

UTAH POPULATION ESTIMATES PRODUCTION

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates the Utah Population Committee.

Highlighted Provisions:

This bill:

- ▶ creates the Utah Population Committee and provides for the committee's membership and duties;
- ▶ requires a state entity to use estimates produced by the Utah Population Committee;
- ▶ changes all references in the state code from the Utah Population Estimates Committee to the Utah Population Committee; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-2-602, as last amended by Laws of Utah 2000, Chapter 318

10-2-711, as last amended by Laws of Utah 2009, Chapter 350

10-2a-302, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and amended by Laws of Utah 2015, Chapter 352



- 28 **17-27a-901**, as last amended by Laws of Utah 2016, Chapter 411
- 29 **17-50-502**, as enacted by Laws of Utah 2000, Chapter 318
- 30 **17B-2a-807**, as last amended by Laws of Utah 2016, Chapter 205
- 31 **20A-13-103**, as last amended by Laws of Utah 2013, Chapter 383
- 32 **20A-14-102.1**, as last amended by Laws of Utah 2013, Chapter 455
- 33 **26-18-501**, as last amended by Laws of Utah 2016, Chapter 276
- 34 **26-46a-102**, as enacted by Laws of Utah 2015, Chapter 136
- 35 **26A-1-115**, as last amended by Laws of Utah 2002, Chapter 249
- 36 **32B-2-402**, as last amended by Laws of Utah 2016, Chapters 158 and 176
- 37 **35A-2-101**, as last amended by Laws of Utah 2016, Chapter 296
- 38 **36-1-104**, as last amended by Laws of Utah 2013, Chapter 454
- 39 **36-1-203**, as last amended by Laws of Utah 2013, Chapter 382
- 40 **59-12-205**, as last amended by Laws of Utah 2016, Chapter 364
- 41 **59-12-2219**, as last amended by Laws of Utah 2016, Chapter 373
- 42 **62A-15-611**, as last amended by Laws of Utah 2011, Chapter 187
- 43 **67-1a-2**, as last amended by Laws of Utah 2015, Chapter 352
- 44 **72-2-108**, as last amended by Laws of Utah 2016, Fourth Special Session, Chapter 2
- 45 **78B-1-110**, as last amended by Laws of Utah 2015, Chapter 17

46 ENACTS:

- 47 **63C-18-101**, Utah Code Annotated 1953
- 48 **63C-18-102**, Utah Code Annotated 1953
- 49 **63C-18-103**, Utah Code Annotated 1953
- 50 **63C-18-104**, Utah Code Annotated 1953
- 51 **63C-18-105**, Utah Code Annotated 1953

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

54 Section 1. Section **10-2-602** is amended to read:

55 **10-2-602. Contents of resolution or petition.**

56 (1) The resolution of the governing body or the petition of the electors shall include:

57 (a) a statement fully describing each of the areas to be included within the consolidated
58 municipality;

59 (b) the name of the proposed consolidated municipality; and

60 (c) the names of the municipalities to be consolidated.

61 (2) (a) The resolution or petition shall state the population of each of the municipalities
62 within the area of the proposed consolidated municipality and the total population of the
63 proposed consolidated municipality.

64 (b) (i) The population figure under Subsection (2)(a) shall be derived from the most
65 recent official census or census estimate of the United States Bureau of the Census.

66 (ii) If the population figure is not available from the United States Bureau of the
67 Census, the population figure shall be derived from the estimate from the Utah Population
68 [Estimates] Committee.

69 Section 2. Section **10-2-711** is amended to read:

70 **10-2-711. Dissolution by the county legislative body.**

71 (1) (a) A municipality having fewer than 50 residents may be dissolved on application
72 to the district court by the county legislative body of the county where the municipality is
73 located.

74 (b) (i) The population figure under Subsection (1)(a) shall be derived from the most
75 recent official census or census estimate of the United States Bureau of the Census.

76 (ii) If the population figure is not available from the United States Bureau of the
77 Census, the population figure shall be derived from the estimate from the Utah Population
78 [Estimates] Committee.

79 (2) Notice of the application shall be served on the municipality in the manner
80 prescribed by law or by publication in the manner provided by law if the municipal authorities
81 cannot be served.

82 (3) The district court may enter an order approving the dissolution of the municipality
83 on a finding that the existence of the municipality serves no valid municipal purpose, its
84 existence is a sham, or on a clear and convincing showing that the best interests of the
85 community would be served by the dissolution.

86 (4) If the municipality is dissolved, the district court shall wind down the affairs and
87 dissolve the municipality as quickly as possible in the same manner as is provided in Sections
88 [10-2-705](#) through [10-2-709](#).

89 Section 3. Section **10-2a-302** is amended to read:

90 **10-2a-302. Incorporation of a town -- Petition.**

91 (1) As used in this section:

92 (a) "Assessed value," with respect to agricultural land, means the value at which the
93 land would be assessed without regard to a valuation for agricultural use under Section
94 59-2-503.

95 (b) "Feasibility consultant" means a person or firm:

96 (i) with expertise in the processes and economics of local government; and

97 (ii) who is independent of and not affiliated with a county or sponsor of a petition to
98 incorporate.

99 (c) "Financial feasibility study" means a study described in Subsection (7).

100 (d) "Municipal service" means a publicly provided service that is not provided on a
101 countywide basis.

102 (e) "Nonurban" means having a residential density of less than one unit per acre.

103 (2) (a) (i) A contiguous area of a county not within a municipality, with a population of
104 at least 100 but less than 1,000, may incorporate as a town as provided in this section.

105 (ii) An area within a county of the first class is not contiguous for purposes of
106 Subsection (2)(a)(i) if:

107 (A) the area includes a strip of land that connects geographically separate areas; and

108 (B) the distance between the geographically separate areas is greater than the average
109 width of the strip of land connecting the geographically separate areas.

110 (b) The population figure under Subsection (2)(a) shall be determined:

111 (i) as of the date the incorporation petition is filed; and

112 (ii) by the Utah Population [Estimates] Committee within 20 days after the county
113 clerk's certification under Subsection (6) of a petition filed under Subsection (4).

114 (3) (a) The process to incorporate an area as a town is initiated by filing a petition to
115 incorporate the area as a town with the Office of the Lieutenant Governor.

116 (b) A petition under Subsection (3)(a) shall:

117 (i) be signed by:

118 (A) the owners of private real property that:

119 (I) is located within the area proposed to be incorporated; and

120 (II) is equal in assessed value to more than 1/5 of the assessed value of all private real

121 property within the area; and

122 (B) 1/5 of all registered voters within the area proposed to be incorporated as a town,
123 according to the official voter registration list maintained by the county on the date the petition
124 is filed;

125 (ii) designate as sponsors at least five of the property owners who have signed the
126 petition, one of whom shall be designated as the contact sponsor, with the mailing address of
127 each owner signing as a sponsor;

128 (iii) be accompanied by and circulated with an accurate map or plat, prepared by a
129 licensed surveyor, showing a legal description of the boundary of the proposed town; and

130 (iv) substantially comply with and be circulated in the following form:

131 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
132 town)

133 To the Honorable Lieutenant Governor:

134 We, the undersigned owners of real property and registered voters within the area
135 described in this petition, respectfully petition the lieutenant governor to direct the county
136 legislative body to submit to the registered voters residing within the area described in this
137 petition, at the next regular general election, the question of whether the area should
138 incorporate as a town. Each of the undersigned affirms that each has personally signed this
139 petition and is an owner of real property or a registered voter residing within the described area,
140 and that the current residence address of each is correctly written after the signer's name. The
141 area proposed to be incorporated as a town is described as follows: (insert an accurate
142 description of the area proposed to be incorporated).

143 (c) A petition under this Subsection (3) may not describe an area that includes some or
144 all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:

145 (i) was filed before the filing of the petition; and

146 (ii) is still pending on the date the petition is filed.

147 (d) A petition may not be filed under this section if the private real property owned by
148 the petition sponsors, designated under Subsection (3)(b)(ii), cumulatively exceeds 40% of the
149 total private land area within the area proposed to be incorporated as a town.

150 (e) A signer of a petition under this Subsection (3) may withdraw or, after withdrawn,
151 reinstate the signer's signature on the petition:

152 (i) at any time until the lieutenant governor certifies the petition under Subsection (5);
153 and

154 (ii) by filing a signed, written withdrawal or reinstatement with the lieutenant governor.

155 (4) (a) If a petition is filed under Subsection (3)(a) proposing to incorporate as a town
156 an area located within a county of the first class, the lieutenant governor shall deliver written
157 notice of the proposed incorporation:

158 (i) to each owner of private real property owning more than 1% of the assessed value
159 of all private real property within the area proposed to be incorporated as a town; and

160 (ii) within seven calendar days after the date on which the petition is filed.

161 (b) A private real property owner described in Subsection (4)(a)(i) may exclude all or
162 part of the owner's property from the area proposed to be incorporated as a town by filing a
163 notice of exclusion:

164 (i) with the lieutenant governor; and

165 (ii) within 10 calendar days after receiving the clerk's notice under Subsection (4)(a).

166 (c) The lieutenant governor shall exclude from the area proposed to be incorporated as
167 a town the property identified in the notice of exclusion under Subsection (4)(b) if:

168 (i) the property:

169 (A) is nonurban; and

170 (B) does not and will not require a municipal service; and

171 (ii) exclusion will not leave an unincorporated island within the proposed town.

172 (d) If the lieutenant governor excludes property from the area proposed to be
173 incorporated as a town, the lieutenant governor shall send written notice of the exclusion to the
174 contact sponsor within five days after the exclusion.

175 (5) No later than 20 days after the filing of a petition under Subsection (3), the
176 lieutenant governor shall:

177 (a) with the assistance of other county officers of the county in which the incorporation
178 is proposed from whom the lieutenant governor requests assistance, determine whether the
179 petition complies with the requirements of Subsection (3); and

180 (b) (i) if the lieutenant governor determines that the petition complies with those
181 requirements:

182 (A) certify the petition; and

183 (B) mail or deliver written notification of the certification to~~[:(F)]~~ the contact
184 sponsor~~[:]~~ and ~~[(H)]~~ the Utah Population ~~[Estimates]~~ Committee; or

185 (ii) if the lieutenant governor determines that the petition fails to comply with any of
186 those requirements, reject the petition and notify the contact sponsor in writing of the rejection
187 and the reasons for the rejection.

188 (6) (a) (i) A petition that is rejected under Subsection (5)(b)(ii) may be amended to
189 correct a deficiency for which it was rejected and then refiled with the lieutenant governor.

