

- 30 **4-30-5**, as last amended by Laws of Utah 2009, Chapter 388
- 31 **7-1-706**, as last amended by Laws of Utah 2009, Chapter 388
- 32 **10-2-108**, as last amended by Laws of Utah 2009, Chapter 388
- 33 **10-2-114**, as last amended by Laws of Utah 2009, Chapter 388
- 34 **10-2-125**, as last amended by Laws of Utah 2009, Chapters 350 and 388
- 35 **10-2-407**, as last amended by Laws of Utah 2009, Chapters 205 and 388
- 36 **10-2-415**, as last amended by Laws of Utah 2009, Chapter 388
- 37 **10-2-418**, as last amended by Laws of Utah 2009, Chapters 230, 350, and 388
- 38 **10-2-419**, as last amended by Laws of Utah 2009, Chapters 218, 350, and 388
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- 40 **10-3-818**, as last amended by Laws of Utah 2009, Chapter 388
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- 42 **10-6-113**, as last amended by Laws of Utah 2009, Chapter 388
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- 44 **10-9a-204**, as last amended by Laws of Utah 2009, Chapter 388
- 45 **10-9a-205**, as last amended by Laws of Utah 2009, Chapter 388
- 46 **10-9a-208**, as last amended by Laws of Utah 2009, Chapters 338 and 388
- 47 **10-18-203**, as last amended by Laws of Utah 2009, Chapter 388
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- 49 **11-14-202**, as last amended by Laws of Utah 2009, Chapter 388
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- 51 **17-27a-204**, as last amended by Laws of Utah 2009, Chapter 388
- 52 **17-27a-205**, as last amended by Laws of Utah 2009, Chapter 388
- 53 **17-27a-208**, as last amended by Laws of Utah 2009, Chapters 338 and 388
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- 55 **17-27a-404**, as last amended by Laws of Utah 2009, Chapter 388
- 56 **17-36-12**, as last amended by Laws of Utah 2009, Chapter 388
- 57 **17-36-26**, as last amended by Laws of Utah 2009, Chapter 388

- 58 **17-41-304**, as last amended by Laws of Utah 2009, Chapter 388
- 59 **17-41-405**, as last amended by Laws of Utah 2009, Chapter 388
- 60 **17B-1-211**, as last amended by Laws of Utah 2009, Chapter 388
- 61 **17B-1-413**, as last amended by Laws of Utah 2009, Chapter 388
- 62 **17B-1-417**, as last amended by Laws of Utah 2009, Chapters 350 and 388
- 63 **17B-1-609**, as last amended by Laws of Utah 2009, Chapters 204 and 388
- 64 **17B-1-1204**, as last amended by Laws of Utah 2009, Chapter 388
- 65 **17B-1-1307**, as last amended by Laws of Utah 2009, Chapter 388
- 66 **17C-1-601**, as last amended by Laws of Utah 2009, Chapters 387 and 388
- 67 **17C-2-403**, as last amended by Laws of Utah 2009, Chapter 388
- 68 **17C-4-202**, as last amended by Laws of Utah 2009, Chapters 387 and 388
- 69 **17C-4-302**, as last amended by Laws of Utah 2009, Chapter 388
- 70 **19-2-109**, as last amended by Laws of Utah 2009, Chapter 388
- 71 **20A-7-204.1**, as last amended by Laws of Utah 2009, Chapter 388
- 72 **45-1-101**, as last amended by Laws of Utah 2009, First Special Session, Chapter 5
- 73 **53A-3-202**, as last amended by Laws of Utah 2009, Chapter 388
- 74 **53A-3-402**, as last amended by Laws of Utah 2009, Chapters 277 and 388
- 75 **53B-7-101.5**, as last amended by Laws of Utah 2009, Chapter 388
- 76 **54-8-10**, as last amended by Laws of Utah 2009, Chapter 388
- 77 **54-8-16**, as last amended by Laws of Utah 2009, Chapter 388
- 78 **57-11-11**, as last amended by Laws of Utah 2009, Chapter 388
- 79 **59-2-919**, as last amended by Laws of Utah 2009, Chapters 162, 204, and 388
- 80 **59-2-919.2**, as enacted by Laws of Utah 2009, Chapter 162
- 81 **59-12-1102**, as last amended by Laws of Utah 2009, Chapters 385 and 388
- 82 **63G-9-303**, as last amended by Laws of Utah 2009, Chapter 388
- 83 **63H-1-701**, as last amended by Laws of Utah 2009, Chapter 388
- 84 **63H-2-204**, as enacted by Laws of Utah 2009, Chapter 378
- 85 **72-3-108**, as last amended by Laws of Utah 2009, Chapter 388

- 86 **72-5-105**, as last amended by Laws of Utah 2009, Chapter 388
- 87 **72-6-107**, as last amended by Laws of Utah 2009, Chapter 217
- 88 **73-1-16**, as last amended by Laws of Utah 2009, Chapter 388
- 89 **73-5-14**, as last amended by Laws of Utah 2009, Chapter 388
- 90 **75-1-401**, as last amended by Laws of Utah 2009, Chapter 388

91 **Utah Code Sections Affected by Coordination Clause:**

- 92 **10-2-125**, as last amended by Laws of Utah 2009, Chapters 350 and 388



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

95 Section 1. Section **4-30-5** is amended to read:

96 **4-30-5. Hearing on license application -- Notice of hearing.**

97 (1) Upon the filing of an application, the chairman of the Livestock Market
 98 Committee shall set a time for hearing on the application in the city or town nearest the
 99 proposed site of the livestock market and cause notice of the time and place of the hearing
 100 together with a copy of the application to be forwarded by mail, not less than 15 days before
 101 the hearing date, to the following:

- 102 (a) each licensed livestock market operator within the state; and
- 103 (b) each livestock or other interested association or group of persons in the state that
 104 has filed written notice with the committee requesting receipt of notice of such hearings.

105 (2) Notice of the hearing shall be published 14 days before the scheduled hearing date:

- 106 (a) in a daily or weekly newspaper of general circulation within the city or town where
 107 the hearing is scheduled; and

- 108 (b) ~~[as required in Section 45-1-101]~~ on the Utah Public Notice Website created in
 109 Section 63F-1-701.

110 Section 2. Section **7-1-706** is amended to read:

111 **7-1-706. Application to commissioner to exercise power -- Procedure.**

112 (1) Except as provided in Sections 7-1-704 and 7-1-705, by filing a request for agency
 113 action with the commissioner, any person may request the commissioner to:

- 114 (a) issue any rule or order;
- 115 (b) exercise any powers granted to the commissioner under this title; or
- 116 (c) act on any matter that is subject to the approval of the commissioner.
- 117 (2) Within 10 days of receipt of the request, the commissioner shall, at the applicant's
- 118 expense, cause a supervisor to make a careful investigation of the facts relevant or material to
- 119 the request.
- 120 (3) (a) The supervisor shall submit written findings and recommendations to the
- 121 commissioner.
- 122 (b) The application, any additional information furnished by the applicant, and the
- 123 findings and recommendations of the supervisor may be inspected by any person at the office
- 124 of the commissioner, except those portions of the application or report that the commissioner
- 125 designates as confidential to prevent a clearly unwarranted invasion of privacy.
- 126 (4) (a) If a hearing is held concerning the request, the commissioner shall publish
- 127 notice of the hearing at the applicant's expense:
- 128 (i) in a newspaper of general circulation within the county where the applicant is
- 129 located at least once a week for three successive weeks before the date of the hearing; and
- 130 (ii) ~~[as required in Section 45-1-101]~~ on the Utah Public Notice Website created in
- 131 Section 63F-1-701, for three weeks before the date of the hearing.
- 132 (b) The notice required by Subsection (4)(a) shall include the information required by
- 133 the department's rules.
- 134 (c) The commissioner shall act upon the request within 30 days after the close of the
- 135 hearing, based on the record before the commissioner.
- 136 (5) (a) If no hearing is held, the commissioner shall approve or disapprove the request
- 137 within 90 days of receipt of the request based on:
- 138 (i) the application;
- 139 (ii) additional information filed with the commissioner; and
- 140 (iii) the findings and recommendations of the supervisor.
- 141 (b) The commissioner shall act on the request by issuing findings of fact, conclusions,

142 and an order, and shall mail a copy of each to:

- 143 (i) the applicant;
 - 144 (ii) all persons who have filed protests to the granting of the application; and
 - 145 (iii) other persons that the commissioner considers should receive copies.
- 146 (6) The commissioner may impose any conditions or limitations on the approval or
147 disapproval of a request that the commissioner considers proper to:

- 148 (a) protect the interest of creditors, depositors, and other customers of an institution;
- 149 (b) protect its shareholders or members; and
- 150 (c) carry out the purposes of this title.

151 Section 3. Section **10-2-108** is amended to read:

152 **10-2-108. Public hearings on feasibility study results -- Notice of hearings.**

153 (1) If the results of the feasibility study or supplemental feasibility study meet the
154 requirements of Subsection 10-2-109(3), the county legislative body shall, at its next regular
155 meeting after receipt of the results of the feasibility study or supplemental feasibility study,
156 schedule at least two public hearings to be held:

- 157 (a) within the following 60 days;
- 158 (b) at least seven days apart;
- 159 (c) in geographically diverse locations within the proposed city; and
- 160 (d) for the purpose of allowing:
 - 161 (i) the feasibility consultant to present the results of the study; and
 - 162 (ii) the public to become informed about the feasibility study results and to ask
163 questions about those results of the feasibility consultant.

164 (2) (a) (i) The county clerk shall publish notice of the public hearings required under
165 Subsection (1):

- 166 (A) at least once a week for three successive weeks in a newspaper of general
167 circulation within the proposed city; and
- 168 (B) ~~[in accordance with Section 45-1-101]~~ on the Utah Public Notice Website created
169 in Section 63F-1-701, for three weeks.

170 (ii) The last publication of notice required under Subsection (2)(a)(i)(A) shall be at
171 least three days before the first public hearing required under Subsection (1).

172 (b) (i) If, under Subsection (2)(a)(i)(A), there is no newspaper of general circulation
173 within the proposed city, the county clerk shall post at least one notice of the hearings per
174 1,000 population in conspicuous places within the proposed city that are most likely to give
175 notice of the hearings to the residents of the proposed city.

176 (ii) The clerk shall post the notices under Subsection (2)(b)(i) at least seven days
177 before the first hearing under Subsection (1).

178 (c) The notice under Subsections (2)(a) and (b) shall include the feasibility study
179 summary under Subsection 10-2-106(3)(b) and shall indicate that a full copy of the study is
180 available for inspection and copying at the office of the county clerk.

181 Section 4. Section **10-2-114** is amended to read:

182 **10-2-114. Determination of number of council members -- Determination of**
183 **election districts -- Hearings and notice.**

184 (1) If the incorporation proposal passes, the petition sponsors shall, within 25 days of
185 the canvass of the election under Section 10-2-111:

186 (a) if the voters at the incorporation election choose the council-mayor form of
187 government, determine the number of council members that will constitute the council of the
188 future city;

189 (b) if the voters at the incorporation election vote to elect council members by district,
190 determine the number of council members to be elected by district and draw the boundaries of
191 those districts, which shall be substantially equal in population;

192 (c) determine the initial terms of the mayor and members of the city council so that:

193 (i) the mayor and approximately half the members of the city council are elected to
194 serve an initial term, of no less than one year, that allows their successors to serve a full
195 four-year term that coincides with the schedule established in Subsection 10-3-205(1); and

196 (ii) the remaining members of the city council are elected to serve an initial term, of no
197 less than one year, that allows their successors to serve a full four-year term that coincides

198 with the schedule established in Subsection 10-3-205(2); and

199 (d) submit in writing to the county legislative body the results of the sponsors'
200 determinations under Subsections (1)(a), (b), and (c).

201 (2) (a) Before making a determination under Subsection (1)(a), (b), or (c), the petition
202 sponsors shall hold a public hearing within the future city on the applicable issues under
203 Subsections (1)(a), (b), and (c).

204 (b) (i) The petition sponsors shall publish notice of the public hearing under
205 Subsection (2)(a):

206 (A) in a newspaper of general circulation within the future city at least once a week for
207 two successive weeks before the hearing; and

208 (B) ~~[in accordance with Section 45-1-101]~~ on the Utah Public Notice Website created
209 in Section 63F-1-701, for two weeks before the hearing.

210 (ii) The last publication of notice under Subsection (2)(b)(i)(A) shall be at least three
211 days before the public hearing under Subsection (2)(a).

212 (c) (i) In accordance with Subsection (2)(b)(i)(A), if there is no newspaper of general
213 circulation within the future city, the petition sponsors shall post at least one notice of the
214 hearing per 1,000 population in conspicuous places within the future city that are most likely
215 to give notice of the hearing to the residents of the future city.

216 (ii) The petition sponsors shall post the notices under Subsection (2)(c)(i) at least
217 seven days before the hearing under Subsection (2)(a).

218 Section 5. Section **10-2-125** is amended to read:

219 **10-2-125. Incorporation of a town.**

220 (1) As used in this section:

221 (a) "Assessed value," with respect to agricultural land, means the value at which the
222 land would be assessed without regard to a valuation for agricultural use under Section
223 59-2-503.

224 (b) "Financial feasibility study" means a study to determine:

225 (i) the projected revenues for the proposed town during the first three years after

226 incorporation; and

227 (ii) the projected costs, including overhead, that the proposed town will incur in
228 providing governmental services during the first three years after incorporation.

229 (c) "Municipal service" means a publicly provided service that is not provided on a
230 countywide basis.

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

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

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

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

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

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

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

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

243 (3) (a) The process to incorporate an area as a town is initiated by filing a request for a
244 public hearing with the clerk of the county in which the area is located.

245 (b) Each request for a public hearing under Subsection (3)(a) shall:

246 (i) be signed by the owners of at least five separate parcels of private real property,
247 each owned by a different owner, located within the area proposed to be incorporated; and

248 (ii) be accompanied by an accurate map or plat depicting the boundary of the
249 proposed town.

250 (c) Within 10 days after a request for a public hearing is filed under Subsection (3)(a),
251 the county clerk shall, with the assistance of other county officers from whom the clerk
252 requests assistance, determine whether the petition complies with the requirements of
253 Subsection (3)(b).

254 (d) If the clerk determines that a request under Subsection (3)(a) fails to comply with
255 the requirements of Subsection (3)(b), the clerk shall reject the request and deliver written
256 notice of the rejection to the signers of the request.

257 (e) (i) If the clerk determines that a request under Subsection (3)(a) complies with the
258 requirements of Subsection (3)(b), the clerk shall:

259 (A) schedule and arrange for a public hearing to be held:

260 (I) (Aa) at a public facility located within the boundary of the proposed town; or

261 (Bb) if there is no public facility within the boundary of the proposed town, at another
262 nearby public facility or at the county seat; and

263 (II) within 20 days after the clerk provides the last notice required under Subsection
264 (3)(e)(i)(B); and

265 (B) ~~[subject to Subsection (3)(e)(ii)]~~ no later than 10 days after the clerk determines
266 that a request complies with the requirements of Subsection (3)(b), give notice of the public
267 hearing on the proposed incorporation by:

268 (I) posting notice of the public hearing on the county's Internet website, if the county
269 has an Internet website; ~~[and]~~

270 (II) (Aa) ~~[(fi)]~~ publishing notice of the public hearing at least once a week for two
271 consecutive weeks in a newspaper of general circulation within the proposed town; ~~[and]~~ or

272 ~~[(Hii) publishing notice of the public hearing in accordance with Section 45-1-101 for~~
273 ~~two weeks; or]~~

274 (Bb) ~~[in accordance with Subsection (3)(e)(i)(B)(H)(Aa)(fi);]~~ if there is no newspaper
275 of general circulation within the proposed town, posting notice of the public hearing in at least
276 five conspicuous public places within the proposed town~~[-];~~ and

277 ~~[(ii) The posting of notice required under Subsection (3)(e)(i)(B)(I) and, if applicable,~~
278 ~~Subsection (3)(e)(i)(B)(H)(Bb) and the first publishing of notice required under Subsection~~
279 ~~(3)(e)(i)(B)(H)(Aa), if applicable, shall occur no later than 10 days after the clerk determines~~
280 ~~that a request complies with the requirements of Subsection (3)(b).]~~

281 (III) publishing notice of the public hearing on the Utah Public Notice Website created

282 in Section 63F-1-701.

283 ~~[(iii)]~~ (ii) Each public hearing under Subsection (3)(e)(i)(A) shall be conducted by the
284 chair of the county commission or council, or the chair's designee, to:

- 285 (A) introduce the concept of the proposed incorporation to the public;
- 286 (B) allow the public to review the map or plat of the boundary of the proposed town;
- 287 (C) allow the public to ask questions and become informed about the proposed

288 incorporation; and

- 289 (D) allow the public to express their views about the proposed incorporation,
290 including their views about the boundary of the area proposed to be incorporated.

291 (4) (a) At any time within three months after the public hearing under Subsection
292 (3)(e), a petition to incorporate the area as a town may be filed with the clerk of the county in
293 which the area is located.

294 (b) Each petition under Subsection (4)(a) shall:

295 (i) be signed by:

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

- 297 (I) is located within the area proposed to be incorporated;
- 298 (II) covers a majority of the total private land area within the area;
- 299 (III) is equal in assessed value to more than 1/2 of the assessed value of all private real
300 property within the area; and

301 (IV) consists, in number of parcels, of at least 1/3 of the number of all parcels of
302 private real property within the area proposed to be incorporated; and

303 (B) a majority of all registered voters within the area proposed to be incorporated as a
304 town, according to the official voter registration list maintained by the county on the date the
305 petition is filed;

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

309 (iii) be accompanied by and circulated with an accurate map or plat, prepared by a

310 licensed surveyor, showing a legal description of the boundary of the proposed town; and

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

312 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
313 town)

314 To the Honorable County Legislative Body of (insert the name of the county in which
315 the proposed town is located) County, Utah:

316 We, the undersigned owners of real property and registered voters within the area
317 described in this petition, respectfully petition the county legislative body for the area
318 described in this petition to be incorporated as a town. Each of the undersigned affirms that
319 each has personally signed this petition and is an owner of real property or a registered voter
320 residing within the described area, and that the current residence address of each is correctly
321 written after the signer's name. The area proposed to be incorporated as a town is described as
322 follows: (insert an accurate description of the area proposed to be incorporated).

323 (c) A petition under this Subsection (4) may not describe an area that includes some or
324 all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:

- 325 (i) was filed before the filing of the petition; and
- 326 (ii) is still pending on the date the petition is filed.

327 (d) A petition may not be filed under this section if the private real property owned by
328 the petition sponsors, designated under Subsection (4)(b)(ii), cumulatively exceeds 40% of the
329 total private land area within the area proposed to be incorporated as a town.

330 (e) A signer of a petition under this Subsection (4) may withdraw or, after withdrawn,
331 reinstate the signer's signature on the petition:

- 332 (i) at any time until the county clerk certifies the petition under Subsection (6); and
- 333 (ii) by filing a signed, written withdrawal or reinstatement with the county clerk.

