301; or

- 7642 (B) owned by a government entity.
- 7643 (d) (i) "Right of way infrastructure improvement" means construction, reconstruction,
7644 repair, or maintenance of public infrastructure that:
- 7645 (A) is paid for by a government entity; and
- 7646 (B) is partially or wholly within a railroad's right of way or crosses over a
7647 railroad's right of way.
- 7648 (ii) "Right of way infrastructure improvement" includes any component of
7649 construction, reconstruction, repair, or maintenance of public infrastructure,
7650 including:
- 7651 (A) any environmental impact study, environmental mitigation, or environmental
7652 project management; and
- 7653 (B) any required or requested review by a non-governmental entity.
- 7654 (e) "Public infrastructure" means any of the following improvements:
- 7655 (i) a system or line for water, sewer, drainage, electrical, or telecommunications;
- 7656 (ii) a street, road, curb, gutter, sidewalk, walkway, or bridge;
- 7657 (iii) signage or signaling related to an improvement described in Subsection (1)(e)(i)
7658 or (ii);
- 7659 (iv) an environmental improvement; or
- 7660 (v) any other improvement similar to the improvements described in Subsections
7661 (1)(e)(i) through (iv).
- 7662 (2) A government entity may, to the extent allowed under federal law, assess a railroad for
7663 any portion of the cost of a right of way infrastructure improvement, including any cost
7664 attributable to delay, if:
- 7665 (a) the government entity determines that the right of way infrastructure improvement
7666 provides a benefit to the railroad;
- 7667 (b) the amount of the assessment is proportionate to the benefit the railroad receives, as
7668 determined by the government entity; and
- 7669 (c) the government entity uses the assessment to pay for or as reimbursement for the cost
7670 of the right of way infrastructure improvement and not for the general support of the
7671 government entity.
- 7672 (3) (a) If two or more government entities have authority under this section to assess a
7673 railroad for the same right of way infrastructure improvement, the Office of Rail
7674 Safety created in Section 72-17-101 shall:
- 7675 (i) determine the amount of each government entity's assessment in accordance with

- 7676 Subsection (2);
- 7677 (ii) assess the railroad for the total of all amounts described in Subsection (3)(a)(i);
- 7678 and
- 7679 (iii) distribute the collected assessments to each government entity.
- 7680 (b) The total amount of an assessment under this Subsection (3) may not exceed the
- 7681 amount described in Subsection (2)(b).
- 7682 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 7683 Department of Transportation may make rules to establish a process for
- 7684 implementing the provisions of this Subsection (3).
- 7685 Section 100. Section **59-1-403** is amended to read:
- 7686 **59-1-403 (Effective 05/01/24). Confidentiality -- Exceptions -- Penalty --**
- 7687 **Application to property tax.**
- 7688 (1) As used in this section:
- 7689 (a) "Distributed tax, fee, or charge" means a tax, fee, or charge:
- 7690 (i) the commission administers under:
- 7691 (A) this title, other than a tax under Chapter 12, Part 2, Local Sales and Use Tax
- 7692 Act;
- 7693 (B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;
- 7694 (C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;
- 7695 (D) Section 19-6-805;
- 7696 (E) Section 63H-1-205; or
- 7697 (F) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service
- 7698 Charges; and
- 7699 (ii) with respect to which the commission distributes the revenue collected from the
- 7700 tax, fee, or charge to a qualifying jurisdiction.
- 7701 (b) "Qualifying jurisdiction" means:
- 7702 (i) a county, city, or town~~[-or metro township]~~;
- 7703 (ii) the military installation development authority created in Section 63H-1-201; or
- 7704 (iii) the Utah Inland Port Authority created in Section 11-58-201.
- 7705 (2) (a) Any of the following may not divulge or make known in any manner any
- 7706 information gained by that person from any return filed with the commission:
- 7707 (i) a tax commissioner;
- 7708 (ii) an agent, clerk, or other officer or employee of the commission; or
- 7709 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or

- 7710 town.
- 7711 (b) An official charged with the custody of a return filed with the commission is not
7712 required to produce the return or evidence of anything contained in the return in any
7713 action or proceeding in any court, except:
- 7714 (i) in accordance with judicial order;
- 7715 (ii) on behalf of the commission in any action or proceeding under:
- 7716 (A) this title; or
- 7717 (B) other law under which persons are required to file returns with the
7718 commission;
- 7719 (iii) on behalf of the commission in any action or proceeding to which the
7720 commission is a party; or
- 7721 (iv) on behalf of any party to any action or proceeding under this title if the report or
7722 facts shown by the return are directly involved in the action or proceeding.
- 7723 (c) Notwithstanding Subsection (2)(b), a court may require the production of, and may
7724 admit in evidence, any portion of a return or of the facts shown by the return, as are
7725 specifically pertinent to the action or proceeding.
- 7726 (3) This section does not prohibit:
- 7727 (a) a person or that person's duly authorized representative from receiving a copy of any
7728 return or report filed in connection with that person's own tax;
- 7729 (b) the publication of statistics as long as the statistics are classified to prevent the
7730 identification of particular reports or returns; and
- 7731 (c) the inspection by the attorney general or other legal representative of the state of the
7732 report or return of any taxpayer:
- 7733 (i) who brings action to set aside or review a tax based on the report or return;
- 7734 (ii) against whom an action or proceeding is contemplated or has been instituted
7735 under this title; or
- 7736 (iii) against whom the state has an unsatisfied money judgment.
- 7737 (4) (a) Notwithstanding Subsection (2) and for purposes of administration, the
7738 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah
7739 Administrative Rulemaking Act, provide for a reciprocal exchange of information
7740 with:
- 7741 (i) the United States Internal Revenue Service; or
- 7742 (ii) the revenue service of any other state.
- 7743 (b) Notwithstanding Subsection (2) and for all taxes except individual income tax and

7744 corporate franchise tax, the commission may by rule, made in accordance with Title
7745 63G, Chapter 3, Utah Administrative Rulemaking Act, share information gathered
7746 from returns and other written statements with the federal government, any other
7747 state, any of the political subdivisions of another state, or any political subdivision of
7748 this state, except as limited by Sections 59-12-209 and 59-12-210, if the political
7749 subdivision, other state, or the federal government grant substantially similar
7750 privileges to this state.

7751 (c) Notwithstanding Subsection (2) and for all taxes except individual income tax and
7752 corporate franchise tax, the commission may by rule, in accordance with Title 63G,
7753 Chapter 3, Utah Administrative Rulemaking Act, provide for the issuance of
7754 information concerning the identity and other information of taxpayers who have
7755 failed to file tax returns or to pay any tax due.

7756 (d) Notwithstanding Subsection (2), the commission shall provide to the director of the
7757 Division of Environmental Response and Remediation, as defined in Section
7758 19-6-402, as requested by the director of the Division of Environmental Response
7759 and Remediation, any records, returns, or other information filed with the
7760 commission under Chapter 13, Motor and Special Fuel Tax Act, or Section
7761 19-6-410.5 regarding the environmental assurance program participation fee.

7762 (e) Notwithstanding Subsection (2), at the request of any person the commission shall
7763 provide that person sales and purchase volume data reported to the commission on a
7764 report, return, or other information filed with the commission under:

7765 (i) Chapter 13, Part 2, Motor Fuel; or

7766 (ii) Chapter 13, Part 4, Aviation Fuel.

7767 (f) Notwithstanding Subsection (2), upon request from a tobacco product manufacturer,
7768 as defined in Section 59-22-202, the commission shall report to the manufacturer:

7769 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
7770 manufacturer and reported to the commission for the previous calendar year under
7771 Section 59-14-407; and

7772 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
7773 manufacturer for which a tax refund was granted during the previous calendar
7774 year under Section 59-14-401 and reported to the commission under Subsection
7775 59-14-401(1)(a)(v).

7776 (g) Notwithstanding Subsection (2), the commission shall notify manufacturers,
7777 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is

- 7778 prohibited from selling cigarettes to consumers within the state under Subsection
7779 59-14-210(2).
- 7780 (h) Notwithstanding Subsection (2), the commission may:
- 7781 (i) provide to the Division of Consumer Protection within the Department of
7782 Commerce and the attorney general data:
- 7783 (A) reported to the commission under Section 59-14-212; or
7784 (B) related to a violation under Section 59-14-211; and
- 7785 (ii) upon request, provide to any person data reported to the commission under
7786 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).
- 7787 (i) Notwithstanding Subsection (2), the commission shall, at the request of a committee
7788 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's
7789 Office of Planning and Budget, provide to the committee or office the total amount of
7790 revenues collected by the commission under Chapter 24, Radioactive Waste Facility
7791 Tax Act, for the time period specified by the committee or office.
- 7792 (j) Notwithstanding Subsection (2), the commission shall make the directory required by
7793 Section 59-14-603 available for public inspection.
- 7794 (k) Notwithstanding Subsection (2), the commission may share information with federal,
7795 state, or local agencies as provided in Subsection 59-14-606(3).
- 7796 (l) (i) Notwithstanding Subsection (2), the commission shall provide the Office of
7797 Recovery Services within the Department of Health and Human Services any
7798 relevant information obtained from a return filed under Chapter 10, Individual
7799 Income Tax Act, regarding a taxpayer who has become obligated to the Office of
7800 Recovery Services.
- 7801 (ii) The information described in Subsection (4)(l)(i) may be provided by the Office
7802 of Recovery Services to any other state's child support collection agency involved
7803 in enforcing that support obligation.
- 7804 (m) (i) Notwithstanding Subsection (2), upon request from the state court
7805 administrator, the commission shall provide to the state court administrator, the
7806 name, address, telephone number, county of residence, and social security number
7807 on resident returns filed under Chapter 10, Individual Income Tax Act.
- 7808 (ii) The state court administrator may use the information described in Subsection
7809 (4)(m)(i) only as a source list for the master jury list described in Section
7810 78B-1-106.
- 7811 (n) (i) As used in this Subsection (4)(n):

- 7812 (A) "GO Utah office" means the Governor's Office of Economic Opportunity
7813 created in Section 63N-1a-301.
- 7814 (B) "Income tax information" means information gained by the commission that is
7815 required to be attached to or included in a return filed with the commission
7816 under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10,
7817 Individual Income Tax Act.
- 7818 (C) "Other tax information" means information gained by the commission that is
7819 required to be attached to or included in a return filed with the commission
7820 except for a return filed under Chapter 7, Corporate Franchise and Income
7821 Taxes, or Chapter 10, Individual Income Tax Act.
- 7822 (D) "Tax information" means income tax information or other tax information.
- 7823 (ii) (A) Notwithstanding Subsection (2) and except as provided in Subsection
7824 (4)(n)(ii)(B) or (C), the commission shall at the request of the GO Utah office
7825 provide to the GO Utah office all income tax information.
- 7826 (B) For purposes of a request for income tax information made under Subsection
7827 (4)(n)(ii)(A), the GO Utah office may not request and the commission may not
7828 provide to the GO Utah office a person's address, name, social security
7829 number, or taxpayer identification number.
- 7830 (C) In providing income tax information to the GO Utah office, the commission
7831 shall in all instances protect the privacy of a person as required by Subsection
7832 (4)(n)(ii)(B).
- 7833 (iii) (A) Notwithstanding Subsection (2) and except as provided in Subsection
7834 (4)(n)(iii)(B), the commission shall at the request of the GO Utah office
7835 provide to the GO Utah office other tax information.
- 7836 (B) Before providing other tax information to the GO Utah office, the commission
7837 shall redact or remove any name, address, social security number, or taxpayer
7838 identification number.
- 7839 (iv) The GO Utah office may provide tax information received from the commission
7840 in accordance with this Subsection (4)(n) only:
- 7841 (A) as a fiscal estimate, fiscal note information, or statistical information; and
7842 (B) if the tax information is classified to prevent the identification of a particular
7843 return.
- 7844 (v) (A) A person may not request tax information from the GO Utah office under
7845 Title 63G, Chapter 2, Government Records Access and Management Act, or

7846 this section, if the GO Utah office received the tax information from the
7847 commission in accordance with this Subsection (4)(n).

7848 (B) The GO Utah office may not provide to a person that requests tax information
7849 in accordance with Subsection (4)(n)(v)(A) any tax information other than the
7850 tax information the GO Utah office provides in accordance with Subsection
7851 (4)(n)(iv).

7852 (o) Notwithstanding Subsection (2), the commission may provide to the governing board
7853 of the agreement or a taxing official of another state, the District of Columbia, the
7854 United States, or a territory of the United States:

7855 (i) the following relating to an agreement sales and use tax:

7856 (A) information contained in a return filed with the commission;

7857 (B) information contained in a report filed with the commission;

7858 (C) a schedule related to Subsection (4)(o)(i)(A) or (B); or

7859 (D) a document filed with the commission; or

7860 (ii) a report of an audit or investigation made with respect to an agreement sales and
7861 use tax.

7862 (p) Notwithstanding Subsection (2), the commission may provide information
7863 concerning a taxpayer's state income tax return or state income tax withholding
7864 information to the Driver License Division if the Driver License Division:

7865 (i) requests the information; and

7866 (ii) provides the commission with a signed release form from the taxpayer allowing
7867 the Driver License Division access to the information.

7868 (q) Notwithstanding Subsection (2), the commission shall provide to the Utah
7869 Communications Authority, or a division of the Utah Communications Authority, the
7870 information requested by the authority under Sections 63H-7a-302, 63H-7a-402, and
7871 63H-7a-502.

7872 (r) Notwithstanding Subsection (2), the commission shall provide to the Utah
7873 Educational Savings Plan information related to a resident or nonresident individual's
7874 contribution to a Utah Educational Savings Plan account as designated on the
7875 resident or nonresident's individual income tax return as provided under Section
7876 59-10-1313.

7877 (s) Notwithstanding Subsection (2), for the purpose of verifying eligibility under
7878 Sections 26B-3-106 and 26B-3-903, the commission shall provide an eligibility
7879 worker with the Department of Health and Human Services or its designee with the

- 7880 adjusted gross income of an individual if:
- 7881 (i) an eligibility worker with the Department of Health and Human Services or its
- 7882 designee requests the information from the commission; and
- 7883 (ii) the eligibility worker has complied with the identity verification and consent
- 7884 provisions of Sections 26B-3-106 and 26B-3-903.
- 7885 (t) Notwithstanding Subsection (2), the commission may provide to a county, as
- 7886 determined by the commission, information declared on an individual income tax
- 7887 return in accordance with Section 59-10-103.1 that relates to eligibility to claim a
- 7888 residential exemption authorized under Section 59-2-103.
- 7889 (u) Notwithstanding Subsection (2), the commission shall provide a report regarding any
- 7890 access line provider that is over 90 days delinquent in payment to the commission of
- 7891 amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid
- 7892 Wireless Telecommunications Service Charges, to the board of the Utah
- 7893 Communications Authority created in Section 63H-7a-201.
- 7894 (v) Notwithstanding Subsection (2), the commission shall provide the Department of
- 7895 Environmental Quality a report on the amount of tax paid by a radioactive waste
- 7896 facility for the previous calendar year under Section 59-24-103.5.
- 7897 (w) Notwithstanding Subsection (2), the commission may, upon request, provide to the
- 7898 Department of Workforce Services any information received under Chapter 10, Part
- 7899 4, Withholding of Tax, that is relevant to the duties of the Department of Workforce
- 7900 Services.
- 7901 (x) Notwithstanding Subsection (2), the commission may provide the Public Service
- 7902 Commission or the Division of Public Utilities information related to a seller that
- 7903 collects and remits to the commission a charge described in Subsection 69-2-405(2),
- 7904 including the seller's identity and the number of charges described in Subsection
- 7905 69-2-405(2) that the seller collects.
- 7906 (y) (i) Notwithstanding Subsection (2), the commission shall provide to each
- 7907 qualifying jurisdiction the collection data necessary to verify the revenue collected
- 7908 by the commission for a distributed tax, fee, or charge collected within the
- 7909 qualifying jurisdiction.
- 7910 (ii) In addition to the information provided under Subsection (4)(y)(i), the
- 7911 commission shall provide a qualifying jurisdiction with copies of returns and other
- 7912 information relating to a distributed tax, fee, or charge collected within the
- 7913 qualifying jurisdiction.