190 (ii) A valid signature on a petition filed under Subsection (3)(a) may be used toward
191 fulfilling the signature requirement of Subsection (3)(b) for the same petition that is amended
192 under Subsection (6)(a)(i) and then refiled with the lieutenant governor.

193 (b) If a petition is amended and refiled under Subsection (6)(a)(i) after having been
194 rejected by the lieutenant governor under Subsection (5)(b)(ii):

195 (i) the amended petition shall be considered as a newly filed petition; and

196 (ii) the amended petition's processing priority is determined by the date on which it is
197 refiled.

198 (7) (a) (i) If a petition is filed under Subsection (4) and certified under Subsection (6),
199 the lieutenant governor shall commission and pay for a financial feasibility study.

200 (ii) The feasibility consultant shall be chosen:

201 (A) (I) by the contact sponsor of the incorporation petition, as described in Subsection
202 (3)(b)(ii), with the consent of the lieutenant governor; or

203 (II) by the lieutenant governor if the contact sponsor states, in writing, that the sponsor
204 defers selection of the feasibility consultant to the lieutenant governor; and

205 (B) in accordance with applicable county procurement procedure.

206 (iii) The lieutenant governor shall require the feasibility consultant to complete the
207 financial feasibility study and submit written results of the study to the lieutenant governor no
208 later than 30 days after the feasibility consultant is engaged to conduct the financial feasibility
209 study.

210 (b) The financial feasibility study shall consider the:

211 (i) population and population density within the area proposed for incorporation and
212 the surrounding area;

213 (ii) current and five-year projections of demographics and economic base in the

214 proposed town and surrounding area, including household size and income, commercial and
215 industrial development, and public facilities;

216 (iii) projected growth in the proposed town and in adjacent areas during the next five
217 years;

218 (iv) subject to Subsection (7)(c), the present and five-year projections of the cost,
219 including overhead, of governmental services in the proposed town, including:

220 (A) culinary water;

221 (B) secondary water;

222 (C) sewer;

223 (D) law enforcement;

224 (E) fire protection;

225 (F) roads and public works;

226 (G) garbage;

227 (H) weeds; and

228 (I) government offices;

229 (v) assuming the same tax categories and tax rates as currently imposed by the county
230 and all other current service providers, the present and five-year projected revenue for the
231 proposed town; and

232 (vi) a projection of any new taxes per household that may be levied within the
233 incorporated area within five years of incorporation.

234 (c) (i) For purposes of Subsection (7)(b)(iv), the feasibility consultant shall assume a
235 level and quality of governmental services to be provided to the proposed town in the future
236 that fairly and reasonably approximate the level and quality of governmental services being
237 provided to the proposed town at the time of the feasibility study.

238 (ii) In determining the present cost of a governmental service, the feasibility consultant
239 shall consider:

240 (A) the amount it would cost the proposed town to provide governmental service for
241 the first five years after incorporation; and

242 (B) the county's present and five-year projected cost of providing governmental
243 service.

244 (iii) The costs calculated under Subsection (7)(b)(iv), shall take into account inflation

245 and anticipated growth.

246 (d) If the five year projected revenues under Subsection (7)(b)(v) exceed the five-year
247 projected costs under Subsection (7)(b)(iv) by more than 10%, the feasibility consultant shall
248 project and report the expected annual revenue surplus to the contact sponsor and the lieutenant
249 governor.

250 (e) The lieutenant governor shall post a copy of the feasibility study on the lieutenant
251 governor's website and make a copy available for public review at the Office of the Lieutenant
252 Governor.

253 (f) The lieutenant governor shall approve a certified petition proposing the
254 incorporation of a town and hold a public hearing as provided in Section 10-2a-303.

255 Section 4. Section 17-27a-901 is amended to read:

256 **17-27a-901. Mountainous planning district.**

257 (1) (a) The legislative body of a county of the first class may adopt an ordinance
258 designating an area located within the county as a mountainous planning district if the
259 legislative body determines that:

260 (i) the area is primarily used for recreational purposes, including canyons, foothills, ski
261 resorts, wilderness areas, lakes and reservoirs, campgrounds, or picnic areas;

262 (ii) the area is used by residents of the county who live inside and outside the limits of
263 a municipality;

264 (iii) the total resident population in the proposed mountainous planning district is equal
265 to or less than 5% of the population of the county; and

266 (iv) the area is within the unincorporated area of the county or was within the
267 unincorporated area of the county before May 12, 2015.

268 (b) (i) A mountainous planning district may include within its boundaries a
269 municipality, whether in whole or in part.

270 (ii) Except as provided in Subsection (1)(b)(iv), if a mountainous planning district
271 includes within its boundaries an unincorporated area, and that area subsequently incorporates
272 as a municipality:

273 (A) the area of the incorporated municipality that is located in the mountainous
274 planning district is included within the mountainous planning district boundaries; and

275 (B) property within the municipality that is also within the mountainous planning

276 district is subject to the authority of the mountainous planning district.

277 (iii) A subdivision and zoning ordinance that governs property located within a
278 mountainous planning district shall control over any subdivision or zoning ordinance, as
279 applicable, that a municipality may adopt.

280 (iv) A county shall allow an area within the boundaries of a mountainous planning
281 district to withdraw from the mountainous planning district if:

282 (A) the area contains less than 100 acres;

283 (B) the area is annexed to a city in accordance with Title 10, Chapter 2, Part 4,
284 Annexation;

285 (C) the county determines that the area does not contain United States Forest Service
286 land or land that is designated as watershed; and

287 (D) the county determines that the area is not used by individuals for recreational
288 purposes.

289 (v) An area described in Subsection (1)(b)(iv) that withdraws from a mountainous
290 planning district is not subject to the authority of the mountainous planning district.

291 (c) The population figure under Subsection (1)(a)(iii) shall be derived from a
292 population estimate by the Utah Population [Estimates] Committee.

293 (d) If any portion of a proposed mountainous planning district includes a municipality
294 with a land base of five square miles or less, the county shall ensure that all of that municipality
295 is wholly located within the boundaries of the mountainous planning district.

296 (2) (a) Notwithstanding Subsection 10-9a-102(2), 17-34-1(2)(a), or 17-50-302(1)(b), or
297 Section 17-50-314, a county may adopt a general plan and adopt a zoning or subdivision
298 ordinance for a property that is located within:

299 (i) a mountainous planning district; and

300 (ii) a municipality.

301 (b) A county plan or zoning or subdivision ordinance governs a property described in
302 Subsection (2)(a).

303 Section 5. Section 17-50-502 is amended to read:

304 **17-50-502. Change of class of county.**

305 (1) Each county shall retain its classification under Section 17-50-501 until changed as
306 provided in this section.

307 (2) The lieutenant governor shall monitor the population figure for each county as
308 shown on:

309 (a) each official census or census estimate of the United States Bureau of the Census;
310 or

311 (b) if the population figure for a county is not available from the United States Bureau
312 of the Census, the population estimate from the Utah Population [Estimates] Committee.

313 (3) If the applicable population figure under Subsection (2) indicates that a county's
314 population has increased beyond the limit for its current class, the lieutenant governor shall:

315 (a) prepare a certificate indicating the class in which the county belongs based on the
316 increased population figure; and

317 (b) within 10 days after preparing the certificate, deliver a copy of the certificate to the
318 legislative body and, if the county has an executive that is separate from the legislative body,
319 the executive of the county whose class was changed.

320 (4) A county's change in class is effective on the date of the lieutenant governor's
321 certificate under Subsection (3).

322 Section 6. Section 17B-2a-807 is amended to read:

323 **17B-2a-807. Public transit district board of trustees -- Appointment --**
324 **Apportionment -- Qualifications -- Quorum -- Compensation -- Terms.**

325 (1) (a) If 200,000 people or fewer reside within the boundaries of a public transit
326 district, the board of trustees shall consist of members appointed by the legislative bodies of
327 each municipality, county, or unincorporated area within any county on the basis of one
328 member for each full unit of regularly scheduled passenger routes proposed to be served by the
329 district in each municipality or unincorporated area within any county in the following calendar
330 year.

331 (b) For purposes of determining membership under Subsection (1)(a), the number of
332 service miles comprising a unit shall be determined jointly by the legislative bodies of the
333 municipalities or counties comprising the district.

334 (c) The board of trustees of a public transit district under this Subsection (1) may
335 include a member that is a commissioner on the Transportation Commission created in Section
336 72-1-301 and appointed as provided in Subsection (11), who shall serve as a nonvoting, ex
337 officio member.

338 (d) Members appointed under this Subsection (1) shall be appointed and added to the
339 board or omitted from the board at the time scheduled routes are changed, or as municipalities,
340 counties, or unincorporated areas of counties annex to or withdraw from the district using the
341 same appointment procedures.

342 (e) For purposes of appointing members under this Subsection (1), municipalities,
343 counties, and unincorporated areas of counties in which regularly scheduled passenger routes
344 proposed to be served by the district in the following calendar year is less than a full unit, as
345 defined in Subsection (1)(b), may combine with any other similarly situated municipality or
346 unincorporated area to form a whole unit and may appoint one member for each whole unit
347 formed.

348 (2) (a) Subject to Section 17B-2a-807.5, if more than 200,000 people reside within the
349 boundaries of a public transit district, the board of trustees shall consist of:

350 (i) 11 members:

351 (A) appointed as described under this Subsection (2); or

352 (B) retained in accordance with Section 17B-2a-807.5;

353 (ii) three members appointed as described in Subsection (4);

354 (iii) one voting member appointed as provided in Subsection (11); and

355 (iv) one nonvoting member appointed as provided in Subsection (12).

356 (b) Except as provided in Subsections (2)(c) and (d), the board shall apportion voting
357 members to each county within the district using an average of:

358 (i) the proportion of population included in the district and residing within each county,
359 rounded to the nearest 1/11 of the total transit district population; and

360 (ii) the cumulative proportion of transit sales and use tax collected from areas included
361 in the district and within each county, rounded to the nearest 1/11 of the total cumulative transit
362 sales and use tax collected for the transit district.

363 (c) The board shall join an entire or partial county not apportioned a voting member
364 under this Subsection (2) with an adjacent county for representation. The combined
365 apportionment basis included in the district of both counties shall be used for the
366 apportionment.

367 (d) (i) If rounding to the nearest 1/11 of the total public transit district apportionment
368 basis under Subsection (2)(b) results in an apportionment of more than 11 members, the county

369 or combination of counties with the smallest additional fraction of a whole member proportion
370 shall have one less member apportioned to it.

371 (ii) If rounding to the nearest 1/11 of the total public transit district apportionment
372 basis under Subsection (2)(b) results in an apportionment of less than 11 members, the county
373 or combination of counties with the largest additional fraction of a whole member proportion
374 shall have one more member apportioned to it.