334 (5) (a) If a petition is filed under Subsection (4)(a) proposing to incorporate as a town
335 an area located within a county of the first class, the county clerk shall deliver written notice of
336 the proposed incorporation:

- 337 (i) to each owner of private real property owning more than 1% of the assessed value

338 of all private real property within the area proposed to be incorporated as a town; and
339 (ii) within seven calendar days after the date on which the petition is filed.
340 (b) A private real property owner described in Subsection (5)(a)(i) may exclude all or
341 part of the owner's property from the area proposed to be incorporated as a town by filing a
342 notice of exclusion:
343 (i) with the county clerk; and
344 (ii) within 10 calendar days after receiving the clerk's notice under Subsection (5)(a).
345 (c) The county legislative body shall exclude from the area proposed to be
346 incorporated as a town the property identified in the notice of exclusion under Subsection
347 (5)(b) if:
348 (i) the property:
349 (A) is nonurban; and
350 (B) does not and will not require a municipal service; and
351 (ii) exclusion will not leave an unincorporated island within the proposed town.
352 (d) If the county legislative body excludes property from the area proposed to be
353 incorporated as a town, the county legislative body shall send written notice of the exclusion to
354 the contact sponsor within five days after the exclusion.
355 (6) Within 20 days after the filing of a petition under Subsection (4), the county clerk
356 shall:
357 (a) with the assistance of other county officers from whom the clerk requests
358 assistance, determine whether the petition complies with the requirements of Subsection (4);
359 and
360 (b) (i) if the clerk determines that the petition complies with those requirements:
361 (A) certify the petition and deliver the certified petition to the county legislative body;
362 and
363 (B) mail or deliver written notification of the certification to:
364 (I) the contact sponsor;
365 (II) if applicable, the chair of the planning commission of each township in which any

366 part of the area proposed for incorporation is located; and

367 (III) the Utah Population Estimates Committee; or

368 (ii) if the clerk determines that the petition fails to comply with any of those
369 requirements, reject the petition and notify the contact sponsor in writing of the rejection and
370 the reasons for the rejection.

371 (7) (a) (i) A petition that is rejected under Subsection (6)(b)(ii) may be amended to
372 correct a deficiency for which it was rejected and then refiled with the county clerk.

373 (ii) A valid signature on a petition filed under Subsection (4)(a) may be used toward
374 fulfilling the signature requirement of Subsection (4)(b) for the same petition that is amended
375 under Subsection (7)(a)(i) and then refiled with the county clerk.

376 (b) If a petition is amended and refiled under Subsection (7)(a)(i) after having been
377 rejected by the county clerk under Subsection (6)(b)(ii):

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

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

381 (8) (a) (i) The legislative body of a county with which a petition is filed under
382 Subsection (4) may, at its option and upon the petition being certified under Subsection (6),
383 commission and pay for a financial feasibility study.

384 (ii) If the county legislative body chooses to commission a financial feasibility study,
385 the county legislative body shall:

386 (A) within 20 days after the incorporation petition is certified, select and engage a
387 feasibility consultant; and

388 (B) require the feasibility consultant to complete the financial feasibility study and
389 submit written results of the study to the county legislative body no later than 30 days after the
390 feasibility consultant is engaged to conduct the financial feasibility study.

391 (b) The county legislative body shall approve a petition proposing the incorporation of
392 a town and hold an election for town officers, as provided in Subsection (9), if:

393 (i) the county clerk has certified the petition under Subsection (6); and

394 (ii) (A) (I) the county legislative body has commissioned a financial feasibility study
395 under Subsection (8)(a); and

396 (II) the results of the financial feasibility study show that the average annual amount of
397 revenues described in Subsection (1)(b)(i) does not exceed the average annual amount of costs
398 described in Subsection (1)(b)(ii) by more than 10%; or

399 (B) the county legislative body chooses not to commission a financial feasibility study.

400 (c) (i) If the county legislative body commissions a financial feasibility study under
401 Subsection (8)(a) and the results of the financial feasibility study show that the average annual
402 amount of revenues described in Subsection (1)(b)(i) exceeds the average annual amount of
403 costs described in Subsection (1)(b)(ii) by more than 10%, the county legislative body may:

404 (A) deny the petition, subject to Subsection (8)(c)(ii), if the results of the financial
405 feasibility study show that the average annual amount of revenues described in Subsection
406 (1)(b)(i) exceeds the average annual amount of costs described in Subsection (1)(b)(ii) by 25%
407 or more;

408 (B) approve the petition and hold an election for town officers, as provided in
409 Subsection (9); or

410 (C) (I) with the consent of the petition sponsors:

411 (Aa) impose conditions to mitigate the fiscal inequities identified in the financial
412 feasibility study; or

413 (Bb) alter the boundaries of the area proposed to be incorporated as a town to
414 approximate the boundaries necessary to prevent the average annual amount of revenues
415 described in Subsection (1)(b)(i) from exceeding the average annual amount of costs described
416 in Subsection (1)(b)(ii); and

417 (II) approve the incorporation petition and hold an election for town officers, as
418 provided in Subsection (9).

419 (ii) A county legislative body intending to deny a petition under Subsection
420 (8)(c)(i)(A) shall deny the petition within 20 days after the feasibility consultant submits the
421 written results of the financial feasibility study.

422 (d) Each town that incorporates pursuant to a petition approved after the county
423 legislative body imposes conditions under Subsection (8)(c)(i)(C)(I) shall comply with those
424 conditions.

425 (9) (a) The legislative body of the county in which the proposed new town is located
426 shall hold the election for town officers provided for in Subsection (8) within:

427 (i) 45 days after the petition is certified, for an election under Subsection (8)(b)(ii)(B);

428 (ii) 45 days after the feasibility consultant submits the written results of the financial
429 feasibility study, for an election under Subsection (8)(b)(ii)(A) or (8)(c)(i)(B); or

430 (iii) 60 days after the feasibility consultant submits the written results of the financial
431 feasibility study, for an election under Subsection (8)(c)(i)(C).

432 (b) The officers elected at an election under Subsection (9)(a) shall take office:

433 (i) at noon on the first Monday in January next following the election, if the election is
434 held on a regular general or municipal general election date; or

435 (ii) at noon on the first day of the month next following the effective date of the
436 incorporation under Subsection (12), if the election of officers is held on any other date.

437 (10) Each newly incorporated town shall operate under the five-member council form
438 of government as defined in Section 10-3b-102.

439 (11) The mayor-elect of the future town shall:

440 (a) within 30 days after the canvass of the election of town officers under Subsection
441 (9), file with the lieutenant governor:

442 (i) a copy of a notice of an impending boundary action, as defined in Section
443 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

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

445 (b) upon the lieutenant governor's issuance of a certificate of incorporation under
446 Section 67-1a-6.5:

447 (i) if the town is located within the boundary of a single county, submit to the recorder
448 of that county the original:

449 (A) notice of an impending boundary action;

450 (B) certificate of incorporation; and

451 (C) approved final local entity plat; or

452 (ii) if the town is located within the boundaries of more than a single county, submit
453 the original of the documents listed in Subsections (11)(b)(i)(A), (B), and (C) to one of those
454 counties and a certified copy of those documents to each other county.

455 (12) (a) A new town is incorporated:

456 (i) on December 31 of the year in which the lieutenant governor issues a certificate of
457 incorporation under Section 67-1a-6.5, if the election of town officers under Subsection (9) is
458 held on a regular general or municipal general election date; or

459 (ii) on the last day of the month during which the lieutenant governor issues a
460 certificate of incorporation under Section 67-1a-6.5, if the election of town officers under
461 Subsection (9) is held on any other date.

462 (b) (i) The effective date of an incorporation for purposes of assessing property within
463 the new town is governed by Section 59-2-305.5.

464 (ii) Until the documents listed in Subsection (11)(b) are recorded in the office of the
465 recorder of each county in which the property is located, a newly incorporated town may not:

466 (A) levy or collect a property tax on property within the town;

467 (B) levy or collect an assessment on property within the town; or

468 (C) charge or collect a fee for service provided to property within the town.

469 (13) For each petition filed before March 5, 2008:

470 (a) the petition is subject to and governed by the law in effect at the time the petition
471 was filed; and

472 (b) the law in effect at the time the petition was filed governs in all administrative and
473 judicial proceedings relating to the petition.

474 Section 6. Section **10-2-407** is amended to read:

475 **10-2-407. Protest to annexation petition -- Township planning commission**
476 **recommendation -- Petition requirements -- Disposition of petition if no protest filed.**

477 (1) (a) A protest to an annexation petition under Section 10-2-403 may be filed by:

478 (i) the legislative body or governing board of an affected entity; or
479 (ii) for a proposed annexation of an area within a county of the first class, the owners
480 of private real property that:

481 (A) is located in the unincorporated area within 1/2 mile of the area proposed for
482 annexation;

483 (B) covers at least 25% of the private land area located in the unincorporated area
484 within 1/2 mile of the area proposed for annexation; and

485 (C) is equal in value to at least 15% of all real property located in the unincorporated
486 area within 1/2 mile of the area proposed for annexation.

487 (b) (i) A planning commission of a township located in a county of the first class may
488 recommend to the legislative body of the county in which the township is located that the
489 county legislative body file a protest against a proposed annexation under this part of an area
490 located within the township.

491 (ii) (A) The township planning commission shall communicate each recommendation
492 under Subsection (1)(b)(i) in writing to the county legislative body within 30 days after the
493 city recorder or town clerk's certification of the annexation petition under Subsection
494 10-2-405(2) (c)(i).

495 (B) At the time the recommendation is communicated to the county legislative body
496 under Subsection (1)(b)(ii)(A), the township planning commission shall mail or deliver a copy
497 of the recommendation to the legislative body of the proposed annexing municipality and to
498 the contact sponsor.

499 (2) (a) Each protest under Subsection (1)(a) shall:

500 (i) be filed:

501 (A) no later than 30 days after the municipal legislative body's receipt of the notice of
502 certification under Subsection 10-2-405(2)(c)(i); and

503 (B) (I) in a county that has already created a commission under Section 10-2-409, with
504 the commission; or

505 (II) in a county that has not yet created a commission under Section 10-2-409, with the

506 clerk of the county in which the area proposed for annexation is located; ~~and~~

507 (ii) state each reason for the protest of the annexation petition and, if the area proposed
508 to be annexed is located in a specified county, justification for the protest under the standards
509 established in this chapter;

510 (iii) if the area proposed to be annexed is located in a specified county, contain other
511 information that the commission by rule requires or that the party filing the protest considers
512 pertinent; and

513 (iv) the name and address of a contact person who is to receive notices sent by the
514 commission with respect to the protest proceedings.

515 (b) The party filing a protest under this section shall on the same date deliver or mail a
516 copy of the protest to the city recorder or town clerk of the proposed annexing municipality.

517 (c) Each clerk who receives a protest under Subsection (2)(a)(i)(B)(II) shall:

518 (i) immediately notify the county legislative body of the protest; and

519 (ii) deliver the protest to the boundary commission within five days after:

520 (A) receipt of the protest, if the boundary commission has previously been created; or

521 (B) creation of the boundary commission under Subsection 10-2-409(1)(b), if the
522 boundary commission has not previously been created.

523 (d) Each protest of a proposed annexation of an area located in a county of the first
524 class under Subsection (1)(a)(ii) shall, in addition to the requirements of Subsections (2)(a)
525 and (b):

526 (i) indicate the typed or printed name and current residence address of each owner
527 signing the protest; and

528 (ii) designate one of the signers of the protest as the contact person and state the
529 mailing address of the contact person.

530 (3) (a) (i) If a protest is filed under this section:

531 (A) the municipal legislative body may, at its next regular meeting after expiration of
532 the deadline under Subsection (2)(a)(i)(A), deny the annexation petition; or

533 (B) if the municipal legislative body does not deny the annexation petition under

534 Subsection (3)(a)(i)(A), the municipal legislative body may take no further action on the
535 annexation petition until after receipt of the commission's notice of its decision on the protest
536 under Section 10-2-416.

537 (ii) If a municipal legislative body denies an annexation petition under Subsection
538 (3)(a)(i)(A), the municipal legislative body shall, within five days after the denial, send notice
539 of the denial in writing to:

540 (A) the contact sponsor of the annexation petition;

541 (B) the commission;

542 (C) each entity that filed a protest;

543 (D) if a protest was filed under Subsection (1)(a)(ii) for a proposed annexation of an
544 area located in a county of the first class, the contact person; and

545 (E) if any of the area proposed for annexation is within a township, the legislative
546 body of the county in which the township is located.

547 (b) (i) If no timely protest is filed under this section, the municipal legislative body
548 may, subject to Subsection (3)(b)(ii), approve the petition.

549 (ii) Before approving an annexation petition under Subsection (3)(b)(i), the municipal
550 legislative body shall:

551 (A) hold a public hearing; and

552 (B) at least seven days before the public hearing under Subsection (3)(b)(ii)(A):

553 (I) (Aa) publish notice of the hearing in a newspaper of general circulation within the
554 municipality and the area proposed for annexation; or

555 (Bb) if there is no newspaper of general circulation in those areas, post written notices
556 of the hearing in conspicuous places within those areas that are most likely to give notice to
557 residents within those areas; and

558 (II) publish notice of the hearing [~~in accordance with Section 45-1-101~~] on the Utah
559 Public Notice Website created in Section 63F-1-701.

560 (iii) Within 10 days after approving an annexation under Subsection (3)(b)(i) of an
561 area that is partly or entirely within a township, the municipal legislative body shall send

562 notice of the approval to the legislative body of the county in which the township is located.

563 Section 7. Section **10-2-415** is amended to read:

564 **10-2-415. Public hearing -- Notice.**

565 (1) (a) (i) If the results of the feasibility study or supplemental feasibility study meet
566 the requirements of Subsection 10-2-416(3) with respect to a proposed annexation of an area
567 located in a county of the first class, the commission shall hold a public hearing within 30
568 days of receipt of the feasibility study or supplemental feasibility study results.

569 (ii) At the hearing under Subsection (1)(a)(i), the commission shall:

570 (A) require the feasibility consultant to present the results of the feasibility study and,
571 if applicable, the supplemental feasibility study;

572 (B) allow those present to ask questions of the feasibility consultant regarding the
573 study results; and

574 (C) allow those present to speak to the issue of annexation.

575 (iii) (A) The commission shall:

576 (I) publish notice of each hearing under Subsection (1)(a)(i):

577 (Aa) at least once a week for two successive weeks in a newspaper of general
578 circulation within the area proposed for annexation, the surrounding 1/2 mile of
579 unincorporated area, and the proposed annexing municipality; and

580 (Bb) ~~[in accordance with Section 45-1-101]~~ on the Utah Public Notice Website
581 created in Section 63F-1-701, for two weeks; and

582 (II) send written notice of the hearing to the municipal legislative body of the proposed
583 annexing municipality, the contact sponsor on the annexation petition, each entity that filed a
584 protest, and, if a protest was filed under Subsection 10-2-407(1)(a)(ii), the contact person.

585 (B) In accordance with Subsection (1)(a)(iii)(A)(I)(Aa), if there is no newspaper of
586 general circulation within the areas described in Subsection (1)(a)(iii)(A)(I)(Aa), the
587 commission shall give the notice required under that subsection by posting notices, at least
588 seven days before the hearing, in conspicuous places within those areas that are most likely to
589 give notice of the hearing to the residents of those areas.

590 (C) The notice under Subsections (1)(a)(iii)(A) and (B) shall include the feasibility
591 study summary under Subsection 10-2-413(2)(b) and shall indicate that a full copy of the
592 study is available for inspection and copying at the office of the commission.

593 (b) (i) Within 30 days after the time under Subsection 10-2-407(2) for filing a protest
594 has expired with respect to a proposed annexation of an area located in a specified county, the
595 boundary commission shall hold a hearing on all protests that were filed with respect to the
596 proposed annexation.

597 (ii) (A) At least 14 days before the date of each hearing under Subsection (1)(b)(i), the
598 commission chair shall cause notice of the hearing to be published in a newspaper of general
599 circulation within the area proposed for annexation.

600 (B) Each notice under Subsection (1)(b)(ii)(A) shall:

601 (I) state the date, time, and place of the hearing;

602 (II) briefly summarize the nature of the protest; and

603 (III) state that a copy of the protest is on file at the commission's office.

604 (iii) The commission may continue a hearing under Subsection (1)(b)(i) from time to
605 time, but no continued hearing may be held later than 60 days after the original hearing date.

606 (iv) In considering protests, the commission shall consider whether the proposed
607 annexation:

608 (A) complies with the requirements of Sections 10-2-402 and 10-2-403 and the
609 annexation policy plan of the proposed annexing municipality;

610 (B) conflicts with the annexation policy plan of another municipality; and

611 (C) if the proposed annexation includes urban development, will have an adverse tax
612 consequence on the remaining unincorporated area of the county.

613 (2) (a) The commission shall record each hearing under this section by electronic
614 means.

615 (b) A transcription of the recording under Subsection (2)(a), the feasibility study, if
616 applicable, information received at the hearing, and the written decision of the commission
617 shall constitute the record of the hearing.

618 Section 8. Section **10-2-418** is amended to read:

619 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**
620 **Hearing.**

621 (1) (a) Notwithstanding Subsection 10-2-402(2), a municipality may annex an
622 unincorporated area under this section without an annexation petition if:

623 (i) (A) the area to be annexed consists of one or more unincorporated islands within or
624 unincorporated peninsulas contiguous to the municipality;

625 (B) the majority of each island or peninsula consists of residential or commercial
626 development;

627 (C) the area proposed for annexation requires the delivery of municipal-type services;
628 and

629 (D) the municipality has provided most or all of the municipal-type services to the
630 area for more than one year;

631 (ii) (A) the area to be annexed consists of one or more unincorporated islands within
632 or unincorporated peninsulas contiguous to the municipality, each of which has fewer than
633 800 residents; and

634 (B) the municipality has provided one or more municipal-type services to the area for
635 at least one year; or

636 (iii) (A) the area consists of:

637 (I) an unincorporated island within or an unincorporated peninsula contiguous to the
638 municipality; and

639 (II) no more than 50 acres; and

640 (B) the county in which the area is located and the municipality agree that the area
641 should be included within the municipality.

642 (b) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a
643 portion of an unincorporated island or unincorporated peninsula under this section, leaving
644 unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:

645 (i) in adopting the resolution under Subsection (2)(a)(i), the municipal legislative body

646 determines that not annexing the entire unincorporated island or unincorporated peninsula is
647 in the municipality's best interest; and

648 (ii) for an annexation of one or more unincorporated islands under Subsection
649 (1)(a)(ii), the entire island of unincorporated area, of which a portion is being annexed,
650 complies with the requirement of Subsection (1)(a)(ii)(A) relating to the number of residents.

651 (2) (a) The legislative body of each municipality intending to annex an area under this
652 section shall:

653 (i) adopt a resolution indicating the municipal legislative body's intent to annex the
654 area, describing the area proposed to be annexed;

655 (ii) publish notice:

656 (A) (I) at least once a week for three successive weeks in a newspaper of general
657 circulation within the municipality and the area proposed for annexation; or

658 (II) if there is no newspaper of general circulation in the areas described in Subsection
659 (2)(a)(ii)(A), post at least one notice per 1,000 population in places within those areas that are
660 most likely to give notice to the residents of those areas; and

661 (B) [~~in accordance with Section 45-1-101~~] on the Utah Public Notice Website created
662 in Section 63F-1-701, for three weeks;

663 (iii) send written notice to the board of each local district and special service district
664 whose boundaries contain some or all of the area proposed for annexation and to the
665 legislative body of the county in which the area proposed for annexation is located; and

666 (iv) hold a public hearing on the proposed annexation no earlier than 30 days after the
667 adoption of the resolution under Subsection (2)(a)(i).

668 (b) Each notice under Subsections (2)(a)(ii) and (iii) shall:

669 (i) state that the municipal legislative body has adopted a resolution indicating its
670 intent to annex the area proposed for annexation;

671 (ii) state the date, time, and place of the public hearing under Subsection (2)(a)(iv);

672 (iii) describe the area proposed for annexation; and

673 (iv) except for an annexation that meets the property owner consent requirements of

674 Subsection (3)(b), state in conspicuous and plain terms that the municipal legislative body will
675 annex the area unless, at or before the public hearing under Subsection (2)(a)(iv), written
676 protests to the annexation are filed by the owners of private real property that:

677 (A) is located within the area proposed for annexation;

678 (B) covers a majority of the total private land area within the entire area proposed for
679 annexation; and

680 (C) is equal in value to at least 1/2 the value of all private real property within the
681 entire area proposed for annexation.

682 (c) The first publication of the notice required under Subsection (2)(a)(ii)(A) shall be
683 within 14 days of the municipal legislative body's adoption of a resolution under Subsection
684 (2)(a)(i).