(iii) (A) To obtain the information described in Subsection (4)(y)(ii), the chief executive officer or the chief executive officer's designee of the qualifying jurisdiction shall submit a written request to the commission that states the specific information sought and how the qualifying jurisdiction intends to use the information.

(B) The information described in Subsection (4)(y)(ii) is available only in official matters of the qualifying jurisdiction.

(iv) Information that a qualifying jurisdiction receives in response to a request under this subsection is:

(A) classified as a private record under Title 63G, Chapter 2, Government Records Access and Management Act; and

(B) subject to the confidentiality requirements of this section.

(z) Notwithstanding Subsection (2), the commission shall provide the Alcoholic Beverage Services Commission, upon request, with taxpayer status information related to state tax obligations necessary to comply with the requirements described in Section 32B-1-203.

(aa) Notwithstanding Subsection (2), the commission shall inform the Department of Workforce Services, as soon as practicable, whether an individual claimed and is entitled to claim a federal earned income tax credit for the year requested by the Department of Workforce Services if:

(i) the Department of Workforce Services requests this information; and

(ii) the commission has received the information release described in Section 35A-9-604.

(bb) (i) As used in this Subsection (4)(bb), "unclaimed property administrator" means the administrator or the administrator's agent, as those terms are defined in Section 67-4a-102.

(ii) (A) Notwithstanding Subsection (2), upon request from the unclaimed property administrator and to the extent allowed under federal law, the commission shall provide the unclaimed property administrator the name, address, telephone number, county of residence, and social security number or federal employer identification number on any return filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

(B) The unclaimed property administrator may use the information described in

7948 Subsection (4)(aa)(ii)(A) only for the purpose of returning unclaimed property
7949 to the property's owner in accordance with Title 67, Chapter 4a, Revised
7950 Uniform Unclaimed Property Act.

7951 (iii) The unclaimed property administrator is subject to the confidentiality provisions
7952 of this section with respect to any information the unclaimed property
7953 administrator receives under this Subsection (4)(aa).

7954 (5) (a) Each report and return shall be preserved for at least three years.

7955 (b) After the three-year period provided in Subsection (5)(a) the commission may
7956 destroy a report or return.

7957 (6) (a) Any individual who violates this section is guilty of a class A misdemeanor.

7958 (b) If the individual described in Subsection (6)(a) is an officer or employee of the state,
7959 the individual shall be dismissed from office and be disqualified from holding public
7960 office in this state for a period of five years thereafter.

7961 (c) Notwithstanding Subsection (6)(a) or (b), the GO Utah office, when requesting
7962 information in accordance with Subsection (4)(n)(iii), or an individual who requests
7963 information in accordance with Subsection (4)(n)(v):

7964 (i) is not guilty of a class A misdemeanor; and

7965 (ii) is not subject to:

7966 (A) dismissal from office in accordance with Subsection (6)(b); or

7967 (B) disqualification from holding public office in accordance with Subsection
7968 (6)(b).

7969 (d) Notwithstanding Subsection (6)(a) or (b), for a disclosure of information to the
7970 Office of the Legislative Auditor General in accordance with Title 36, Chapter 12,
7971 Legislative Organization, an individual described in Subsection (2):

7972 (i) is not guilty of a class A misdemeanor; and

7973 (ii) is not subject to:

7974 (A) dismissal from office in accordance with Subsection (6)(b); or

7975 (B) disqualification from holding public office in accordance with Subsection
7976 (6)(b).

7977 (7) Except as provided in Section 59-1-404, this part does not apply to the property tax.

7978 Section 101. Section **59-12-203** is amended to read:

7979 **59-12-203 (Effective 05/01/24). County, city, or town may levy tax -- Contracts**
7980 **pursuant to Interlocal Cooperation Act.**

7981 (1) As used in this section, "converted municipality" means the same as that term is defined

7982 in Section 10-1-201.5.

7983 ~~(2)~~ A county, city, or town~~[, or metro township]~~ may impose a sales and use tax under this
7984 part.

7985 ~~[(2) The State Tax Commission shall treat a metro township that imposes a tax under this~~
7986 ~~part as a city under this part.]~~

7987 ~~[(3) The State Tax Commission shall calculate the amount of a distribution to a metro~~
7988 ~~township under this part in the same manner as the State Tax Commission calculates a~~
7989 ~~distribution to a city under Section 59-12-205.]~~

7990 ~~[(4)]~~ (3) (a) Except as provided in Subsection ~~[(4)(b)]~~ (3)(b), if a ~~[metro township]~~
7991 converted municipality imposes a tax under this part, the State Tax Commission shall
7992 distribute the amount that the State Tax Commission calculates under Section
7993 59-12-205 to the ~~[metro township]~~ converted municipality.

7994 (b) The State Tax Commission shall transfer the amount that would otherwise be
7995 distributed to a ~~[metro township]~~ converted municipality under this part to a
7996 municipal services district created under Title 17B, Chapter 2a, Part 11, Municipal
7997 Services District Act, if the ~~[metro township]~~ converted municipality:

7998 (i) provides written notice to the State Tax Commission requesting the transfer; and

7999 (ii) designates the municipal services district to which the ~~[metro township]~~ converted
8000 municipality requests the State Tax Commission to transfer the revenues.

8001 ~~[(5)]~~ (4) A county, city, or town~~[, or metro township]~~ that imposes a sales and use tax under
8002 this part may:

8003 (a) enter into agreements authorized by Title 11, Chapter 13, Interlocal Cooperation Act;
8004 and

8005 (b) use any or all of the revenue collected from the tax for the mutual benefit of local
8006 governments that elect to contract with one another pursuant to Title 11, Chapter 13,
8007 Interlocal Cooperation Act.

8008 Section 102. Section **59-12-2220** is amended to read:

8009 **59-12-2220 (Effective 05/01/24). County option sales and use tax to fund**
8010 **highways or a system for public transit -- Base -- Rate.**

8011 (1) Subject to the other provisions of this part and subject to the requirements of this
8012 section, the following counties may impose a sales and use tax under this section:

8013 (a) a county legislative body may impose the sales and use tax on the transactions
8014 described in Subsection 59-12-103(1) located within the county, including the cities
8015 and towns within the county if:

- 8016 (i) the entire boundary of a county is annexed into a large public transit district; and
8017 (ii) the maximum amount of sales and use tax authorizations allowed pursuant to
8018 Section 59-12-2203 and authorized under the following sections has been imposed:
8019 (A) Section 59-12-2213;
8020 (B) Section 59-12-2214;
8021 (C) Section 59-12-2215;
8022 (D) Section 59-12-2216;
8023 (E) Section 59-12-2217;
8024 (F) Section 59-12-2218; and
8025 (G) Section 59-12-2219;
- 8026 (b) if the county is not annexed into a large public transit district, the county legislative
8027 body may impose the sales and use tax on the transactions described in Subsection
8028 59-12-103(1) located within the county, including the cities and towns within the
8029 county if:
- 8030 (i) the county is an eligible political subdivision; or
8031 (ii) a city or town within the boundary of the county is an eligible political
8032 subdivision; or
- 8033 (c) a county legislative body of a county not described in Subsection (1)(a) may impose
8034 the sales and use tax on the transactions described in Subsection 59-12-103(1)
8035 located within the county, including the cities and towns within the county.
- 8036 (2) For purposes of Subsection (1) and subject to the other provisions of this section, a
8037 county legislative body that imposes a sales and use tax under this section may impose
8038 the tax at a rate of .2%.
- 8039 (3) (a) The commission shall distribute sales and use tax revenue collected under this
8040 section as determined by a county legislative body as described in Subsection (3)(b).
- 8041 (b) If a county legislative body imposes a sales and use tax as described in this section,
8042 the county legislative body may elect to impose a sales and use tax revenue
8043 distribution as described in Subsection (4), (5), (6), or (7), depending on the class of
8044 county, and presence and type of a public transit provider in the county.
- 8045 (4) If a county legislative body imposes a sales and use tax as described in this section, and
8046 the entire boundary of the county is annexed into a large public transit district, and the
8047 county is a county of the first class, the commission shall distribute the sales and use tax
8048 revenue as follows:
- 8049 (a) .10% to a public transit district as described in Subsection (11);

- 8050 (b) .05% to the cities and towns as provided in Subsection (8); and
8051 (c) .05% to the county legislative body.
- 8052 (5) If a county legislative body imposes a sales and use tax as described in this section and
8053 the entire boundary of the county is annexed into a large public transit district, and the
8054 county is a county not described in Subsection (4), the commission shall distribute the
8055 sales and use tax revenue as follows:
- 8056 (a) .10% to a public transit district as described in Subsection (11);
8057 (b) .05% to the cities and towns as provided in Subsection (8); and
8058 (c) .05% to the county legislative body.
- 8059 (6) (a) Except as provided in Subsection (12)(c), if the entire boundary of a county that
8060 imposes a sales and use tax as described in this section is not annexed into a single
8061 public transit district, but a city or town within the county is annexed into a single
8062 public transit district, or if the city or town is an eligible political subdivision, the
8063 commission shall distribute the sales and use tax revenue collected within the county
8064 as provided in Subsection (6)(b) or (c).
- 8065 (b) For a city, town, or portion of the county described in Subsection (6)(a) that is
8066 annexed into the single public transit district, or an eligible political subdivision, the
8067 commission shall distribute the sales and use tax revenue collected within the portion
8068 of the county that is within a public transit district or eligible political subdivision as
8069 follows:
- 8070 (i) .05% to a public transit provider as described in Subsection (11);
8071 (ii) .075% to the cities and towns as provided in Subsection (8); and
8072 (iii) .075% to the county legislative body.
- 8073 (c) Except as provided in Subsection (12)(c), for a city, town, or portion of the county
8074 described in Subsection (6)(a) that is not annexed into a single public transit district
8075 or eligible political subdivision in the county, the commission shall distribute the
8076 sales and use tax revenue collected within that portion of the county as follows:
- 8077 (i) .08% to the cities and towns as provided in Subsection (8); and
8078 (ii) .12% to the county legislative body.
- 8079 (7) For a county without a public transit service that imposes a sales and use tax as
8080 described in this section, the commission shall distribute the sales and use tax revenue
8081 collected within the county as follows:
- 8082 (a) .08% to the cities and towns as provided in Subsection (8); and
8083 (b) .12% to the county legislative body.

- (8) (a) Subject to Subsections (8)(b) and (c), the commission shall make the distributions required by Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)(a) as follows:
- (i) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4) through (7) shall be distributed to the unincorporated areas, cities, and towns within those counties on the basis of the percentage that the population of each unincorporated area, city, or town bears to the total population of all of the counties that impose a tax under this section; and
 - (ii) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4) through (7) shall be distributed to the unincorporated areas, cities, and towns within those counties on the basis of the location of the transaction as determined under Sections 59-12-211 through 59-12-215.
- (b) (i) Population for purposes of this Subsection (8) shall be determined on the basis of the most recent official census or census estimate of the United States Census Bureau.
- (ii) If a needed population estimate is not available from the United States Census Bureau, population figures shall be derived from an estimate from the Utah Population Estimates Committee created by executive order of the governor.
- (c) (i) Beginning on January 1, 2024, if the Housing and Community Development Division within the Department of Workforce Services determines that a city~~;~~ or town~~;~~ ~~or metro township~~ is ineligible for funds in accordance with Subsection 10-9a-408(7), beginning the first day of the calendar quarter after receiving 90 days' notice, the commission shall distribute the distribution that city~~;~~ or town~~;~~ ~~or metro township~~ would have received under Subsection (8)(a) to cities~~;~~ or towns~~;~~ ~~or metro townships~~ to which Subsection 10-9a-408(7) does not apply.
- (ii) Beginning on January 1, 2024, if the Housing and Community Development Division within the Department of Workforce Services determines that a county is ineligible for funds in accordance with Subsection 17-27a-408(7), beginning the first day of the calendar quarter after receiving 90 days' notice, the commission shall distribute the distribution that county would have received under Subsection (8)(a) to counties to which Subsection 17-27a-408(7) does not apply.
- (9) If a public transit service is organized after the date a county legislative body first imposes a tax under this section, a change in a distribution required by this section may

not take effect until the first distribution the commission makes under this section after a 90-day period that begins on the date the commission receives written notice from the public transit provider that the public transit service has been organized.

(10) A county, city, or town that received distributions described in Subsections (4)(b), (4)(c), (5)(b), (5)(c), (6)(b)(ii), (6)(b)(iii), (6)(c), and (7) may only expend those funds for a purpose described in Section 59-12-2212.2.

(11) (a) Subject to Subsections (11)(b), (c), and (d), revenue designated for public transit as described in this section may be used for capital expenses and service delivery expenses of:

(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 103. Section **63A-5b-901** is amended to read:

63A-5b-901 (Effective 05/01/24). Definitions.

As used in this part:

- 8186 (1) "Applicant" means a person who submits a timely, qualified proposal to the division.
8187 (2) "Condemnee" means the same as that term is defined in Section 78B-6-520.3.
8188 (3) "Division-owned property" means real property, including an interest in real property, to
8189 which the division holds title, regardless of who occupies or uses the real property.
8190 (4) "Local government entity" means a county, city, town[, ~~metro township~~], special
8191 district, special service district, community development and renewal agency,
8192 conservation district, school district, or other political subdivision of the state.
8193 (5) "Primary state agency" means a state agency for which the division holds title to real
8194 property that the state agency occupies or uses, as provided in Subsection 63A-5b-303
8195 (1)(a)(iv).
8196 (6) "Private party" means a person who is not a state agency, local government entity, or
8197 public purpose nonprofit entity.
8198 (7) "Public purpose nonprofit entity" means a corporation, association, organization, or
8199 entity that:
8200 (a) is located within the state;
8201 (b) is not a state agency or local government entity;
8202 (c) is exempt from federal income taxation under Section 501(c)(3), Internal Revenue
8203 Code; and
8204 (d) operates to fulfill a public purpose.
8205 (8) "Qualified proposal" means a written proposal that:
8206 (a) meets the criteria established by the division by rule under Section 63A-5b-903;
8207 (b) if submitted by a local government entity or public purpose nonprofit entity, explains
8208 the public purpose for which the local government entity or public purpose nonprofit
8209 entity seeks a transfer of ownership or lease of the vacant division-owned property;
8210 and
8211 (c) the director determines will, if accepted and implemented, provide a material benefit
8212 to the state.
8213 (9) "Secondary state agency" means a state agency:
8214 (a) that is authorized to hold title to real property that the state agency occupies or uses,
8215 as provided in Section 63A-5b-304; and
8216 (b) for which the division does not hold title to real property that the state agency
8217 occupies or uses.
8218 (10) "State agency" means a department, division, office, entity, agency, or other unit of
8219 state government.

- 8220 (11) "Transfer of ownership" includes a transfer of the ownership of vacant division-owned
8221 property that occurs as part of an exchange of the vacant division-owned property for
8222 another property.
- 8223 (12) "Vacant division-owned property" means division-owned property that:
8224 (a) a primary state agency is not occupying or using; and
8225 (b) the director has determined should be made available for:
8226 (i) use or occupancy by a primary state agency; or
8227 (ii) a transfer of ownership or lease to a secondary state agency, local government
8228 entity, public purpose nonprofit entity, or private party.
- 8229 (13) "Written proposal" means a brief statement in writing that explains:
8230 (a) the proposed use or occupancy, transfer of ownership, or lease of vacant
8231 division-owned property; and
8232 (b) how the state will benefit from the proposed use or occupancy, transfer of ownership,
8233 or lease.
- 8234 Section 104. Section **63G-6a-103** is amended to read:
8235 **63G-6a-103 (Effective 05/01/24). Definitions.**
8236 As used in this chapter:
- 8237 (1) "Approved vendor" means a person who has been approved for inclusion on an
8238 approved vendor list through the approved vendor list process.
- 8239 (2) "Approved vendor list" means a list of approved vendors established under Section
8240 63G-6a-507.
- 8241 (3) "Approved vendor list process" means the procurement process described in Section
8242 63G-6a-507.
- 8243 (4) "Bidder" means a person who submits a bid or price quote in response to an invitation
8244 for bids.
- 8245 (5) "Bidding process" means the procurement process described in Part 6, Bidding.
- 8246 (6) "Board" means the Utah State Procurement Policy Board, created in Section 63G-6a-202.
- 8247 (7) "Change directive" means a written order signed by the procurement officer that directs
8248 the contractor to suspend work or make changes, as authorized by contract, without the
8249 consent of the contractor.
- 8250 (8) "Change order" means a written alteration in specifications, delivery point, rate of
8251 delivery, period of performance, price, quantity, or other provisions of a contract, upon
8252 mutual agreement of the parties to the contract.
- 8253 (9) "Chief procurement officer" means the individual appointed under Section 63A-2-102.