375 (e) If the population of a county is at least 750,000, the county executive, with the
376 advice and consent of the county legislative body, shall appoint one voting member to
377 represent the population of the county.

378 (f) If a municipality's population is at least 160,000, the chief municipal executive,
379 with the advice and consent of the municipal legislative body, shall appoint one voting member
380 to represent the population within a municipality.

381 (g) (i) The number of voting members appointed from a county and municipalities
382 within a county under Subsections (2)(e) and (f) shall be subtracted from the county's total
383 voting member apportionment under this Subsection (2).

384 (ii) Notwithstanding Subsections (2)(l) and (10), no more than one voting member
385 appointed by an appointing entity may be a locally elected public official.

386 (h) If the entire county is within the district, the remaining voting members for the
387 county shall represent the county or combination of counties, if Subsection (2)(c) applies, or
388 the municipalities within the county.

389 (i) If the entire county is not within the district, and the county is not joined with
390 another county under Subsection (2)(c), the remaining voting members for the county shall
391 represent a municipality or combination of municipalities.

392 (j) (i) Except as provided under Subsections (2)(e) and (f), voting members
393 representing counties, combinations of counties if Subsection (2)(c) applies, or municipalities
394 within the county shall be designated and appointed by a simple majority of the chief
395 executives of the municipalities within the county or combinations of counties if Subsection
396 (2)(c) applies.

397 (ii) The appointments shall be made by joint written agreement of the appointing
398 municipalities, with the consent and approval of the county legislative body of the county that
399 has at least 1/11 of the district's apportionment basis.

400 (k) Voting members representing a municipality or combination of municipalities shall
401 be designated and appointed by the chief executive officer of the municipality or simple
402 majority of chief executive officers of municipalities with the consent of the legislative body of
403 the municipality or municipalities.

404 (l) The appointment of members shall be made without regard to partisan political
405 affiliation from among citizens in the community.

406 (m) Each member shall be a bona fide resident of the municipality, county, or
407 unincorporated area or areas which the member is to represent for at least six months before the
408 date of appointment, and shall continue in that residency to remain qualified to serve as a
409 member.

410 (n) (i) All population figures used under this section shall be derived from the most
411 recent official census or census estimate of the United States Bureau of the Census.

412 (ii) If population estimates are not available from the United States Bureau of Census,
413 population figures shall be derived from the estimate from the Utah Population [Estimates]
414 Committee.

415 (iii) All transit sales and use tax totals shall be obtained from the State Tax
416 Commission.

417 (o) (i) The board shall be apportioned as provided under this section in conjunction
418 with the decennial United States Census Bureau report every 10 years.

419 (ii) Within 120 days following the receipt of the population estimates under this
420 Subsection (2)(o), the district shall reapportion representation on the board of trustees in
421 accordance with this section.

422 (iii) The board shall adopt by resolution a schedule reflecting the current and proposed
423 apportionment.

424 (iv) Upon adoption of the resolution, the board shall forward a copy of the resolution to
425 each of its constituent entities as defined under Section [17B-1-701](#).

426 (v) The appointing entities gaining a new board member shall appoint a new member
427 within 30 days following receipt of the resolution.

428 (vi) The appointing entities losing a board member shall inform the board of which
429 member currently serving on the board will step down:

430 (A) upon appointment of a new member under Subsection (2)(o)(v); or

431 (B) in accordance with Section 17B-2a-807.5.

432 (3) Upon the completion of an annexation to a public transit district under Chapter 1,
433 Part 4, Annexation, the annexed area shall have a representative on the board of trustees on the
434 same basis as if the area had been included in the district as originally organized.

435 (4) In addition to the voting members appointed in accordance with Subsection (2), the
436 board shall consist of three voting members appointed as follows:

437 (a) one member appointed by the speaker of the House of Representatives;

438 (b) one member appointed by the president of the Senate; and

439 (c) one member appointed by the governor.

440 (5) Except as provided in Section 17B-2a-807.5, the terms of office of the members of
441 the board shall be four years or until a successor is appointed, qualified, seated, and has taken
442 the oath of office.

443 (6) (a) Vacancies for members shall be filled by the official appointing the member
444 creating the vacancy for the unexpired term, unless the official fails to fill the vacancy within
445 90 days.

446 (b) If the appointing official under Subsection (1) does not fill the vacancy within 90
447 days, the board of trustees of the authority shall fill the vacancy.

448 (c) If the appointing official under Subsection (2) does not fill the vacancy within 90
449 days, the governor, with the advice and consent of the Senate, shall fill the vacancy.

450 (7) (a) Each voting member may cast one vote on all questions, orders, resolutions, and
451 ordinances coming before the board of trustees.

452 (b) A majority of all voting members of the board of trustees are a quorum for the
453 transaction of business.

454 (c) The affirmative vote of a majority of all voting members present at any meeting at
455 which a quorum was initially present shall be necessary and, except as otherwise provided, is
456 sufficient to carry any order, resolution, ordinance, or proposition before the board of trustees.

457 (8) Each public transit district shall pay to each member:

458 (a) an attendance fee of \$50 per board or committee meeting attended, not to exceed
459 \$200 in any calendar month to any member; and

460 (b) reasonable mileage and expenses necessarily incurred to attend board or committee
461 meetings.

462 (9) (a) Members of the initial board of trustees shall convene at the time and place
463 fixed by the chief executive officer of the entity initiating the proceedings.

464 (b) The board of trustees shall elect from its voting membership a chair, vice chair, and
465 secretary.

466 (c) The members elected under Subsection (9)(b) shall serve for a period of two years
467 or until their successors shall be elected and qualified.

468 (d) On or after January 1, 2011, a locally elected public official is not eligible to serve
469 as the chair, vice chair, or secretary of the board of trustees.

470 (10) (a) Except as otherwise authorized under Subsections (2)(g) and (10)(b) and
471 Section [17B-2a-807.5](#), at the time of a member's appointment or during a member's tenure in
472 office, a member may not hold any employment, except as an independent contractor or locally
473 elected public official, with a county or municipality within the district.

474 (b) A member appointed by a county or municipality may hold employment with the
475 county or municipality if the employment is disclosed in writing and the public transit district
476 board of trustees ratifies the appointment.

477 (11) The Transportation Commission created in Section [72-1-301](#):

478 (a) for a public transit district serving a population of 200,000 people or fewer, may
479 appoint a commissioner of the Transportation Commission to serve on the board of trustees as
480 a nonvoting, ex officio member; and

481 (b) for a public transit district serving a population of more than 200,000 people, shall
482 appoint a commissioner of the Transportation Commission to serve on the board of trustees as
483 a voting member.

484 (12) (a) The board of trustees of a public transit district serving a population of more
485 than 200,000 people shall include a nonvoting member who represents all municipalities and
486 unincorporated areas within the district that are located within a county that is not annexed into
487 the public transit district.

488 (b) The nonvoting member representing the combination of municipalities and
489 unincorporated areas described in Subsection (12)(a) shall be designated and appointed by a
490 weighted vote of the majority of the chief executive officers of the municipalities described in
491 Subsection (12)(a).

492 (c) Each municipality's vote under Subsection (12)(b) shall be weighted using the

493 proportion of the public transit district population that resides within that municipality and the
494 adjacent unincorporated areas within the same county.

495 (13) (a) (i) Each member of the board of trustees of a public transit district is subject to
496 recall at any time by the legislative body of the county or municipality from which the member
497 is appointed.

498 (ii) Each recall of a board of trustees member shall be made in the same manner as the
499 original appointment.

500 (iii) The legislative body recalling a board of trustees member shall provide written
501 notice to the member being recalled.

502 (b) Upon providing written notice to the board of trustees, a member of the board may
503 resign from the board of trustees.

504 (c) Except as provided in Section 17B-2a-807.5, if a board member is recalled or
505 resigns under this Subsection (13), the vacancy shall be filled as provided in Subsection (6).

506 Section 7. Section 20A-13-103 is amended to read:

507 **20A-13-103. Omissions from maps -- How resolved.**

508 (1) If any area of the state is omitted from a Congressional district in the Congressional
509 shapefile enacted by the Legislature, the county clerk of the affected county, upon discovery of
510 the omission, shall attach the area to the appropriate Congressional district according to the
511 requirements of Subsections (2) and (3).

512 (2) If the omitted area is surrounded by a single Congressional district, the county clerk
513 shall attach the area to that district.

514 (3) If the omitted area is contiguous to two or more Congressional districts, the county
515 clerk shall attach the area to the district that has the least population, as determined by the Utah
516 Population [Estimates] Committee.

517 (4) The county clerk shall certify in writing and file with the lieutenant governor any
518 attachment made under this section.

519 Section 8. Section 20A-14-102.1 is amended to read:

520 **20A-14-102.1. Omissions from maps -- How resolved.**

521 (1) If any area of the state is omitted from a State Board of Education district in the
522 Board shapefile enacted by the Legislature, the county clerk of the affected county, upon
523 discovery of the omission, shall attach the area to the appropriate State Board of Education

524 district according to the requirements of Subsections (2) and (3).

525 (2) If the omitted area is surrounded by a single State Board of Education district, the
526 county clerk shall attach the area to that district.

527 (3) If the omitted area is contiguous to two or more State Board of Education districts,
528 the county clerk shall attach the area to the district that has the least population, as determined
529 by the Utah Population [Estimates] Committee.

530 (4) The county clerk shall certify in writing and file with the lieutenant governor any
531 attachment made under this section.

532 Section 9. Section **26-18-501** is amended to read:

533 **26-18-501. Definitions.**

534 As used in this part:

535 (1) "Certified program" means a nursing care facility program with Medicaid
536 certification.

537 (2) "Director" means the director of the Division of Health Care Financing.

538 (3) "Medicaid certification" means the right of a nursing care facility, as a provider of a
539 nursing care facility program, to receive Medicaid reimbursement for a specified number of
540 beds within the facility.

541 (4) (a) "Nursing care facility" means the following facilities licensed by the department
542 under Chapter 21, Health Care Facility Licensing and Inspection Act:

543 (i) skilled nursing facilities;

544 (ii) intermediate care facilities; and

545 (iii) an intermediate care facility for people with an intellectual disability.

546 (b) "Nursing care facility" does not mean a critical access hospital that meets the
547 criteria of 42 U.S.C. 1395i-4(c)(2) (1998).

548 (5) "Nursing care facility program" means the personnel, licenses, services, contracts
549 and all other requirements that shall be met for a nursing care facility to be eligible for
550 Medicaid certification under this part and division rule.

551 (6) "Physical facility" means the buildings or other physical structures where a nursing
552 care facility program is operated.