685 (3) (a) Upon conclusion of the public hearing under Subsection (2)(a)(iv), the
686 municipal legislative body may adopt an ordinance approving the annexation of the area
687 proposed for annexation under this section unless, at or before the hearing, written protests to
688 the annexation have been filed with the city recorder or town clerk, as the case may be, by the
689 owners of private real property that:

690 (i) is located within the area proposed for annexation;

691 (ii) covers a majority of the total private land area within the entire area proposed for
692 annexation; and

693 (iii) is equal in value to at least 1/2 the value of all private real property within the
694 entire area proposed for annexation.

695 (b) (i) Upon conclusion of the public hearing under Subsection (2)(a)(iv), a
696 municipality may adopt an ordinance approving the annexation of the area proposed for
697 annexation under this section without allowing or considering protests under Subsection (3)(a)
698 if the owners of at least 75% of the total private land area within the entire area proposed for
699 annexation, representing at least 75% of the value of the private real property within the entire
700 area proposed for annexation, have consented in writing to the annexation.

701 (ii) Upon the effective date under Section 10-2-425 of an annexation approved by an

702 ordinance adopted under Subsection (3)(b)(i), the area annexed shall be conclusively
703 presumed to be validly annexed.

704 (4) (a) If protests are timely filed that comply with Subsection (3), the municipal
705 legislative body may not adopt an ordinance approving the annexation of the area proposed for
706 annexation, and the annexation proceedings under this section shall be considered terminated.

707 (b) Subsection (4)(a) may not be construed to prohibit the municipal legislative body
708 from excluding from a proposed annexation under Subsection (1)(a)(ii) the property within an
709 unincorporated island regarding which protests have been filed and proceeding under
710 Subsection (1)(b) to annex some or all of the remaining portion of the unincorporated island.

711 Section 9. Section **10-2-419** is amended to read:

712 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

713 (1) The legislative bodies of two or more municipalities having common boundaries
714 may adjust their common boundaries as provided in this section.

715 (2) (a) The legislative body of each municipality intending to adjust a boundary that is
716 common with another municipality shall:

717 (i) adopt a resolution indicating the intent of the municipal legislative body to adjust a
718 common boundary;

719 (ii) hold a public hearing on the proposed adjustment no less than 60 days after the
720 adoption of the resolution under Subsection (2)(a)(i); and

721 (iii) (A) publish notice:

722 (I) at least once a week for three successive weeks in a newspaper of general
723 circulation within the municipality; or

724 (II) if there is no newspaper of general circulation within the municipality, post at least
725 one notice per 1,000 population in places within the municipality that are most likely to give
726 notice to residents of the municipality; and

727 (B) ~~[in accordance with Section 45-1-101]~~ on the Utah Public Notice Website created
728 in Section 63F-1-701 for three weeks.

729 (b) The notice required under Subsection (2)(a)(iii) shall:

730 (i) state that the municipal legislative body has adopted a resolution indicating the
731 municipal legislative body's intent to adjust a boundary that the municipality has in common
732 with another municipality;

733 (ii) describe the area proposed to be adjusted;

734 (iii) state the date, time, and place of the public hearing required under Subsection
735 (2)(a)(ii);

736 (iv) state in conspicuous and plain terms that the municipal legislative body will adjust
737 the boundaries unless, at or before the public hearing under Subsection (2)(a)(ii), written
738 protests to the adjustment are filed by the owners of private real property that:

739 (A) is located within the area proposed for adjustment;

740 (B) covers at least 25% of the total private land area within the area proposed for
741 adjustment; and

742 (C) is equal in value to at least 15% of the value of all private real property within the
743 area proposed for adjustment;

744 (v) state that the area that is the subject of the boundary adjustment will, because of
745 the boundary adjustment, be automatically annexed to a local district providing fire protection,
746 paramedic, and emergency services or a local district providing law enforcement service, as
747 the case may be, as provided in Section 17B-1-416, if:

748 (A) the municipality to which the area is being added because of the boundary
749 adjustment is entirely within the boundaries of a local district:

750 (I) that provides fire protection, paramedic, and emergency services or law
751 enforcement service, respectively; and

752 (II) in the creation of which an election was not required because of Subsection
753 17B-1-214(3)(c); and

754 (B) the municipality from which the area is being taken because of the boundary
755 adjustment is not within the boundaries of the local district; and

756 (vi) state that the area proposed for annexation to the municipality will be
757 automatically withdrawn from a local district providing fire protection, paramedic, and

758 emergency services, as provided in Subsection 17B-1-502(2), if:

759 (A) the municipality to which the area is being added because of the boundary
760 adjustment is not within the boundaries of a local district:

761 (I) that provides fire protection, paramedic, and emergency services; and

762 (II) in the creation of which an election was not required because of Subsection
763 17B-1-214(3)(c); and

764 (B) the municipality from which the area is being taken because of the boundary
765 adjustment is entirely within the boundaries of the local district.

766 (c) The first publication of the notice required under Subsection (2)(a)(iii)(A) shall be
767 within 14 days of the municipal legislative body's adoption of a resolution under Subsection
768 (2)(a)(i).

769 (3) Upon conclusion of the public hearing under Subsection (2)(a)(ii), the municipal
770 legislative body may adopt an ordinance approving the adjustment of the common boundary
771 unless, at or before the hearing under Subsection (2)(a)(ii), written protests to the adjustment
772 have been filed with the city recorder or town clerk, as the case may be, by the owners of
773 private real property that:

774 (a) is located within the area proposed for adjustment;

775 (b) covers at least 25% of the total private land area within the area proposed for
776 adjustment; and

777 (c) is equal in value to at least 15% of the value of all private real property within the
778 area proposed for adjustment.

779 (4) The municipal legislative body shall comply with the requirements of Section
780 10-2-425 as if the boundary adjustment were an annexation.

781 (5) (a) An ordinance adopted under Subsection (3) becomes effective when each
782 municipality involved in the boundary adjustment has adopted an ordinance under Subsection
783 (3).

784 (b) The effective date of a boundary adjustment under this section is governed by
785 Section 10-2-425.

786 Section 10. Section **10-2-502.5** is amended to read:

787 **10-2-502.5. Hearing on request for disconnection -- Determination by municipal**
788 **legislative body -- Petition in district court.**

789 (1) Within 30 calendar days after the last publication of notice required under
790 Subsection 10-2-501(3)(a), the legislative body of the municipality in which the area proposed
791 for disconnection is located shall hold a public hearing.

792 (2) At least seven calendar days before the hearing date, the municipal legislative body
793 shall provide notice of the public hearing:

794 (a) in writing to the petitioners and to the legislative body of the county in which the
795 area proposed for disconnection is located; and

796 (b) by publishing a notice:

797 (i) (A) in a newspaper of general circulation within the municipality; or

798 (B) if there is no newspaper as described in Subsection (2)(b)(i)(A), then by posting
799 notice of the hearing in at least three public places within the municipality; and

800 (ii) ~~[as required in Section 45-1-101]~~ on the Utah Public Notice Website created in
801 Section 63F-1-701.

802 (3) In the public hearing, any person may speak and submit documents regarding the
803 disconnection proposal.

804 (4) Within 45 calendar days of the hearing, the municipal legislative body shall:

805 (a) determine whether to grant the request for disconnection; and

806 (b) if the municipality determines to grant the request, adopt an ordinance approving
807 disconnection of the area from the municipality.

808 (5) (a) A petition against the municipality challenging the municipal legislative body's
809 determination under Subsection (4) may be filed in district court by:

810 (i) petitioners; or

811 (ii) the county in which the area proposed for disconnection is located.

812 (b) Each petition under Subsection (5)(a) shall include a copy of the request for
813 disconnection.

814 Section 11. Section **10-3-818** is amended to read:

815 **10-3-818. Salaries in municipalities.**

816 (1) The elective and statutory officers of municipalities shall receive such
817 compensation for their services as the governing body may fix by ordinance adopting
818 compensation or compensation schedules enacted after public hearing.

819 (2) Upon its own motion the governing body may review or consider the compensation
820 of any officer or officers of the municipality or a salary schedule applicable to any officer or
821 officers of the city for the purpose of determining whether or not it should be adopted,
822 changed, or amended. In the event that the governing body decides that the compensation or
823 compensation schedules should be adopted, changed, or amended, it shall set a time and place
824 for a public hearing at which all interested persons shall be given an opportunity to be heard.

825 (3) (a) Notice of the time, place, and purpose of the meeting shall be published at least
826 seven days before the meeting by publication:

827 (i) at least once in a newspaper published in the county within which the municipality
828 is situated and generally circulated in the municipality; and

829 (ii) ~~[as required in Section 45-1-101]~~ on the Utah Public Notice Website created in
830 Section 63F-1-701.

831 (b) If there is not a newspaper as described in Subsection (3)(a)(i), then notice shall be
832 given by posting this notice in three public places in the municipality.

833 (4) After the conclusion of the public hearing, the governing body may enact an
834 ordinance fixing, changing, or amending the compensation of any elective or appointive
835 officer of the municipality or adopting a compensation schedule applicable to any officer or
836 officers.

837 (5) Any ordinance enacted before Laws of Utah 1977, Chapter 48, by a municipality
838 establishing a salary or compensation schedule for its elective or appointive officers and any
839 salary fixed prior to Laws of Utah 1977, Chapter 48, shall remain effective until the
840 municipality has enacted an ordinance pursuant to the provisions of this chapter.

841 (6) The compensation of all municipal officers shall be paid at least monthly out of the

842 municipal treasury provided that municipalities having 1,000 or fewer population may by
843 ordinance provide for the payment of its statutory officers less frequently. None of the
844 provisions of this chapter shall be considered as limiting or restricting the authority to any
845 municipality that has adopted or does adopt a charter pursuant to Utah Constitution, Article
846 XI, Section 5, to determine the salaries of its elective and appointive officers or employees.

847 Section 12. Section **10-5-108** is amended to read:

848 **10-5-108. Budget hearing -- Notice -- Adjustments.**

849 (1) Prior to the adoption of the final budget, each town council shall hold a public
850 hearing to receive public comment.

851 (2) The council shall provide notice of the place, purpose, and time of the public
852 hearing by publishing notice at least seven days before the hearing:

853 (a) (i) at least once in a newspaper of general circulation in the town; or

854 (ii) if there is no newspaper of general circulation, then by posting the notice in three
855 public places at least 48 hours prior to the hearing; and

856 (b) [~~as required in Section 45-1-101~~] on the Utah Public Notice Website created in
857 Section 63F-1-701.

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

860 Section 13. Section **10-6-113** is amended to read:

861 **10-6-113. Budget -- Notice of hearing to consider adoption.**

862 At the meeting at which each tentative budget is adopted, the governing body shall
863 establish the time and place of a public hearing to consider its adoption and shall order that
864 notice of the public hearing be published at least seven days prior to the hearing:

865 (1) (a) in at least one issue of a newspaper of general circulation published in the
866 county in which the city is located; or

867 (b) if there is not a newspaper as described in Subsection (1)(a), then the notice
868 required by this section may be posted in three public places within the city; and

869 (2) [~~as required in Section 45-1-101~~] on the Utah Public Notice Website created in

870 Section 63F-1-701.

871 Section 14. Section **10-8-2** is amended to read:

872 **10-8-2. Appropriations -- Acquisition and disposal of property -- Municipal**
873 **authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.**

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

875 (i) appropriate money for corporate purposes only;

876 (ii) provide for payment of debts and expenses of the corporation;

877 (iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and
878 dispose of real and personal property for the benefit of the municipality, whether the property
879 is within or without the municipality's corporate boundaries, if the action is in the public
880 interest and complies with other law;

881 (iv) improve, protect, and do any other thing in relation to this property that an
882 individual could do; and

883 (v) subject to Subsection (2) and after first holding a public hearing, authorize
884 municipal services or other nonmonetary assistance to be provided to or waive fees required to
885 be paid by a nonprofit entity, whether or not the municipality receives consideration in return.

886 (b) A municipality may:

887 (i) furnish all necessary local public services within the municipality;

888 (ii) purchase, hire, construct, own, maintain and operate, or lease public utilities
889 located and operating within and operated by the municipality; and

890 (iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property
891 located inside or outside the corporate limits of the municipality and necessary for any of the
892 purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B,
893 Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.

894 (c) Each municipality that intends to acquire property by eminent domain under
895 Subsection (1)(b) shall, upon the first contact with the owner of the property sought to be
896 acquired, deliver to the owner a copy of a booklet or other materials provided by the Office of
897 the Property Rights Ombudsman, created under Section 13-43-201, dealing with the property

898 owner's rights in an eminent domain proceeding.

899 (d) Subsection (1)(b) may not be construed to diminish any other authority a
900 municipality may claim to have under the law to acquire by eminent domain property located
901 inside or outside the municipality.

902 (2) (a) Services or assistance provided pursuant to Subsection (1)(a)(v) is not subject
903 to the provisions of Subsection (3).

904 (b) The total amount of services or other nonmonetary assistance provided or fees
905 waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the
906 municipality's budget for that fiscal year.

907 (3) It is considered a corporate purpose to appropriate money for any purpose that, in
908 the judgment of the municipal legislative body, provides for the safety, health, prosperity,
909 moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality
910 subject to the following:

911 (a) The net value received for any money appropriated shall be measured on a
912 project-by-project basis over the life of the project.

913 (b) The criteria for a determination under this Subsection (3) shall be established by
914 the municipality's legislative body. A determination of value received, made by the
915 municipality's legislative body, shall be presumed valid unless it can be shown that the
916 determination was arbitrary, capricious, or illegal.

917 (c) The municipality may consider intangible benefits received by the municipality in
918 determining net value received.

919 (d) (i) Prior to the municipal legislative body making any decision to appropriate any
920 funds for a corporate purpose under this section, a public hearing shall be held.

921 (ii) Notice of the hearing described in Subsection (3)(d)(i) shall be published:

922 (A) (I) in a newspaper of general circulation at least 14 days before the date of the
923 hearing; or

924 (II) if there is no newspaper of general circulation, by posting notice in at least three
925 conspicuous places within the municipality for the same time period; and

926 (B) ~~[in accordance with Section 45-1-101]~~ on the Utah Public Notice Website created
927 in Section 63F-1-701, at least 14 days before the date of the hearing.

928 (e) A study shall be performed before notice of the public hearing is given and shall be
929 made available at the municipality for review by interested parties at least 14 days
930 immediately prior to the public hearing, setting forth an analysis and demonstrating the
931 purpose for the appropriation. In making the study, the following factors shall be considered:

932 (i) what identified benefit the municipality will receive in return for any money or
933 resources appropriated;

934 (ii) the municipality's purpose for the appropriation, including an analysis of the way
935 the appropriation will be used to enhance the safety, health, prosperity, moral well-being,
936 peace, order, comfort, or convenience of the inhabitants of the municipality; and

937 (iii) whether the appropriation is necessary and appropriate to accomplish the
938 reasonable goals and objectives of the municipality in the area of economic development, job
939 creation, affordable housing, blight elimination, job preservation, the preservation of historic
940 structures and property, and any other public purpose.

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

943 (ii) The appeal shall be filed within 30 days after the date of that decision, to the
944 district court.

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

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

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

951 (h) This section applies only to appropriations not otherwise approved pursuant to
952 Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6,
953 Uniform Fiscal Procedures Act for Utah Cities.

954 (4) (a) Before a municipality may dispose of a significant parcel of real property, the
955 municipality shall:

956 (i) provide reasonable notice of the proposed disposition at least 14 days before the
957 opportunity for public comment under Subsection (4)(a)(ii); and

958 (ii) allow an opportunity for public comment on the proposed disposition.

959 (b) Each municipality shall, by ordinance, define what constitutes:

960 (i) a significant parcel of real property for purposes of Subsection (4)(a); and

961 (ii) reasonable notice for purposes of Subsection (4)(a)(i).

962 (5) (a) Except as provided in Subsection (5)(d), each municipality intending to acquire
963 real property for the purpose of expanding the municipality's infrastructure or other facilities
964 used for providing services that the municipality offers or intends to offer shall provide written
965 notice, as provided in this Subsection (5), of its intent to acquire the property if:

966 (i) the property is located:

967 (A) outside the boundaries of the municipality; and

968 (B) in a county of the first or second class; and

969 (ii) the intended use of the property is contrary to:

970 (A) the anticipated use of the property under the general plan of the county in whose
971 unincorporated area or the municipality in whose boundaries the property is located; or

972 (B) the property's current zoning designation.

973 (b) Each notice under Subsection (5)(a) shall:

974 (i) indicate that the municipality intends to acquire real property;

975 (ii) identify the real property; and

976 (iii) be sent to:

977 (A) each county in whose unincorporated area and each municipality in whose
978 boundaries the property is located; and

979 (B) each affected entity.

980 (c) A notice under this Subsection (5) is a protected record as provided in Subsection
981 63G-2-305(7).

982 (d) (i) The notice requirement of Subsection (5)(a) does not apply if the municipality
983 previously provided notice under Section 10-9a-203 identifying the general location within the
984 municipality or unincorporated part of the county where the property to be acquired is located.

985 (ii) If a municipality is not required to comply with the notice requirement of
986 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide
987 the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real
988 property.

989 Section 15. Section **10-9a-204** is amended to read:

990 **10-9a-204. Notice of public hearings and public meetings to consider general**
991 **plan or modifications.**

992 (1) Each municipality shall provide:

993 (a) notice of the date, time, and place of the first public hearing to consider the
994 original adoption or any modification of all or any portion of a general plan; and

995 (b) notice of each public meeting on the subject.

996 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10
997 calendar days before the public hearing and shall be:

998 (a) (i) published in a newspaper of general circulation in the area; and

999 (ii) published [~~as required in Section 45-1-101~~] on the Utah Public Notice Website
1000 created in Section 63F-1-701;

1001 (b) mailed to each affected entity; and

1002 (c) posted:

1003 (i) in at least three public locations within the municipality; or

1004 (ii) on the municipality's official website.

1005 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
1006 before the meeting and shall be:

1007 (a) (i) submitted to a newspaper of general circulation in the area; and

1008 (ii) published [~~as required in Section 45-1-101~~] on the Utah Public Notice Website
1009 created in Section 63F-1-701; and

- 1010 (b) posted:
- 1011 (i) in at least three public locations within the municipality; or
- 1012 (ii) on the municipality's official website.
- 1013 Section 16. Section **10-9a-205** is amended to read:
- 1014 **10-9a-205. Notice of public hearings and public meetings on adoption or**
- 1015 **modification of land use ordinance.**
- 1016 (1) Each municipality shall give:
- 1017 (a) notice of the date, time, and place of the first public hearing to consider the
- 1018 adoption or any modification of a land use ordinance; and
- 1019 (b) notice of each public meeting on the subject.
- 1020 (2) Each notice of a public hearing under Subsection (1)(a) shall be:
- 1021 (a) mailed to each affected entity at least 10 calendar days before the public hearing;
- 1022 (b) posted:
- 1023 (i) in at least three public locations within the municipality; or
- 1024 (ii) on the municipality's official website; and
- 1025 (c) (i) (A) published in a newspaper of general circulation in the area at least 10
- 1026 calendar days before the public hearing; and
- 1027 (B) published [~~in accordance with Section 45-1-101~~] on the Utah Public Notice
- 1028 Website created in Section 63F-1-701, at least 10 calendar days before the public hearing; or
- 1029 (ii) mailed at least three days before the public hearing to:
- 1030 (A) each property owner whose land is directly affected by the land use ordinance
- 1031 change; and
- 1032 (B) each adjacent property owner within the parameters specified by municipal
- 1033 ordinance.
- 1034 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
- 1035 before the meeting and shall be posted:
- 1036 (a) in at least three public locations within the municipality; or
- 1037 (b) on the municipality's official website.

1038 Section 17. Section **10-9a-208** is amended to read:

1039 **10-9a-208. Hearing and notice for proposal to vacate a public street,**
1040 **right-of-way, or easement.**

1041 (1) For any proposal to vacate some or all of a public street, right-of-way, or easement,
1042 the legislative body shall:

1043 (a) hold a public hearing; and

1044 (b) give notice of the date, place, and time of the hearing, as provided in Subsection

1045 (2).