8254 (10) "Conducting procurement unit" means a procurement unit that conducts all aspects of a
8255 procurement:

8256 (a) except:

8257 (i) reviewing a solicitation to verify that it is in proper form; and

8258 (ii) causing the publication of a notice of a solicitation; and

8259 (b) including:

8260 (i) preparing any solicitation document;

8261 (ii) appointing an evaluation committee;

8262 (iii) conducting the evaluation process, except the process relating to scores
8263 calculated for costs of proposals;

8264 (iv) selecting and recommending the person to be awarded a contract;

8265 (v) negotiating the terms and conditions of a contract, subject to the issuing
8266 procurement unit's approval; and

8267 (vi) contract administration.

8268 (11) "Conservation district" means the same as that term is defined in Section 17D-3-102.

8269 (12) "Construction project":

8270 (a) means a project for the construction, renovation, alteration, improvement, or repair of
8271 a public facility on real property, including all services, labor, supplies, and materials
8272 for the project; and

8273 (b) does not include services and supplies for the routine, day-to-day operation, repair,
8274 or maintenance of an existing public facility.

8275 (13) "Construction manager/general contractor":

8276 (a) means a contractor who enters into a contract:

8277 (i) for the management of a construction project; and

8278 (ii) that allows the contractor to subcontract for additional labor and materials that are
8279 not included in the contractor's cost proposal submitted at the time of the
8280 procurement of the contractor's services; and

8281 (b) does not include a contractor whose only subcontract work not included in the
8282 contractor's cost proposal submitted as part of the procurement of the contractor's
8283 services is to meet subcontracted portions of change orders approved within the
8284 scope of the project.

8285 (14) "Construction subcontractor":

8286 (a) means a person under contract with a contractor or another subcontractor to provide
8287 services or labor for the design or construction of a construction project;

- 8288 (b) includes a general contractor or specialty contractor licensed or exempt from
8289 licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and
8290 (c) does not include a supplier who provides only materials, equipment, or supplies to a
8291 contractor or subcontractor for a construction project.
- 8292 (15) "Contract" means an agreement for a procurement.
- 8293 (16) "Contract administration" means all functions, duties, and responsibilities associated
8294 with managing, overseeing, and carrying out a contract between a procurement unit and
8295 a contractor, including:
- 8296 (a) implementing the contract;
8297 (b) ensuring compliance with the contract terms and conditions by the conducting
8298 procurement unit and the contractor;
8299 (c) executing change orders;
8300 (d) processing contract amendments;
8301 (e) resolving, to the extent practicable, contract disputes;
8302 (f) curing contract errors and deficiencies;
8303 (g) terminating a contract;
8304 (h) measuring or evaluating completed work and contractor performance;
8305 (i) computing payments under the contract; and
8306 (j) closing out a contract.
- 8307 (17) "Contractor" means a person who is awarded a contract with a procurement unit.
- 8308 (18) "Cooperative procurement" means procurement conducted by, or on behalf of:
8309 (a) more than one procurement unit; or
8310 (b) a procurement unit and a cooperative purchasing organization.
- 8311 (19) "Cooperative purchasing organization" means an organization, association, or alliance
8312 of purchasers established to combine purchasing power in order to obtain the best value
8313 for the purchasers by engaging in procurements in accordance with Section 63G-6a-2105.
- 8314 (20) "Cost-plus-a-percentage-of-cost contract" means a contract under which the contractor
8315 is paid a percentage of the total actual expenses or costs in addition to the contractor's
8316 actual expenses or costs.
- 8317 (21) "Cost-reimbursement contract" means a contract under which a contractor is
8318 reimbursed for costs which are allowed and allocated in accordance with the contract
8319 terms and the provisions of this chapter, and a fee, if any.
- 8320 (22) "Days" means calendar days, unless expressly provided otherwise.
- 8321 (23) "Definite quantity contract" means a fixed price contract that provides for a specified

- 8322 amount of supplies over a specified period, with deliveries scheduled according to a
8323 specified schedule.
- 8324 (24) "Design professional" means:
- 8325 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects
8326 Licensing Act;
- 8327 (b) an individual licensed as a professional engineer or professional land surveyor under
8328 Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors
8329 Licensing Act; or
- 8330 (c) an individual certified as a commercial interior designer under Title 58, Chapter 86,
8331 State Certification of Commercial Interior Designers Act.
- 8332 (25) "Design professional procurement process" means the procurement process described
8333 in Part 15, Design Professional Services.
- 8334 (26) "Design professional services" means:
- 8335 (a) professional services within the scope of the practice of architecture as defined in
8336 Section 58-3a-102;
- 8337 (b) professional engineering as defined in Section 58-22-102;
- 8338 (c) master planning and programming services; or
- 8339 (d) services within the scope of the practice of commercial interior design, as defined in
8340 Section 58-86-102.
- 8341 (27) "Design-build" means the procurement of design professional services and
8342 construction by the use of a single contract.
- 8343 (28) "Division" means the Division of Purchasing and General Services, created in Section
8344 63A-2-101.
- 8345 (29) "Educational procurement unit" means:
- 8346 (a) a school district;
- 8347 (b) a public school, including a local school board or a charter school;
- 8348 (c) the Utah Schools for the Deaf and the Blind;
- 8349 (d) the Utah Education and Telehealth Network;
- 8350 (e) an institution of higher education of the state described in Section 53B-1-102; or
- 8351 (f) the State Board of Education.
- 8352 (30) "Established catalogue price" means the price included in a catalogue, price list,
8353 schedule, or other form that:
- 8354 (a) is regularly maintained by a manufacturer or contractor;
- 8355 (b) is published or otherwise available for inspection by customers; and

- 8356 (c) states prices at which sales are currently or were last made to a significant number of
8357 any category of buyers or buyers constituting the general buying public for the
8358 supplies or services involved.
- 8359 (31) (a) "Executive branch procurement unit" means a department, division, office,
8360 bureau, agency, or other organization within the state executive branch.
- 8361 (b) "Executive branch procurement unit" does not include the Colorado River Authority
8362 of Utah as provided in Section 63M-14-210.
- 8363 (32) "Facilities division" means the Division of Facilities Construction and Management,
8364 created in Section 63A-5b-301.
- 8365 (33) "Fixed price contract" means a contract that provides a price, for each procurement
8366 item obtained under the contract, that is not subject to adjustment except to the extent
8367 that:
- 8368 (a) the contract provides, under circumstances specified in the contract, for an
8369 adjustment in price that is not based on cost to the contractor; or
- 8370 (b) an adjustment is required by law.
- 8371 (34) "Fixed price contract with price adjustment" means a fixed price contract that provides
8372 for an upward or downward revision of price, precisely described in the contract, that:
- 8373 (a) is based on the consumer price index or another commercially acceptable index,
8374 source, or formula; and
- 8375 (b) is not based on a percentage of the cost to the contractor.
- 8376 (35) "Grant" means an expenditure of public funds or other assistance, or an agreement to
8377 expend public funds or other assistance, for a public purpose authorized by law, without
8378 acquiring a procurement item in exchange.
- 8379 (36) "Immaterial error":
- 8380 (a) means an irregularity or abnormality that is:
- 8381 (i) a matter of form that does not affect substance; or
- 8382 (ii) an inconsequential variation from a requirement of a solicitation that has no, little,
8383 or a trivial effect on the procurement process and that is not prejudicial to other
8384 vendors; and
- 8385 (b) includes:
- 8386 (i) a missing signature, missing acknowledgment of an addendum, or missing copy of
8387 a professional license, bond, or insurance certificate;
- 8388 (ii) a typographical error;
- 8389 (iii) an error resulting from an inaccuracy or omission in the solicitation; and

- 8390 (iv) any other error that the procurement official reasonably considers to be
8391 immaterial.
- 8392 (37) "Indefinite quantity contract" means a fixed price contract that:
- 8393 (a) is for an indefinite amount of procurement items to be supplied as ordered by a
8394 procurement unit; and
- 8395 (b) (i) does not require a minimum purchase amount; or
8396 (ii) provides a maximum purchase limit.
- 8397 (38) "Independent procurement unit" means:
- 8398 (a) (i) a legislative procurement unit;
8399 (ii) a judicial branch procurement unit;
8400 (iii) an educational procurement unit;
8401 (iv) a local government procurement unit;
8402 (v) a conservation district;
8403 (vi) a local building authority;
8404 (vii) a special district;
8405 (viii) a public corporation;
8406 (ix) a special service district; or
8407 (x) the Utah Communications Authority, established in Section 63H-7a-201;
- 8408 (b) the facilities division, but only to the extent of the procurement authority provided
8409 under Title 63A, Chapter 5b, Administration of State Facilities;
- 8410 (c) the attorney general, but only to the extent of the procurement authority provided
8411 under Title 67, Chapter 5, Attorney General;
- 8412 (d) the Department of Transportation, but only to the extent of the procurement authority
8413 provided under Title 72, Transportation Code; or
- 8414 (e) any other executive branch department, division, office, or entity that has statutory
8415 procurement authority outside this chapter, but only to the extent of that statutory
8416 procurement authority.
- 8417 (39) "Invitation for bids":
- 8418 (a) means a document used to solicit:
- 8419 (i) bids to provide a procurement item to a procurement unit; or
8420 (ii) quotes for a price of a procurement item to be provided to a procurement unit; and
- 8421 (b) includes all documents attached to or incorporated by reference in a document
8422 described in Subsection (39)(a).
- 8423 (40) "Issuing procurement unit" means a procurement unit that:

- 8424 (a) reviews a solicitation to verify that it is in proper form;
8425 (b) causes the notice of a solicitation to be published; and
8426 (c) negotiates and approves the terms and conditions of a contract.
- 8427 (41) "Judicial procurement unit" means:
8428 (a) the Utah Supreme Court;
8429 (b) the Utah Court of Appeals;
8430 (c) the Judicial Council;
8431 (d) a state judicial district; or
8432 (e) an office, committee, subcommittee, or other organization within the state judicial
8433 branch.
- 8434 (42) "Labor hour contract" is a contract under which:
8435 (a) the supplies and materials are not provided by, or through, the contractor; and
8436 (b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and profit
8437 for a specified number of labor hours or days.
- 8438 (43) "Legislative procurement unit" means:
8439 (a) the Legislature;
8440 (b) the Senate;
8441 (c) the House of Representatives;
8442 (d) a staff office of the Legislature, the Senate, or the House of Representatives; or
8443 (e) a committee, subcommittee, commission, or other organization:
8444 (i) within the state legislative branch; or
8445 (ii) (A) that is created by statute to advise or make recommendations to the
8446 Legislature;
8447 (B) the membership of which includes legislators; and
8448 (C) for which the Office of Legislative Research and General Counsel provides
8449 staff support.
- 8450 (44) "Local building authority" means the same as that term is defined in Section 17D-2-102.
- 8451 (45) "Local government procurement unit" means:
8452 (a) a county, municipality, or project entity, and each office of the county, municipality,
8453 or project entity, unless:
8454 (i) the county or municipality adopts a procurement code by ordinance; or
8455 (ii) the project entity adopts a procurement code through the process described in
8456 Section 11-13-316;
8457 (b) (i) a county or municipality that has adopted this entire chapter by ordinance, and

- 8458 each office or agency of that county or municipality; and
8459 (ii) a project entity that has adopted this entire chapter through the process described
8460 in Subsection 11-13-316; or
8461 (c) a county, municipality, or project entity, and each office of the county, municipality,
8462 or project entity that has adopted a portion of this chapter to the extent that:
8463 (i) a term in the ordinance is used in the adopted chapter; or
8464 (ii) a term in the ordinance is used in the language a project entity adopts in its
8465 procurement code through the process described in Section 11-13-316.
- 8466 (46) "Multiple award contracts" means the award of a contract for an indefinite quantity of
8467 a procurement item to more than one person.
- 8468 (47) "Multiyear contract" means a contract that extends beyond a one-year period,
8469 including a contract that permits renewal of the contract, without competition, beyond
8470 the first year of the contract.
- 8471 (48) "Municipality" means a city[;] or town[; ~~or metro township~~].
- 8472 (49) "Nonadopting local government procurement unit" means:
8473 (a) a county or municipality that has not adopted Part 16, Protests, Part 17, Procurement
8474 Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19,
8475 General Provisions Related to Protest or Appeal; and
8476 (b) each office or agency of a county or municipality described in Subsection (49)(a).
- 8477 (50) "Offeror" means a person who submits a proposal in response to a request for
8478 proposals.
- 8479 (51) "Preferred bidder" means a bidder that is entitled to receive a reciprocal preference
8480 under the requirements of this chapter.
- 8481 (52) "Procure" means to acquire a procurement item through a procurement.
- 8482 (53) "Procurement" means the acquisition of a procurement item through an expenditure of
8483 public funds, or an agreement to expend public funds, including an acquisition through a
8484 public-private partnership.
- 8485 (54) "Procurement item" means an item of personal property, a technology, a service, or a
8486 construction project.
- 8487 (55) "Procurement official" means:
8488 (a) for a procurement unit other than an independent procurement unit, the chief
8489 procurement officer;
8490 (b) for a legislative procurement unit, the individual, individuals, or body designated in a
8491 policy adopted by the Legislative Management Committee;

- 8492 (c) for a judicial procurement unit, the Judicial Council or an individual or body
8493 designated by the Judicial Council by rule;
- 8494 (d) for a local government procurement unit:
- 8495 (i) the legislative body of the local government procurement unit; or
8496 (ii) an individual or body designated by the local government procurement unit;
- 8497 (e) for a special district, the board of trustees of the special district or the board of
8498 trustees' designee;
- 8499 (f) for a special service district, the governing body of the special service district or the
8500 governing body's designee;
- 8501 (g) for a local building authority, the board of directors of the local building authority or
8502 the board of directors' designee;
- 8503 (h) for a conservation district, the board of supervisors of the conservation district or the
8504 board of supervisors' designee;
- 8505 (i) for a public corporation, the board of directors of the public corporation or the board
8506 of directors' designee;
- 8507 (j) for a school district or any school or entity within a school district, the board of the
8508 school district or the board's designee;
- 8509 (k) for a charter school, the individual or body with executive authority over the charter
8510 school or the designee of the individual or body;
- 8511 (l) for an institution of higher education described in Section 53B-2-101, the president of
8512 the institution of higher education or the president's designee;
- 8513 (m) for the State Board of Education, the State Board of Education or the State Board of
8514 Education's designee;
- 8515 (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or
8516 the designee of the Commissioner of Higher Education;
- 8517 (o) for the Utah Communications Authority, established in Section 63H-7a-201, the
8518 executive director of the Utah Communications Authority or the executive director's
8519 designee; or
- 8520 (p) (i) for the facilities division, and only to the extent of procurement activities of
8521 the facilities division as an independent procurement unit under the procurement
8522 authority provided under Title 63A, Chapter 5b, Administration of State Facilities,
8523 the director of the facilities division or the director's designee;
- 8524 (ii) for the attorney general, and only to the extent of procurement activities of the
8525 attorney general as an independent procurement unit under the procurement

8526 authority provided under Title 67, Chapter 5, Attorney General, the attorney
8527 general or the attorney general's designee;
8528 (iii) for the Department of Transportation created in Section 72-1-201, and only to
8529 the extent of procurement activities of the Department of Transportation as an
8530 independent procurement unit under the procurement authority provided under
8531 Title 72, Transportation Code, the executive director of the Department of
8532 Transportation or the executive director's designee; or
8533 (iv) for any other executive branch department, division, office, or entity that has
8534 statutory procurement authority outside this chapter, and only to the extent of the
8535 procurement activities of the department, division, office, or entity as an
8536 independent procurement unit under the procurement authority provided outside
8537 this chapter for the department, division, office, or entity, the chief executive
8538 officer of the department, division, office, or entity or the chief executive officer's
8539 designee.