553 (7) "Rural county" means a county with a population of less than 50,000, as determined
554 by:

555 (a) the most recent official census or census estimate of the United States Census
556 Bureau; or

557 (b) the most recent population estimate for the county from the Utah Population
558 [Estimates] Committee, if a population figure for the county is not available under Subsection
559 (7)(a).

560 (8) "Service area" means the boundaries of the distinct geographic area served by a
561 certified program as determined by the division in accordance with this part and division rule.

562 (9) "Urban county" means a county that is not a rural county.

563 Section 10. Section **26-46a-102** is amended to read:

564 **26-46a-102. Definitions.**

565 As used in this chapter:

566 (1) "Hospital" means a general acute hospital, as defined in Title 26, Chapter 21,
567 Health Care Facility Licensing and Inspection Act.

568 (2) "Physician" means a person:

569 (a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or

570 (b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical
571 Practice Act.

572 (3) "Rural county" means a county with a population of less than 50,000, as determined
573 by:

574 (a) the most recent official census or census estimate of the United States Census
575 Bureau; or

576 (b) the most recent population estimate for the county from the Utah Population
577 [Estimates] Committee, if a population figure for the county is not available under Subsection
578 (3)(a).

579 (4) "Rural hospital" means a hospital located within a rural county.

580 Section 11. Section **26A-1-115** is amended to read:

581 **26A-1-115. Apportionment of costs -- Contracts to provide services -- Percentage**
582 **match of state funds -- Audit.**

583 (1) (a) The cost of establishing and maintaining a multicounty local health department
584 may be apportioned among the participating counties on the basis of population in proportion
585 to the total population of all counties within the boundaries of the local health department, or

586 upon other bases agreeable to the participating counties.

587 (b) Costs of establishing and maintaining a county health department shall be a charge
588 of the county creating the local health department.

589 (c) Money available from fees, contracts, surpluses, grants, and donations may also be
590 used to establish and maintain local health departments.

591 (d) As used in this Subsection (1), "population" means population estimates prepared
592 by the Utah Population [Estimates] Committee.

593 (2) The cost of providing, equipping, and maintaining suitable offices and facilities for
594 a local health department is the responsibility of participating governing bodies.

595 (3) Local health departments that comply with all department rules and secure advance
596 approval of proposed service boundaries from the department may by contract receive funds
597 under Section 26A-1-116 from the department to provide specified public health services.

598 (4) Contract funds distributed under Subsection (3) shall be in accordance with Section
599 26A-1-116 and policies and procedures adopted by the department.

600 (5) Department rules shall require that contract funds be used for public health
601 services and not replace other funds used for local public health services.

602 (6) All state funds distributed by contract from the department to local health
603 departments for public health services shall be matched by those local health departments at a
604 percentage determined by the department in consultation with local health departments.
605 Counties shall have no legal obligation to match state funds at percentages in excess of those
606 established by the department and shall suffer no penalty or reduction in state funding for
607 failing to exceed the required funding match.

608 (7) (a) Each local health department shall cause an annual financial and compliance
609 audit to be made of its operations by a certified public accountant. The audit may be conducted
610 as part of an annual county government audit of the county where the local health department
611 headquarters are located.

612 (b) The local health department shall provide a copy of the audit report to the
613 department and the local governing bodies of counties participating in the local health
614 department.

615 Section 12. Section 32B-2-402 is amended to read:

616 **32B-2-402. Definitions -- Calculations.**

- 617 (1) As used in this part:
- 618 (a) "Account" means the Alcoholic Beverage and Substance Abuse Enforcement and
- 619 Treatment Restricted Account created in Section 32B-2-403.
- 620 (b) "Advisory council" means the Utah Substance Use and Mental Health Advisory
- 621 Council created in Section 63M-7-301.
- 622 (c) "Alcohol-related offense" means:
- 623 (i) a violation of:
- 624 (A) Section 41-6a-502; or
- 625 (B) an ordinance that complies with the requirements of:
- 626 (I) Subsection 41-6a-510(1); or
- 627 (II) Section 76-5-207; or
- 628 (ii) an offense involving the illegal:
- 629 (A) sale of an alcoholic product;
- 630 (B) consumption of an alcoholic product;
- 631 (C) distribution of an alcoholic product;
- 632 (D) transportation of an alcoholic product; or
- 633 (E) possession of an alcoholic product.
- 634 (d) "Annual conviction time period" means the time period that:
- 635 (i) begins on July 1 and ends on June 30; and
- 636 (ii) immediately precedes the fiscal year for which an appropriation under this part is
- 637 made.
- 638 (e) "Municipality" means:
- 639 (i) a city;
- 640 (ii) a town; or
- 641 (iii) a metro township.
- 642 (f) (i) "Prevention" is as defined by rule, in accordance with Title 63G, Chapter 3, Utah
- 643 Administrative Rulemaking Act, by the Division of Substance Abuse and Mental Health within
- 644 the Department of Human Services.
- 645 (ii) In defining the term "prevention," the Division of Substance Abuse and Mental
- 646 Health shall:
- 647 (A) include only evidence-based or evidence-informed programs; and

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

650 (2) For purposes of Subsection 32B-2-404(1)(b)(iii), the number of premises located
651 within the limits of a municipality or county:

652 (a) is the number determined by the department to be so located;

653 (b) includes the aggregate number of premises of the following:

654 (i) a state store;

655 (ii) a package agency; and

656 (iii) a retail licensee; and

657 (c) for a county, consists only of the number located within an unincorporated area of
658 the county.

659 (3) The department shall determine:

660 (a) a population figure according to the most current population estimate prepared by
661 the Utah Population [Estimates] Committee;

662 (b) a county's population for the 25% distribution to municipalities and counties under
663 Subsection 32B-2-404(1)(b)(i) only with reference to the population in the unincorporated
664 areas of the county; and

665 (c) a county's population for the 25% distribution to counties under Subsection
666 32B-2-404(1)(b)(iv) only with reference to the total population in the county, including that of
667 a municipality.

668 (4) (a) A conviction occurs in the municipality or county that actually prosecutes the
669 offense to judgment.

670 (b) If a conviction is based upon a guilty plea, the conviction is considered to occur in
671 the municipality or county that, except for the guilty plea, would have prosecuted the offense.

672 Section 13. Section 35A-2-101 is amended to read:

673 **35A-2-101. Economic service areas -- Creation.**

674 (1) (a) The executive director shall establish economic service areas to furnish the
675 services described in Section 35A-2-201.

676 (b) In establishing economic service areas, the executive director shall seek input from
677 the State Workforce Development Board.

678 (2) In establishing the economic service areas, the executive director may consider:

- 679 (a) areas comprised of multiple counties;
- 680 (b) the alignment of transportation and other infrastructure or services;
- 681 (c) the interdependence of the economy within a geographic area;
- 682 (d) the ability to develop regional marketing and economic development programs;
- 683 (e) the labor market areas;
- 684 (f) the population of the area, as established in the most recent estimate by the Utah
- 685 Population [Estimates] Committee;
- 686 (g) the number of individuals in the previous year receiving:
- 687 (i) services under Chapter 3, Employment Support Act; and
- 688 (ii) benefits under Chapter 4, Employment Security Act; and
- 689 (h) other factors that relate to the management of the programs administered or that
- 690 relate to the delivery of services provided under this title.

691 Section 14. Section **36-1-104** is amended to read:

692 **36-1-104. Omissions from maps -- How resolved.**

693 (1) If any area of the state is omitted from a Utah State Senate district in the Senate

694 shapefile enacted by the Legislature, the county clerk of the affected county, upon discovery of

695 the omission, shall attach the area to the appropriate Senate district according to the

696 requirements of Subsections (2) and (3).

697 (2) If the omitted area is surrounded by a single Senate district, the county clerk shall

698 attach the area to that district.

699 (3) If the omitted area is contiguous to two or more Senate districts, the county clerk

700 shall attach the area to the district that has the least population, as determined by the Utah

701 Population [Estimates] Committee.

702 (4) The county clerk shall certify in writing and file with the lieutenant governor any

703 attachment made under this section.

704 Section 15. Section **36-1-203** is amended to read:

705 **36-1-203. Omissions from maps -- How resolved.**

706 (1) If any area of the state is omitted from a Utah House of Representatives district in

707 the House shapefile enacted by the Legislature, the county clerk of the affected county, upon

708 discovery of the omission, shall attach the area to the appropriate House district according to

709 the requirements of Subsections (2) and (3).

710 (2) If the omitted area is surrounded by a single House district, the county clerk shall
711 attach the area to that district.

712 (3) If the omitted area is contiguous to two or more House districts, the county clerk
713 shall attach the area to the district that has the least population, as determined by the Utah
714 Population [Estimates] Committee.

715 (4) The county clerk shall certify in writing and file with the lieutenant governor any
716 attachment made under this section.

717 Section 16. Section 59-12-205 is amended to read:

718 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**
719 **tax revenue -- Determination of population.**

720 (1) A county, city, or town, in order to maintain in effect sales and use tax ordinances
721 adopted pursuant to Section 59-12-204, shall, within 30 days of an amendment to an applicable
722 provision of Part 1, Tax Collection, adopt amendments to the county's, city's, or town's sales
723 and use tax ordinances as required to conform to the amendments to Part 1, Tax Collection.

724 (2) Except as provided in Subsections (3) through (6) and subject to Subsection (7):

725 (a) 50% of each dollar collected from the sales and use tax authorized by this part shall
726 be distributed to each county, city, and town on the basis of the percentage that the population
727 of the county, city, or town bears to the total population of all counties, cities, and towns in the
728 state; and

729 (b) (i) except as provided in Subsection (2)(b)(ii), 50% of each dollar collected from
730 the sales and use tax authorized by this part shall be distributed to each county, city, and town
731 on the basis of the location of the transaction as determined under Sections 59-12-211 through
732 59-12-215; and

733 (ii) 50% of each dollar collected from the sales and use tax authorized by this part
734 within a project area described in a project area plan adopted by the military installation
735 development authority under Title 63H, Chapter 1, Military Installation Development
736 Authority Act, shall be distributed to the military installation development authority created in
737 Section 63H-1-201.