1046 (2) At least 10 days before the public hearing under Subsection (1)(a), the notice
1047 required under Subsection (1)(b) shall be:

1048 (a) mailed to the record owner of each parcel that is accessed by the public street,
1049 right-of-way, or easement;

1050 (b) mailed to each affected entity;

1051 (c) posted on or near the street, right-of-way, or easement in a manner that is
1052 calculated to alert the public; and

1053 (d) (i) published in a newspaper of general circulation in the municipality in which the
1054 land subject to the petition is located; and

1055 (ii) published [~~as required in Section 45-1-101~~] on the Utah Public Notice Website
1056 created in Section 63F-1-701.

1057 Section 18. Section **10-18-203** is amended to read:

1058 **10-18-203. Feasibility study on providing cable television or public**
1059 **telecommunications services -- Public hearings.**

1060 (1) If a feasibility consultant is hired under Section 10-18-202, the legislative body of
1061 the municipality shall require the feasibility consultant to:

1062 (a) complete the feasibility study in accordance with this section;

1063 (b) submit to the legislative body by no later than 180 days from the date the
1064 feasibility consultant is hired to conduct the feasibility study:

1065 (i) the full written results of the feasibility study; and

- 1066 (ii) a summary of the results that is no longer than one page in length; and
- 1067 (c) attend the public hearings described in Subsection (4) to:
 - 1068 (i) present the feasibility study results; and
 - 1069 (ii) respond to questions from the public.
- 1070 (2) The feasibility study described in Subsection (1) shall at a minimum consider:
 - 1071 (a) (i) if the municipality is proposing to provide cable television services to
 - 1072 subscribers, whether the municipality providing cable television services in the manner
 - 1073 proposed by the municipality will hinder or advance competition for cable television services
 - 1074 in the municipality; or
 - 1075 (ii) if the municipality is proposing to provide public telecommunications services to
 - 1076 subscribers, whether the municipality providing public telecommunications services in the
 - 1077 manner proposed by the municipality will hinder or advance competition for public
 - 1078 telecommunications services in the municipality;
 - 1079 (b) whether but for the municipality any person would provide the proposed:
 - 1080 (i) cable television services; or
 - 1081 (ii) public telecommunications services;
 - 1082 (c) the fiscal impact on the municipality of:
 - 1083 (i) the capital investment in facilities that will be used to provide the proposed:
 - 1084 (A) cable television services; or
 - 1085 (B) public telecommunications services; and
 - 1086 (ii) the expenditure of funds for labor, financing, and administering the proposed:
 - 1087 (A) cable television services; or
 - 1088 (B) public telecommunications services;
 - 1089 (d) the projected growth in demand in the municipality for the proposed:
 - 1090 (i) cable television services; or
 - 1091 (ii) public telecommunications services;
 - 1092 (e) the projections at the time of the feasibility study and for the next five years, of a
 - 1093 full-cost accounting for a municipality to purchase, lease, construct, maintain, or operate the

1094 facilities necessary to provide the proposed:

1095 (i) cable television services; or

1096 (ii) public telecommunications services; and

1097 (f) the projections at the time of the feasibility study and for the next five years of the

1098 revenues to be generated from the proposed:

1099 (i) cable television services; or

1100 (ii) public telecommunications services.

1101 (3) For purposes of the financial projections required under Subsections (2)(e) and (f),

1102 the feasibility consultant shall assume that the municipality will price the proposed cable

1103 television services or public telecommunications services consistent with Subsection

1104 10-18-303(5).

1105 (4) If the results of the feasibility study satisfy the revenue requirement of Subsection

1106 10-18-202(3), the legislative body, at the next regular meeting after the legislative body

1107 receives the results of the feasibility study, shall schedule at least two public hearings to be

1108 held:

1109 (a) within 60 days of the meeting at which the public hearings are scheduled;

1110 (b) at least seven days apart; and

1111 (c) for the purpose of allowing:

1112 (i) the feasibility consultant to present the results of the feasibility study; and

1113 (ii) the public to:

1114 (A) become informed about the feasibility study results; and

1115 (B) ask questions of the feasibility consultant about the results of the feasibility study.

1116 (5) (a) Except as provided in Subsection (5)(b), the municipality shall publish notice

1117 of the public hearings required under Subsection (4):

1118 (i) at least once a week for three consecutive weeks in a newspaper of general

1119 circulation in the municipality and at least three days before the first public hearing required

1120 under Subsection (4); and

1121 (ii) ~~[in accordance with Section 45-1-101]~~ on the Utah Public Notice Website created

1122 in Section 63F-1-701, for three weeks, at least three days before the first public hearing
1123 required under Subsection (4).

1124 (b) (i) In accordance with Subsection (5)(a)(i), if there is no newspaper of general
1125 circulation in the municipality, for each 1,000 residents, the municipality shall post at least
1126 one notice of the hearings in a conspicuous place within the municipality that is likely to give
1127 notice of the hearings to the greatest number of residents of the municipality.

1128 (ii) The municipality shall post the notices at least seven days before the first public
1129 hearing required under Subsection (4) is held.

1130 Section 19. Section **10-18-302** is amended to read:

1131 **10-18-302. Bonding authority.**

1132 (1) In accordance with Title 11, Chapter 14, Local Government Bonding Act, the
1133 legislative body of a municipality may by resolution determine to issue one or more revenue
1134 bonds or general obligation bonds to finance the capital costs for facilities necessary to
1135 provide to subscribers:

1136 (a) a cable television service; or

1137 (b) a public telecommunications service.

1138 (2) The resolution described in Subsection (1) shall:

1139 (a) describe the purpose for which the indebtedness is to be created; and

1140 (b) specify the dollar amount of the one or more bonds proposed to be issued.

1141 (3) (a) A revenue bond issued under this section shall be secured and paid for:

1142 (i) from the revenues generated by the municipality from providing:

1143 (A) cable television services with respect to revenue bonds issued to finance facilities
1144 for the municipality's cable television services; and

1145 (B) public telecommunications services with respect to revenue bonds issued to
1146 finance facilities for the municipality's public telecommunications services; and

1147 (ii) notwithstanding Subsection (3)(b) and Subsection 10-18-303(3)(a), from revenues
1148 generated under Title 59, Chapter 12, Sales and Use Tax Act, if:

1149 (A) notwithstanding Subsection 11-14-201(3) and except as provided in Subsections

1150 (4) and (5), the revenue bond is approved by the registered voters in an election held:
1151 (I) except as provided in Subsection (3)(a)(ii)(A)(II), pursuant to the provisions of
1152 Title 11, Chapter 14, Local Government Bonding Act, that govern bond elections; and
1153 (II) notwithstanding Subsection 11-14-203(2), at a regular general election;
1154 (B) the revenues described in this Subsection (3)(a)(ii) are pledged as security for the
1155 revenue bond; and
1156 (C) the municipality or municipalities annually appropriate the revenues described in
1157 this Subsection (3)(a)(ii) to secure and pay the revenue bond issued under this section.
1158 (b) Except as provided in Subsection (3)(a)(ii), a municipality may not pay the
1159 origination, financing, or other carrying costs associated with the one or more revenue bonds
1160 issued under this section from the general funds or other enterprise funds of the municipality.
1161 (4) (a) As used in this Subsection (4), "municipal entity" means an entity created
1162 pursuant to an agreement:
1163 (i) under Title 11, Chapter 13, Interlocal Cooperation Act; and
1164 (ii) to which a municipality is a party.
1165 (b) The requirements of Subsection (3)(a)(ii)(A) do not apply to a municipality or
1166 municipal entity that issues revenue bonds, or to a municipality that is a member of a
1167 municipal entity that issues revenue bonds, if:
1168 (i) on or before March 2, 2004, the municipality that is issuing revenue bonds or that
1169 is a member of a municipal entity that is issuing revenue bonds has published the first notice
1170 described in Subsection (4)(b)(iii);
1171 (ii) on or before April 15, 2004, the municipality that is issuing revenue bonds or that
1172 is a member of a municipal entity that is issuing revenue bonds makes the decision to pledge
1173 the revenues described in Subsection (3)(a)(ii) as security for the revenue bonds described in
1174 this Subsection (4)(b)(ii);
1175 (iii) the municipality that is issuing the revenue bonds or the municipality that is a
1176 member of the municipal entity that is issuing the revenue bonds has:
1177 (A) held a public hearing for which public notice was given by publication of the

1178 notice:

1179 (I) in a newspaper published in the municipality or in a newspaper of general
1180 circulation within the municipality for two consecutive weeks, with the first publication being
1181 not less than 14 days before the public hearing; and

1182 (II) [~~in accordance with Section 45-1-101~~] on the Utah Public Notice Website created
1183 in Section 63F-1-701, for two weeks before the public hearing; and

1184 (B) the notice identifies:

1185 (I) that the notice is given pursuant to Title 11, Chapter 14, Local Government
1186 Bonding Act;

1187 (II) the purpose for the bonds to be issued;

1188 (III) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will
1189 be pledged in any fiscal year;

1190 (IV) the maximum number of years that the pledge will be in effect; and

1191 (V) the time, place, and location for the public hearing;

1192 (iv) the municipal entity that issues revenue bonds:

1193 (A) adopts a final financing plan; and

1194 (B) in accordance with Title 63G, Chapter 2, Government Records Access and
1195 Management Act, makes available to the public at the time the municipal entity adopts the
1196 final financing plan:

1197 (I) the final financing plan; and

1198 (II) all contracts entered into by the municipal entity, except as protected by Title 63G,
1199 Chapter 2, Government Records Access and Management Act;

1200 (v) any municipality that is a member of a municipal entity described in Subsection
1201 (4)(b)(iv):

1202 (A) not less than 30 calendar days after the municipal entity complies with Subsection
1203 (4)(b)(iv)(B), holds a final public hearing;

1204 (B) provides notice, at the time the municipality schedules the final public hearing, to
1205 any person who has provided to the municipality a written request for notice; and

1206 (C) makes all reasonable efforts to provide fair opportunity for oral testimony by all
1207 interested parties; and

1208 (vi) except with respect to a municipality that issued bonds prior to March 1, 2004,
1209 not more than 50% of the average annual debt service of all revenue bonds described in this
1210 section to provide service throughout the municipality or municipal entity may be paid from
1211 the revenues described in Subsection (3)(a)(ii).

1212 (5) On or after July 1, 2007, the requirements of Subsection (3)(a)(ii)(A) do not apply
1213 to a municipality that issues revenue bonds if:

1214 (a) the municipality that is issuing the revenue bonds has:

1215 (i) held a public hearing for which public notice was given by publication of the
1216 notice;

1217 (A) in a newspaper published in the municipality or in a newspaper of general
1218 circulation within the municipality for two consecutive weeks, with the first publication being
1219 not less than 14 days before the public hearing; and

1220 (B) on the Utah Public Notice Website created in Section 63F-1-701, for 14 days
1221 before the public hearing; and

1222 (ii) the notice identifies:

1223 (A) that the notice is given pursuant to Title 11, Chapter 14, Local Government
1224 Bonding Act;

1225 (B) the purpose for the bonds to be issued;

1226 (C) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will
1227 be pledged in any fiscal year;

1228 (D) the maximum number of years that the pledge will be in effect; and

1229 (E) the time, place, and location for the public hearing; and

1230 (b) except with respect to a municipality that issued bonds prior to March 1, 2004, not
1231 more than 50% of the average annual debt service of all revenue bonds described in this
1232 section to provide service throughout the municipality or municipal entity may be paid from
1233 the revenues described in Subsection (3)(a)(ii).

1234 (6) A municipality that issues bonds pursuant to this section may not make or grant
1235 any undue or unreasonable preference or advantage to itself or to any private provider of:

- 1236 (a) cable television services; or
- 1237 (b) public telecommunications services.

1238 Section 20. Section **11-14-202** is amended to read:

1239 **11-14-202. Notice of election -- Contents -- Publication -- Mailing.**

1240 (1) The governing body shall ensure that notice of the election is published:

1241 (a) ~~[(i)(A)]~~ once per week during three consecutive weeks in a newspaper designated
1242 in accordance with Section 11-14-316~~[-and-(B)]~~, the first publication ~~[described in~~
1243 ~~Subsection (1)(a)(i)(A) occurs]~~ occurring not less than 21 nor more than 35 days before the
1244 election; and

1245 ~~[(C) in a newspaper having general circulation in the local political subdivision; and]~~

1246 (b) in accordance with Section 45-1-101 for the three weeks that immediately precede
1247 the election.

1248 (2) When the debt service on the bonds to be issued will increase the property tax
1249 imposed upon the average value of a residence by an amount that is greater than or equal to
1250 \$15 per year, the governing body shall, at least seven days but not more than 30 days before
1251 the bond election, if the bond election is not held on the date of a regular primary election, a
1252 municipal primary election, a regular general election, or a municipal general election, either
1253 mail:

1254 (a) written notice of the bond election on a minimum three inch by five inch postcard
1255 to every household containing a registered voter who is eligible to vote on the bonds; or

1256 (b) a voter information pamphlet prepared by the governing body, if one is prepared,
1257 that includes the information required by Subsection (4).

1258 (3) (a) Except as provided in Subsection (3)(b), notice of the bond election need not be
1259 posted.

1260 (b) (i) In a local political subdivision where there is no newspaper of general
1261 circulation, the legislative body may require that notice of a bond election be given by posting

1262 in lieu of the publication requirements of Subsection (1)(a)(i).

1263 (ii) When the governing body imposes a posting requirement, the governing body shall
1264 ensure that notice of the bond election is posted in at least five public places in the local
1265 political subdivision at least 21 days before the election.

1266 (4) Any notice required by this section shall include:

1267 (a) the date and place of the election;

1268 (b) the hours during which the polls will be open; and

1269 (c) the title and text of the ballot proposition.

1270 (5) The governing body shall pay the costs associated with the notice required by this
1271 section.

1272 Section 21. Section **11-42-402** is amended to read:

1273 **11-42-402. Notice of assessment and board of equalization hearing.**

1274 Each notice required under Subsection 11-42-401(2)(a)(iii) shall:

1275 (1) state:

1276 (a) that an assessment list is completed and available for examination at the offices of
1277 the local entity;

1278 (b) the total estimated or actual cost of the improvements;

1279 (c) the amount of the total estimated or actual cost of the proposed improvements to be
1280 paid by the local entity;

1281 (d) the amount of the assessment to be levied against benefitted property within the
1282 assessment area;

1283 (e) the assessment method used to calculate the proposed assessment;

1284 (f) the unit cost used to calculate the assessments shown on the assessment list, based
1285 on the assessment method used to calculate the proposed assessment; and

1286 (g) the dates, times, and place of the board of equalization hearings under Subsection
1287 11-42-401(2)(b);

1288 (2) beginning at least 20 but not more than 35 days before the first hearing of the
1289 board of equalization:

1290 (a) (i) be published at least once in a newspaper of general circulation within the local
1291 entity's jurisdictional boundaries; or

1292 (ii) if there is no newspaper of general circulation within the local entity's
1293 jurisdictional boundaries, be posted in at least three public places within the local entity's
1294 jurisdictional boundaries; and

1295 (b) be published [~~in accordance with Section 45-1-101~~] on the Utah Public Notice
1296 Website created in Section 63F-1-701 for 35 days before the first hearing of the board of
1297 equalization; and

1298 (3) be mailed, postage prepaid, within 10 days after the first publication or posting of
1299 the notice under Subsection (2) to each owner of property to be assessed within the proposed
1300 assessment area at the property owner's mailing address.

1301 Section 22. Section **17-27a-204** is amended to read:

1302 **17-27a-204. Notice of public hearings and public meetings to consider general**
1303 **plan or modifications.**

1304 (1) A county shall provide:

1305 (a) notice of the date, time, and place of the first public hearing to consider the
1306 original adoption or any modification of all or any portion of a general plan; and

1307 (b) notice of each public meeting on the subject.

1308 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10
1309 calendar days before the public hearing and shall be:

1310 (a) (i) published in a newspaper of general circulation in the area; and

1311 (ii) published [~~in accordance with Section 45-1-101~~] on the Utah Public Notice
1312 Website created in Section 63F-1-701;

1313 (b) mailed to each affected entity; and

1314 (c) posted:

1315 (i) in at least three public locations within the county; or

1316 (ii) on the county's official website.

1317 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours

1318 before the meeting and shall be:

1319 (a) (i) submitted to a newspaper of general circulation in the area; and

1320 (ii) published [~~in accordance with Section 45-1-101~~] on the Utah Public Notice

1321 Website created in Section 63F-1-701; and

1322 (b) posted:

1323 (i) in at least three public locations within the county; or

1324 (ii) on the county's official website.

1325 Section 23. Section **17-27a-205** is amended to read:

1326 **17-27a-205. Notice of public hearings and public meetings on adoption or**
1327 **modification of land use ordinance.**

1328 (1) Each county shall give:

1329 (a) notice of the date, time, and place of the first public hearing to consider the
1330 adoption or modification of a land use ordinance; and

1331 (b) notice of each public meeting on the subject.

1332 (2) Each notice of a public hearing under Subsection (1)(a) shall be:

1333 (a) mailed to each affected entity at least 10 calendar days before the public hearing;

1334 (b) posted:

1335 (i) in at least three public locations within the county; or

1336 (ii) on the county's official website; and

1337 (c) (i) published:

1338 (A) in a newspaper of general circulation in the area at least 10 calendar days before
1339 the public hearing; and

1340 (B) [~~in accordance with Section 45-1-101~~] on the Utah Public Notice Website created
1341 in Section 63F-1-701, at least 10 calendar days before the public hearing; or

1342 (ii) mailed at least three days before the public hearing to:

1343 (A) each property owner whose land is directly affected by the land use ordinance
1344 change; and

1345 (B) each adjacent property owner within the parameters specified by county

1346 ordinance.

1347 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
1348 before the hearing and shall be posted:

1349 (a) in at least three public locations within the county; or

1350 (b) on the county's official website.

1351 Section 24. Section **17-27a-208** is amended to read:

1352 **17-27a-208. Hearing and notice for proposal to vacate a public street,**
1353 **right-of-way, or easement.**

1354 (1) For any proposal to vacate some or all of a public street, right-of-way, or easement,
1355 the legislative body shall:

1356 (a) hold a public hearing; and

1357 (b) give notice of the date, place, and time of the hearing, as provided in Subsection
1358 (2).

1359 (2) At least 10 days before the public hearing under Subsection (1)(a), the notice
1360 required under Subsection (1)(b) shall be:

1361 (a) mailed to the record owner of each parcel that is accessed by the public street,
1362 right-of-way, or easement;

1363 (b) mailed to each affected entity;

1364 (c) posted on or near the street, right-of-way, or easement in a manner that is
1365 calculated to alert the public; and

1366 (d) (i) published in a newspaper of general circulation in the county in which the land
1367 subject to the petition is located; and

1368 (ii) published [~~as required in Section 45-1-101~~] on the Utah Public Notice Website
1369 created in Section 63F-1-701.

1370 Section 25. Section **17-27a-306** is amended to read:

1371 **17-27a-306. Townships.**

1372 (1) (a) A township may be established as provided in this Subsection (1).

1373 (b) A township may not be established unless the area to be included within the

1374 proposed township:

1375 (i) is unincorporated;

1376 (ii) is contiguous; and

1377 (iii) (A) contains:

1378 (I) at least 20% but not more than 80% of:

1379 (Aa) the total private land area in the unincorporated county; or

1380 (Bb) the total value of locally assessed taxable property in the unincorporated county;

1381 or

1382 (II) (Aa) in a county of the first, second, or third class, at least 5% of the total

1383 population of the unincorporated county; or

1384 (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population

1385 of the unincorporated county; or

1386 (B) has been declared by the United States Census Bureau as a census designated

1387 place.

1388 (c) (i) The process to establish a township is initiated by the filing of a petition with

1389 the clerk of the county in which the proposed township is located.

1390 (ii) A petition to establish a township may not be filed if it proposes the establishment

1391 of a township that includes an area within a proposed township in a petition that has

1392 previously been certified under Subsection (1)(f), until after the canvass of an election on the

1393 proposed township under Subsection (1)(h).