8540 (56) "Procurement unit":

8541 (a) means:

- 8542 (i) a legislative procurement unit;
8543 (ii) an executive branch procurement unit;
8544 (iii) a judicial procurement unit;
8545 (iv) an educational procurement unit;
8546 (v) the Utah Communications Authority, established in Section 63H-7a-201;
8547 (vi) a local government procurement unit;
8548 (vii) a special district;
8549 (viii) a special service district;
8550 (ix) a local building authority;
8551 (x) a conservation district; and
8552 (xi) a public corporation; and
8553 (b) except for a project entity, to the extent that a project entity is subject to this chapter
8554 as described in Section 11-13-316, does not include a political subdivision created
8555 under Title 11, Chapter 13, Interlocal Cooperation Act.

8556 (57) "Professional service" means labor, effort, or work that requires specialized
8557 knowledge, expertise, and discretion, including labor, effort, or work in the field of:

- 8558 (a) accounting;
8559 (b) administrative law judge service;

- 8560 (c) architecture;
8561 (d) construction design and management;
8562 (e) engineering;
8563 (f) financial services;
8564 (g) information technology;
8565 (h) the law;
8566 (i) medicine;
8567 (j) psychiatry; or
8568 (k) underwriting.
- 8569 (58) "Protest officer" means:
8570 (a) for the division or an independent procurement unit:
8571 (i) the procurement official;
8572 (ii) the procurement official's designee who is an employee of the procurement unit;
8573 or
8574 (iii) a person designated by rule made by the rulemaking authority; or
8575 (b) for a procurement unit other than an independent procurement unit, the chief
8576 procurement officer or the chief procurement officer's designee who is an employee
8577 of the division .
- 8578 (59) "Public corporation" means the same as that term is defined in Section 63E-1-102.
- 8579 (60) "Project entity" means the same as that term is defined in Section 11-13-103.
- 8580 (61) "Public entity" means the state or any other government entity within the state that
8581 expends public funds.
- 8582 (62) "Public facility" means a building, structure, infrastructure, improvement, or other
8583 facility of a public entity.
- 8584 (63) "Public funds" means money, regardless of its source, including from the federal
8585 government, that is owned or held by a procurement unit.
- 8586 (64) "Public transit district" means a public transit district organized under Title 17B,
8587 Chapter 2a, Part 8, Public Transit District Act.
- 8588 (65) "Public-private partnership" means an arrangement or agreement, occurring on or after
8589 January 1, 2017, between a procurement unit and one or more contractors to provide for
8590 a public need through the development or operation of a project in which the contractor
8591 or contractors share with the procurement unit the responsibility or risk of developing,
8592 owning, maintaining, financing, or operating the project.
- 8593 (66) "Qualified vendor" means a vendor who:

- 8594 (a) is responsible; and
- 8595 (b) submits a responsive statement of qualifications under Section 63G-6a-410 that
- 8596 meets the minimum mandatory requirements, evaluation criteria, and any applicable
- 8597 score thresholds set forth in the request for statement of qualifications.
- 8598 (67) "Real property" means land and any building, fixture, improvement, appurtenance,
- 8599 structure, or other development that is permanently affixed to land.
- 8600 (68) "Request for information" means a nonbinding process through which a procurement
- 8601 unit requests information relating to a procurement item.
- 8602 (69) "Request for proposals" means a document used to solicit proposals to provide a
- 8603 procurement item to a procurement unit, including all other documents that are attached
- 8604 to that document or incorporated in that document by reference.
- 8605 (70) "Request for proposals process" means the procurement process described in Part 7,
- 8606 Request for Proposals.
- 8607 (71) "Request for statement of qualifications" means a document used to solicit information
- 8608 about the qualifications of a person interested in responding to a potential procurement,
- 8609 including all other documents attached to that document or incorporated in that
- 8610 document by reference.
- 8611 (72) "Requirements contract" means a contract:
- 8612 (a) under which a contractor agrees to provide a procurement unit's entire requirements
- 8613 for certain procurement items at prices specified in the contract during the contract
- 8614 period; and
- 8615 (b) that:
- 8616 (i) does not require a minimum purchase amount; or
- 8617 (ii) provides a maximum purchase limit.
- 8618 (73) "Responsible" means being capable, in all respects, of:
- 8619 (a) meeting all the requirements of a solicitation; and
- 8620 (b) fully performing all the requirements of the contract resulting from the solicitation,
- 8621 including being financially solvent with sufficient financial resources to perform the
- 8622 contract.
- 8623 (74) "Responsive" means conforming in all material respects to the requirements of a
- 8624 solicitation.
- 8625 (75) "Rule" includes a policy or regulation adopted by the rulemaking authority, if adopting
- 8626 a policy or regulation is the method the rulemaking authority uses to adopt provisions
- 8627 that govern the applicable procurement unit.

- 8628 (76) "Rulemaking authority" means:
- 8629 (a) for a legislative procurement unit, the Legislative Management Committee;
- 8630 (b) for a judicial procurement unit, the Judicial Council;
- 8631 (c) (i) only to the extent of the procurement authority expressly granted to the
- 8632 procurement unit by statute:
- 8633 (A) for the facilities division, the facilities division;
- 8634 (B) for the Office of the Attorney General, the attorney general;
- 8635 (C) for the Department of Transportation created in Section 72-1-201, the
- 8636 executive director of the Department of Transportation; and
- 8637 (D) for any other executive branch department, division, office, or entity that has
- 8638 statutory procurement authority outside this chapter, the governing authority of
- 8639 the department, division, office, or entity; and
- 8640 (ii) for each other executive branch procurement unit, the board;
- 8641 (d) for a local government procurement unit:
- 8642 (i) the governing body of the local government unit; or
- 8643 (ii) an individual or body designated by the local government procurement unit;
- 8644 (e) for a school district or a public school, the board, except to the extent of a school
- 8645 district's own nonadministrative rules that do not conflict with the provisions of this
- 8646 chapter;
- 8647 (f) for a state institution of higher education, the Utah Board of Higher Education;
- 8648 (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the
- 8649 State Board of Education;
- 8650 (h) for a public transit district, the chief executive of the public transit district;
- 8651 (i) for a special district other than a public transit district or for a special service district,
- 8652 the board, except to the extent that the board of trustees of the special district or the
- 8653 governing body of the special service district makes its own rules:
- 8654 (i) with respect to a subject addressed by board rules; or
- 8655 (ii) that are in addition to board rules;
- 8656 (j) for the Utah Educational Savings Plan, created in Section 53B-8a-103, the Utah
- 8657 Board of Higher Education;
- 8658 (k) for the School and Institutional Trust Lands Administration, created in Section
- 8659 53C-1-201, the School and Institutional Trust Lands Board of Trustees;
- 8660 (l) for the School and Institutional Trust Fund Office, created in Section 53D-1-201, the
- 8661 School and Institutional Trust Fund Board of Trustees;

- 8662 (m) for the Utah Communications Authority, established in Section 63H-7a-201, the
8663 Utah Communications Authority board, created in Section 63H-7a-203; or
8664 (n) for any other procurement unit, the board.
- 8665 (77) "Service":
8666 (a) means labor, effort, or work to produce a result that is beneficial to a procurement
8667 unit;
8668 (b) includes a professional service; and
8669 (c) does not include labor, effort, or work provided under an employment agreement or a
8670 collective bargaining agreement.
- 8671 (78) "Small purchase process" means the procurement process described in Section
8672 63G-6a-506.
- 8673 (79) "Sole source contract" means a contract resulting from a sole source procurement.
- 8674 (80) "Sole source procurement" means a procurement without competition pursuant to a
8675 determination under Subsection 63G-6a-802(1)(a) that there is only one source for the
8676 procurement item.
- 8677 (81) "Solicitation" means an invitation for bids, request for proposals, or request for
8678 statement of qualifications.
- 8679 (82) "Solicitation response" means:
8680 (a) a bid submitted in response to an invitation for bids;
8681 (b) a proposal submitted in response to a request for proposals; or
8682 (c) a statement of qualifications submitted in response to a request for statement of
8683 qualifications.
- 8684 (83) "Special district" means the same as that term is defined in Section 17B-1-102.
- 8685 (84) "Special service district" means the same as that term is defined in Section 17D-1-102.
- 8686 (85) "Specification" means any description of the physical or functional characteristics or of
8687 the nature of a procurement item included in an invitation for bids or a request for
8688 proposals, or otherwise specified or agreed to by a procurement unit, including a
8689 description of:
8690 (a) a requirement for inspecting or testing a procurement item; or
8691 (b) preparing a procurement item for delivery.
- 8692 (86) "Standard procurement process" means:
8693 (a) the bidding process;
8694 (b) the request for proposals process;
8695 (c) the approved vendor list process;

- 8696 (d) the small purchase process; or
8697 (e) the design professional procurement process.
- 8698 (87) "State cooperative contract" means a contract awarded by the division for and in behalf
8699 of all public entities.
- 8700 (88) "Statement of qualifications" means a written statement submitted to a procurement
8701 unit in response to a request for statement of qualifications.
- 8702 (89) "Subcontractor":
8703 (a) means a person under contract to perform part of a contractual obligation under the
8704 control of the contractor, whether the person's contract is with the contractor directly
8705 or with another person who is under contract to perform part of a contractual
8706 obligation under the control of the contractor; and
8707 (b) includes a supplier, distributor, or other vendor that furnishes supplies or services to
8708 a contractor.
- 8709 (90) "Technology" means the same as "information technology," as defined in Section
8710 63A-16-102.
- 8711 (91) "Tie bid" means that the lowest responsive bids of responsible bidders are identical in
8712 price.
- 8713 (92) "Time and materials contract" means a contract under which the contractor is paid:
8714 (a) the actual cost of direct labor at specified hourly rates;
8715 (b) the actual cost of materials and equipment usage; and
8716 (c) an additional amount, expressly described in the contract, to cover overhead and
8717 profit, that is not based on a percentage of the cost to the contractor.
- 8718 (93) "Transitional costs":
8719 (a) means the costs of changing:
8720 (i) from an existing provider of a procurement item to another provider of that
8721 procurement item; or
8722 (ii) from an existing type of procurement item to another type;
8723 (b) includes:
8724 (i) training costs;
8725 (ii) conversion costs;
8726 (iii) compatibility costs;
8727 (iv) costs associated with system downtime;
8728 (v) disruption of service costs;
8729 (vi) staff time necessary to implement the change;

- 8730 (vii) installation costs; and
- 8731 (viii) ancillary software, hardware, equipment, or construction costs; and
- 8732 (c) does not include:
- 8733 (i) the costs of preparing for or engaging in a procurement process; or
- 8734 (ii) contract negotiation or drafting costs.
- 8735 (94) "Vendor":
- 8736 (a) means a person who is seeking to enter into a contract with a procurement unit to
- 8737 provide a procurement item; and
- 8738 (b) includes:
- 8739 (i) a bidder;
- 8740 (ii) an offeror;
- 8741 (iii) an approved vendor;
- 8742 (iv) a design professional; and
- 8743 (v) a person who submits an unsolicited proposal under Section 63G-6a-712.
- 8744 Section 105. Section **63G-26-102** is amended to read:
- 8745 **63G-26-102 (Effective 05/01/24). Definitions.**
- 8746 As used in this chapter:
- 8747 (1) "Personal information" means a record or other compilation of data that identifies a
- 8748 person as a donor to an entity exempt from federal income tax under Section 501(c) of
- 8749 the Internal Revenue Code.
- 8750 (2) "Public agency" means a state or local government entity, including:
- 8751 (a) a department, division, agency, office, commission, board, or other government
- 8752 organization;
- 8753 (b) a political subdivision, including a county, city, town~~[-metro township]~~, special
- 8754 district, or special service district;
- 8755 (c) a public school, school district, charter school, or public higher education institution;
- 8756 or
- 8757 (d) a judicial or quasi-judicial body.
- 8758 Section 106. Section **63G-29-101** is amended to read:
- 8759 **63G-29-101 (Effective 05/01/24). Definitions.**
- 8760 (1) (a) "Governmental entity" means:
- 8761 (i) the state;
- 8762 (ii) a county, city, town~~[-metro township]~~, school district, special district, special
- 8763 service district, or other political subdivision of the state; or

- 8764 (iii) an independent entity.
- 8765 (b) "Governmental entity" includes an agency, bureau, office, department, division,
8766 board, commission, institution, laboratory, or other instrumentality of an entity
8767 described in Subsection (1)(a).
- 8768 (2) "Independent entity" means the same as that term is defined in Section 63E-1-102.
- 8769 (3) "Members of a person's social network" means the people a person authorizes to be part
8770 of the person's social media communications and network.
- 8771 (4) (a) "Social credit score" means a numeric, alphanumeric, or alphabetic value or other
8772 categorization assigned to a person based on:
- 8773 (i) the person's:
- 8774 (A) compliance or noncompliance with government guidance;
8775 (B) social media post;
8776 (C) participation or membership in a lawful club, association, or union;
8777 (D) political affiliation; or
8778 (E) employment industry or employer; or
- 8779 (ii) the identity of the members of the person's social network.
- 8780 (b) "Social credit score" does not include:
- 8781 (i) a consumer report as defined in 15 U.S.C. Sec. 1681a;
8782 (ii) compliance or noncompliance with statute, administrative rule, or other law; or
8783 (iii) a numeric, alphanumeric, or alphabetic value or other categorization assigned to
8784 a person for:
- 8785 (A) purposes of education, training, or job performance assessment;
8786 (B) purposes of a contest or competition;
8787 (C) purposes of hiring a prospective employee or independent contractor;
8788 (D) purposes of issuance or taking an action against a professional license,
8789 certification, registration, or permit;
8790 (E) purposes of a professional or tax audit; or
8791 (F) use by a financial institution or an affiliate of a financial institution regulated
8792 under Title V of the Gramm-Leach-Bliley Act, 15 U.S.C. Sec. 6801 et seq., to
8793 determine risk of loss, impairment, or default.

8794 Section 107. Section **63J-4-801** is amended to read:

8795 **63J-4-801 (Effective 05/01/24). Definitions.**

8796 As used in this part:

- 8797 (1) "American Rescue Plan Act" means the American Rescue Plan Act, Pub. L. 117-2.