738 (3) (a) Beginning on July 1, 2011, and ending on June 30, 2016, the commission shall
739 each year distribute to a county, city, or town the distribution required by this Subsection (3) if:

740 (i) the county, city, or town is a:

- 741 (A) county of the third, fourth, fifth, or sixth class;
- 742 (B) city of the fifth class; or
- 743 (C) town;
- 744 (ii) the county, city, or town received a distribution under this section for the calendar
- 745 year beginning on January 1, 2008, that was less than the distribution under this section that the
- 746 county, city, or town received for the calendar year beginning on January 1, 2007;
- 747 (iii) (A) for a county described in Subsection (3)(a)(i)(A), the county had located
- 748 within the unincorporated area of the county for one or more days during the calendar year
- 749 beginning on January 1, 2008, an establishment described in NAICS Industry Group 2121,
- 750 Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the 2002 North
- 751 American Industry Classification System of the federal Executive Office of the President,
- 752 Office of Management and Budget; or
- 753 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection
- 754 (3)(a)(i)(C), the city or town had located within the city or town for one or more days during
- 755 the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry
- 756 Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the
- 757 2002 North American Industry Classification System of the federal Executive Office of the
- 758 President, Office of Management and Budget; and
- 759 (iv) (A) for a county described in Subsection (3)(a)(i)(A), at least one establishment
- 760 described in Subsection (3)(a)(iii)(A) located within the unincorporated area of the county for
- 761 one more days during the calendar year beginning on January 1, 2008, was not the holder of a
- 762 direct payment permit under Section [59-12-107.1](#); or
- 763 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection
- 764 (3)(a)(i)(C), at least one establishment described in Subsection (3)(a)(iii)(B) located within a
- 765 city or town for one or more days during the calendar year beginning on January 1, 2008, was
- 766 not the holder of a direct payment permit under Section [59-12-107.1](#).
- 767 (b) The commission shall make the distribution required by this Subsection (3) to a
- 768 county, city, or town described in Subsection (3)(a):
- 769 (i) from the distribution required by Subsection (2)(a); and
- 770 (ii) before making any other distribution required by this section.
- 771 (c) (i) For purposes of this Subsection (3), the distribution is the amount calculated by

772 multiplying the fraction calculated under Subsection (3)(c)(ii) by \$333,583.

773 (ii) For purposes of Subsection (3)(c)(i):

774 (A) the numerator of the fraction is the difference calculated by subtracting the
775 distribution a county, city, or town described in Subsection (3)(a) received under this section
776 for the calendar year beginning on January 1, 2008, from the distribution under this section that
777 the county, city, or town received for the calendar year beginning on January 1, 2007; and

778 (B) the denominator of the fraction is \$333,583.

779 (d) A distribution required by this Subsection (3) is in addition to any other distribution
780 required by this section.

781 (4) (a) For fiscal years beginning with fiscal year 1983-84 and ending with fiscal year
782 2005-06, a county, city, or town may not receive a tax revenue distribution less than .75% of
783 the taxable sales within the boundaries of the county, city, or town.

784 (b) The commission shall proportionally reduce monthly distributions to any county,
785 city, or town that, but for the reduction, would receive a distribution in excess of 1% of the
786 sales and use tax revenue collected within the boundaries of the county, city, or town.

787 (5) (a) As used in this Subsection (5):

788 (i) "Eligible county, city, or town" means a county, city, or town that receives \$2,000 or
789 more in tax revenue distributions in accordance with Subsection (4) for each of the following
790 fiscal years:

791 (A) fiscal year 2002-03;

792 (B) fiscal year 2003-04; and

793 (C) fiscal year 2004-05.

794 (ii) "Minimum tax revenue distribution" means the greater of:

795 (A) the total amount of tax revenue distributions an eligible county, city, or town
796 receives from a tax imposed in accordance with this part for fiscal year 2000-01; or

797 (B) the total amount of tax revenue distributions an eligible county, city, or town
798 receives from a tax imposed in accordance with this part for fiscal year 2004-05.

799 (b) (i) Except as provided in Subsection (5)(b)(ii), beginning with fiscal year 2006-07
800 and ending with fiscal year 2012-13, an eligible county, city, or town shall receive a tax
801 revenue distribution for a tax imposed in accordance with this part equal to the greater of:

802 (A) the payment required by Subsection (2); or

803 (B) the minimum tax revenue distribution.

804 (ii) If the tax revenue distribution required by Subsection (5)(b)(i) for an eligible
805 county, city, or town is equal to the amount described in Subsection (5)(b)(i)(A) for three
806 consecutive fiscal years, for fiscal years beginning with the fiscal year immediately following
807 that three consecutive fiscal year period, the eligible county, city, or town shall receive the tax
808 revenue distribution equal to the payment required by Subsection (2).

809 (c) For a fiscal year beginning with fiscal year 2013-14 and ending with fiscal year
810 2015-16, an eligible county, city, or town shall receive the minimum tax revenue distribution
811 for that fiscal year if for fiscal year 2012-13 the payment required by Subsection (2) to that
812 eligible county, city, or town is less than or equal to the product of:

813 (i) the minimum tax revenue distribution; and

814 (ii) .90.

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

816 (i) "Eligible county, city, or town" means a county, city, or town that:

817 (A) receives, in accordance with Subsection (4), \$2,000 or more in tax revenue
818 distributions for fiscal year 2002-03;

819 (B) receives, in accordance with Subsection (4), \$2,000 or more in tax revenue
820 distributions for fiscal year 2003-04;

821 (C) receives, in accordance with Subsection (4), \$2,000 or more in tax revenue
822 distributions for fiscal year 2004-05;

823 (D) for a fiscal year beginning with fiscal year 2012-13 and ending with fiscal year
824 2015-16, does not receive a tax revenue distribution described in Subsection (5) equal to the
825 amount described in Subsection (5)(b)(i)(A) for three consecutive fiscal years; and

826 (E) does not impose a sales and use tax under Section [59-12-2103](#) on or before July 1,
827 2016.

828 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue
829 distributions an eligible county, city, or town receives from a tax imposed in accordance with
830 this part for fiscal year 2004-05.

831 (b) Beginning with fiscal year 2016-17 and ending with fiscal year 2020-21, an eligible
832 county, city, or town shall receive a tax revenue distribution for a tax imposed in accordance
833 with this part equal to the greater of:

834 (i) the payment required by Subsection (2); or

835 (ii) the minimum tax revenue distribution.

836 (7) (a) Population figures for purposes of this section shall be based on the most recent
837 official census or census estimate of the United States Census Bureau.

838 (b) If a needed population estimate is not available from the United States Census
839 Bureau, population figures shall be derived from the estimate from the Utah Population
840 [Estimates] Committee [~~created by executive order of the governor~~].

841 (c) The population of a county for purposes of this section shall be determined only
842 from the unincorporated area of the county.

843 Section 17. Section **59-12-2219** is amended to read:

844 **59-12-2219. County option sales and use tax for highways and public transit --**
845 **Base -- Rate -- Distribution and expenditure of revenue -- Revenue may not supplant**
846 **existing budgeted transportation revenue.**

847 (1) As used in this section:

848 (a) "Class B road" means the same as that term is defined in Section [72-3-103](#).

849 (b) "Class C road" means the same as that term is defined in Section [72-3-104](#).

850 (c) "Eligible political subdivision" means a political subdivision that:

851 (i) (A) on May 12, 2015, provides public transit services; or

852 (B) after May 12, 2015, provides written notice to the commission in accordance with
853 Subsection (10)(b) that it intends to provide public transit service within a county;

854 (ii) is not a public transit district; and

855 (iii) is not annexed into a public transit district.

856 (d) "Public transit district" means a public transit district organized under Title 17B,
857 Chapter 2a, Part 8, Public Transit District Act.

858 (2) Subject to the other provisions of this part, a county legislative body may impose a
859 sales and use tax of .25% on the transactions described in Subsection [59-12-103](#)(1) within the
860 county, including the cities and towns within the county.

861 (3) The commission shall distribute sales and use tax revenue collected under this
862 section as provided in Subsections (4) through (10).

863 (4) If the entire boundary of a county that imposes a sales and use tax under this section
864 is annexed into a single public transit district, the commission shall distribute the sales and use

865 tax revenue collected within the county as follows:

866 (a) .10% shall be transferred to the public transit district in accordance with Section
867 59-12-2206;

868 (b) .10% shall be distributed as provided in Subsection (8); and

869 (c) .05% shall be distributed to the county legislative body.

870 (5) If the entire boundary of a county that imposes a sales and use tax under this section
871 is not annexed into a single public transit district, but a city or town within the county is
872 annexed into a single public transit district that also has a county of the first class annexed into
873 the same public transit district, the commission shall distribute the sales and use tax revenue
874 collected within the county as follows:

875 (a) for a city or town within the county that is annexed into a single public transit
876 district, the commission shall distribute the sales and use tax revenue collected within that city
877 or town as follows:

878 (i) .10% shall be transferred to the public transit district in accordance with Section
879 59-12-2206;

880 (ii) .10% shall be distributed as provided in Subsection (8); and

881 (iii) .05% shall be distributed to the county legislative body;

882 (b) for an eligible political subdivision within the county, the commission shall
883 distribute the sales and use tax revenue collected within that eligible political subdivision as
884 follows:

885 (i) .10% shall be transferred to the eligible political subdivision in accordance with
886 Section 59-12-2206;

887 (ii) .10% shall be distributed as provided in Subsection (8); and

888 (iii) .05% shall be distributed to the county legislative body; and

889 (c) the commission shall distribute the sales and use tax revenue, except for the sales
890 and use tax revenue described in Subsections (5)(a) and (b), as follows:

891 (i) .10% shall be distributed as provided in Subsection (8); and

892 (ii) .15% shall be distributed to the county legislative body.

893 (6) For a county not described in Subsection (4) or (5), if the entire boundary of a
894 county of the first or second class that imposes a sales and use tax under this section is not
895 annexed into a single public transit district, or if there is not a public transit district within the

896 county, the commission shall distribute the sales and use tax revenue collected within the
897 county as follows:

898 (a) for a city or town within the county that is annexed into a single public transit
899 district, the commission shall distribute the sales and use tax revenue collected within that city
900 or town as follows:

901 (i) .10% shall be transferred to the public transit district in accordance with Section
902 [59-12-2206](#);

903 (ii) .10% shall be distributed as provided in Subsection (8); and

904 (iii) .05% shall be distributed to the county legislative body;

905 (b) for an eligible political subdivision within the county, the commission shall
906 distribute the sales and use tax revenue collected within that eligible political subdivision as
907 follows:

908 (i) .10% shall be transferred to the eligible political subdivision in accordance with
909 Section [59-12-2206](#);

910 (ii) .10% shall be distributed as provided in Subsection (8); and

911 (iii) .05% shall be distributed to the county legislative body; and

912 (c) the commission shall distribute the sales and use tax revenue, except for the sales
913 and use tax revenue described in Subsections (6)(a) and (b), as follows:

914 (i) .10% shall be distributed as provided in Subsection (8); and

915 (ii) .15% shall be distributed to the county legislative body.