1394 (d) A petition under Subsection (1)(c) to establish a township shall:

1395 (i) be signed by the owners of private real property that:

1396 (A) is located within the proposed township;

1397 (B) covers at least 10% of the total private land area within the proposed township;

1398 and

1399 (C) is equal in value to at least 10% of the value of all private real property within the

1400 proposed township;

1401 (ii) be accompanied by an accurate plat or map showing the boundary of the

1402 contiguous area proposed to be established as a township;

1403 (iii) indicate the typed or printed name and current residence address of each owner
1404 signing the petition;

1405 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
1406 be designated as the contact sponsor, with the mailing address and telephone number of each
1407 petition sponsor;

1408 (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
1409 petition for purposes of the petition; and

1410 (vi) request the county legislative body to provide notice of the petition and of a public
1411 hearing, hold a public hearing, and conduct an election on the proposal to establish a
1412 township.

1413 (e) Subsection 10-2-101(3) applies to a petition to establish a township to the same
1414 extent as if it were an incorporation petition under Title 10, Chapter 2, Part 1, Incorporation.

1415 (f) (i) Within seven days after the filing of a petition under Subsection (1)(c)
1416 proposing the establishment of a township in a county of the first or second class, the county
1417 clerk shall provide notice of the filing of the petition to:

1418 (A) each owner of real property owning more than 1% of the assessed value of all real
1419 property within the proposed township; and

1420 (B) each owner of real property owning more than 850 acres of real property within
1421 the proposed township.

1422 (ii) A property owner may exclude all or part of the property owner's property from a
1423 proposed township in a county of the first or second class:

1424 (A) if:

1425 (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all
1426 property within the proposed township;

1427 (Iii) the property is nonurban; and

1428 (IIIiii) the property does not or will not require municipal provision of municipal-type
1429 services; or

1430 (Bb) the property owner owns more than 850 acres of real property within the
1431 proposed township; and

1432 (II) exclusion of the property will not leave within the township an island of property
1433 that is not part of the township; and

1434 (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice
1435 under Subsection (1)(f)(i).

1436 (iii) (A) The county legislative body shall exclude from the proposed township the
1437 property identified in a notice of exclusion timely filed under Subsection (1)(f)(ii)(B) if the
1438 property meets the applicable requirements of Subsection (1)(f)(ii)(A).

1439 (B) If the county legislative body excludes property from a proposed township under
1440 Subsection (1)(f)(iii), the county legislative body shall, within five days after the exclusion,
1441 send written notice of its action to the contact sponsor.

1442 (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county
1443 clerk shall:

1444 (A) with the assistance of other county officers from whom the clerk requests
1445 assistance, determine whether the petition complies with the requirements of Subsection
1446 (1)(d); and

1447 (B) (I) if the clerk determines that the petition complies with the requirements of
1448 Subsection (1)(d):

1449 (Aa) certify the petition and deliver the certified petition to the county legislative
1450 body; and

1451 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

1452 (II) if the clerk determines that the petition fails to comply with any of the
1453 requirements of Subsection (1)(d), reject the petition and notify the contact sponsor in writing
1454 of the rejection and the reasons for the rejection.

1455 (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition
1456 may be amended to correct the deficiencies for which it was rejected and then refiled with the
1457 county clerk.

1458 (h) (i) Within 90 days after a petition to establish a township is certified, the county
1459 legislative body shall hold a public hearing on the proposal to establish a township.

1460 (ii) A public hearing under Subsection (1)(h)(i) shall be:

1461 (A) within the boundary of the proposed township; or

1462 (B) if holding a public hearing in that area is not practicable, as close to that area as
1463 practicable.

1464 (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the
1465 county legislative body shall publish notice of the petition and the time, date, and place of the
1466 public hearing:

1467 (A) at least once in a newspaper of general circulation in the county; and

1468 (B) ~~[as required in Section 45-1-101]~~ on the Utah Public Notice Website created in
1469 Section 63F-1-701.

1470 (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body
1471 shall arrange for the proposal to establish a township to be submitted to voters residing within
1472 the proposed township at the next regular general election that is more than 90 days after the
1473 public hearing.

1474 (j) A township is established at the time of the canvass of the results of an election
1475 under Subsection (1)(i) if the canvass indicates that a majority of voters voting on the proposal
1476 to establish a township voted in favor of the proposal.

1477 (k) (i) A township that was dissolved under Laws of Utah 1997, Chapter 389, is
1478 reinstated as a township under this part with the same boundaries and name as before the
1479 dissolution, if the former township consisted of a single, contiguous land area.

1480 (ii) Notwithstanding Subsection (1)(k)(i), a county legislative body may enact an
1481 ordinance establishing as a township under this part a former township that was dissolved
1482 under Laws of Utah 1997, Chapter 389, even though the former township does not qualify to
1483 be reinstated under Subsection (1)(k)(i).

1484 (iii) A township reinstated under Subsection (1)(k)(i) or established under Subsection
1485 (1)(k)(ii) is subject to the provisions of this part.

- 1486 (1) A township established under this section on or after May 5, 1997, may use the
1487 word "township" in its name.
- 1488 (2) The county legislative body may:
- 1489 (a) assign to the countywide planning commission the duties established in this part
1490 that would have been assumed by a township planning commission designated under
1491 Subsection (2)(b); or
- 1492 (b) designate and appoint a planning commission for the township.
- 1493 (3) (a) An area within the boundary of a township may be withdrawn from the
1494 township as provided in this Subsection (3).
- 1495 (b) The process to withdraw an area from a township is initiated by the filing of a
1496 petition with the clerk of the county in which the township is located.
- 1497 (c) A petition under Subsection (3)(b) shall:
- 1498 (i) be signed by the owners of private real property that:
- 1499 (A) is located within the area proposed to be withdrawn from the township;
- 1500 (B) covers at least 50% of the total private land area within the area proposed to be
1501 withdrawn from the township; and
- 1502 (C) is equal in value to at least 33% of the value of all private real property within the
1503 area proposed to be withdrawn from the township;
- 1504 (ii) state the reason or reasons for the proposed withdrawal;
- 1505 (iii) be accompanied by an accurate plat or map showing the boundary of the
1506 contiguous area proposed to be withdrawn from the township;
- 1507 (iv) indicate the typed or printed name and current residence address of each owner
1508 signing the petition;
- 1509 (v) designate up to five signers of the petition as petition sponsors, one of whom shall
1510 be designated as the contact sponsor, with the mailing address and telephone number of each
1511 petition sponsor;
- 1512 (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing
1513 the petition for purposes of the petition; and

1514 (vii) request the county legislative body to withdraw the area from the township.

1515 (d) Subsection 10-2-101(3) applies to a petition to withdraw an area from a township
1516 to the same extent as if it were an incorporation petition under Title 10, Chapter 2, Part 1,
1517 Incorporation.

1518 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county
1519 clerk shall:

1520 (A) with the assistance of other county officers from whom the clerk requests
1521 assistance, determine whether the petition complies with the requirements of Subsection
1522 (3)(c); and

1523 (B) (I) if the clerk determines that the petition complies with the requirements of
1524 Subsection (3)(c):

1525 (Aa) certify the petition and deliver the certified petition to the county legislative
1526 body; and

1527 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

1528 (II) if the clerk determines that the petition fails to comply with any of the
1529 requirements of Subsection (3)(c), reject the petition and notify the contact sponsor in writing
1530 of the rejection and the reasons for the rejection.

1531 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition
1532 may be amended to correct the deficiencies for which it was rejected and then refiled with the
1533 county clerk.

1534 (f) (i) Within 60 days after a petition to withdraw an area from a township is certified,
1535 the county legislative body shall hold a public hearing on the proposal to withdraw the area
1536 from the township.

1537 (ii) A public hearing under Subsection (3)(f)(i) shall be held:

1538 (A) within the area proposed to be withdrawn from the township; or

1539 (B) if holding a public hearing in that area is not practicable, as close to that area as
1540 practicable.

1541 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative

1542 body shall:

1543 (A) publish notice of the petition and the time, date, and place of the public hearing:

1544 (I) at least once a week for three consecutive weeks in a newspaper of general

1545 circulation in the township; and

1546 (II) [~~as required in Section 45-1-101~~] on the Utah Public Notice Website created in

1547 Section 63F-1-701, for three consecutive weeks; and

1548 (B) mail a notice of the petition and the time, date, and place of the public hearing to

1549 each owner of private real property within the area proposed to be withdrawn.

1550 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county

1551 legislative body shall make a written decision on the proposal to withdraw the area from the

1552 township.

1553 (ii) In making its decision as to whether to withdraw the area from the township, the

1554 county legislative body shall consider:

1555 (A) whether the withdrawal would leave the remaining township in a situation where

1556 the future incorporation of an area within the township or the annexation of an area within the

1557 township to an adjoining municipality would be economically or practically not feasible;

1558 (B) if the withdrawal is a precursor to the incorporation or annexation of the

1559 withdrawn area:

1560 (I) whether the proposed subsequent incorporation or withdrawal:

1561 (Aa) will leave or create an unincorporated island or peninsula; or

1562 (Bb) will leave the county with an area within its unincorporated area for which the

1563 cost, requirements, or other burdens of providing municipal services would materially increase

1564 over previous years; and

1565 (II) whether the municipality to be created or the municipality into which the

1566 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of

1567 providing service to the withdrawn area that the county will no longer provide due to the

1568 incorporation or annexation;

1569 (C) the effects of a withdrawal on adjoining property owners, existing or projected

1570 county streets or other public improvements, law enforcement, and zoning and other municipal
1571 services provided by the county; and

1572 (D) whether justice and equity favor the withdrawal.

1573 (h) Upon the written decision of the county legislative body approving the withdrawal
1574 of an area from a township, the area is withdrawn from the township and the township
1575 continues as a township with a boundary that excludes the withdrawn area.

1576 (4) (a) A township may be dissolved as provided in this Subsection (4).

1577 (b) The process to dissolve a township is initiated by the filing of a petition with the
1578 clerk of the county in which the township is located.

1579 (c) A petition under Subsection (4)(b) shall:

1580 (i) be signed by registered voters within the township equal in number to at least 25%
1581 of all votes cast by voters within the township at the last congressional election;

1582 (ii) state the reason or reasons for the proposed dissolution;

1583 (iii) indicate the typed or printed name and current residence address of each person
1584 signing the petition;

1585 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
1586 be designated as the contact sponsor, with the mailing address and telephone number of each
1587 petition sponsor;

1588 (v) authorize the petition sponsors to act on behalf of all persons signing the petition
1589 for purposes of the petition; and

1590 (vi) request the county legislative body to provide notice of the petition and of a public
1591 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the
1592 township.

1593 (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county
1594 clerk shall:

1595 (A) with the assistance of other county officers from whom the clerk requests
1596 assistance, determine whether the petition complies with the requirements of Subsection

1597 (4)(c); and

1598 (B) (I) if the clerk determines that the petition complies with the requirements of
1599 Subsection (4)(c):

1600 (Aa) certify the petition and deliver the certified petition to the county legislative
1601 body; and

1602 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

1603 (II) if the clerk determines that the petition fails to comply with any of the
1604 requirements of Subsection (4)(c), reject the petition and notify the contact sponsor in writing
1605 of the rejection and the reasons for the rejection.

1606 (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition
1607 may be amended to correct the deficiencies for which it was rejected and then refiled with the
1608 county clerk.

1609 (e) (i) Within 60 days after a petition to dissolve the township is certified, the county
1610 legislative body shall hold a public hearing on the proposal to dissolve the township.

1611 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

1612 (A) within the boundary of the township; or

1613 (B) if holding a public hearing in that area is not practicable, as close to that area as
1614 practicable.

1615 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative
1616 body shall publish notice of the petition and the time, date, and place of the public hearing:

1617 (A) at least once a week for three consecutive weeks in a newspaper of general
1618 circulation in the township[-]; and

1619 (B) on the Utah Public Notice Website created in Section 63F-1-701, for three
1620 consecutive weeks immediately before the public hearing.

1621 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body
1622 shall arrange for the proposal to dissolve the township to be submitted to voters residing
1623 within the township at the next regular general election that is more than 90 days after the
1624 public hearing.

1625 (g) A township is dissolved at the time of the canvass of the results of an election

1626 under Subsection (4)(f) if the canvass indicates that a majority of voters voting on the proposal
1627 to dissolve the township voted in favor of the proposal.

1628 Section 26. Section **17-27a-404** is amended to read:

1629 **17-27a-404. Public hearing by planning commission on proposed general plan or**
1630 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
1631 **by legislative body.**

1632 (1) (a) After completing its recommendation for a proposed general plan, or proposal
1633 to amend the general plan, the planning commission shall schedule and hold a public hearing
1634 on the proposed plan or amendment.

1635 (b) The planning commission shall provide notice of the public hearing, as required by
1636 Section 17-27a-204.

1637 (c) After the public hearing, the planning commission may modify the proposed
1638 general plan or amendment.

1639 (2) The planning commission shall forward the proposed general plan or amendment
1640 to the legislative body.

1641 (3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body
1642 shall provide notice of its intent to consider the general plan proposal.

1643 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative
1644 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan
1645 regarding Subsection 17-27a-401(3). The hearing procedure shall comply with this
1646 Subsection (3)(b).

1647 (ii) The hearing format shall allow adequate time for public comment at the actual
1648 public hearing, and shall also allow for public comment in writing to be submitted to the
1649 legislative body for not fewer than 90 days after the date of the public hearing.

1650 (c) (i) The legislative body shall give notice of the hearing in accordance with this
1651 Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(3) are
1652 complete.

1653 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of

1654 the state Legislature, executive director of the Department of Environmental Quality, the state
1655 planning coordinator, the Resource Development Coordinating Committee, and any other
1656 citizens or entities who specifically request notice in writing.

1657 (iii) Public notice shall be given by publication:

1658 (A) in at least one major Utah newspaper having broad general circulation in the state;
1659 [and]

1660 (B) in at least one Utah newspaper having a general circulation focused mainly on the
1661 county where the proposed high-level nuclear waste or greater than class C radioactive waste
1662 site is to be located; and

1663 (C) [~~as required in Section 45-1-101~~] on the Utah Public Notice Website created in
1664 Section 63F-1-701.

1665 (iv) The notice shall be published to allow reasonable time for interested parties and
1666 the state to evaluate the information regarding the provisions of Subsection 17-27a-401(3),
1667 including:

1668 (A) in a newspaper described in Subsection (3)(c)(iii)(A), no less than 180 days before
1669 the date of the hearing to be held under this Subsection (3); and

1670 (B) publication described in Subsection (3)(c)(iii)(B) or (C) for 180 days before the
1671 date of the hearing to be held under this Subsection (3).

1672 (4) (a) After the public hearing required under this section, the legislative body may
1673 make any revisions to the proposed general plan that it considers appropriate.

1674 (b) The legislative body shall respond in writing and in a substantive manner to all
1675 those providing comments as a result of the hearing required by Subsection (3).

1676 (5) (a) The county legislative body may adopt or reject the proposed general plan or
1677 amendment either as proposed by the planning commission or after making any revision the
1678 county legislative body considers appropriate.

1679 (b) If the county legislative body rejects the proposed general plan or amendment, it
1680 may provide suggestions to the planning commission for its consideration.

1681 (6) The legislative body shall adopt:

- 1682 (a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);
- 1683 (b) a transportation and traffic circulation element as provided in Subsection
- 1684 17-27a-403(2)(a)(ii); and
- 1685 (c) after considering the factors included in Subsection 17-27a-403(2)(b), a plan to
- 1686 provide a realistic opportunity to meet estimated needs for additional moderate income
- 1687 housing if long-term projections for land use and development occur.

1688 Section 27. Section **17-36-12** is amended to read:

1689 **17-36-12. Notice of budget hearing.**

1690 (1) The governing body shall determine the time and place for the public hearing on

1691 the adoption of the budget.

1692 (2) Notice of such hearing shall be published:

1693 (a) (i) at least seven days before the hearing in at least one newspaper of general

1694 circulation within the county, if there is such a paper; or

1695 (ii) if there is no newspaper as described in Subsection (2)(a)(i), by posting notice in

1696 three conspicuous places within the county seven days before the hearing; and

1697 (b) [~~in accordance with Section 45-1-101~~] on the Utah Public Notice Website created

1698 in Section 63F-1-701, for seven days before the hearing.

1699 Section 28. Section **17-36-26** is amended to read:

1700 **17-36-26. Increase in general fund budget.**

1701 (1) (a) The budget of the general fund may be increased by resolution of the governing

1702 body, only after a duly called hearing shall have been held and all interested parties shall have

1703 been given an opportunity to be heard.

1704 (b) Notice of such hearing shall be published at least five days before such hearing:

1705 (i) (A) in at least one issue of a newspaper generally circulated in the county; or

1706 (B) if there is not a newspaper generally circulated in the county, the hearing may be

1707 published by posting notice in three conspicuous places within the county; and

1708 (ii) [~~as required in Section 45-1-101~~] on the Utah Public Notice Website created in

1709 Section 63F-1-701.

1710 (2) After such public hearing the governing body may amend the general fund budget
1711 as it deems appropriate with due consideration to matters discussed at the public hearing and
1712 to revised estimates of revenues.

1713 Section 29. Section **17-41-304** is amended to read:

1714 **17-41-304. Public hearing -- Review and action on proposal.**

1715 (1) After receipt of the written reports from the advisory committee and planning
1716 commission, or after the 45 days have expired, whichever is earlier, the county or municipal
1717 legislative body shall:

1718 (a) schedule a public hearing;

1719 (b) provide notice of the public hearing by:

1720 (i) publishing notice:

1721 (A) in a newspaper having general circulation within:

1722 (I) the same county as the land proposed for inclusion within the agriculture protection
1723 area or industrial protection area, if the land is within the unincorporated part of the county; or

1724 (II) the same city or town as the land proposed for inclusion within an agriculture
1725 protection area or industrial protection area, if the land is within a city or town; and

1726 (B) [~~as required in Section 45-1-101~~] on the Utah Public Notice Website created in
1727 Section 63F-1-701;

1728 (ii) posting notice at five public places, designated by the applicable legislative body,
1729 within or near the proposed agriculture protection area or industrial protection area; and

1730 (iii) mailing written notice to each owner of land within 1,000 feet of the land
1731 proposed for inclusion within an agriculture protection area or industrial protection area; and

1732 (c) ensure that the notice includes:

1733 (i) the time, date, and place of the public hearing on the proposal;

1734 (ii) a description of the proposed agriculture protection area or industrial protection
1735 area;

1736 (iii) any proposed modifications to the proposed agriculture protection area or
1737 industrial protection area;

1738 (iv) a summary of the recommendations of the advisory committee and planning
1739 commission; and

1740 (v) a statement that interested persons may appear at the public hearing and speak in
1741 favor of or against the proposal, any proposed modifications to the proposal, or the
1742 recommendations of the advisory committee and planning commission.

1743 (2) The applicable legislative body shall:

1744 (a) convene the public hearing at the time, date, and place specified in the notice; and

1745 (b) take verbal or written testimony from interested persons.

1746 (3) (a) Within 120 days of the submission of the proposal, the applicable legislative
1747 body shall approve, modify and approve, or reject the proposal.

1748 (b) The creation of an agriculture protection area or industrial protection area is
1749 effective at the earlier of:

1750 (i) the applicable legislative body's approval of a proposal or modified proposal; or

1751 (ii) 120 days after submission of a proposal complying with Subsection 17-41-301(2)
1752 if the applicable legislative body has failed to approve or reject the proposal within that time.

1753 (4) (a) In order to give constructive notice of the existence of the agriculture protection
1754 area or industrial protection area to all persons who have, may acquire, or may seek to acquire
1755 an interest in land in or adjacent to the agriculture protection area or industrial protection area,
1756 respectively, within 10 days of the creation of an agriculture protection area or industrial
1757 protection area, the applicable legislative body shall file an executed document containing a
1758 legal description of the agriculture protection area or industrial protection area, as the case
1759 may be, with:

1760 (i) the county recorder of deeds; and

1761 (ii) the affected planning commission.