- 8798 (2) "COVID-19" means:
- 8799 (a) severe acute respiratory syndrome coronavirus 2; or
- 8800 (b) the disease caused by severe acute respiratory syndrome coronavirus 2.
- 8801 (3) "COVID-19 emergency" means the spread of COVID-19 that the World Health
- 8802 Organization declared a pandemic on March 11, 2020.
- 8803 (4) "Grant program" means the COVID-19 Local Assistance Matching Grant Program
- 8804 established in Section 63J-4-802.
- 8805 (5) "Local government" means a county, city, town~~[, metro township]~~, special district, or
- 8806 special service district.
- 8807 (6) "Review committee" means the COVID-19 Local Assistance Matching Grant Program
- 8808 Review Committee established in Section 63J-4-803.
- 8809 Section 108. Section **63N-2-103** is amended to read:
- 8810 **63N-2-103 (Effective 05/01/24). Definitions.**
- 8811 As used in this part:
- 8812 (1) (a) "Business entity" means a person that enters into a written agreement with the
- 8813 office to initiate a new commercial project in Utah that will qualify the person to
- 8814 receive a tax credit under Section 59-7-614.2 or 59-10-1107.
- 8815 (b) With respect to a tax credit authorized by the office in accordance with Subsection
- 8816 63N-2-104.3(2), "business entity" includes a nonprofit entity.
- 8817 (2) "Commercial or industrial zone" means an area zoned agricultural, commercial,
- 8818 industrial, manufacturing, business park, research park, or other appropriate business
- 8819 related use in a general plan that contemplates future growth.
- 8820 (3) "Development zone" means an economic development zone created under Section
- 8821 63N-2-104.
- 8822 (4) "Local government entity" means a county, city, or town~~[, or metro township]~~.
- 8823 (5) "New commercial project" means an economic development opportunity that:
- 8824 (a) involves a targeted industry;
- 8825 (b) is located within:
- 8826 (i) a county of the third, fourth, fifth, or sixth class; or
- 8827 (ii) a municipality that has a population of 10,000 or less and the municipality is
- 8828 located within a county of the second class; or
- 8829 (c) involves an economic development opportunity that the commission determines to be
- 8830 eligible for a tax credit under this part.
- 8831 (6) "Remote work opportunity" means a new commercial project that:

- 8832 (a) does not require a physical office in the state where employees associated with the
8833 new commercial project are required to work; and
- 8834 (b) requires employees associated with the new commercial project to:
- 8835 (i) work remotely from a location within the state; and
- 8836 (ii) maintain residency in the state.
- 8837 (7) "Significant capital investment" means an investment in capital or fixed assets, which
8838 may include real property, personal property, and other fixtures related to a new
8839 commercial project that represents an expansion of existing operations in the state or
8840 that increases the business entity's existing workforce in the state.
- 8841 (8) "Tax credit" means an economic development tax credit created by Section 59-7-614.2
8842 or 59-10-1107.
- 8843 (9) "Tax credit amount" means the amount the office lists as a tax credit on a tax credit
8844 certificate for a taxable year.
- 8845 (10) "Tax credit certificate" means a certificate issued by the office that:
- 8846 (a) lists the name of the business entity to which the office authorizes a tax credit;
- 8847 (b) lists the business entity's taxpayer identification number;
- 8848 (c) lists the amount of tax credit that the office authorizes the business entity for the
8849 taxable year; and
- 8850 (d) may include other information as determined by the office.
- 8851 (11) "Written agreement" means a written agreement entered into between the office and a
8852 business entity under Section 63N-2-104.2.
- 8853 Section 109. Section **63N-4-801** is amended to read:
- 8854 **63N-4-801 (Effective 05/01/24). Definitions.**
- 8855 As used in this part:
- 8856 (1) "Advisory committee" means the Rural Opportunity Advisory Committee created in
8857 Section 63N-4-804.
- 8858 (2) "Association of governments" means an association of political subdivisions of the
8859 state, established pursuant to an interlocal agreement under Title 11, Chapter 13,
8860 Interlocal Cooperation Act.
- 8861 (3) (a) "Business entity" means a sole proprietorship, partnership, association, joint
8862 venture, corporation, firm, trust, foundation, or other organization or entity used in
8863 carrying on a business.
- 8864 (b) "Business entity" does not include a business primarily engaged in the following:
- 8865 (i) construction;

- 8866 (ii) staffing;
- 8867 (iii) retail trade; or
- 8868 (iv) public utility activities.
- 8869 (4) "CEO board" means a County Economic Opportunity Advisory Board as described in
- 8870 Section 63N-4-803.
- 8871 (5) "Fund" means the Rural Opportunity Fund created in Section 63N-4-805.
- 8872 (6) "Qualified asset" means a physical asset that provides or supports an essential public
- 8873 service.
- 8874 (7) "Qualified project" means a project to build or improve one or more qualified assets for
- 8875 a rural community, including:
- 8876 (a) telecom and high-speed Internet infrastructure;
- 8877 (b) power and energy infrastructure;
- 8878 (c) water and sewerage infrastructure;
- 8879 (d) healthcare infrastructure; or
- 8880 (e) other infrastructure as defined by rule made by the office in accordance with Title
- 8881 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 8882 (8) "Rural community" means a rural county or rural municipality.
- 8883 (9) "Rural county" means a county of the third, fourth, fifth, or sixth class.
- 8884 (10) "Rural municipality" means a city[, or town[, ~~or metro township~~]] located within the
- 8885 boundaries of:
- 8886 (a) a county of the third, fourth, fifth, or sixth class; or
- 8887 (b) a county of the second class, if the municipality has a population of 10,000 or less.
- 8888 (11) "Rural Opportunity Program" or "program" means the Rural Opportunity Program
- 8889 created in Section 63N-4-802.
- 8890 Section 110. Section **65A-1-1** is amended to read:
- 8891 **65A-1-1 (Effective 05/01/24). Definitions.**
- 8892 As used in this title:
- 8893 (1) "Division" means the Division of Forestry, Fire, and State Lands.
- 8894 (2) "Initial attack" means action taken by the first resource to arrive at a wildland fire
- 8895 incident, including evaluating the wildland fire, patrolling, monitoring, holding action,
- 8896 or aggressive suppression action.
- 8897 (3) "Multiple use" means the management of various surface and subsurface resources in a
- 8898 manner that will best meet the present and future needs of the people of this state.
- 8899 (4) "Municipality" means a city[, or town[, ~~or metro township~~]].

- 8900 (5) "Public trust assets" means those lands and resources, including sovereign lands,
8901 administered by the division.
- 8902 (6) "Sovereign lands" means those lands lying below the ordinary high water mark of
8903 navigable bodies of water at the date of statehood and owned by the state by virtue of its
8904 sovereignty.
- 8905 (7) "State lands" means all lands administered by the division.
- 8906 (8) "Sustained yield" means the achievement and maintenance of high level annual or
8907 periodic output of the various renewable resources of land without impairment of the
8908 productivity of the land.
- 8909 (9) "Wildland" means an area where:
- 8910 (a) development is essentially non-existent, except for roads, railroads, powerlines, or
8911 similar transportation facilities; and
- 8912 (b) structures, if any, are widely scattered.
- 8913 (10) "Wildland fire" means a fire that consumes:
- 8914 (a) wildland; or
- 8915 (b) wildland-urban interface, as defined in Section 65A-8a-102.
- 8916 Section 111. Section **65A-8-212** is amended to read:
- 8917 **65A-8-212 (Effective 05/01/24). Power of state forester to close hazardous areas**
- 8918 **-- Violations of an order closing an area.**
- 8919 (1) (a) If the state forester finds conditions in a given area in the state to be extremely
8920 hazardous, "extremely hazardous" means categorized as "extreme" under a nationally
8921 recognized standard for rating fire danger, he shall close those areas to any forms of
8922 use by the public, or to limit that use, except as provided in Subsection (5).
- 8923 (b) The closure shall include, for the period of time the state forester considers
8924 necessary, the prohibition of open fires, and may include restrictions and prohibitions
8925 on:
- 8926 (i) smoking;
- 8927 (ii) the use of vehicles or equipment;
- 8928 (iii) welding, cutting, or grinding of metals;
- 8929 (iv) subject to Subsection (5), fireworks;
- 8930 (v) explosives; or
- 8931 (vi) the use of firearms for target shooting.
- 8932 (c) Any restriction or closure relating to firearms use:
- 8933 (i) shall be done with support of the duly elected county sheriff of the affected county

- 8934 or counties;
- 8935 (ii) shall undergo a formal review by the State Forester and County Sheriff every 14
- 8936 days; and
- 8937 (iii) may not prohibit a person from legally possessing a firearm or lawfully
- 8938 participating in a hunt.
- 8939 (d) The State Forester and County Sheriff shall:
- 8940 (i) agree to the terms of any restriction or closure relating to firearms use;
- 8941 (ii) reduce the agreement to writing;
- 8942 (iii) sign the agreement indicating approval of its terms and duration; and
- 8943 (iv) complete the steps in Subsections (1)(d)(i) through (d)(iii) at each 14 day review
- 8944 and at termination of the restriction or closure.
- 8945 (2) Nothing in this chapter prohibits any resident within the area from full and free access
- 8946 to his home or property, or any legitimate use by the owner or lessee of the property.
- 8947 (3) The order or proclamation closing or limiting the use in the area shall set forth:
- 8948 (a) the exact area coming under the order;
- 8949 (b) the date when the order becomes effective; and
- 8950 (c) if advisable, the authority from whom permits for entry into the area may be obtained.
- 8951 (4) Any entry into or use of any area in violation of this section is a class B misdemeanor.
- 8952 (5) The state forester may not restrict or prohibit the discharge of fireworks within the
- 8953 municipal boundaries of a city[;] or town[~~or metro township~~].
- 8954 Section 112. Section **67-1a-2** is amended to read:
- 8955 **67-1a-2 (Effective 05/01/24). Duties enumerated.**
- 8956 (1) The lieutenant governor shall:
- 8957 (a) perform duties delegated by the governor, including assignments to serve in any of
- 8958 the following capacities:
- 8959 (i) as the head of any one department, if so qualified, with the advice and consent of
- 8960 the Senate, and, upon appointment at the pleasure of the governor and without
- 8961 additional compensation;
- 8962 (ii) as the chairperson of any cabinet group organized by the governor or authorized
- 8963 by law for the purpose of advising the governor or coordinating intergovernmental
- 8964 or interdepartmental policies or programs;
- 8965 (iii) as liaison between the governor and the state Legislature to coordinate and
- 8966 facilitate the governor's programs and budget requests;
- 8967 (iv) as liaison between the governor and other officials of local, state, federal, and

8968 international governments or any other political entities to coordinate, facilitate,
8969 and protect the interests of the state;

8970 (v) as personal advisor to the governor, including advice on policies, programs,
8971 administrative and personnel matters, and fiscal or budgetary matters; and

8972 (vi) as chairperson or member of any temporary or permanent boards, councils,
8973 commissions, committees, task forces, or other group appointed by the governor;

8974 (b) serve on all boards and commissions in lieu of the governor, whenever so designated
8975 by the governor;

8976 (c) serve as the chief election officer of the state as required by Subsection (2);

8977 (d) keep custody of the Great Seal of the State of Utah;

8978 (e) keep a register of, and attest, the official acts of the governor;

8979 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
8980 which the official signature of the governor is required; and

8981 (g) furnish a certified copy of all or any part of any law, record, or other instrument
8982 filed, deposited, or recorded in the office of the lieutenant governor to any person
8983 who requests it and pays the fee.

8984 (2) (a) As the chief election officer, the lieutenant governor shall:

8985 (i) exercise oversight, and general supervisory authority, over all elections;

8986 (ii) exercise direct authority over the conduct of elections for federal, state, and
8987 multicounty officers and statewide or multicounty ballot propositions and any
8988 recounts involving those races;

8989 (iii) establish uniformity in the election ballot;

8990 (iv) (A) prepare election information for the public as required by law and as
8991 determined appropriate by the lieutenant governor; and

8992 (B) make the information described in Subsection (2)(a)(iv)(A) available to the
8993 public and to news media, on the Internet, and in other forms as required by
8994 law and as determined appropriate by the lieutenant governor;

8995 (v) receive and answer election questions and maintain an election file on opinions
8996 received from the attorney general;

8997 (vi) maintain a current list of registered political parties as defined in Section
8998 20A-8-101;

8999 (vii) maintain election returns and statistics;

9000 (viii) certify to the governor the names of individuals nominated to run for, or elected
9001 to, office;

- 9002 (ix) ensure that all voting equipment purchased by the state complies with the
9003 requirements of Sections 20A-5-302, 20A-5-802, and 20A-5-803;
- 9004 (x) during a declared emergency, to the extent that the lieutenant governor determines
9005 it warranted, designate, as provided in Section 20A-1-308, a different method,
9006 time, or location relating to:
- 9007 (A) voting on election day;
- 9008 (B) early voting;
- 9009 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;
- 9010 (D) the counting of an absentee ballot or military-overseas ballot; or
- 9011 (E) the canvassing of election returns; and
- 9012 (xi) exercise all other election authority, and perform other election duties, as
9013 provided in Title 20A, Election Code.
- 9014 (b) As chief election officer, the lieutenant governor:
- 9015 (i) shall oversee all elections, and functions relating to elections, in the state;
- 9016 (ii) shall, in accordance with Section 20A-1-105, take action to enforce compliance
9017 by an election officer with legal requirements relating to elections; and
- 9018 (iii) may not assume the responsibilities assigned to the county clerks, city recorders,
9019 town clerks, or other local election officials by Title 20A, Election Code.
- 9020 (3) (a) The lieutenant governor shall:
- 9021 (i) determine a new municipality's classification under Section 10-2-301 upon the
9022 city's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a
9023 Municipality, based on the municipality's population using the population estimate
9024 from the Utah Population Committee; and
- 9025 (ii) (A) prepare a certificate indicating the class in which the new municipality
9026 belongs based on the municipality's population; and
- 9027 (B) within 10 days after preparing the certificate, deliver a copy of the certificate
9028 to the municipality's legislative body.
- 9029 (b) The lieutenant governor shall:
- 9030 (i) determine the classification under Section 10-2-301 of a consolidated municipality
9031 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part
9032 6, Consolidation of Municipalities, using population information from:
- 9033 (A) each official census or census estimate of the United States Bureau of the
9034 Census; or
- 9035 (B) the population estimate from the Utah Population Committee, if the

9036 population of a municipality is not available from the United States Bureau of
9037 the Census; and

9038 (ii) (A) prepare a certificate indicating the class in which the consolidated
9039 municipality belongs based on the municipality's population; and

9040 (B) within 10 days after preparing the certificate, deliver a copy of the certificate
9041 to the consolidated municipality's legislative body.

9042 ~~[(e) The lieutenant governor shall:]~~

9043 ~~[(i) determine a new metro township's classification under Section 10-2-301.5 upon the~~
9044 ~~metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of~~
9045 ~~Metro Townships and Unincorporated Islands in a County of the First Class on and~~
9046 ~~after May 12, 2015, based on the metro township's population using the population~~
9047 ~~estimates from the Utah Population Committee; and]~~

9048 ~~[(ii) prepare a certificate indicating the class in which the new metro township belongs~~
9049 ~~based on the metro township's population and, within 10 days after preparing the~~
9050 ~~certificate, deliver a copy of the certificate to the metro township's legislative body.]~~

9051 ~~[(d)]~~ (c) The lieutenant governor shall monitor the population of each municipality using
9052 population information from:

9053 (i) each official census or census estimate of the United States Bureau of the Census;
9054 or

9055 (ii) the population estimate from the Utah Population Committee, if the population of
9056 a municipality is not available from the United States Bureau of the Census.

9057 ~~[(e)]~~ (d) If the applicable population figure under Subsection (3)(b) or ~~[(d)]~~ (c) indicates
9058 that a municipality's population has increased beyond the population for its current
9059 class, the lieutenant governor shall:

9060 (i) prepare a certificate indicating the class in which the municipality belongs based
9061 on the increased population figure; and

9062 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to
9063 the legislative body of the municipality whose class has changed.

9064 ~~[(f)]~~ (e) (i) If the applicable population figure under Subsection (3)(b) or ~~[(d)]~~ (c)
9065 indicates that a municipality's population has decreased below the population for
9066 its current class, the lieutenant governor shall send written notification of that fact
9067 to the municipality's legislative body.

9068 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality
9069 whose population has decreased below the population for its current class, the

9070 lieutenant governor shall:

9071 (A) prepare a certificate indicating the class in which the municipality belongs
9072 based on the decreased population figure; and

9073 (B) within 10 days after preparing the certificate, deliver a copy of the certificate
9074 to the legislative body of the municipality whose class has changed.

9075 Section 113. Section **68-3-12.5** is amended to read:

9076 **68-3-12.5 (Effective 05/01/24). Definitions for Utah Code.**

9077 (1) The definitions listed in this section apply to the Utah Code, unless:

9078 (a) the definition is inconsistent with the manifest intent of the Legislature or repugnant
9079 to the context of the statute; or

9080 (b) a different definition is expressly provided for the respective title, chapter, part,
9081 section, or subsection.

9082 (2) "Adjudicative proceeding" means:

9083 (a) an action by a board, commission, department, officer, or other administrative unit of
9084 the state that determines the legal rights, duties, privileges, immunities, or other legal
9085 interests of one or more identifiable persons, including an action to grant, deny,
9086 revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license;
9087 and

9088 (b) judicial review of an action described in Subsection (2)(a).