916 (7) For a county not described in Subsection (4) or (5), if the entire boundary of a
917 county of the third, fourth, fifth, or sixth class that imposes a sales and use tax under this
918 section is not annexed into a single public transit district, or if there is not a public transit
919 district within the county, the commission shall distribute the sales and use tax revenue
920 collected within the county as follows:

921 (a) for a city or town within the county that is annexed into a single public transit
922 district, the commission shall distribute the sales and use tax revenue collected within that city
923 or town as follows:

924 (i) .10% shall be distributed as provided in Subsection (8);

925 (ii) .10% shall be distributed as provided in Subsection (9); and

926 (iii) .05% shall be distributed to the county legislative body;

927 (b) for an eligible political subdivision within the county, the commission shall
928 distribute the sales and use tax revenue collected within that eligible political subdivision as
929 follows:

- 930 (i) .10% shall be distributed as provided in Subsection (8);
931 (ii) .10% shall be distributed as provided in Subsection (9); and
932 (iii) .05% shall be distributed to the county legislative body; and

933 (c) the commission shall distribute the sales and use tax revenue, except for the sales
934 and use tax revenue described in Subsections (7)(a) and (b), as follows:

- 935 (i) .10% shall be distributed as provided in Subsection (8); and
936 (ii) .15% shall be distributed to the county legislative body.

937 (8) (a) Subject to Subsection (8)(b), the commission shall make the distributions
938 required by Subsections (4)(b), (5)(a)(ii), (5)(b)(ii), (5)(c)(i), (6)(a)(ii), (6)(b)(ii), (6)(c)(i),
939 (7)(a)(i), (7)(b)(i), (7)(c)(i), and (9)(d)(ii)(A) as follows:

940 (i) 50% of the total revenue collected under Subsections (4)(b), (5)(a)(ii), (5)(b)(ii),
941 (5)(c)(i), (6)(a)(ii), (6)(b)(ii), (6)(c)(i), (7)(a)(i), (7)(b)(i), (7)(c)(i), and (9)(d)(ii)(A) within the
942 counties that impose a tax under this section shall be distributed to the unincorporated areas,
943 cities, and towns within those counties on the basis of the percentage that the population of
944 each unincorporated area, city, or town bears to the total population of all of the counties that
945 impose a tax under this section; and

946 (ii) 50% of the total revenue collected under Subsections (4)(b), (5)(a)(ii), (5)(b)(ii),
947 (5)(c)(i), (6)(a)(ii), (6)(b)(ii), (6)(c)(i), (7)(a)(i), (7)(b)(i), (7)(c)(i), and (9)(d)(ii)(A) within the
948 counties that impose a tax under this section shall be distributed to the unincorporated areas,
949 cities, and towns within those counties on the basis of the location of the transaction as
950 determined under Sections [59-12-211](#) through [59-12-215](#).

951 (b) (i) Population for purposes of this Subsection (8) shall be determined on the basis
952 of the most recent official census or census estimate of the United States Census Bureau.

953 (ii) If a needed population estimate is not available from the United States Census
954 Bureau, population figures shall be derived from an estimate from the Utah Population
955 [Estimates] Committee [~~created by executive order of the governor~~].

956 (9) (a) (i) Subject to the requirements in Subsections (9)(b) and (c), a county legislative
957 body:

958 (A) for a county that obtained approval from a majority of the county's registered
959 voters voting on the imposition of a sales and use tax under this section prior to May 10, 2016,
960 may, in consultation with any cities, towns, or eligible political subdivisions within the county,
961 and in compliance with the requirements for changing an allocation under Subsection (9)(e),
962 allocate the revenue under Subsection (7)(a)(ii) or (7)(b)(ii) by adopting a resolution specifying
963 the percentage of revenue under Subsection (7)(a)(ii) or (7)(b)(ii) that will be allocated to a
964 public transit district or an eligible political subdivision; or

965 (B) for a county that obtains approval from a majority of the county's registered voters
966 voting on the imposition of a sales and use tax under this section on or after May 10, 2016,
967 shall, in consultation with any cities, towns, or eligible political subdivisions within the county,
968 allocate the revenue under Subsection (7)(a)(ii) or (7)(b)(ii) by adopting a resolution specifying
969 the percentage of revenue under Subsection (7)(a)(ii) or (7)(b)(ii) that will be allocated to a
970 public transit district or an eligible political subdivision.

971 (ii) If a county described in Subsection (9)(a)(i)(A) does not allocate the revenue under
972 Subsection (7)(a)(ii) or (7)(b)(ii) in accordance with Subsection (9)(a)(i)(A), the commission
973 shall distribute 100% of the revenue under Subsection (7)(a)(ii) or (7)(b)(ii) to:

974 (A) a public transit district for a city or town within the county that is annexed into a
975 single public transit district; or

976 (B) an eligible political subdivision within the county.

977 (b) If a county legislative body allocates the revenue as described in Subsection
978 (9)(a)(i), the county legislative body shall allocate not less than 25% of the revenue under
979 Subsection (7)(a)(ii) or (7)(b)(ii) to:

980 (i) a public transit district for a city or town within the county that is annexed into a
981 single public transit district; or

982 (ii) an eligible political subdivision within the county.

983 (c) Notwithstanding Section 59-12-2208, the opinion question required by Section
984 59-12-2208 shall state the allocations the county legislative body makes in accordance with this
985 Subsection (9).

986 (d) The commission shall make the distributions required by Subsection (7)(a)(ii) or
987 (7)(b)(ii) as follows:

988 (i) the percentage specified by a county legislative body shall be distributed in

989 accordance with a resolution adopted by a county legislative body under Subsection (9)(a) to an
990 eligible political subdivision or a public transit district within the county; and

991 (ii) except as provided in Subsection (9)(a)(ii), if a county legislative body allocates
992 less than 100% of the revenue under Subsection (7)(a)(ii) or (7)(b)(ii) to a public transit district
993 or an eligible political subdivision, the remainder of the revenue under Subsection (7)(a)(ii) or
994 (7)(b)(ii) not allocated by a county legislative body through a resolution under Subsection
995 (9)(a) shall be distributed as follows:

996 (A) 50% of the revenue as provided in Subsection (8); and

997 (B) 50% of the revenue to the county legislative body.

998 (e) If a county legislative body seeks to change an allocation specified in a resolution
999 under Subsection (9)(a), the county legislative body may change the allocation by:

1000 (i) adopting a resolution in accordance with Subsection (9)(a) specifying the percentage
1001 of revenue under Subsection (7)(a)(ii) or (7)(b)(ii) that will be allocated to a public transit
1002 district or an eligible political subdivision;

1003 (ii) obtaining approval to change the allocation of the sales and use tax by a majority of
1004 all the members of the county legislative body; and

1005 (iii) subject to Subsection (9)(f):

1006 (A) in accordance with Section [59-12-2208](#), submitting an opinion question to the
1007 county's registered voters voting on changing the allocation so that each registered voter has the
1008 opportunity to express the registered voter's opinion on whether the allocation should be
1009 changed; and

1010 (B) in accordance with Section [59-12-2208](#), obtaining approval to change the
1011 allocation from a majority of the county's registered voters voting on changing the allocation.

1012 (f) Notwithstanding Section [59-12-2208](#), the opinion question required by Subsection
1013 (9)(e)(iii)(A) shall state the allocations specified in the resolution adopted in accordance with
1014 Subsection (9)(e) and approved by the county legislative body in accordance with Subsection
1015 (9)(e)(ii).

1016 (g) (i) If a county makes an allocation by adopting a resolution under Subsection (9)(a)
1017 or changes an allocation by adopting a resolution under Subsection (9)(e), the allocation shall
1018 take effect on the first distribution the commission makes under this section after a 90-day
1019 period that begins on the date the commission receives written notice meeting the requirements

1020 of Subsection (9)(g)(ii) from the county.

1021 (ii) The notice described in Subsection (9)(g)(i) shall state:

1022 (A) that the county will make or change the percentage of an allocation under
1023 Subsection (9)(a) or (e); and

1024 (B) the percentage of revenue under Subsection (7)(a)(ii) or (7)(b)(ii) that will be
1025 allocated to a public transit district or an eligible political subdivision.

1026 (10) (a) If a public transit district is organized after the date a county legislative body
1027 first imposes a tax under this section, a change in a distribution required by this section may
1028 not take effect until the first distribution the commission makes under this section after a
1029 90-day period that begins on the date the commission receives written notice from the public
1030 transit district of the organization of the public transit district.

1031 (b) If an eligible political subdivision intends to provide public transit service within a
1032 county after the date a county legislative body first imposes a tax under this section, a change
1033 in a distribution required by this section may not take effect until the first distribution the
1034 commission makes under this section after a 90-day period that begins on the date the
1035 commission receives written notice from the eligible political subdivision stating that the
1036 eligible political subdivision intends to provide public transit service within the county.

1037 (11) A county, city, or town may expend revenue collected from a tax under this
1038 section, except for revenue the commission distributes in accordance with Subsection (4)(a),
1039 (5)(a)(i), (5)(b)(i), or (9)(d)(i) for:

1040 (a) a class B road;

1041 (b) a class C road;

1042 (c) traffic and pedestrian safety, including for a class B road or class C road, for:

1043 (i) a sidewalk;

1044 (ii) curb and gutter;

1045 (iii) a safety feature;

1046 (iv) a traffic sign;

1047 (v) a traffic signal;

1048 (vi) street lighting; or

1049 (vii) a combination of Subsections (11)(c)(i) through (vi);

1050 (d) the construction, maintenance, or operation of an active transportation facility that

1051 is for nonmotorized vehicles and multimodal transportation and connects an origin with a
1052 destination;

1053 (e) public transit system services; or

1054 (f) a combination of Subsections (11)(a) through (e).

1055 (12) A public transit district or an eligible political subdivision may expend revenue
1056 the commission distributes in accordance with Subsection (4)(a), (5)(a)(i), (5)(b)(i), or (9)(d)(i)
1057 for capital expenses and service delivery expenses of the public transit district or eligible
1058 political subdivision.

1059 (13) (a) Revenue collected from a sales and use tax under this section may not be used
1060 to supplant existing general fund appropriations that a county, city, or town has budgeted for
1061 transportation as of the date the tax becomes effective for a county, city, or town.

1062 (b) The limitation under Subsection (13)(a) does not apply to a designated
1063 transportation capital or reserve account a county, city, or town may have established prior to
1064 the date the tax becomes effective.

1065 Section 18. Section **62A-15-611** is amended to read:

1066 **62A-15-611. Allocation of state hospital beds -- Formula.**

1067 (1) As used in this section:

1068 (a) "Adult beds" means the total number of patient beds located in the adult general
1069 psychiatric unit and the geriatric unit at the state hospital, as determined by the superintendent
1070 of the state hospital.