1762 (b) If the legal description of the property to be included in the agriculture protection
1763 area or industrial protection area is available through the county recorder's office, the
1764 applicable legislative body shall use that legal description in its executed document required in
1765 Subsection (4)(a).

1766 (5) Within 10 days of the recording of the agriculture protection area, the applicable
1767 legislative body shall:

1768 (a) send written notification to the commissioner of agriculture and food that the
1769 agriculture protection area has been created; and

1770 (b) include in the notification:

1771 (i) the number of landowners owning land within the agriculture protection area;

1772 (ii) the total acreage of the area;

1773 (iii) the date of approval of the area; and

1774 (iv) the date of recording.

1775 (6) The applicable legislative body's failure to record the notice required under
1776 Subsection (4) or to send the written notification under Subsection (5) does not invalidate the
1777 creation of an agriculture protection area.

1778 (7) The applicable legislative body may consider the cost of recording notice under
1779 Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee
1780 under Subsection 17-41-301(4)(b).

1781 Section 30. Section **17-41-405** is amended to read:

1782 **17-41-405. Eminent domain restrictions.**

1783 (1) A political subdivision having or exercising eminent domain powers may not
1784 condemn for any purpose any land within an agriculture protection area that is being used for
1785 agricultural production or any land within an industrial protection area that is being put to an
1786 industrial use unless it has obtained approval, according to the procedures and requirements of
1787 this section, from the applicable legislative body and the advisory board.

1788 (2) Any condemnor wishing to condemn property within an agriculture protection area
1789 or industrial protection area shall file a notice of condemnation with the applicable legislative
1790 body and the agriculture protection area or industrial protection area's advisory board at least
1791 30 days before filing an eminent domain complaint.

1792 (3) The applicable legislative body and the advisory board shall:

1793 (a) hold a joint public hearing on the proposed condemnation at a location within the

1794 county in which the agriculture protection area or industrial protection area is located;

1795 (b) publish notice of the time, date, place, and purpose of the public hearing:

1796 (i) in a newspaper of general circulation within the agriculture protection area or

1797 industrial protection area, as the case may be; and

1798 (ii) ~~[as required in Section 45-1-101]~~ on the Utah Public Notice Website created in

1799 Section 63F-1-701; and

1800 (c) post notice of the time, date, place, and purpose of the public hearing in five

1801 conspicuous public places, designated by the applicable legislative body, within or near the

1802 agriculture protection area or industrial protection area, as the case may be.

1803 (4) (a) If the condemnation is for highway purposes or for the disposal of solid or

1804 liquid waste materials, the applicable legislative body and the advisory board may approve the

1805 condemnation only if there is no reasonable and prudent alternative to the use of the land

1806 within the agriculture protection area or industrial protection area for the project.

1807 (b) If the condemnation is for any other purpose, the applicable legislative body and

1808 the advisory board may approve the condemnation only if:

1809 (i) the proposed condemnation would not have an unreasonably adverse effect upon

1810 the preservation and enhancement of agriculture within the agriculture protection area or of

1811 the industrial use within the industrial protection area; or

1812 (ii) there is no reasonable and prudent alternative to the use of the land within the

1813 agriculture protection area or industrial protection area for the project.

1814 (5) (a) Within 60 days after receipt of the notice of condemnation, the applicable

1815 legislative body and the advisory board shall approve or reject the proposed condemnation.

1816 (b) If the applicable legislative body and the advisory board fail to act within the 60

1817 days or such further time as the applicable legislative body establishes, the condemnation shall

1818 be considered rejected.

1819 (6) The applicable legislative body or the advisory board may request the county or

1820 municipal attorney to bring an action to enjoin any condemnor from violating any provisions

1821 of this section.

1822 Section 31. Section **17B-1-211** is amended to read:

1823 **17B-1-211. Notice of public hearings -- Publication of resolution.**

1824 (1) Before holding a public hearing or set of public hearings under Section 17B-1-210,
1825 the legislative body of each county or municipality with which a request is filed or that adopts
1826 a resolution under Subsection 17B-1-203(1)(c) and the board of trustees of each local district
1827 that adopts a resolution under Subsection 17B-1-203(1)(d) shall:

1828 (a) (i) (A) except as provided in Subsections (1)(a)(i)(B) and (1)(a)(ii), publish notice
1829 in a newspaper or combination of newspapers of general circulation within the applicable area
1830 in accordance with Subsection (2); or

1831 (B) if there is no newspaper or combination of newspapers of general circulation
1832 within the applicable area, post notice in accordance with Subsection (2):

1833 (I) at least one notice per 1,000 population of that area; and

1834 (II) at places within the area that are most likely to provide actual notice to residents of
1835 the area; and

1836 (ii) publish~~[, in accordance with Section 45-1-101,]~~ notice on the Utah Public Notice
1837 Website created in Section 63F-1-701, for two weeks before the hearing or the first of the set
1838 of hearings; or

1839 (b) mail a notice to each registered voter residing within and each owner of real
1840 property located within the proposed local district.

1841 (2) Each published notice under Subsection (1)(a)(i)(A) shall:

1842 (a) be no less than 1/4 page in size, use type no smaller than 18 point, and be
1843 surrounded by a 1/4-inch border;

1844 (b) if possible, appear in a newspaper that is published at least one day per week;

1845 (c) if possible, appear in a newspaper of general interest and readership in the area and
1846 not of limited subject matter;

1847 (d) be placed in a portion of the newspaper other than where legal notices and
1848 classified advertisements appear; and

1849 (e) be run at least once each week for two successive weeks, with the final publication

1850 being no less than three and no more than 10 days before the hearing or the first of the set of
1851 hearings.

1852 (3) Each notice required under Subsection (1) shall:

1853 (a) if the hearing or set of hearings is concerning a resolution:

1854 (i) contain the entire text or an accurate summary of the resolution; and

1855 (ii) state the deadline for filing a protest against the creation of the proposed local
1856 district;

1857 (b) clearly identify each governing body involved in the hearing or set of hearings;

1858 (c) state the date, time, and place for the hearing or set of hearings and the purposes
1859 for the hearing or set of hearings; and

1860 (d) describe or include a map of the entire proposed local district.

1861 (4) County or municipal legislative bodies may jointly provide the notice required
1862 under this section if all the requirements of this section are met as to each notice.

1863 Section 32. Section **17B-1-413** is amended to read:

1864 **17B-1-413. Hearing, notice, and protest provisions do not apply for certain**
1865 **petitions.**

1866 (1) Section 17B-1-412 does not apply, and, except as provided in Subsection (2)(a),
1867 Sections 17B-1-409 and 17B-1-410 do not apply:

1868 (a) if the process to annex an area to a local district was initiated by:

1869 (i) a petition under Subsection 17B-1-403(1)(a)(i);

1870 (ii) a petition under Subsection 17B-1-403(1)(a)(ii)(A) that was signed by the owners
1871 of private real property that:

1872 (A) is located within the area proposed to be annexed;

1873 (B) covers at least 75% of the total private land area within the entire area proposed to
1874 be annexed and within each applicable area; and

1875 (C) is equal in assessed value to at least 75% of the assessed value of all private real
1876 property within the entire area proposed to be annexed and within each applicable area; or

1877 (iii) a petition under Subsection 17B-1-403(1)(a)(ii)(B) that was signed by registered

1878 voters residing within the entire area proposed to be annexed and within each applicable area
1879 equal in number to at least 75% of the number of votes cast within the entire area proposed to
1880 be annexed and within each applicable area, respectively, for the office of governor at the last
1881 regular general election before the filing of the petition;

1882 (b) to an annexation under Section 17B-1-415; or

1883 (c) to a boundary adjustment under Section 17B-1-417.

1884 (2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under
1885 Section 17B-1-405, the local district board:

1886 (i) shall provide notice of the proposed annexation as provided in Subsection (2)(b);

1887 and

1888 (ii) (A) may, in the board's discretion, hold a public hearing as provided in Section
1889 17B-1-409 after giving notice of the public hearing as provided in Subsection (2)(b); and

1890 (B) shall, after giving notice of the public hearing as provided in Subsection (2)(b),
1891 hold a public hearing as provided in Section 17B-1-409 if a written request to do so is
1892 submitted, within 20 days after the local district provides notice under Subsection (2)(a)(i), to
1893 the local district board by an owner of property that is located within or a registered voter
1894 residing within the area proposed to be annexed who did not sign the annexation petition.

1895 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:

1896 (i) be given:

1897 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition
1898 certification; or

1899 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least 10 but not more
1900 than 30 days before the public hearing; and

1901 (B) by:

1902 (I) posting written notice at the local district's principal office and in one or more other
1903 locations within or proximate to the area proposed to be annexed as are reasonable under the
1904 circumstances, considering the number of parcels included in that area, the size of the area, the
1905 population of the area, and the contiguousness of the area; and

1906 (II) providing written notice [to]:

1907 (Aa) to at least one newspaper of general circulation, if there is one, within the area
1908 proposed to be annexed or to a local media correspondent; and

1909 (Bb) [~~as required in Section 45-1-101~~] on the Utah Public Notice Website created in
1910 Section 63F-1-701; and

1911 (ii) contain a brief explanation of the proposed annexation and include the name of the
1912 local district, the service provided by the local district, a description or map of the area
1913 proposed to be annexed, a local district telephone number where additional information about
1914 the proposed annexation may be obtained, and, for a notice under Subsection (2)(a)(i), an
1915 explanation of the right of a property owner or registered voter to request a public hearing as
1916 provided in Subsection (2)(a)(ii)(B).

1917 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is
1918 required for a public hearing under Subsection (2)(a)(ii)(A).

1919 Section 33. Section **17B-1-417** is amended to read:

1920 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**
1921 **adjusting boundaries -- Filing of notice and plat with the lieutenant governor --**
1922 **Recording requirements -- Effective date.**

1923 (1) As used in this section, "affected area" means the area located within the
1924 boundaries of one local district that will be removed from that local district and included
1925 within the boundaries of another local district because of a boundary adjustment under this
1926 section.

1927 (2) The boards of trustees of two or more local districts having a common boundary
1928 and providing the same service on the same wholesale or retail basis may adjust their common
1929 boundary as provided in this section.

1930 (3) (a) The board of trustees of each local district intending to adjust a boundary that
1931 is common with another local district shall:

1932 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

1933 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days

1934 after the adoption of the resolution under Subsection (3)(a)(i); and
1935 (iii) (A) publish notice:
1936 (I) (Aa) once a week for two successive weeks in a newspaper of general circulation
1937 within the local district; or
1938 (Bb) if there is no newspaper of general circulation within the local district, post
1939 notice in at least four conspicuous places within the local district; and
1940 (II) [~~in accordance with Section 45-1-101~~] on the Utah Public Notice Website created
1941 in Section 63F-1-701, for two weeks; or
1942 (B) mail a notice to each owner of property located within the affected area and to
1943 each registered voter residing within the affected area.
1944 (b) The notice required under Subsection (3)(a)(iii) shall:
1945 (i) state that the board of trustees of the local district has adopted a resolution
1946 indicating the board's intent to adjust a boundary that the local district has in common with
1947 another local district that provides the same service as the local district;
1948 (ii) describe the affected area;
1949 (iii) state the date, time, and location of the public hearing required under Subsection
1950 (3)(a)(ii);
1951 (iv) provide a local district telephone number where additional information about the
1952 proposed boundary adjustment may be obtained;
1953 (v) explain the financial and service impacts of the boundary adjustment on property
1954 owners or residents within the affected area; and
1955 (vi) state in conspicuous and plain terms that the board of trustees may approve the
1956 adjustment of the boundaries unless, at or before the public hearing under Subsection
1957 (3)(a)(ii), written protests to the adjustment are filed with the board by:
1958 (A) the owners of private real property that:
1959 (I) is located within the affected area;
1960 (II) covers at least 50% of the total private land area within the affected area; and
1961 (III) is equal in assessed value to at least 50% of the assessed value of all private real

1962 property within the affected area; or
1963 (B) registered voters residing within the affected area equal in number to at least 50%
1964 of the votes cast in the affected area for the office of governor at the last regular general
1965 election before the filing of the protests.

1966 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be
1967 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).

1968 (d) The boards of trustees of the local districts whose boundaries are being adjusted
1969 may jointly:

1970 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and
1971 (ii) hold the public hearing required under Subsection (3)(a)(ii).

1972 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees
1973 may adopt a resolution approving the adjustment of the common boundary unless, at or before
1974 the public hearing, written protests to the boundary adjustment have been filed with the board
1975 by:

1976 (a) the owners of private real property that:

1977 (i) is located within the affected area;
1978 (ii) covers at least 50% of the total private land area within the affected area; and
1979 (iii) is equal in assessed value to at least 50% of the assessed value of all private real
1980 property within the affected area; or

1981 (b) registered voters residing within the affected area equal in number to at least 50%
1982 of the votes cast in the affected area for the office of governor at the last regular general
1983 election before the filing of the protests.

1984 (5) A resolution adopted under Subsection (4) does not take effect until the board of
1985 each local district whose boundaries are being adjusted has adopted a resolution under
1986 Subsection (4).

1987 (6) The board of the local district whose boundaries are being adjusted to include the
1988 affected area shall:

1989 (a) within 30 days after the resolutions take effect under Subsection (5), file with the

1990 lieutenant governor:

1991 (i) a copy of a notice of an impending boundary action, as defined in Section

1992 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

1993 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

1994 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment

1995 under Section 67-1a-6.5:

1996 (i) if the affected area is located within the boundary of a single county, submit to the

1997 recorder of that county:

1998 (A) the original:

1999 (I) notice of an impending boundary action;

2000 (II) certificate of boundary adjustment; and

2001 (III) approved final local entity plat; and

2002 (B) a certified copy of each resolution adopted under Subsection (4); or

2003 (ii) if the affected area is located within the boundaries of more than a single county:

2004 (A) submit to the recorder of one of those counties:

2005 (I) the original of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III);

2006 and

2007 (II) a certified copy of each resolution adopted under Subsection (4); and

2008 (B) submit to the recorder of each other county:

2009 (I) a certified copy of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III);

2010 and

2011 (II) a certified copy of each resolution adopted under Subsection (4).

2012 (7) (a) Upon the lieutenant governor's issuance of a certificate of boundary adjustment

2013 under Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are

2014 being adjusted to include the affected area, and the affected area is withdrawn from the local

2015 district whose boundaries are being adjusted to exclude the affected area.

2016 (b) (i) The effective date of a boundary adjustment under this section for purposes of

2017 assessing property within the affected area is governed by Section 59-2-305.5.

2018 (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the
2019 recorder of the county in which the property is located, a local district in whose boundary an
2020 affected area is included because of a boundary adjustment under this section may not:

- 2021 (A) levy or collect a property tax on property within the affected area;
- 2022 (B) levy or collect an assessment on property within the affected area; or
- 2023 (C) charge or collect a fee for service provided to property within the affected area.

2024 (iii) Subsection (7)(b)(ii)(C):

2025 (A) may not be construed to limit a local district's ability before a boundary
2026 adjustment to charge and collect a fee for service provided to property that is outside the local
2027 district's boundary; and

2028 (B) does not apply until 60 days after the effective date, under Subsection (7)(a), of
2029 the local district's boundary adjustment, with respect to a fee that the local district was
2030 charging for service provided to property within the area affected by the boundary adjustment
2031 immediately before the boundary adjustment.

2032 Section 34. Section **17B-1-609** is amended to read:

2033 **17B-1-609. Hearing to consider adoption.**

2034 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

- 2035 (a) establish the time and place of a public hearing to consider its adoption; and
- 2036 (b) order that notice of the hearing:

2037 (i) (A) be published at least seven days before the hearing in at least one issue of a
2038 newspaper of general circulation published in the county or counties in which the district is
2039 located; or

2040 (B) if no newspaper is published, be posted in three public places within the district;
2041 and

2042 (ii) be published~~[, in accordance with Section 45-1-101,]~~ at least seven days before the
2043 hearing on the Utah Public Notice Website created in Section 63F-1-701.

2044 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
2045 shall be published in accordance with the advertisement provisions of Section 59-2-919.

2046 Section 35. Section **17B-1-1204** is amended to read:

2047 **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**
2048 **supplemented validation petition.**

2049 (1) Upon the entry of an order under Section 17B-1-1203 setting a hearing on a
2050 validation petition, the local district that filed the petition shall:

2051 (a) publish notice:

2052 (i) at least once a week for three consecutive weeks in a newspaper of general
2053 circulation in the county in which the principal office of the district is located; and

2054 (ii) [~~in accordance with Section 45-1-101~~] on the Utah Public Notice Website created
2055 in Section 63F-1-701, for three weeks immediately before the hearing; and

2056 (b) post notice in its principal office at least 21 days before the date set for the hearing.

2057 (2) Each notice under Subsection (1) shall:

2058 (a) state the date, time, and place of the hearing on the validation petition;

2059 (b) include a general description of the contents of the validation petition; and

2060 (c) if applicable, state the location where a complete copy of a contract that is the
2061 subject of the validation petition may be examined.

2062 (3) If a district amends or supplements a validation petition under Subsection
2063 17B-1-1202(3) after publishing and posting notice as required under Subsection (1), the
2064 district is not required to publish or post notice again unless required by the court.

2065 Section 36. Section **17B-1-1307** is amended to read:

2066 **17B-1-1307. Notice of public hearing and of dissolution.**

2067 (1) Before holding a public hearing required under Section 17B-1-1306, the
2068 administrative body shall:

2069 (a) (i) publish notice of the public hearing and of the proposed dissolution:

2070 (A) in a newspaper of general circulation within the local district proposed to be
2071 dissolved; and

2072 (B) [~~in accordance with Section 45-1-101~~] on the Utah Public Notice Website created
2073 in Section 63F-1-701, for 30 days before the public hearing; and

2074 (ii) post notice of the public hearing and of the proposed dissolution in at least four
2075 conspicuous places within the local district proposed to be dissolved, no less than five and no
2076 more than 30 days before the public hearing; or

2077 (b) mail a notice to each owner of property located within the local district and to each
2078 registered voter residing within the local district.

2079 (2) Each notice required under Subsection (1) shall:

2080 (a) identify the local district proposed to be dissolved and the service it was created to
2081 provide; and

2082 (b) state the date, time, and location of the public hearing.

2083 Section 37. Section **17C-1-601** is amended to read:

2084 **17C-1-601. Annual agency budget -- Fiscal year -- Public hearing required --**
2085 **Auditor forms -- Requirement to file form.**

2086 (1) Each agency shall prepare and its board adopt an annual budget of revenues and
2087 expenditures for the agency for each fiscal year.

2088 (2) Each annual agency budget shall be adopted:

2089 (a) for an agency created by a city or town, before June 22; or

2090 (b) for an agency created by a county, before December 15.

2091 (3) The agency's fiscal year shall be the same as the fiscal year of the community that
2092 created the agency.

2093 (4) (a) Before adopting an annual budget, each agency board shall hold a public
2094 hearing on the annual budget.

2095 (b) Each agency shall provide notice of the public hearing on the annual budget by:

2096 [~~(i) publishing:~~]

2097 [~~(A)-(F)~~] (i) (A) publishing at least one notice in a newspaper of general circulation
2098 within the agency boundaries, one week before the public hearing; or

2099 [~~(F)~~] (B) if there is no newspaper of general circulation within the agency boundaries,
2100 posting a notice of the public hearing in at least three public places within the agency
2101 boundaries; and

2102 ~~[(B)]~~ (ii) ~~[in accordance with Section 45-1-101]~~ publishing notice on the Utah Public
 2103 Notice Website created in Section 63F-1-701, at least one week before the public hearing.

2104 (c) Each agency shall make the annual budget available for public inspection at least
 2105 three days before the date of the public hearing.

2106 (5) The state auditor shall prescribe the budget forms and the categories to be
 2107 contained in each agency budget, including:

2108 (a) revenues and expenditures for the budget year;

2109 (b) legal fees; and

2110 (c) administrative costs, including rent, supplies, and other materials, and salaries of
 2111 agency personnel.

2112 (6) (a) Within 90 days after adopting an annual budget, each agency board shall file a
 2113 copy of the annual budget with the auditor of the county in which the agency is located, the
 2114 State Tax Commission, the state auditor, the State Board of Education, and each taxing entity
 2115 that levies a tax on property from which the agency collects tax increment.