9089 (3) "Administrator" includes "executor" when the subject matter justifies the use.

9090 (4) "Advisory board," "advisory commission," and "advisory council" mean a board,
9091 commission, committee, or council that:

9092 (a) is created by, and whose duties are provided by, statute or executive order;

9093 (b) performs its duties only under the supervision of another person as provided by
9094 statute; and

9095 (c) provides advice and makes recommendations to another person that makes policy for
9096 the benefit of the general public.

9097 (5) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps, Space
9098 Force, and Coast Guard.

9099 [~~6~~] "~~City~~" ~~includes, depending on population, a metro township as defined in Section~~
9100 ~~10-3e-102.~~]

9101 [~~7~~] (6) "County executive" means:

9102 (a) the county commission, in the county commission or expanded county commission
9103 form of government established under Title 17, Chapter 52a, Changing Forms of

- 9104 County Government;
- 9105 (b) the county executive, in the county executive-council optional form of government
- 9106 authorized by Section 17-52a-203; or
- 9107 (c) the county manager, in the council-manager optional form of government authorized
- 9108 by Section 17-52a-204.
- 9109 ~~[(8)]~~ (7) "County legislative body" means:
- 9110 (a) the county commission, in the county commission or expanded county commission
- 9111 form of government established under Title 17, Chapter 52a, Changing Forms of
- 9112 County Government;
- 9113 (b) the county council, in the county executive-council optional form of government
- 9114 authorized by Section 17-52a-203; and
- 9115 (c) the county council, in the council-manager optional form of government authorized
- 9116 by Section 17-52a-204.
- 9117 ~~[(9)]~~ (8) "Depose" means to make a written statement made under oath or affirmation.
- 9118 ~~[(10)]~~ (9) "Executor" includes "administrator" when the subject matter justifies the use.
- 9119 ~~[(11)]~~ (10) "Guardian" includes a person who:
- 9120 (a) qualifies as a guardian of a minor or incapacitated person pursuant to testamentary or
- 9121 court appointment; or
- 9122 (b) is appointed by a court to manage the estate of a minor or incapacitated person.
- 9123 ~~[(12)]~~ (11) "Highway" includes:
- 9124 (a) a public bridge;
- 9125 (b) a county way;
- 9126 (c) a county road;
- 9127 (d) a common road; and
- 9128 (e) a state road.
- 9129 ~~[(13)]~~ (12) "Intellectual disability" means a significant, subaverage general intellectual
- 9130 functioning that:
- 9131 (a) exists concurrently with deficits in adaptive behavior; and
- 9132 (b) is manifested during the developmental period as defined in the current edition of the
- 9133 Diagnostic and Statistical Manual of Mental Disorders, published by the American
- 9134 Psychiatric Association.
- 9135 ~~[(14)]~~ (13) "Intermediate care facility for people with an intellectual disability" means an
- 9136 intermediate care facility for the mentally retarded, as defined in Title XIX of the Social
- 9137 Security Act.

9138 ~~[(15)]~~ (14) "Land" includes:

- 9139 (a) land;
- 9140 (b) a tenement;
- 9141 (c) a hereditament;
- 9142 (d) a water right;
- 9143 (e) a possessory right; and
- 9144 (f) a claim.

9145 ~~[(16)]~~ (15) "Month" means a calendar month, unless otherwise expressed.

9146 ~~[(17)]~~ (16) "Oath" includes "affirmation."

9147 ~~[(18)]~~ (17) "Person" means:

- 9148 (a) an individual;
- 9149 (b) an association;
- 9150 (c) an institution;
- 9151 (d) a corporation;
- 9152 (e) a company;
- 9153 (f) a trust;
- 9154 (g) a limited liability company;
- 9155 (h) a partnership;
- 9156 (i) a political subdivision;
- 9157 (j) a government office, department, division, bureau, or other body of government; and
- 9158 (k) any other organization or entity.

9159 ~~[(19)]~~ (18) "Personal property" includes:

- 9160 (a) money;
- 9161 (b) goods;
- 9162 (c) chattels;
- 9163 (d) effects;
- 9164 (e) evidences of a right in action;
- 9165 (f) a written instrument by which a pecuniary obligation, right, or title to property is
9166 created, acknowledged, transferred, increased, defeated, discharged, or diminished;
9167 and
- 9168 (g) a right or interest in an item described in Subsections ~~[(19)(a)]~~ (18)(a) through (f).

9169 ~~[(20)]~~ (19) "Personal representative," "executor," and "administrator" include:

- 9170 (a) an executor;
- 9171 (b) an administrator;

- 9172 (c) a successor personal representative;
- 9173 (d) a special administrator; and
- 9174 (e) a person who performs substantially the same function as a person described in
- 9175 Subsections ~~[(20)(a)]~~ (19)(a) through (d) under the law governing the person's status.
- 9176 ~~[(21)]~~ (20) "Policy board," "policy commission," or "policy council" means a board,
- 9177 commission, or council that:
- 9178 (a) is authorized to make policy for the benefit of the general public;
- 9179 (b) is created by, and whose duties are provided by, the constitution or statute; and
- 9180 (c) performs its duties according to its own rules without supervision other than under
- 9181 the general control of another person as provided by statute.
- 9182 ~~[(22)]~~ (21) "Population" is shown by the most recent state or national census, unless
- 9183 expressly provided otherwise.
- 9184 ~~[(23)]~~ (22) "Process" means a writ or summons issued in the course of a judicial proceeding.
- 9185 ~~[(24)]~~ (23) "Property" includes both real and personal property.
- 9186 ~~[(25)]~~ (24) "Real estate" or "real property" includes:
- 9187 (a) land;
- 9188 (b) a tenement;
- 9189 (c) a hereditament;
- 9190 (d) a water right;
- 9191 (e) a possessory right; and
- 9192 (f) a claim.
- 9193 ~~[(26)]~~ (25) "Review board," "review commission," and "review council" mean a board,
- 9194 commission, committee, or council that:
- 9195 (a) is authorized to approve policy made for the benefit of the general public by another
- 9196 body or person;
- 9197 (b) is created by, and whose duties are provided by, statute; and
- 9198 (c) performs its duties according to its own rules without supervision other than under
- 9199 the general control of another person as provided by statute.
- 9200 ~~[(27)]~~ (26) "Road" includes:
- 9201 (a) a public bridge;
- 9202 (b) a county way;
- 9203 (c) a county road;
- 9204 (d) a common road; and
- 9205 (e) a state road.

- 9206 ~~[(28)]~~ (27) "Signature" includes a name, mark, or sign written with the intent to authenticate
9207 an instrument or writing.
- 9208 ~~[(29)]~~ (28) "State," when applied to the different parts of the United States, includes a state,
9209 district, or territory of the United States.
- 9210 ~~[(30)]~~ (29) "Swear" includes "affirm."
- 9211 ~~[(31)]~~ (30) "Testify" means to make an oral statement under oath or affirmation.
- 9212 ~~[(32)] "Town" includes, depending on population, a metro township as defined in Section~~
9213 ~~10-3e-102.]~~
- 9214 ~~[(33)]~~ (31) "Uniformed services" means:
- 9215 (a) the armed forces;
- 9216 (b) the commissioned corps of the National Oceanic and Atmospheric Administration;
- 9217 and
- 9218 (c) the commissioned corps of the United States Public Health Service.
- 9219 ~~[(34)]~~ (32) "United States" includes each state, district, and territory of the United States of
9220 America.
- 9221 ~~[(35)]~~ (33) "Utah Code" means the 1953 recodification of the Utah Code, as amended,
9222 unless the text expressly references a portion of the 1953 recodification of the Utah
9223 Code as it existed:
- 9224 (a) on the day on which the 1953 recodification of the Utah Code was enacted; or
- 9225 (b) (i) after the day described in Subsection ~~[(35)(a)]~~ (33)(a); and
- 9226 (ii) before the most recent amendment to the referenced portion of the 1953
9227 recodification of the Utah Code.
- 9228 ~~[(36)]~~ (34) "Vessel," when used with reference to shipping, includes a steamboat, canal boat,
9229 and every structure adapted to be navigated from place to place.
- 9230 ~~[(37)]~~ (35) (a) "Veteran" means an individual who:
- 9231 (i) has served in the United States Armed Forces for at least 180 days:
- 9232 (A) on active duty; or
- 9233 (B) in a reserve component, to include the National Guard; or
- 9234 (ii) has incurred an actual service-related injury or disability while in the United
9235 States Armed Forces regardless of whether the individual completed 180 days; and
- 9236 (iii) was separated or retired under conditions characterized as honorable or general.
- 9237 (b) This definition is not intended to confer eligibility for benefits.
- 9238 ~~[(38)]~~ (36) "Will" includes a codicil.
- 9239 ~~[(39)]~~ (37) "Writ" means an order or precept in writing, issued in the name of:

- 9240 (a) the state;
9241 (b) a court; or
9242 (c) a judicial officer.
9243 ~~[(40)]~~ (38) "Writing" includes:
9244 (a) printing;
9245 (b) handwriting; and
9246 (c) information stored in an electronic or other medium if the information is retrievable
9247 in a perceivable format.

9248 Section 114. Section **72-2-108** is amended to read:

9249 **72-2-108 (Effective 05/01/24). Apportionment of funds available for use on class**

9250 **B and class C roads -- Bonds.**

9251 (1) For purposes of this section:

9252 (a) "Eligible county" means a county of the fifth class, as described in Section 17-50-501,
9253 that received a distribution for fiscal year 2015 that was reapportioned to include
9254 money in addition to the amount calculated under Subsection (2), and the portion of
9255 the distribution derived from the calculation under Subsection (2) was less than 60%
9256 of the total distribution.

9257 (b) "Graveled road" means a road:

9258 (i) that is:

9259 (A) graded; and

9260 (B) drained by transverse drainage systems to prevent serious impairment of the
9261 road by surface water;

9262 (ii) that has an improved surface; and

9263 (iii) that has a wearing surface made of:

9264 (A) gravel;

9265 (B) broken stone;

9266 (C) slag;

9267 (D) iron ore;

9268 (E) shale; or

9269 (F) other material that is:

9270 (I) similar to a material described in Subsection (1)(b)(iii)(A) through (E); and

9271 (II) coarser than sand.

9272 (c) "Paved road" includes:

9273 (i) a graveled road with a chip seal surface; and

- 9274 (ii) a circulator alley.
- 9275 (d) "Road mile" means a one-mile length of road, regardless of:
- 9276 (i) the width of the road; or
- 9277 (ii) the number of lanes into which the road is divided.
- 9278 (e) "Weighted mileage" means the sum of the following:
- 9279 (i) paved road miles multiplied by five; and
- 9280 (ii) all other road type road miles multiplied by two.
- 9281 (2) Subject to the provisions of Subsections (3) through (7), funds appropriated for class B
- 9282 and class C roads shall be apportioned among counties and municipalities in the
- 9283 following manner:
- 9284 (a) 50% in the ratio that the class B roads weighted mileage within each county and class
- 9285 C roads weighted mileage within each municipality bear to the total class B and class
- 9286 C roads weighted mileage within the state; and
- 9287 (b) 50% in the ratio that the population of a county or municipality bears to the total
- 9288 population of the state as of the last official federal census or the United States
- 9289 Bureau of Census estimate, whichever is most recent, except that if population
- 9290 estimates are not available from the United States Bureau of Census, population
- 9291 figures shall be derived from the estimate from the Utah Population Committee.
- 9292 (3) For purposes of Subsection (2)(b), "the population of a county" means:
- 9293 ~~[(a) for a county of the first class with a metro township, as defined in Section~~
- 9294 ~~10-2a-403, within the boundaries of the county as of January 1, 2020:]~~
- 9295 ~~[(i) the population of a county outside the corporate limits of municipalities in that~~
- 9296 ~~county, if the population of the county outside the corporate limits of municipalities~~
- 9297 ~~in that county is not less than 7% of the total population of that county, including~~
- 9298 ~~municipalities; and]~~
- 9299 ~~[(ii) if the population of a county outside the corporate limits of municipalities in the~~
- 9300 ~~county is less than 7% of the total population:]~~
- 9301 ~~[(A) the aggregate percentage of the population apportioned to municipalities in that~~
- 9302 ~~county shall be reduced by an amount equal to the difference between:]~~
- 9303 ~~[(I) 7%; and]~~
- 9304 ~~[(H) the actual percentage of population outside the corporate limits of municipalities~~
- 9305 ~~in~~
- 9306 ~~that county; and]~~
- 9306 ~~[(B) the population apportioned to the county shall be 7% of the total population of that~~

- 9307 ~~county, including incorporated municipalities; or]~~
 9308 ~~[(b) for any county not described in Subsection (3)(a):]~~
 9309 ~~[(+)]~~ (a) the population of a county outside the corporate limits of municipalities in that
 9310 county, if the population of the county outside the corporate limits of municipalities
 9311 in that county is not less than 14% of the total population of that county, including
 9312 municipalities; and
 9313 ~~[(+)]~~ (b) if the population of a county outside the corporate limits of municipalities in the
 9314 county is less than 14% of the total population:
 9315 ~~[(A)]~~ (i) the aggregate percentage of the population apportioned to municipalities in
 9316 that county shall be reduced by an amount equal to the difference between:
 9317 ~~[(+)]~~ (A) 14%; and
 9318 ~~[(+)]~~ (B) the actual percentage of population outside the corporate limits of
 9319 municipalities in that county; and
 9320 ~~[(B)]~~ (ii) the population apportioned to the county shall be 14% of the total population
 9321 of that county, including incorporated municipalities.
 9322 (4) For an eligible county, the department shall reapportion the funds under Subsection (2)
 9323 to ensure that the county or municipality receives, for a fiscal year beginning on or after
 9324 July 1, 2018, an amount equal to the greater of:
 9325 (a) the amount apportioned to the county or municipality for class B and class C roads in
 9326 the current fiscal year under Subsection (2); or
 9327 (b) (i) the amount apportioned to the county or municipality for class B and class C
 9328 roads through the apportionment formula under Subsection (2) or this Subsection
 9329 (4) in the prior fiscal year; plus
 9330 (ii) the amount calculated as described in Subsection (6).
 9331 (5) (a) The department shall decrease proportionately as provided in Subsection (5)(b)
 9332 the apportionments to counties and municipalities for which the reapportionment
 9333 under Subsection (4) does not apply.
 9334 (b) The aggregate amount of the funds that the department shall decrease proportionately
 9335 from the apportionments under Subsection (5)(a) is an amount equal to the aggregate
 9336 amount reapportioned to counties and municipalities under Subsection (4).
 9337 (6) (a) In addition to the apportionment adjustments made under Subsection (4), a
 9338 county or municipality that qualifies for reapportioned money under Subsection (4)
 9339 shall receive an amount equal to the amount apportioned to the eligible county or
 9340 municipality under Subsection (4) for class B and class C roads in the prior fiscal

year multiplied by the percentage increase or decrease in the total funds available for class B and class C roads between the prior fiscal year and the fiscal year that immediately preceded the prior fiscal year.

(b) The adjustment under Subsection (6)(a) shall be made in the same way as provided in Subsections (5)(a) and (b).

(7) (a) If a county or municipality does not qualify for a reapportionment under Subsection (4) in the current fiscal year but previously qualified for a reapportionment under Subsection (4) on or after July 1, 2017, the county or municipality shall receive an amount equal to the greater of:

(i) the amount apportioned to the county or municipality for class B and class C roads in the current fiscal year under Subsection (2); or

(ii) the amount apportioned to the county or municipality for class B and class C roads in the prior fiscal year.

(b) The adjustment under Subsection (7)(a) shall be made in the same way as provided in Subsections (5)(a) and (b).

(8) The governing body of any municipality or county may issue bonds redeemable up to a period of 10 years under Title 11, Chapter 14, Local Government Bonding Act, to pay the costs of constructing, repairing, and maintaining class B or class C roads and may pledge class B or class C road funds received pursuant to this section to pay principal, interest, premiums, and reserves for the bonds.

Section 115. Section **72-2-121** is amended to read:

72-2-121 (Effective 05/01/24). County of the First Class Highway Projects Fund.