1071 (b) "Mental health catchment area" means a county or group of counties governed by a
1072 local mental health authority.

1073 (2) (a) The division shall establish by rule a formula to separately allocate to local
1074 mental health authorities adult beds for persons who meet the requirements of Subsection
1075 **62A-15-610(2)(a)**. Beginning on May 10, 2011, and ending on June 30, 2011, 152 beds shall
1076 be allocated to local mental health authorities under this section.

1077 (b) The number of beds shall be reviewed and adjusted as necessary:

1078 (i) on July 1, 2011, to restore the number of beds allocated to 212 beds as funding
1079 permits; and

1080 (ii) on July 1, 2011, and every three years after July 1, 2011, according to the state's
1081 population.

1082 (c) All population figures utilized shall reflect the most recent available population
1083 estimates from the Utah Population [Estimates] Committee.

1084 (3) The formula established under Subsection (2) shall provide for allocation of beds
1085 based on:

1086 (a) the percentage of the state's adult population located within a mental health
1087 catchment area; and

1088 (b) a differential to compensate for the additional demand for hospital beds in mental
1089 health catchment areas that are located in urban areas.

1090 (4) A local mental health authority may sell or loan its allocation of beds to another
1091 local mental health authority.

1092 (5) The division shall allocate adult beds at the state hospital to local mental health
1093 authorities for their use in accordance with the formula established under this section. If a local
1094 mental health authority is unable to access a bed allocated to it under the formula established
1095 under Subsection (2), the division shall provide that local mental health authority with funding
1096 equal to the reasonable, average daily cost of an acute care bed purchased by the local mental
1097 health authority.

1098 (6) The board shall periodically review and make changes in the formula established
1099 under Subsection (2) as necessary to accurately reflect changes in population.

1100 Section 19. Section **63C-18-101** is enacted to read:

1101 **CHAPTER 18. UTAH POPULATION COMMITTEE**

1102 **63C-18-101. Title.**

1103 This chapter is known as "Utah Population Committee."

1104 Section 20. Section **63C-18-102** is enacted to read:

1105 **63C-18-102. Definitions.**

1106 As used in this chapter, "committee" means the Utah Population Committee created by
1107 this chapter.

1108 Section 21. Section **63C-18-103** is enacted to read:

1109 **63C-18-103. Utah Population Committee -- Creation.**

1110 (1) There is created the Utah Population Committee composed of the following
1111 members:

1112 (a) one representative of the Kem C. Gardner Policy Institute at the University of Utah

1113 that the director of the Kem C. Gardner Policy Institute appoints;

1114 (b) one representative of the Population Research Laboratory at Utah State University

1115 that the director of the Population Research Laboratory appoints;

1116 (c) the state planning coordinator appointed under Section [63J-4-202](#);

1117 (d) one representative of the Workforce Research and Analysis Division within the

1118 Department of Workforce Services that the director of the Workforce Research and Analysis

1119 Division appoints;

1120 (e) one representative of the Office of Vital Records and Statistics that the director of

1121 the Office of Vital Records and Statistics appoints;

1122 (f) one representative of the State System of Public Education that the State Board of

1123 Education appoints;

1124 (g) one representative of the State Tax Commission that the executive director of the

1125 State Tax Commission appoints;

1126 (h) one representative of the Office of the Legislative Fiscal Analyst that the speaker of

1127 the House of Representatives and the president of the Senate jointly appoint;

1128 (i) one representative of the Utah System of Higher Education that the commissioner of

1129 higher education appoints; and

1130 (j) any additional member appointed under Subsection (2).

1131 (2) (a) By a majority vote of the members of the committee, the committee may

1132 appoint one or more additional members to serve on the committee at the pleasure of the

1133 committee.

1134 (b) The committee shall ensure that each additional member appointed under

1135 Subsection (2)(a) is a data provider or a representative of a data provider.

1136 (3) The representative of the Kem C. Gardner Policy Institute appointed under

1137 Subsection (1)(a) is the chair of the committee.

1138 ~~Ĥ→ [(4) The Kem C. Gardner Policy Institute shall provide staff support to~~

1138a ~~the committee.] ←Ĥ~~

1139 Section 22. Section **63C-18-104** is enacted to read:

1140 **63C-18-104. Committee duties.**

1141 The committee shall:

1142 (1) prepare annual population estimates for the total population of the state and each

1143 county in the state;

- 1144 (2) review and comment on the methodologies and population estimates for all
1145 geographic levels for the state that the United States Bureau of the Census produces;
1146 (3) prepare place estimates for new political subdivision annexations and
1147 incorporations in the state;
1148 (4) prepare additional demographic estimates for the state that may include estimates
1149 related to race, ethnicity, age, sex, religious affiliation, or economic status; and
1150 (5) publish the estimates described in Subsections (1), (3), and (4) on the committee's
1151 website.

1152 Section 23. Section **63C-18-105** is enacted to read:

1153 **63C-18-105. State use of committee estimates -- Compliance.**

1154 (1) Unless otherwise designated in the United States Constitution, the Utah
1155 Constitution, statute, or rule, an executive branch entity or an independent entity that is
1156 required to perform an action or make a determination based on a population estimate shall use
1157 a population estimate that the committee produces, if available.

1158 (2) A newly incorporated political subdivision shall provide the committee with a list
1159 of residential building permits issued within the boundaries of the political subdivision since
1160 the last decennia census.

1161 Section 24. Section **67-1a-2** is amended to read:

1162 **67-1a-2. Duties enumerated.**

1163 (1) The lieutenant governor shall:

1164 (a) perform duties delegated by the governor, including assignments to serve in any of
1165 the following capacities:

1166 (i) as the head of any one department, if so qualified, with the consent of the Senate,
1167 and, upon appointment at the pleasure of the governor and without additional compensation;

1168 (ii) as the chairperson of any cabinet group organized by the governor or authorized by
1169 law for the purpose of advising the governor or coordinating intergovernmental or
1170 interdepartmental policies or programs;

1171 (iii) as liaison between the governor and the state Legislature to coordinate and
1172 facilitate the governor's programs and budget requests;

1173 (iv) as liaison between the governor and other officials of local, state, federal, and
1174 international governments or any other political entities to coordinate, facilitate, and protect the

- 1175 interests of the state;
- 1176 (v) as personal advisor to the governor, including advice on policies, programs,
1177 administrative and personnel matters, and fiscal or budgetary matters; and
- 1178 (vi) as chairperson or member of any temporary or permanent boards, councils,
1179 commissions, committees, task forces, or other group appointed by the governor;
- 1180 (b) serve on all boards and commissions in lieu of the governor, whenever so
1181 designated by the governor;
- 1182 (c) serve as the chief election officer of the state as required by Subsection (2);
- 1183 (d) keep custody of the Great Seal of Utah;
- 1184 (e) keep a register of, and attest, the official acts of the governor;
- 1185 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
1186 which the official signature of the governor is required; and
- 1187 (g) furnish a certified copy of all or any part of any law, record, or other instrument
1188 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
1189 it and pays the fee.
- 1190 (2) (a) As the chief election officer, the lieutenant governor shall:
- 1191 (i) exercise general supervisory authority over all elections;
- 1192 (ii) exercise direct authority over the conduct of elections for federal, state, and
1193 multicounty officers and statewide or multicounty ballot propositions and any recounts
1194 involving those races;
- 1195 (iii) assist county clerks in unifying the election ballot;
- 1196 (iv) (A) prepare election information for the public as required by statute and as
1197 determined appropriate by the lieutenant governor; and
- 1198 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to
1199 news media on the Internet and in other forms as required by statute or as determined
1200 appropriate by the lieutenant governor;
- 1201 (v) receive and answer election questions and maintain an election file on opinions
1202 received from the attorney general;
- 1203 (vi) maintain a current list of registered political parties as defined in Section
1204 [20A-8-101](#);
- 1205 (vii) maintain election returns and statistics;

1206 (viii) certify to the governor the names of those persons who have received the highest
1207 number of votes for any office;

1208 (ix) ensure that all voting equipment purchased by the state complies with the
1209 requirements of Subsection 20A-5-302(2) and Sections 20A-5-402.5 and 20A-5-402.7;

1210 (x) conduct the study described in Section 67-1a-14;

1211 (xi) during a declared emergency, to the extent that the lieutenant governor determines
1212 it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location
1213 relating to:

1214 (A) voting on election day;

1215 (B) early voting;

1216 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;

1217 (D) the counting of an absentee ballot or military-overseas ballot; or

1218 (E) the canvassing of election returns; and

1219 (xii) perform other election duties as provided in Title 20A, Election Code.

1220 (b) As chief election officer, the lieutenant governor may not assume the
1221 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election
1222 officials by Title 20A, Election Code.

1223 (3) (a) The lieutenant governor shall:

1224 (i) ~~[(A)]~~ determine a new city's classification under Section 10-2-301 upon the city's
1225 incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a City, based on the city's
1226 population using the population estimate from the Utah Population ~~[Estimates]~~ Committee; and

1227 ~~[(B)-(F)]~~ (ii) (A) prepare a certificate indicating the class in which the new city belongs
1228 based on the city's population; and

1229 ~~[(H)]~~ (B) within 10 days after preparing the certificate, deliver a copy of the certificate
1230 to the city's legislative body~~;~~.

1231 ~~[(ii)-(A)]~~ (b) The lieutenant governor shall:

1232 (i) determine the classification under Section 10-2-301 of a consolidated municipality
1233 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,
1234 Consolidation of Municipalities, using population information from:

1235 ~~[(F)]~~ (A) each official census or census estimate of the United States Bureau of the
1236 Census; or

1237 ~~[(H)]~~ (B) the population estimate from the Utah Population ~~[Estimates]~~ Committee, if
 1238 the population of a municipality is not available from the United States Bureau of the Census;
 1239 and

1240 ~~[(B)-(F)]~~ (ii) (A) prepare a certificate indicating the class in which the consolidated
 1241 municipality belongs based on the municipality's population; and

1242 ~~[(H)]~~ (B) within 10 days after preparing the certificate, deliver a copy of the certificate
 1243 to the consolidated municipality's legislative body[;].

1244 ~~[(iii)-(A)]~~ (c) The lieutenant governor shall:

1245 (i) determine a new metro township's classification under Section 10-2-301.5 upon the
 1246 metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro
 1247 Townships and Unincorporated Islands in a County of the First Class on and after May 12,
 1248 2015, based on the metro township's population using the population estimates from the Utah
 1249 Population ~~[Estimates]~~ Committee; and

1250 ~~[(B)]~~ (ii) prepare a certificate indicating the class in which the new metro township
 1251 belongs based on the metro township's population and, within 10 days after preparing the
 1252 certificate, deliver a copy of the certificate to the metro township's legislative body[; ~~and~~].