2116 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
 2117 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the
 2118 state auditor.

2119 Section 38. Section **17C-2-403** is amended to read:

2120 **17C-2-403. Notice required for continued hearing.**

2121 The board shall give notice of a hearing continued under Section 17C-2-402 by
 2122 announcing at the hearing:

2123 (1) the date, time, and place the hearing will be resumed; or

2124 (2) that it is being continued to a later time and causing a notice of the continued
 2125 hearing to be:

2126 ~~[(a) published:]~~

2127 ~~[(i)-(A)]~~ (a) (i) published once in a newspaper of general circulation within the agency
 2128 boundaries at least seven days before the hearing is scheduled to resume; or

2129 ~~[(B)]~~ (ii) if there is no newspaper of general circulation, posted in at least three

2130 conspicuous places within the boundaries of the agency in which the project area or proposed
2131 project area is located; and

2132 ~~[(ii)] (b) [in accordance with Section 45-1-101]~~ published on the Utah Public Notice
2133 Website created in Section 63F-1-701, at least seven days before the hearing is schedule to
2134 resume.

2135 Section 39. Section **17C-4-202** is amended to read:

2136 **17C-4-202. Resolution or interlocal agreement to provide funds for the**
2137 **community development project area plan -- Notice -- Effective date of resolution or**
2138 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**
2139 **of resolution or interlocal agreement.**

2140 (1) The approval and adoption of each resolution or interlocal agreement under
2141 Subsection 17C-4-201(2) shall be in an open and public meeting.

2142 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section
2143 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by:

2144 (i) (A) publishing or causing to be published a notice in a newspaper of general
2145 circulation within the agency's boundaries; or

2146 (B) if there is no newspaper of general circulation within the agency's boundaries,
2147 causing a notice to be posted in at least three public places within the agency's boundaries; and

2148 (ii) publishing or causing to be published ~~[in accordance with Section 45-1-101]~~ a
2149 notice on the Utah Public Notice Website created in Section 63F-1-701.

2150 (b) Each notice under Subsection (2)(a) shall:

2151 (i) set forth a summary of the resolution or interlocal agreement; and

2152 (ii) include a statement that the resolution or interlocal agreement is available for
2153 general public inspection and the hours of inspection.

2154 (3) The resolution or interlocal agreement shall become effective on the date of:

2155 (a) if notice was published under Subsection (2)(a)(i)(A) or (ii), publication of the
2156 notice; or

2157 (b) if notice was posted under Subsection (2)(a)(i)(B), posting of the notice.

2158 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal
2159 agreement under Subsection (3), any person in interest may contest the resolution or interlocal
2160 agreement or the procedure used to adopt the resolution or interlocal agreement if the
2161 resolution or interlocal agreement or procedure fails to comply with applicable statutory
2162 requirements.

2163 (b) After the 30-day period under Subsection (4)(a) expires, no person may contest the
2164 resolution or interlocal agreement for any cause.

2165 (5) Each agency that is to receive funds under a resolution or interlocal agreement
2166 under Section 17C-4-201 and each taxing entity or public entity that approves a resolution or
2167 enters into an interlocal agreement under Section 17C-4-201 shall make the resolution or
2168 interlocal agreement, as the case may be, available at its offices to the general public for
2169 inspection and copying during normal business hours.

2170 Section 40. Section **17C-4-302** is amended to read:

2171 **17C-4-302. Notice required for continued hearing.**

2172 The board shall give notice of a hearing continued under Section 17C-4-301 by
2173 announcing at the hearing:

2174 (1) the date, time, and place the hearing will be resumed; or

2175 (2) that it is being continued to a later time and causing a notice of the continued
2176 hearing to be:

2177 (a) (i) published once in a newspaper of general circulation within the agency
2178 boundaries at least seven days before the hearing is scheduled to resume; or

2179 (ii) if there is no newspaper of general circulation, posted in at least three conspicuous
2180 places within the boundaries of the agency in which the project area or proposed project area
2181 is located; and

2182 (b) published~~[, in accordance with Section 45-1-101,]~~ on the Utah Public Notice
2183 Website created in Section 63F-1-701, at least seven days before the hearing is schedule to
2184 resume.

2185 Section 41. Section **19-2-109** is amended to read:

2186 **19-2-109. Air quality standards -- Hearings on adoption -- Orders of executive**
2187 **secretary -- Adoption of emission control requirements.**

2188 (1) (a) The board, in adopting standards of quality for ambient air, shall conduct
2189 public hearings.

2190 (b) Notice of any public hearing for the consideration, adoption, or amendment of air
2191 quality standards shall specify the locations to which the proposed standards apply and the
2192 time, date, and place of the hearing.

2193 (c) The notice shall be:

2194 (i) (A) published at least twice in any newspaper of general circulation in the area
2195 affected; and

2196 (B) published~~[, in accordance with Section 45-1-101,]~~ on the Utah Public Notice
2197 Website created in Section 63F-1-701, at least 20 days before the public hearing; and

2198 (ii) mailed at least 20 days before the public hearing to the chief executive of each
2199 political subdivision of the area affected and to other persons the executive secretary has
2200 reason to believe will be affected by the standards.

2201 (d) The adoption of air quality standards or any modification or changes to air quality
2202 standards shall be by order of the executive secretary following formal action of the board with
2203 respect to the standards.

2204 (e) The order shall be published:

2205 (i) in a newspaper of general circulation in the area affected; and

2206 (ii) as required in Section 45-1-101.

2207 (2) (a) The board may establish emission control requirements by rule that in its
2208 judgment may be necessary to prevent, abate, or control air pollution that may be statewide or
2209 may vary from area to area, taking into account varying local conditions.

2210 (b) In adopting these requirements, the board shall give notice and conduct public
2211 hearings in accordance with the requirements in Subsection (1).

2212 Section 42. Section **20A-7-204.1** is amended to read:

2213 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated.**

2214 (1) (a) After issuance of the initial fiscal impact estimate by the Governor's Office of
2215 Planning and Budget and before circulating initiative petitions for signature statewide,
2216 sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as
2217 follows:

2218 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

2219 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington
2220 County;

2221 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

2222 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne
2223 County;

2224 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

2225 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

2226 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber
2227 County.

2228 (b) Of the seven meetings, at least two of the meetings must be held in a first or
2229 second class county, but not in the same county.

2230 (2) At least three calendar days before the date of the public hearing, the sponsors
2231 shall:

2232 (a) provide written notice of the public hearing to:

2233 (i) the lieutenant governor for posting on the state's website; and

2234 (ii) each state senator, state representative, and county commission or county council
2235 member who is elected in whole or in part from the region where the public hearing will be
2236 held; and

2237 (b) publish written notice of the public hearing detailing its time, date, and location:

2238 (i) in at least one newspaper of general circulation in each county in the region where
2239 the public hearing will be held; and

2240 (ii) ~~[as required in Section 45-1-101]~~ on the Utah Public Notice Website created in
2241 Section 63F-1-701.

- 2242 (3) (a) During the public hearing, the sponsors shall either:
- 2243 (i) video tape or audio tape the public hearing and, when the hearing is complete,
- 2244 deposit the complete audio or video tape of the meeting with the lieutenant governor; or
- 2245 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of
- 2246 each speaker and summarizing each speaker's comments.
- 2247 (b) The lieutenant governor shall make copies of the tapes or minutes available to the
- 2248 public.

2249 Section 43. Section **45-1-101** is amended to read:

2250 **45-1-101. Legal notice publication requirements.**

2251 (1) As used in this section:

2252 (a) (i) "Legal notice" means:

- 2253 (A) a communication required to be made public by a state statute or state agency rule;
- 2254 or

2255 (B) a notice required for judicial proceedings or by judicial decision.

2256 (ii) "Legal notice" does not include a public notice published by a public body in
2257 accordance with the provisions of Sections 52-4-202 and 63F-1-701.

2258 (b) "Person" is as defined in Section 68-3-12.

2259 (2) (a) Notwithstanding any other legal notice provision established in this Utah Code,
2260 a person required to publish legal notice:

2261 ~~[(a)]~~ (i) until January 1, 2010, shall publish as required by the ~~[state]~~ statute
2262 establishing the legal notice requirement; and

2263 ~~[(b)]~~ (ii) beginning on January 1, 2010, shall publish legal notice:

2264 ~~[(i)]~~ (A) as required by the statute establishing the legal notice requirement; and

2265 ~~[(ii)]~~ (B) on a website established by the collective efforts of Utah's newspapers.

2266 (b) A person's publishing legal notice as required under Subsection (2)(a) does not
2267 relieve the person from complying with an otherwise applicable requirement under Title 52,
2268 Chapter 4, Open and Public Meetings Act.

2269 (3) Beginning on January 1, 2012, notwithstanding any provision of law requiring

2270 publication of legal notice in a newspaper, a person who publishes legal notice that is required
2271 to be given in a county of the first or second class:

2272 (a) is not required to comply with the requirement to publish legal notice in a
2273 newspaper;

2274 (b) is required to publish legal notice on the website described in Subsection
2275 [~~(2)(b)(ii)~~] (2)(a)(ii)(B); and

2276 (c) may, in addition to complying with Subsection (3)(b), publish legal notice in a
2277 newspaper.

2278 (4) The website described in Subsection [~~(2)(b)(ii)~~] (2)(a)(ii)(B) may not:

2279 (a) charge a fee to publish a legal notice on the website before January 1, 2012; and

2280 (b) charge more than \$10 to publish a legal notice on the website on or after January 1,
2281 2012.

2282 Section 44. Section **53A-3-202** is amended to read:

2283 **53A-3-202. Compensation for services -- Additional per diem -- Approval of**
2284 **expenses.**

2285 (1) Each member of a local school board, except the student member, shall receive
2286 compensation for services and for necessary expenses in accordance with board compensation
2287 schedules adopted by the local school board in accordance with the provisions of this section.

2288 (2) Beginning on July 1, 2007, if a local school board decides to adopt or amend its
2289 board compensation schedules, the board shall set a time and place for a public hearing at
2290 which all interested persons shall be given an opportunity to be heard.

2291 (3) Notice of the time, place, and purpose of the meeting shall be provided at least
2292 seven days prior to the meeting by:

2293 (a) (i) publication at least once in a newspaper published in the county where the
2294 school district is situated and generally circulated within the school district; and

2295 (ii) publication [~~in accordance with Section 45-1-101~~] on the Utah Public Notice
2296 Website created in Section 63F-1-701; and

2297 (b) posting a notice:

- 2298 (i) at each school within the school district;
- 2299 (ii) in at least three other public places within the school district; and
- 2300 (iii) on the Internet in a manner that is easily accessible to citizens that use the
- 2301 Internet.
- 2302 (4) After the conclusion of the public hearing, the local school board may adopt or
- 2303 amend its board compensation schedules.
- 2304 (5) Each member shall submit an itemized account of necessary travel expenses for
- 2305 board approval.
- 2306 (6) A local school board may, without following the procedures described in
- 2307 Subsections (2) and (3), continue to use the compensation schedule that was in effect prior to
- 2308 July 1, 2007 until, at the discretion of the board, the compensation schedule is amended or a
- 2309 new compensation schedule is adopted.
- 2310 Section 45. Section **53A-3-402** is amended to read:
- 2311 **53A-3-402. Powers and duties generally.**
- 2312 (1) Each local school board shall:
- 2313 (a) implement the core curriculum utilizing instructional materials that best correlate
- 2314 to the core curriculum and graduation requirements;
- 2315 (b) administer tests, required by the State Board of Education, which measure the
- 2316 progress of each student, and coordinate with the state superintendent and State Board of
- 2317 Education to assess results and create plans to improve the student's progress which shall be
- 2318 submitted to the State Office of Education for approval;
- 2319 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
- 2320 students that need remediation and determine the type and amount of federal, state, and local
- 2321 resources to implement remediation;
- 2322 (d) develop early warning systems for students or classes failing to make progress;
- 2323 (e) work with the State Office of Education to establish a library of documented best
- 2324 practices, consistent with state and federal regulations, for use by the local districts; and
- 2325 (f) implement training programs for school administrators, including basic

2326 management training, best practices in instructional methods, budget training, staff
2327 management, managing for learning results and continuous improvement, and how to help
2328 every child achieve optimal learning in core academics.

2329 (2) Local school boards shall spend minimum school program funds for programs and
2330 activities for which the State Board of Education has established minimum standards or rules
2331 under Section 53A-1-402.

2332 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,
2333 and equipment and construct, erect, and furnish school buildings.

2334 (b) School sites or buildings may only be conveyed or sold on board resolution
2335 affirmed by at least two-thirds of the members.

2336 (4) (a) A board may participate in the joint construction or operation of a school
2337 attended by children residing within the district and children residing in other districts either
2338 within or outside the state.

2339 (b) Any agreement for the joint operation or construction of a school shall:

2340 (i) be signed by the president of the board of each participating district;

2341 (ii) include a mutually agreed upon pro rata cost; and

2342 (iii) be filed with the State Board of Education.

2343 (5) A board may establish, locate, and maintain elementary, secondary, and applied
2344 technology schools.

2345 (6) Except as provided in Subsection 53A-11-1402(3), a board may enroll children in
2346 school who are at least five years of age before September 2 of the year in which admission is
2347 sought.

2348 (7) A board may establish and support school libraries.

2349 (8) A board may collect damages for the loss, injury, or destruction of school property.

2350 (9) A board may authorize guidance and counseling services for children and their
2351 parents or guardians prior to, during, or following enrollment of the children in schools.

2352 (10) (a) A board shall administer and implement federal educational programs in
2353 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

2354 (b) Federal funds are not considered funds within the school district budget under Title
2355 53A, Chapter 19, School District Budgets.

2356 (11) (a) A board may organize school safety patrols and adopt rules under which the
2357 patrols promote student safety.

2358 (b) A student appointed to a safety patrol shall be at least 10 years old and have
2359 written parental consent for the appointment.

2360 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
2361 of a highway intended for vehicular traffic use.

2362 (d) Liability may not attach to a school district, its employees, officers, or agents or to
2363 a safety patrol member, a parent of a safety patrol member, or an authorized volunteer
2364 assisting the program by virtue of the organization, maintenance, or operation of a school
2365 safety patrol.

2366 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
2367 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
2368 devises, or bequests that are made for educational purposes.

2369 (b) These contributions are not subject to appropriation by the Legislature.

2370 (13) (a) A board may appoint and fix the compensation of a compliance officer to
2371 issue citations for violations of Subsection 76-10-105(2).

2372 (b) A person may not be appointed to serve as a compliance officer without the
2373 person's consent.

2374 (c) A teacher or student may not be appointed as a compliance officer.

2375 (14) A board shall adopt bylaws and rules for its own procedures.

2376 (15) (a) A board shall make and enforce rules necessary for the control and
2377 management of the district schools.

2378 (b) All board rules and policies shall be in writing, filed, and referenced for public
2379 access.

2380 (16) A board may hold school on legal holidays other than Sundays.

2381 (17) (a) Each board shall establish for each school year a school traffic safety

2382 committee to implement this Subsection (17).

2383 (b) The committee shall be composed of one representative of:

2384 (i) the schools within the district;

2385 (ii) the Parent Teachers' Association of the schools within the district;

2386 (iii) the municipality or county;

2387 (iv) state or local law enforcement; and

2388 (v) state or local traffic safety engineering.

2389 (c) The committee shall:

2390 (i) receive suggestions from parents, teachers, and others and recommend school
2391 traffic safety improvements, boundary changes to enhance safety, and school traffic safety
2392 program measures;

2393 (ii) review and submit annually to the Department of Transportation and affected
2394 municipalities and counties a child access routing plan for each elementary, middle, and junior
2395 high school within the district;

2396 (iii) consult the Utah Safety Council and the Division of Family Health Services and
2397 provide training to all school children in kindergarten through grade six, within the district, on
2398 school crossing safety and use; and

2399 (iv) help ensure the district's compliance with rules made by the Department of
2400 Transportation under Section 41-6a-303.

2401 (d) The committee may establish subcommittees as needed to assist in accomplishing
2402 its duties under Subsection (17)(c).

2403 (e) The board shall require the school community council of each elementary, middle,
2404 and junior high school within the district to develop and submit annually to the committee a
2405 child access routing plan.

2406 (18) (a) Each school board shall adopt and implement a comprehensive emergency
2407 response plan to prevent and combat violence in its public schools, on school grounds, on its
2408 school vehicles, and in connection with school-related activities or events.

2409 (b) The board shall implement its plan by July 1, 2000.

- 2410 (c) The plan shall:
- 2411 (i) include prevention, intervention, and response components;
- 2412 (ii) be consistent with the student conduct and discipline policies required for school
- 2413 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;
- 2414 (iii) require inservice training for all district and school building staff on what their
- 2415 roles are in the emergency response plan; and
- 2416 (iv) provide for coordination with local law enforcement and other public safety
- 2417 representatives in preventing, intervening, and responding to violence in the areas and
- 2418 activities referred to in Subsection (18)(a).
- 2419 (d) The State Board of Education, through the state superintendent of public
- 2420 instruction, shall develop comprehensive emergency response plan models that local school
- 2421 boards may use, where appropriate, to comply with Subsection (18)(a).
- 2422 (e) Each local school board shall, by July 1 of each year, certify to the State Board of
- 2423 Education that its plan has been practiced at the school level and presented to and reviewed by
- 2424 its teachers, administrators, students, and their parents and local law enforcement and public
- 2425 safety representatives.
- 2426 (19) (a) Each local school board may adopt an emergency response plan for the
- 2427 treatment of sports-related injuries that occur during school sports practices and events.
- 2428 (b) The plan may be implemented by each secondary school in the district that has a
- 2429 sports program for students.
- 2430 (c) The plan may:
- 2431 (i) include emergency personnel, emergency communication, and emergency
- 2432 equipment components;
- 2433 (ii) require inservice training on the emergency response plan for school personnel
- 2434 who are involved in sports programs in the district's secondary schools; and
- 2435 (iii) provide for coordination with individuals and agency representatives who:
- 2436 (A) are not employees of the school district; and
- 2437 (B) would be involved in providing emergency services to students injured while

2438 participating in sports events.

2439 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may
2440 review the plan each year and make revisions when required to improve or enhance the plan.

2441 (e) The State Board of Education, through the state superintendent of public
2442 instruction, shall provide local school boards with an emergency plan response model that
2443 local boards may use to comply with the requirements of this Subsection (19).

2444 (20) A board shall do all other things necessary for the maintenance, prosperity, and
2445 success of the schools and the promotion of education.

2446 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:

2447 (i) hold a public hearing, as defined in Section 10-9a-103; and

2448 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

2449 (b) The notice of a public hearing required under Subsection (21)(a) shall:

2450 (i) indicate the:

2451 (A) school or schools under consideration for closure or boundary change; and

2452 (B) date, time, and location of the public hearing; and

2453 (ii) at least 10 days prior to the public hearing, be:

2454 (A) published:

2455 (I) in a newspaper of general circulation in the area; and

2456 (II) ~~[as required in Section 45-1-101]~~ on the Utah Public Notice Website created in
2457 Section 63F-1-701; and

2458 (B) posted in at least three public locations within the municipality or on the district's
2459 official website.

2460 Section 46. Section **53B-7-101.5** is amended to read:

2461 **53B-7-101.5. Proposed tuition increases -- Notice -- Hearings.**

2462 (1) If an institution within the State System of Higher Education listed in Section
2463 53B-1-102 considers increasing tuition rates for undergraduate students in the process of
2464 preparing or implementing its budget, it shall hold a meeting to receive public input and
2465 response on the issue.

2466 (2) The institution shall advertise the hearing required under Subsection (1) using the
2467 following procedure:

2468 (a) The institution shall advertise its intent to consider an increase in student tuition
2469 rates:

2470 (i) in the institution's student newspaper twice during a period of 10 days prior to the
2471 meeting; and

2472 (ii) [~~as required in Section 45-1-101~~] on the Utah Public Notice Website created in
2473 Section 63F-1-701, for 10 days immediately before the meeting.