(1) There is created a special revenue fund within the Transportation Fund known as the "County of the First Class Highway Projects Fund."

(2) The fund consists of money generated from the following revenue sources:

(a) any voluntary contributions received for new construction, major renovations, and improvements to highways within a county of the first class;

(b) the portion of the sales and use tax described in Subsection 59-12-2214(3)(b) deposited into or transferred to the fund;

(c) the portion of the sales and use tax described in Section 59-12-2217 deposited into or transferred to the fund;

(d) a portion of the local option highway construction and transportation corridor preservation fee imposed in a county of the first class under Section 41-1a-1222 deposited into or transferred to the fund; and

- 9375 (e) the portion of the sales and use tax transferred into the fund as described in
9376 Subsections 59-12-2220(4)(a) and 59-12-2220(11)(b).
- 9377 (3) (a) The fund shall earn interest.
- 9378 (b) All interest earned on fund money shall be deposited into the fund.
- 9379 (4) Subject to Subsection (9), the executive director shall use the fund money only:
- 9380 (a) to pay debt service and bond issuance costs for bonds issued under Sections
9381 63B-16-102, 63B-18-402, and 63B-27-102;
- 9382 (b) for right-of-way acquisition, new construction, major renovations, and improvements
9383 to highways within a county of the first class and to pay any debt service and bond
9384 issuance costs related to those projects, including improvements to a highway located
9385 within a municipality in a county of the first class where the municipality is located
9386 within the boundaries of more than a single county;
- 9387 (c) for the construction, acquisition, use, maintenance, or operation of:
- 9388 (i) an active transportation facility for nonmotorized vehicles;
- 9389 (ii) multimodal transportation that connects an origin with a destination; or
- 9390 (iii) a facility that may include a:
- 9391 (A) pedestrian or nonmotorized vehicle trail;
- 9392 (B) nonmotorized vehicle storage facility;
- 9393 (C) pedestrian or vehicle bridge; or
- 9394 (D) vehicle parking lot or parking structure;
- 9395 (d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by
9396 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the
9397 amounts transferred in accordance with Subsection 72-2-124(4)(a)(iv);
- 9398 (e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond
9399 issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the
9400 projects described in Subsection 63B-18-401(4)(a);
- 9401 (f) for a fiscal year beginning on or after July 1, 2013, and after the department has
9402 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in
9403 the fund, to transfer an amount equal to 50% of the revenue generated by the local
9404 option highway construction and transportation corridor preservation fee imposed
9405 under Section 41-1a-1222 in a county of the first class:
- 9406 (i) to the legislative body of a county of the first class; and
- 9407 (ii) to be used by a county of the first class for:
- 9408 (A) highway construction, reconstruction, or maintenance projects; or

- 9409 (B) the enforcement of state motor vehicle and traffic laws;
- 9410 (g) for a fiscal year beginning on or after July 1, 2015, after the department has verified
- 9411 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund
- 9412 and the transfer under Subsection (4)(e) has been made, to annually transfer an
- 9413 amount of the sales and use tax revenue imposed in a county of the first class and
- 9414 deposited into the fund in accordance with Subsection 59-12-2214(3)(b) equal to an
- 9415 amount needed to cover the debt to:
- 9416 (i) the appropriate debt service or sinking fund for the repayment of bonds issued
- 9417 under Section 63B-27-102; and
- 9418 (ii) the appropriate debt service or sinking fund for the repayment of bonds issued
- 9419 under Sections 63B-31-102 and 63B-31-103;
- 9420 (h) after the department has verified that the amount required under Subsection
- 9421 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection
- 9422 (4)(d), the payment under Subsection (4)(e), and the transfer under Subsection
- 9423 (4)(g)(i) has been made, to annually transfer \$2,000,000 to a public transit district in
- 9424 a county of the first class to fund a system for public transit;
- 9425 (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified
- 9426 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund
- 9427 and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e),
- 9428 and the transfer under Subsection (4)(g)(i) has been made, to annually transfer 20%
- 9429 of the amount deposited into the fund under Subsection (2)(b):
- 9430 (i) to the legislative body of a county of the first class; and
- 9431 (ii) to fund parking facilities in a county of the first class that facilitate significant
- 9432 economic development and recreation and tourism within the state;
- 9433 (j) for the 2018-19 fiscal year only, after the department has verified that the amount
- 9434 required under Subsection 72-2-121.3(4)(c) is available in the fund and after the
- 9435 transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the
- 9436 transfers under Subsections (4)(g), (h), and (i) have been made, to transfer
- 9437 \$12,000,000 to the department to distribute for the following projects:
- 9438 (i) \$2,000,000 to West Valley City for highway improvement to 4100 South;
- 9439 (ii) \$1,000,000 to Herriman for highway improvements to Herriman Boulevard from
- 9440 6800 West to 7300 West;
- 9441 (iii) \$1,100,000 to South Jordan for highway improvements to Grandville Avenue;
- 9442 (iv) \$1,800,000 to Riverton for highway improvements to Old Liberty Way from

- 9443 13400 South to 13200 South;
- 9444 (v) \$1,000,000 to Murray City for highway improvements to 5600 South from State
- 9445 Street to Van Winkle;
- 9446 (vi) \$1,000,000 to Draper for highway improvements to Lone Peak Parkway from
- 9447 11400 South to 12300 South;
- 9448 (vii) \$1,000,000 to Sandy City for right-of-way acquisition for Monroe Street;
- 9449 (viii) \$900,000 to South Jordan City for right-of-way acquisition and improvements
- 9450 to 10200 South from 2700 West to 3200 West;
- 9451 (ix) \$1,000,000 to West Jordan for highway improvements to 8600 South near
- 9452 Mountain View Corridor;
- 9453 (x) \$700,000 to South Jordan right-of-way improvements to 10550 South; and
- 9454 (xi) \$500,000 to Salt Lake County for highway improvements to 2650 South from
- 9455 7200 West to 8000 West; and
- 9456 (k) subject to Subsection (5), for a fiscal year beginning on or after July 1, 2021, and for
- 9457 15 years thereafter, to annually transfer the following amounts to the following cities[;
- 9458 ~~metro townships;~~] and the county of the first class for priority projects to mitigate
- 9459 congestion and improve transportation safety:
- 9460 (i) \$2,000,000 to Sandy;
- 9461 (ii) \$2,000,000 to Taylorsville;
- 9462 (iii) \$1,100,000 to Salt Lake City;
- 9463 (iv) \$1,100,000 to West Jordan;
- 9464 (v) \$1,100,000 to West Valley City;
- 9465 (vi) \$800,000 to Herriman;
- 9466 (vii) \$700,000 to Draper;
- 9467 (viii) \$700,000 to Riverton;
- 9468 (ix) \$700,000 to South Jordan;
- 9469 (x) \$500,000 to Bluffdale;
- 9470 (xi) \$500,000 to Midvale;
- 9471 (xii) \$500,000 to Millcreek;
- 9472 (xiii) \$500,000 to Murray;
- 9473 (xiv) \$400,000 to Cottonwood Heights; and
- 9474 (xv) \$300,000 to Holladay.
- 9475 (5) (a) If revenue in the fund is insufficient to satisfy all of the transfers described in
- 9476 Subsection (4)(k), the executive director shall proportionately reduce the amounts

- 9477 transferred as described in Subsection (4)(k).
- 9478 (b) A local government entity, as that term is defined in Section 63J-1-220, is exempt
9479 from entering into an agreement as described in Section 63J-1-220 pertaining to the
9480 receipt or expenditure of any funding described in Subsection (4)(k).
- 9481 (c) A local government may not use revenue described in Subsection (4)(k) to supplant
9482 existing class B or class C road funds that a local government has budgeted for
9483 transportation projects.
- 9484 (d) (i) A municipality or county that received a transfer of funds described in
9485 Subsection (4)(j) shall submit to the department a statement of cash flow and
9486 progress pertaining to the municipality's or county's respective project described
9487 in Subsection (4)(j).
- 9488 (ii) After the department is satisfied that the municipality or county described in
9489 Subsection (4)(j) has made substantial progress and the expenditure of funds is
9490 programmed and imminent, the department may transfer to the same municipality
9491 or county the respective amounts described in Subsection (4)(k).
- 9492 (6) The revenues described in Subsections (2)(b), (c), and (d) that are deposited into the
9493 fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402,
9494 and 63B-27-102 are considered a local matching contribution for the purposes described
9495 under Section 72-2-123.
- 9496 (7) The additional administrative costs of the department to administer this fund shall be
9497 paid from money in the fund.
- 9498 (8) Subject to Subsection (9), and notwithstanding any statutory or other restrictions on the
9499 use or expenditure of the revenue sources deposited into this fund, the Department of
9500 Transportation may use the money in this fund for any of the purposes detailed in
9501 Subsection (4).
- 9502 (9) Any revenue deposited into the fund as described in Subsection (2)(e) shall be used to
9503 provide funding or loans for public transit projects, operations, and supporting
9504 infrastructure in the county of the first class.
- 9505 Section 116. Section **73-10-34** is amended to read:
- 9506 **73-10-34 (Effective 05/01/24). Secondary water metering -- Loans and grants.**
- 9507 (1) As used in this section:
- 9508 (a) "Agriculture use" means water used on land assessed under Title 59, Chapter 2, Part
9509 5, Farmland Assessment Act.
- 9510 (b) (i) "Commercial user" means a secondary water user that is a place of business.

- 9511 (ii) "Commercial user" does not include a multi-family residence, an agricultural
9512 user, or a customer that falls within the industrial or institutional classification.
- 9513 (c) "Full metering" means that use of secondary water is accurately metered by a meter
9514 that is installed and maintained on every secondary water connection of a secondary
9515 water supplier.
- 9516 (d) (i) "Industrial user" means a secondary water user that manufactures or produces
9517 materials.
- 9518 (ii) "Industrial user" includes a manufacturing plant, an oil and gas producer, and a
9519 mining company.
- 9520 (e) (i) "Institutional user" means a secondary water user that is dedicated to public
9521 service, regardless of ownership.
- 9522 (ii) "Institutional user" includes a school, church, hospital, park, golf course, and
9523 government facility.
- 9524 (f) "Power generation use" means water used in the production of energy, such as use in
9525 an electric generation facility, natural gas refinery, or coal processing plant.
- 9526 (g) (i) "Residential user" means a secondary water user in a residence.
- 9527 (ii) "Residential user" includes a single-family or multi-family home, apartment,
9528 duplex, twin home, condominium, or planned community.
- 9529 (h) "Secondary water" means water that is:
- 9530 (i) not culinary or water used on land assessed under Title 59, Chapter 2, Part 5,
9531 Farmland Assessment Act; and
- 9532 (ii) delivered to and used by an end user for the irrigation of landscaping or a garden.
- 9533 (i) "Secondary water connection" means the location at which the water leaves the
9534 secondary water supplier's pipeline and enters into the remainder of the pipes that are
9535 owned by another person to supply water to an end user.
- 9536 (j) "Secondary water supplier" means an entity that supplies pressurized secondary water.
- 9537 (k) "Small secondary water retail supplier" means an entity that:
- 9538 (i) supplies pressurized secondary water only to the end user of the secondary water;
9539 and
- 9540 (ii) (A) is a city[;] or town[;] ~~or metro township~~; or
9541 (B) supplies 5,000 or fewer secondary water connections.
- 9542 (2) (a) (i) A secondary water supplier that supplies secondary water within a county
9543 of the first or second class and begins design work for new service on or after
9544 April 1, 2020, to a commercial, industrial, institutional, or residential user shall

meter the use of pressurized secondary water by the users receiving that new service.

(ii) A secondary water supplier that supplies secondary water within a county of the third, fourth, fifth, or sixth class and begins design work for new service on or after May 4, 2022, to a commercial, industrial, institutional, or residential user shall meter the use of pressurized secondary water by the users receiving that new service.

(b) By no later than January 1, 2030, a secondary water supplier shall install and maintain a meter of the use of pressurized secondary water by each user receiving secondary water service from the secondary water supplier.

(c) Beginning January 1, 2022, a secondary water supplier shall establish a meter installation reserve for metering installation and replacement projects.

(d) A secondary water supplier, including a small secondary water retail supplier, may not raise the rates charged for secondary water:

(i) by more than 10% in a calendar year for costs associated with metering secondary water unless the rise in rates is necessary because the secondary water supplier experiences a catastrophic failure or other similar event; or

(ii) unless, before raising the rates on the end user, the entity charging the end user provides a statement explaining the basis for why the needs of the secondary water supplier required an increase in rates.

(e) (i) A secondary water supplier that provides pressurized secondary water to a commercial, industrial, institutional, or residential user shall develop a plan, or if the secondary water supplier previously filed a similar plan, update the plan for metering the use of the pressurized water.

(ii) The plan required by this Subsection (2)(e) shall be filed or updated with the Division of Water Resources by no later than December 31, 2025, and address the process the secondary water supplier will follow to implement metering, including:

(A) the costs of full metering by the secondary water supplier;

(B) how long it would take the secondary water supplier to complete full metering, including an anticipated beginning date and completion date, except a secondary water supplier shall achieve full metering by no later than January 1, 2030; and

(C) how the secondary water supplier will finance metering.

(3) A secondary water supplier shall on or before March 31 of each year, report to the

- 9579 Division of Water Rights:
- 9580 (a) for commercial, industrial, institutional, and residential users whose pressurized
- 9581 secondary water use is metered, the number of acre feet of pressurized secondary
- 9582 water the secondary water supplier supplied to the commercial, industrial,
- 9583 institutional, and residential users during the preceding 12-month period;
- 9584 (b) the number of secondary water meters within the secondary water supplier's service
- 9585 boundary;
- 9586 (c) a description of the secondary water supplier's service boundary;
- 9587 (d) the number of secondary water connections in each of the following categories
- 9588 through which the secondary water supplier supplies pressurized secondary water:
- 9589 (i) commercial;
- 9590 (ii) industrial;
- 9591 (iii) institutional; and
- 9592 (iv) residential;
- 9593 (e) the total volume of water that the secondary water supplier receives from the
- 9594 secondary water supplier's sources; and
- 9595 (f) the dates of service during the preceding 12-month period in which the secondary
- 9596 water supplier supplied pressurized secondary water.
- 9597 (4) (a) Beginning July 1, 2019, the Board of Water Resources may make up to
- 9598 \$10,000,000 in low-interest loans available each year:
- 9599 (i) from the Water Resources Conservation and Development Fund, created in
- 9600 Section 73-10-24; and
- 9601 (ii) for financing the cost of secondary water metering.
- 9602 (b) The Division of Water Resources and the Board of Water Resources shall make rules
- 9603 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 9604 establishing the criteria and process for receiving a loan described in this Subsection
- 9605 (4), except the rules may not include prepayment penalties.
- 9606 (5) (a) Beginning July 1, 2021, subject to appropriation, the Division of Water
- 9607 Resources may make matching grants each year for financing the cost of secondary
- 9608 water metering for a commercial, industrial, institutional, or residential user by a
- 9609 small secondary water retail supplier that:
- 9610 (i) is not for new service described in Subsection (2)(a); and
- 9611 (ii) matches the amount of the grant.
- 9612 (b) For purposes of issuing grants under this section, the division shall prioritize the

- 9613 small secondary water retail suppliers that can demonstrate the greatest need or
9614 greatest inability to pay the entire cost of installing secondary water meters.
- 9615 (c) The amount of a grant under this Subsection (5) may not:
- 9616 (i) exceed 50% of the small secondary water retail supplier's cost of installing
9617 secondary water meters; or
- 9618 (ii) supplant federal, state, or local money previously allocated to pay the small
9619 secondary water retail supplier's cost of installing secondary water meters.
- 9620 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
9621 Board of Water Resources shall make rules establishing:
- 9622 (i) the procedure for applying for a grant under this Subsection (5); and
9623 (ii) how a small secondary water retail supplier can establish that the small secondary
9624 water retail supplier meets the eligibility requirements of this Subsection (5).
- 9625 (6) Nothing in this section affects a water right holder's obligation to measure and report
9626 water usage as described in Sections 73-5-4 and 73-5-8.
- 9627 (7) If a secondary water supplier fails to comply with Subsection (2)(b), the secondary
9628 water supplier:
- 9629 (a) beginning January 1, 2030, may not receive state money for water related purposes
9630 until the secondary water supplier completes full metering; and
- 9631 (b) is subject to an enforcement action of the state engineer in accordance with
9632 Subsection (8).
- 9633 (8) (a) (i) The state engineer shall commence an enforcement action under this
9634 Subsection (8) if the state engineer receives a referral from the director of the
9635 Division of Water Resources.
- 9636 (ii) The director of the Division of Water Resources shall submit a referral to the state
9637 engineer if the director:
- 9638 (A) finds that a secondary water supplier fails to fully meter secondary water as
9639 required by this section; and
- 9640 (B) determines an enforcement action is necessary to conserve or protect a water
9641 resource in the state.
- 9642 (b) To commence an enforcement action under this Subsection (8), the state engineer
9643 shall issue a notice of violation that includes notice of the administrative fine to
9644 which a secondary water supplier is subject.
- 9645 (c) The state engineer's issuance and enforcement of a notice of violation is exempt from
9646 Title 63G, Chapter 4, Administrative Procedures Act.