1253 ~~[(iv)]~~ (d) The lieutenant governor shall monitor the population of each municipality
 1254 using population information from:

1255 ~~[(A)]~~ (i) each official census or census estimate of the United States Bureau of the
 1256 Census; or

1257 ~~[(B)]~~ (ii) the population estimate from the Utah Population ~~[Estimates]~~ Committee, if
 1258 the population of a municipality is not available from the United States Bureau of the Census.

1259 ~~[(b)]~~ (e) If the applicable population figure under Subsection (3)~~[(a)(ii) or (iv)]~~(b) or
 1260 (d) indicates that a municipality's population has increased beyond the population for its current
 1261 class, the lieutenant governor shall:

1262 (i) prepare a certificate indicating the class in which the municipality belongs based on
 1263 the increased population figure; and

1264 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the
 1265 legislative body of the municipality whose class has changed.

1266 ~~[(c)]~~ (f) (i) If the applicable population figure under Subsection (3)~~[(a)(ii) or (iv)]~~(b) or
 1267 (d) indicates that a municipality's population has decreased below the population for its current

1268 class, the lieutenant governor shall send written notification of that fact to the municipality's
1269 legislative body.

1270 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose
1271 population has decreased below the population for its current class, the lieutenant governor
1272 shall:

1273 (A) prepare a certificate indicating the class in which the municipality belongs based
1274 on the decreased population figure; and

1275 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
1276 legislative body of the municipality whose class has changed.

1277 Section 25. Section 72-2-108 is amended to read:

1278 **72-2-108. Apportionment of funds available for use on class B and class C roads**

1279 **-- Bonds.**

1280 (1) For purposes of this section:

1281 (a) "Graveled road" means a road:

1282 (i) that is:

1283 (A) graded; and

1284 (B) drained by transverse drainage systems to prevent serious impairment of the road
1285 by surface water;

1286 (ii) that has an improved surface; and

1287 (iii) that has a wearing surface made of:

1288 (A) gravel;

1289 (B) broken stone;

1290 (C) slag;

1291 (D) iron ore;

1292 (E) shale; or

1293 (F) other material that is:

1294 (I) similar to a material described in Subsection (1)(a)(iii)(A) through (E); and

1295 (II) coarser than sand.

1296 (b) "Paved road" includes a gravelled road with a chip seal surface.

1297 (c) "Road mile" means a one-mile length of road, regardless of:

1298 (i) the width of the road; or

- 1299 (ii) the number of lanes into which the road is divided.
- 1300 (d) "Weighted mileage" means the sum of the following:
- 1301 (i) paved road miles multiplied by five; and
- 1302 (ii) all other road type road miles multiplied by two.
- 1303 (2) Subject to the provisions of Subsections (3) through (8) and except as provided in
- 1304 Subsection (10), funds in the class B and class C roads account shall be apportioned among
- 1305 counties and municipalities in the following manner:
- 1306 (a) 50% in the ratio that the class B roads weighted mileage within each county and
- 1307 class C roads weighted mileage within each municipality bear to the total class B and class C
- 1308 roads weighted mileage within the state; and
- 1309 (b) 50% in the ratio that the population of a county or municipality bears to the total
- 1310 population of the state as of the last official federal census or the United States Bureau of
- 1311 Census estimate, whichever is most recent, except that if population estimates are not available
- 1312 from the United States Bureau of Census, population figures shall be derived from the estimate
- 1313 from the Utah Population [Estimates] Committee.
- 1314 (3) For purposes of Subsection (2)(b), "the population of a county" means:
- 1315 (a) the population of a county outside the corporate limits of municipalities in that
- 1316 county, if the population of the county outside the corporate limits of municipalities in that
- 1317 county is not less than 14% of the total population of that county, including municipalities; and
- 1318 (b) if the population of a county outside the corporate limits of municipalities in the
- 1319 county is less than 14% of the total population:
- 1320 (i) the aggregate percentage of the population apportioned to municipalities in that
- 1321 county shall be reduced by an amount equal to the difference between:
- 1322 (A) 14%; and
- 1323 (B) the actual percentage of population outside the corporate limits of municipalities in
- 1324 that county; and
- 1325 (ii) the population apportioned to the county shall be 14% of the total population of
- 1326 that county, including incorporated municipalities.
- 1327 (4) If an apportionment under Subsection (2) made in the current fiscal year to a county
- 1328 or municipality with a population of less than 14,000 is less than 120% of the amount
- 1329 apportioned to the county or municipality from the class B and class C roads account in fiscal

1330 year 1996-97, the department shall reapportion the funds under Subsection (2) to ensure that
1331 the county or municipality receives:

1332 (a) subject to the requirement in Subsection (5) and for fiscal year 2016 only, an
1333 amount equal to:

1334 (i) the amount apportioned to the county or municipality for class B and class C roads
1335 in fiscal year 2015 multiplied by 120%; plus

1336 (ii) an amount equal to the amount apportioned to the county or municipality in fiscal
1337 year 2015 multiplied by the percentage increase or decrease in the total funds available for
1338 class B and class C roads between fiscal year 2015 and fiscal year 2016;

1339 (b) for fiscal year 2017 only, an amount equal to the greater of:

1340 (i) the amount apportioned to the county or municipality for class B and class C roads
1341 in the current fiscal year under Subsection (2); or

1342 (ii) (A) the amount apportioned to the county for class B and class C roads in fiscal
1343 year 2015 multiplied by 120%; plus

1344 (B) the amount calculated as described in Subsection (7); or

1345 (c) for a fiscal year beginning on or after July 1, 2017, an amount equal to the greater
1346 of:

1347 (i) the amount apportioned to the county or municipality for class B and class C roads
1348 in the current fiscal year under Subsection (2); or

1349 (ii) (A) the amount apportioned to the county or municipality for class B and class C
1350 roads through the apportionment formula under Subsection (2) or this Subsection (4),
1351 excluding any amounts appropriated as additional support for class B and class C roads under
1352 Subsection (10), in the prior fiscal year; plus

1353 (B) the amount calculated as described in Subsection (7).

1354 (5) For the purposes of calculating a final distribution of money collected in fiscal year
1355 2016, the department shall subtract the payments previously made to a county or municipality
1356 for money collected in fiscal year 2016 for class B and class C roads from the fiscal year 2016
1357 total calculated in Subsection (4)(a).

1358 (6) (a) The department shall decrease proportionately as provided in Subsection (6)(b)
1359 the apportionments to counties and municipalities for which the reapportionment under
1360 Subsection (4)(a), (b)(ii), or (c)(ii) does not apply.

1361 (b) The aggregate amount of the funds that the department shall decrease
1362 proportionately from the apportionments under Subsection (6)(a) is an amount equal to the
1363 aggregate amount reapportioned to counties and municipalities under Subsection (4)(a), (b)(ii),
1364 or (c)(ii).

1365 (7) (a) In addition to the apportionment adjustments made under Subsection (4), a
1366 county or municipality that qualifies for reapportioned money under Subsection (4)(b)(ii) or
1367 (c)(ii) shall receive an amount equal to the amount apportioned to the county or municipality
1368 under Subsection (4)(b)(ii) or (c)(ii) for class B and class C roads in the prior fiscal year
1369 multiplied by the percentage increase or decrease in the total funds available for class B and
1370 class C roads between the prior fiscal year and the fiscal year that immediately preceded the
1371 prior fiscal year.

1372 (b) The adjustment under Subsection (7)(a) shall be made in the same way as provided
1373 in Subsections (6)(a) and (b).

1374 (8) (a) If a county or municipality does not qualify for a reapportionment under
1375 Subsection (4)(c) in the current fiscal year but previously qualified for a reapportionment under
1376 Subsection (4)(c) on or after July 1, 2017, the county or municipality shall receive an amount
1377 equal to the greater of:

1378 (i) the amount apportioned to the county or municipality for class B and class C roads
1379 in the current fiscal year under Subsection (2); or

1380 (ii) the amount apportioned to the county or municipality for class B and class C roads
1381 in the prior fiscal year.

1382 (b) The adjustment under Subsection (8)(a) shall be made in the same way as provided
1383 in Subsections (6)(a) and (b).

1384 (9) The governing body of any municipality or county may issue bonds redeemable up
1385 to a period of 10 years under Title 11, Chapter 14, Local Government Bonding Act, to pay the
1386 costs of constructing, repairing, and maintaining class B or class C roads and may pledge class
1387 B or class C road funds received pursuant to this section to pay principal, interest, premiums,
1388 and reserves for the bonds.

1389 (10) (a) For fiscal year 2017 only, the department shall distribute \$5,000,000 of the
1390 funds appropriated for additional support for class B and class C roads among the counties and
1391 municipalities that qualified for reapportioned funds under Subsection (4) before May 1, 2016.

1392 (b) The department shall distribute an amount to each county or municipality described
1393 in Subsection (10)(a) considering the projected amount of revenue that each county or
1394 municipality would have received under the reapportionment formula in effect before May 1,
1395 2016.

1396 (c) The department may consult with local government entities to determine the
1397 distribution amounts under Subsection (10)(b).

1398 (d) Before making the distributions required under this section, the department shall
1399 report to the Executive Appropriations Committee of the Legislature by no later than December
1400 31, 2016, the amount of funds the department will distribute to each county or municipality that
1401 qualifies for a distribution under this Subsection (10).

1402 (e) The Executive Appropriations Committee of the Legislature shall review and
1403 comment on the amount of funds proposed to be distributed to each county or municipality that
1404 qualifies for a distribution under this Subsection (10).

1405 Section 26. Section **78B-1-110** is amended to read:

1406 **78B-1-110. Limitations on jury service.**

1407 (1) In any two-year period, a person may not:

1408 (a) be required to serve on more than one grand jury;

1409 (b) be required to serve as both a grand and trial juror;

1410 (c) be required to attend court for prospective jury service as a trial juror more than one
1411 court day, except if necessary to complete service in a particular case; or

1412 (d) if summoned for prospective jury service and the summons is complied with as
1413 directed, be selected for the qualified jury list more than once.

1414 (2) (a) Subsection (1)(d) does not apply to counties of the fourth, fifth, and sixth class
1415 and counties of the third class with populations up to 75,000.

1416 (b) (i) All population figures used for this section shall be derived from the most recent
1417 official census or census estimate of the United States Census Bureau.

1418 (ii) If population estimates are not available from the United States Census Bureau,
1419 population figures shall be derived from the estimate of the Utah Population [Estimates]
1420 Committee.

Legislative Review Note
Office of Legislative Research and General Counsel