- (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state engineer shall make rules necessary to enforce a notice of violation, that includes:
- (i) provisions consistent with this Subsection (8) for enforcement of the notice if a secondary water supplier to whom a notice is issued fails to respond to the notice or abate the violation;
 - (ii) the right to a hearing, upon request by a secondary water supplier against whom the notice is issued; and
 - (iii) provisions for timely issuance of a final order after the secondary water supplier to whom the notice is issued fails to respond to the notice or abate the violation, or after a hearing held under Subsection (8)(d)(ii).
- (e) A person may not intervene in an enforcement action commenced under this section.
- (f) After issuance of a final order under rules made pursuant to Subsection (8)(d), the state engineer shall serve a copy of the final order on the secondary water supplier against whom the order is issued by:
- (i) personal service under Utah Rules of Civil Procedure, Rule 5; or
 - (ii) certified mail.
- (g) (i) The state engineer's final order may be reviewed by trial de novo by the district court in Salt Lake County or the county where the violation occurred.
- (ii) A secondary water supplier shall file a petition for judicial review of the state engineer's final order issued under this section within 20 days from the day on which the final order was served on the secondary water supplier.
- (h) The state engineer may bring suit in a court of competent jurisdiction to enforce a final order issued under this Subsection (8).
- (i) If the state engineer prevails in an action brought under Subsection (8)(g) or (h), the state may recover court costs and a reasonable attorney fee.
- (j) As part of a final order issued under this Subsection (8), the state engineer shall order that a secondary water supplier to whom an order is issued pay an administrative fine equal to:
- (i) \$10 for each non-metered secondary water connection of the secondary water supplier for failure to comply with full metering by January 1, 2030;
 - (ii) \$20 for each non-metered secondary water connection of the secondary water supplier for failure to comply with full metering by January 1, 2031;
 - (iii) \$30 for each non-metered secondary water connection of the secondary water

- 9681 supplier for failure to comply with full metering by January 1, 2032;
- 9682 (iv) \$40 for each non-metered secondary water connection of the secondary water
- 9683 supplier for failure to comply with full metering by January 1, 2033; and
- 9684 (v) \$50 for each non-metered secondary water connection of the secondary water
- 9685 supplier for failure to comply with full metering by January 1, 2034, and for each
- 9686 subsequent year the secondary water supplier fails to comply with full metering.
- 9687 (k) Money collected under this Subsection (8) shall be deposited into the Water
- 9688 Resources Conservation and Development Fund, created in Section 73-10-24.
- 9689 (9) A secondary water supplier located within a county of the fifth or sixth class is exempt
- 9690 from Subsections (2)(a), (2)(b), (2)(c), (2)(e), (7), and (8) if:
- 9691 (a) the owner or operator of the secondary water supplier seeks an exemption under this
- 9692 Subsection (9) by establishing with the Division of Water Resources that the cost of
- 9693 purchasing, installing, and upgrading systems to accept meters exceeds 25% of the
- 9694 total operating budget of the owner or operator of the secondary water supplier;
- 9695 (b) the secondary water supplier agrees to not add a new secondary water connection to
- 9696 the secondary water supplier's system on or after May 4, 2022;
- 9697 (c) within six months of when the secondary water supplier seeks an exemption under
- 9698 Subsection (9)(a), the secondary water supplier provides to the Division of Water
- 9699 Resources a plan for conservation within the secondary water supplier's service area
- 9700 that does not require metering;
- 9701 (d) the secondary water supplier annually reports to the Division of Water Resources on
- 9702 the results of the plan described in Subsection (9)(c); and
- 9703 (e) the secondary water supplier submits to evaluations by the Division of Water
- 9704 Resources of the effectiveness of the plan described in Subsection (9)(c).
- 9705 (10) A secondary water supplier is exempt from Subsections (2)(a), (2)(b), (2)(c), (2)(e),
- 9706 (7), and (8) to the extent that the secondary water supplier:
- 9707 (a) is unable to obtain a meter that a meter manufacturer will warranty because of the
- 9708 water quality within a specific location served by the secondary water supplier;
- 9709 (b) submits reasonable proof to the Division of Water Resources that the secondary
- 9710 water supplier is unable to obtain a meter as described in Subsection (10)(a);
- 9711 (c) within six months of when the secondary water supplier submits reasonable proof
- 9712 under Subsection (10)(b), provides to the Division of Water Resources a plan for
- 9713 conservation within the secondary water supplier's service area that does not require
- 9714 metering;

- 9715 (d) annually reports to the Division of Water Resources on the results of the plan
9716 described in Subsection (10)(c); and
- 9717 (e) submits to evaluations by the Division of Water Resources of the effectiveness of the
9718 plan described in Subsection (10)(c).
- 9719 (11) A secondary water supplier that is located within a critical management area that is
9720 subject to a groundwater management plan adopted or amended under Section 73-5-15
9721 on or after May 1, 2006, is exempt from Subsections (2)(a), (2)(b), (2)(c), (2)(e), (7), and
9722 (8).
- 9723 (12) If a secondary water supplier is required to have a water conservation plan under
9724 Section 73-10-32, that water conservation plan satisfies the requirements of Subsection
9725 (9)(c) or (10)(c).
- 9726 (13) (a) Notwithstanding the other provisions of this section and unless exempt under
9727 Subsection (9), (10), or (11), to comply with this section, a secondary water supplier
9728 is not required to meter every secondary water connection of the secondary water
9729 supplier's system, but shall meter at strategic points of the system as approved by the
9730 state engineer under this Subsection (13) if:
- 9731 (i) the system has no storage and relies on stream flow;
- 9732 (ii) (A) the majority of secondary water users on the system are associated with
9733 agriculture use or power generation use; and
9734 (B) less than 50% of the secondary water is used by residential secondary water
9735 users; or
- 9736 (iii) the system has:
- 9737 (A) 1,000 or fewer users; and
9738 (B) a mix of pressurized lines and open ditches.
- 9739 (b) (i) A secondary water supplier may obtain the approval by the state engineer of
9740 strategic points where metering is to occur as required under this Subsection (13)
9741 by filing an application with the state engineer in the form established by the state
9742 engineer.
- 9743 (ii) The state engineer may by rule, made in accordance with Title 63G, Chapter 3,
9744 Utah Administrative Rulemaking Act, establish procedures for approving strategic
9745 points for metering under this Subsection (13).
- 9746 Section 117. Section **78A-7-202** is amended to read:
- 9747 **78A-7-202 (Effective 05/01/24). Justice court judges to be appointed -- Procedure.**
- 9748 (1) As used in this section:

- 9749 (a) "Local government executive" means:
- 9750 (i) for a county:
- 9751 (A) the chair of the county commission in a county operating under the county
- 9752 commission or expanded county commission form of county government;
- 9753 (B) the county executive in a county operating under the county executive-council
- 9754 form of county government; and
- 9755 (C) the county manager in a county operating under the council-manager form of
- 9756 county government; and
- 9757 (ii) for a city or town:
- 9758 (A) the mayor of the city or town; or
- 9759 (B) the city manager, in the council-manager form of government described in
- 9760 Subsection [~~10-3b-103(7)~~; and] 10-3b-103(6).
- 9761 [~~(iii) for a metro township, the chair of the metro township council.~~]
- 9762 (b) "Local legislative body" means:
- 9763 (i) for a county, the county commission or county council; and
- 9764 (ii) for a city or town, the council of the city or town.
- 9765 (2) (a) There is created in each county a county justice court nominating commission to
- 9766 review applicants and make recommendations to the appointing authority for a justice
- 9767 court position.
- 9768 (b) The commission shall be convened when a new justice court judge position is
- 9769 created or when a vacancy in an existing court occurs for a justice court located
- 9770 within the county.
- 9771 (c) Membership of the justice court nominating commission shall be as follows:
- 9772 (i) one member appointed by:
- 9773 (A) the county commission if the county has a county commission form of
- 9774 government; or
- 9775 (B) the county executive if the county has an executive-council form of
- 9776 government;
- 9777 (ii) one member appointed by the municipalities in the counties as follows:
- 9778 (A) if the county has only one municipality, appointment shall be made by the
- 9779 governing authority of that municipality; or
- 9780 (B) if the county has more than one municipality, appointment shall be made by a
- 9781 municipal selection committee composed of the mayors of each municipality[
- 9782 ~~and the chairs of each metro township]~~ in the county;

- 9783 (iii) one member appointed by the county bar association; and
9784 (iv) two members appointed by the governing authority of the jurisdiction where the
9785 judicial office is located.
- 9786 (d) (i) If there is no county bar association, the member in Subsection (2)(c)(iii) shall
9787 be appointed by the regional bar association.
9788 (ii) If no regional bar association exists, the state bar association shall make the
9789 appointment.
- 9790 (e) Members appointed under Subsections (2)(c)(i) and (ii) may not be the appointing
9791 authority or an elected official of a county or municipality.
- 9792 (f) (i) Except as provided in Subsection (2)(f)(ii), the nominating commission shall
9793 submit at least three names to the appointing authority of the jurisdiction expected
9794 to be served by the judge.
9795 (ii) If there are fewer than three applicants for a justice court vacancy, the nominating
9796 commission shall submit all qualified applicants to the appointing authority of the
9797 jurisdiction expected to be served by the judge.
9798 (iii) The local government executive shall appoint a judge from the list submitted and
9799 the appointment ratified by the local legislative body.
- 9800 (g) (i) The state court administrator shall provide staff to the commission.
9801 (ii) The Judicial Council shall establish rules and procedures for the conduct of the
9802 commission.
- 9803 (3) (a) A judicial vacancy for a justice court shall be announced:
9804 (i) as an employment opportunity on the Utah Courts' website;
9805 (ii) in an email to the members of the Utah State Bar; and
9806 (iii) for the justice court's jurisdiction, as a class A notice under Section 63G-30-102,
9807 for at least 30 days.
- 9808 (b) A judicial vacancy for a justice court may also be advertised through other
9809 appropriate means.
- 9810 (4) Selection of candidates shall be based on compliance with the requirements for office
9811 and competence to serve as a judge.
- 9812 (5) (a) Once selected, every prospective justice court judge shall attend an orientation
9813 seminar conducted under the direction of the Judicial Council.
9814 (b) Upon completion of the orientation seminar described in Subsection (5)(a), the
9815 Judicial Council shall certify the justice court judge as qualified to hold office.
- 9816 (6) (a) The selection of a person to fill the office of justice court judge is effective upon

9817 certification of the judge by the Judicial Council.

9818 (b) A justice court judge may not perform judicial duties until certified by the Judicial
9819 Council.

9820 Section 118. Section **78B-6-2301** is amended to read:

9821 **78B-6-2301 (Effective 05/01/24). Definitions.**

9822 As used in this part:

9823 (1) "Directive" means an ordinance, regulation, measure, rule, enactment, order, or policy
9824 issued, enacted, or required by a local or state governmental entity.

9825 (2) "Firearm" means the same as that term is defined in Section 53-5a-102.

9826 (3) "Legislative firearm preemption" means the preemption provided for in Sections
9827 53-5a-102 and 76-10-500.

9828 (4) "Local or state governmental entity" means:

9829 (a) a department, commission, board, council, agency, institution, officer, corporation,
9830 fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or
9831 other administrative unit of the state, including the Utah Board of Higher Education,
9832 each institution of higher education, and the boards of trustees of each higher
9833 education institution; or

9834 (b) a county, city, town~~[-metro township]~~, special district, local education agency,
9835 public school, school district, charter school, special service district under Title 17D,
9836 Chapter 1, Special Service District Act, an entity created by interlocal cooperation
9837 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, or any other
9838 governmental entity designated in statute as a political subdivision of the state.

9839 Section 119. **Repealer.**

9840 This bill repeals:

9841 Section **10-2-301.5, (Effective 05/01/24)Classification of metro townships according to**
9842 **population.**

9843 Section **10-2a-401, (Effective 05/01/24)Title.**

9844 Section **10-2a-402, (Effective 05/01/24)Application.**

9845 Section **10-2a-403, (Effective 05/01/24)Definitions.**

9846 Section **10-2a-404, (Effective 05/01/24)Election -- Notice.**

9847 Section **10-2a-405, (Effective 05/01/24)Duties of county legislative body -- Public**
9848 **hearing -- Notice -- Other election and incorporation issues -- Rural real property**
9849 **excluded.**

9850 Section **10-2a-406, (Effective 05/01/24)Ballot used at metro township incorporation**

9851 election.

9852 Section 10-2a-407, (Effective 05/01/24)Ballot used at unincorporated island annexation
9853 election.

9854 Section 10-2a-408, (Effective 05/01/24)Notification to lieutenant governor of
9855 incorporation election results.

9856 Section 10-2a-409, (Effective 05/01/24)Unincorporated island annexation -- Notice and
9857 recording-- Applicable provisions.

9858 Section 10-2a-410, (Effective 05/01/24)Determination of metro township districts --
9859 Determination of metro township or city initial officer terms -- Adoption of proposed
9860 districts -- Notice.

9861 Section 10-2a-411, (Effective 05/01/24)Election of officers of new city, town, or metro
9862 township.

9863 Section 10-2a-412, (Effective 05/01/24)Notification to lieutenant governor of election
9864 of officers.

9865 Section 10-2a-413, (Effective 05/01/24)Incorporation under this part subject to other
9866 provisions.

9867 Section 10-2a-414, (Effective 05/01/24)Transition -- Continuity of county process.

9868 Section 10-3b-501, (Effective 05/01/24)Metro township government powers vested in a
9869 five-member council.

9870 Section 10-3b-502, (Effective 05/01/24)Governance of metro townships that are not in a
9871 municipal services district.

9872 Section 10-3b-503, (Effective 05/01/24)Mayor in a metro township included in a
9873 municipal services district.

9874 Section 10-3b-504, (Effective 05/01/24)Council in a metro township that is included in
9875 a municipal services district.

9876 Section 10-3c-101, (Effective 05/01/24)Title.

9877 Section 10-3c-102, (Effective 05/01/24)Definitions.

9878 Section 10-3c-103, (Effective 05/01/24)Status and powers.

9879 Section 10-3c-201, (Effective 05/01/24)Title.

9880 Section 10-3c-202, (Effective 05/01/24)Budget.

9881 Section 10-3c-203, (Effective 05/01/24)Administrative and operational services -- Staff
9882 provided by county or municipal services district -- Recording of open meetings.

9883 Section 10-3c-204, (Effective 05/01/24)Taxing authority limited -- Notice.

9884 Section 10-3c-205, (Effective 05/01/24)Fees.

9885 Section **52-1-5.1, (Effective 05/01/24)**Metro township officers -- Where filed.
9886 Section 120. **Effective date.**
9887 This bill takes effect on May 1, 2024 with the exception of the changes in Sections
9888 10-2-425 (Effective 07/01/24) and 53-2d-101 (Effective 07/01/24), which take effect
9889 on July 1, 2024.