2474 [~~(b) The advertisement shall be run twice during a period of 10 days prior to the~~
2475 ~~meeting.~~]

2476 [(c)] (b) The advertisement shall state that the institution will meet on a certain day,
2477 time, and place fixed in the advertisement, which shall not be less than seven days after the
2478 day the second advertisement is published, for the purpose of hearing comments regarding the
2479 proposed increase and to explain the reasons for the proposed increase.

2480 (3) The form and content of the notice shall be substantially as follows:

2481 "NOTICE OF PROPOSED TUITION INCREASE

2482 The (name of the higher education institution) is proposing to increase student tuition
2483 rates. This would be an increase of _____ %, which is an increase of \$_____ per semester
2484 for a full-time resident undergraduate student. All concerned students and citizens are invited
2485 to a public hearing on the proposed increase to be held at (meeting place) on (date) at (time)."

2486 (4) (a) The institution shall provide the following information to those in attendance at
2487 the meeting required under Subsection (1):

2488 (i) the current year's student enrollment for:

2489 (A) the State System of Higher Education, if a systemwide increase is being
2490 considered; or

2491 (B) the institution, if an increase is being considered for just a single institution;

2492 (ii) total tuition revenues for the current school year;

2493 (iii) projected student enrollment growth for the next school year and projected tuition

2494 revenue increases from that anticipated growth; and

2495 (iv) a detailed accounting of how and where the increased tuition revenues would be
2496 spent.

2497 (b) The enrollment and revenue data required under Subsection (4)(a) shall be broken
2498 down into majors or departments if the proposed tuition increases are department or major
2499 specific.

2500 (5) If the institution does not make a final decision on the proposed tuition increase at
2501 the meeting, it shall announce the date, time, and place of the meeting where that
2502 determination shall be made.

2503 Section 47. Section **54-8-10** is amended to read:

2504 **54-8-10. Public hearing -- Notice -- Publication.**

2505 (1) Such notice shall be:

2506 (a) (i) published:

2507 (A) in full one time in a newspaper of general circulation in the district; or

2508 (B) if there be no such newspaper, ~~[by publication]~~ in a newspaper of general
2509 circulation in the county, city, or town in which ~~[said]~~ the district is located; and

2510 (ii) ~~[as required in Section 45-1-101]~~ published on the Utah Public Notice Website
2511 created in Section 63F-1-701; and

2512 (b) ~~[by posting]~~ posted in not less than three public places in ~~[such]~~ the district.

2513 (2) A copy of ~~[such]~~ the notice shall be mailed by certified mail to the last known
2514 address of each owner of land within the proposed district whose property will be assessed for
2515 the cost of the improvement.

2516 (3) The address to be used for ~~[said]~~ that purpose shall be that last appearing on the
2517 real property assessment rolls of the county ~~[wherein said]~~ in which the property is located.

2518 (4) In addition, a copy of ~~[such]~~ the notice shall be addressed to "Owner" and shall be
2519 so mailed addressed to the street number of each piece of improved property to be affected by
2520 the assessment.

2521 (5) Mailed notices and the published notice shall state where a copy of the resolution

2522 creating the district will be available for inspection by any interested parties.

2523 Section 48. Section **54-8-16** is amended to read:

2524 **54-8-16. Notice of assessment -- Publication.**

2525 (1) After the preparation of [~~the aforesaid~~] a resolution under Section 54-8-14, notice
2526 of a public hearing on the proposed assessments shall be given.

2527 (2) The notice described in Subsection (1) shall be:

2528 (a) published:

2529 (i) one time in a newspaper in which the first notice of hearing was published at least
2530 20 days before the date fixed for the hearing; and

2531 (ii) [~~in accordance with Section 45-1-101~~] on the Utah Public Notice Website created
2532 in Section 63F-1-701, for at least 20 days before the date fixed for the hearing; and

2533 (b) mailed by certified mail not less than 15 days prior to the date fixed for such
2534 hearing to each owner of real property whose property will be assessed for part of the cost of
2535 the improvement at the last known address of such owner using for such purpose the names
2536 and addresses appearing on the last completed real property assessment rolls of the county
2537 wherein said affected property is located.

2538 (3) In addition, a copy of such notice shall be addressed to "Owner" and shall be so
2539 mailed addressed to the street number of each piece of improved property to be affected by
2540 such assessment.

2541 (4) Each notice shall state that at the specified time and place, the governing body will
2542 hold a public hearing upon the proposed assessments and shall state that any owner of any
2543 property to be assessed pursuant to the resolution will be heard on the question of whether his
2544 property will be benefited by the proposed improvement to the amount of the proposed
2545 assessment against his property and whether the amount assessed against his property
2546 constitutes more than his proper proportional share of the total cost of the improvement.

2547 (5) The notice shall further state where a copy of the resolution proposed to be adopted
2548 levying the assessments against all real property in the district will be on file for public
2549 inspection, and that subject to such changes and corrections therein as may be made by the

2550 governing body, it is proposed to adopt the resolution at the conclusion of the hearing.

2551 (6) A published notice shall describe the boundaries or area of the district with
2552 sufficient particularity to permit each owner of real property therein to ascertain that his
2553 property lies in the district.

2554 (7) The mailed notice may refer to the district by name and date of creation and shall
2555 state the amount of the assessment proposed to be levied against the real property of the person
2556 to whom the notice is mailed.

2557 Section 49. Section **57-11-11** is amended to read:

2558 **57-11-11. Rules of division -- Filing advertising material -- Injunctions --**
2559 **Intervention by division in suits -- General powers of division.**

2560 (1) (a) The division shall prescribe reasonable rules which shall be adopted, amended,
2561 or repealed only after a public hearing.

2562 (b) The division shall:

2563 (i) publish notice of the public hearing described in Subsection (1)(a):

2564 (A) once in a newspaper or newspapers with statewide circulation and at least 20 days
2565 before the hearing; and

2566 (B) ~~[in accordance with Section 45-1-101]~~ on the Utah Public Notice Website created
2567 in Section 63F-1-701, for at least 20 days before the hearing; and

2568 (ii) send a notice to a nonprofit organization which files a written request for notice
2569 with the division at least 20 days prior to the hearing.

2570 (2) The rules shall include but need not be limited to:

2571 (a) provisions for advertising standards to assure full and fair disclosure; and

2572 (b) provisions for escrow or trust agreements, performance bonds, or other means
2573 reasonably necessary to assure that all improvements referred to in the application for
2574 registration and advertising will be completed and that purchasers will receive the interest in
2575 land contracted for.

2576 (3) These provisions, however, shall not be required if the city or county in which the
2577 subdivision is located requires similar means of assurance of a nature and in an amount no less

2578 adequate than is required under said rules:

2579 (a) provisions for operating procedures;

2580 (b) provisions for a shortened form of registration in cases where the division
2581 determines that the purposes of this act do not require a subdivision to be registered pursuant
2582 to an application containing all the information required by Section 57-11-6 or do not require
2583 that the public offering statement contain all the information required by Section 57-11-7; and

2584 (c) other rules necessary and proper to accomplish the purpose of this chapter.

2585 (4) The division by rule or order, after reasonable notice, may require the filing of
2586 advertising material relating to subdivided lands prior to its distribution, provided that the
2587 division must approve or reject any advertising material within 15 days from the receipt
2588 thereof or the material shall be considered approved.

2589 (5) If it appears that a person has engaged or is about to engage in an act or practice
2590 constituting a violation of a provision of this act or a rule or order hereunder, the agency, with
2591 or without prior administrative proceedings, may bring an action in the district court of the
2592 district where said person maintains his residence or a place of business or where said act or
2593 practice has occurred or is about to occur, to enjoin the acts or practices and to enforce
2594 compliance with this ~~act~~ chapter or any rule or order hereunder. Upon proper showing,
2595 injunctive relief or temporary restraining orders shall be granted, and a receiver or conservator
2596 may be appointed. The division shall not be required to post a bond in any court proceedings.

2597 (6) The division shall be allowed to intervene in a suit involving subdivided lands,
2598 either as a party or as an amicus curiae, where it appears that the interpretation or
2599 constitutionality of any provision of law will be called into question. In any suit by or against
2600 a subdivider involving subdivided lands, the subdivider promptly shall furnish the agency
2601 notice of the suit and copies of all pleadings. Failure to do so may, in the discretion of the
2602 division, constitute grounds for the division withholding any approval required by this chapter.

2603 (7) The division may:

2604 (a) accept registrations filed in other states or with the federal government;

2605 (b) contract with public agencies or qualified private persons in this state or other

2606 jurisdictions to perform investigative functions; and

2607 (c) accept grants-in-aid from any source.

2608 (8) The division shall cooperate with similar agencies in other jurisdictions to
2609 establish uniform filing procedures and forms, uniform public offering statements, advertising
2610 standards, rules, and common administrative practices.

2611 Section 50. Section **59-2-919** is amended to read:

2612 **59-2-919. Notice, public hearing, and resolution requirements for certain tax**
2613 **increases -- Exceptions -- Applicability of provisions.**

2614 (1) As used in this section:

2615 (a) "Ad valorem tax revenue" means ad valorem property tax revenue not including
2616 revenue from new growth as defined in Section 59-2-924.

2617 (b) "Calendar year taxing entity" means a taxing entity that operates under a fiscal year
2618 that begins on January 1 and ends on December 31.

2619 (c) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year
2620 that begins on July 1 and ends on June 30.

2621 (2) A taxing entity may not levy a tax rate that exceeds the taxing entity's certified tax
2622 rate unless the taxing entity:

2623 (a) to the extent required by this section, meets the:

2624 (i) notice requirements of this section; and

2625 (ii) public hearing requirements of this section; and

2626 (b) adopts a resolution in accordance with this section.

2627 (3) (a) Except as provided in Subsection (5), a calendar year taxing entity may levy a
2628 tax rate that exceeds the calendar year taxing entity's certified tax rate if the calendar year
2629 taxing entity:

2630 (i) (A) provides notice by meeting the advertisement requirements of Subsections (6)
2631 and (7) before the calendar year taxing entity conducts the public hearing at which the
2632 calendar year taxing entity's annual budget is adopted; and

2633 (B) before the calendar year taxing entity levies a tax rate that exceeds the calendar

2634 year taxing entity's certified tax rate:

2635 (I) provides notice by meeting the advertisement requirements of Subsections (6) and
2636 (7); or

2637 (II) provides a notice by mail:

2638 (Aa) on or no earlier than 14 days before the date the treasurer furnishes the notice
2639 required by Section 59-2-1317 for the calendar year immediately preceding the calendar year
2640 for which the calendar year taxing entity seeks to levy a tax rate that exceeds the calendar year
2641 taxing entity's certified tax rate;

2642 (Bb) before the calendar year taxing entity conducts the public meeting at which the
2643 calendar year taxing entity's annual budget is adopted; and

2644 (Cc) as provided in Subsection (3)(b); and

2645 (ii) conducts a public hearing in accordance with Subsections (8) and (9):

2646 (A) on or before the calendar year taxing entity conducts the public meeting at which
2647 the calendar year taxing entity's annual budget is adopted; and

2648 (B) if the calendar year taxing entity provides the notice described in Subsection
2649 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar
2650 year taxing entity's certified tax rate.

2651 (b) For a calendar year taxing entity that provides the notice described in Subsection
2652 (3)(a)(i)(B)(II), the notice:

2653 (i) shall be mailed to each owner of property:

2654 (A) within the calendar year taxing entity; and

2655 (B) listed on the assessment roll;

2656 (ii) shall be printed on a form:

2657 (A) developed by the commission; and

2658 (B) that, as determined by the commission, may be combined with:

2659 (I) a notice described in Subsection (3)(a)(i)(B)(II) provided by one or more other
2660 calendar year taxing entities; or

2661 (II) the notice required by Section 59-2-1317;

2662 (iii) shall contain for each property described in Subsection (3)(b)(i):
2663 (A) the value of the property for the calendar year immediately preceding the calendar
2664 year for which the calendar year taxing entity seeks to levy a tax rate that exceeds the calendar
2665 year taxing entity's certified tax rate;
2666 (B) the tax on the property for the calendar year immediately preceding the calendar
2667 year for which the calendar year taxing entity seeks to levy a tax rate that exceeds the calendar
2668 year taxing entity's certified tax rate; and
2669 (C) the estimated tax on the property:
2670 (I) for the calendar year for which the calendar year taxing entity seeks to levy a tax
2671 rate that exceeds the calendar year taxing entity's certified tax rate; and
2672 (II) calculated on the basis of data for the calendar year immediately preceding the
2673 calendar year for which the calendar year taxing entity seeks to levy a tax rate that exceeds the
2674 calendar year taxing entity's certified tax rate;
2675 (iv) shall contain the following statement:
2676 "[Insert name of taxing entity] is proposing a tax increase for [insert applicable
2677 calendar year]. This notice contains estimates of the tax on your property and the proposed tax
2678 increase on your property as a result of this tax increase. These estimates are calculated on the
2679 basis of [insert previous applicable calendar year] data. The actual tax on your property and
2680 proposed tax increase on your property may vary from this estimate.";
2681 (v) shall state the date, time, and place of the public hearing that will be held to
2682 discuss the calendar year taxing entity's annual budget; and
2683 (vi) may contain other property tax information approved by the commission.
2684 (4) Except as provided in Subsection (5), a fiscal year taxing entity may levy a tax rate
2685 that exceeds the fiscal year taxing entity's certified tax rate if the fiscal year taxing entity:
2686 (a) provides notice by meeting the advertisement requirements of Subsections (6) and
2687 (7) before the fiscal year taxing entity conducts the public meeting at which the fiscal year
2688 taxing entity's annual budget is adopted; and
2689 (b) conducts a public hearing in accordance with Subsections (8) and (9) before the

2690 fiscal year taxing entity's annual budget is adopted.

2691 (5) (a) A taxing entity is not required to meet the notice or public hearing requirements
2692 of Subsection (3) or (4) if the taxing entity is expressly exempted by law from complying with
2693 the requirements of this section.

2694 (b) (i) Except as provided in Subsection (5)(b)(ii), a taxing entity is not required to
2695 meet the notice or public hearing requirements of Subsection (3) or (4) if:

2696 (A) the taxing entity is a party to an interlocal agreement under Title 11, Chapter 13,
2697 Interlocal Cooperation Act, that creates an interlocal entity to provide fire protection,
2698 emergency, and emergency medical services;

2699 (B) the tax rate increase is approved by the taxing entity's voters at an election held for
2700 that purpose on or before December 31, 2010;

2701 (C) the purpose of the tax rate increase is to pay for fire protection, emergency, and
2702 emergency medical services provided by the interlocal entity; and

2703 (D) at least 30 days before the taxing entity's annual budget hearing, the taxing entity:

2704 (I) adopts a resolution certifying that:

2705 (Aa) the taxing entity will dedicate all revenue from the tax rate increase exclusively to
2706 pay for fire protection, emergency, and emergency medical services provided by the interlocal
2707 entity; and

2708 (Bb) the amount of other revenues, independent of the revenue generated from the tax
2709 rate increase, that the taxing entity spends for fire protection, emergency, and emergency
2710 medical services each year after the tax rate increase will not decrease below the amount spent
2711 by the taxing entity during the year immediately before the tax rate increase without a
2712 corresponding decrease in the taxing entity's property tax revenues used in calculating the
2713 taxing entity's certified tax rate; and

2714 (II) sends a copy of the resolution to the commission.

2715 (ii) The exception under Subsection (5)(b)(i) from the notice and public hearing
2716 requirements of Subsection (3) or (4) does not apply to an increase in a taxing entity's tax rate
2717 that occurs after December 31, 2010, even if the tax rate increase is approved by the taxing

2718 entity's voters before that date.

2719 (c) A taxing entity is not required to meet the notice requirements of Subsection (3) or
2720 (4) if:

2721 (i) Section 53A-17a-133 allows the taxing entity to levy a tax rate that exceeds that
2722 certified tax rate without having to comply with the notice provisions of this section; or

2723 (ii) the taxing entity:

2724 (A) budgeted less than \$20,000 in ad valorem tax revenues for the previous fiscal year;
2725 and

2726 (B) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax
2727 revenues.

2728 (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this
2729 section shall be published:

2730 (i) subject to Section 45-1-101, in a newspaper or combination of newspapers of
2731 general circulation in the taxing entity; [~~and~~]

2732 (ii) electronically in accordance with Section 45-1-101[-]; and

2733 (iii) on the Utah Public Notice Website created in Section 63F-1-701.

2734 (b) The advertisement described in Subsection (6)(a)(i) shall:

2735 (i) be no less than 1/4 page in size;

2736 (ii) use type no smaller than 18 point; and

2737 (iii) be surrounded by a 1/4-inch border.

2738 (c) The advertisement described in Subsection (6)(a)(i) may not be placed in that
2739 portion of the newspaper where legal notices and classified advertisements appear.

2740 (d) It is the intent of the Legislature that:

2741 (i) whenever possible, the advertisement described in Subsection (6)(a)(i) appear in a
2742 newspaper that is published at least one day per week; and

2743 (ii) the newspaper or combination of newspapers selected:

2744 (A) be of general interest and readership in the taxing entity; and

2745 (B) not be of limited subject matter.

2746 (e) (i) The advertisement:
2747 (A) described in Subsection (6)(a)(i) shall:
2748 (I) except as provided in Subsection (6)(e)(ii), be run once each week for the two
2749 weeks:
2750 (Aa) before a taxing entity conducts a public hearing at which the taxing entity's
2751 annual budget is discussed; and
2752 (Bb) if a calendar year taxing entity provides the notice described in Subsection
2753 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar
2754 year taxing entity's certified tax rate; and
2755 (II) state that the taxing entity will meet on a certain day, time, and place fixed in the
2756 advertisement, which shall be not less than seven days after the day the first advertisement is
2757 published, for the purpose of hearing comments regarding any proposed increase and to
2758 explain the reasons for the proposed increase; or
2759 (B) described in Subsection (6)(a)(ii) shall:
2760 (I) be published two weeks:
2761 (Aa) before a taxing entity conducts a public hearing at which the taxing entity's
2762 annual budget is discussed; and
2763 (Bb) if a calendar year taxing entity provides the notice described in Subsection
2764 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar
2765 year taxing entity's certified tax rate; and
2766 (II) state that the taxing entity will meet on a certain day, time, and place fixed in the
2767 advertisement, which shall be not less than seven days after the day the first advertisement is
2768 published, for the purpose of hearing comments regarding any proposed increase and to
2769 explain the reasons for the proposed increase.
2770 (ii) If a taxing entity's public hearing information is published by the county auditor in
2771 accordance with Section 59-2-919.2, the taxing entity is not subject to the requirement to run
2772 the advertisement twice, as required by Subsection (6)(e)(i)(A), but shall run the advertisement
2773 once during the week:

2774 (A) before the taxing entity conducts a public hearing at which the taxing entity's
2775 annual budget is discussed; and

2776 (B) if a calendar year taxing entity provides the notice described in Subsection
2777 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar
2778 year taxing entity's certified tax rate.

2779 (f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an
2780 advertisement shall be substantially as follows:

2781 "NOTICE OF PROPOSED TAX INCREASE

2782 (NAME OF TAXING ENTITY)

2783 The (name of the taxing entity) is proposing to increase its property tax revenue.

2784 ● The (name of the taxing entity) tax on a (insert the average value of a residence
2785 in the taxing entity rounded to the nearest thousand dollars) residence would
2786 increase from \$_____ to \$_____, which is \$_____ per year.

2787 ● The (name of the taxing entity) tax on a (insert the value of a business having
2788 the same value as the average value of a residence in the taxing entity) business
2789 would increase from \$_____ to \$_____, which is \$_____ per year.

2790 ● If the proposed budget is approved, (name of the taxing entity) would increase
2791 its property tax budgeted revenue by ___% above last year's property tax
2792 budgeted revenue excluding new growth.

2793 All concerned citizens are invited to a public hearing on the tax increase.

2794 PUBLIC HEARING

2795 Date/Time: (date) (time)

2796 Location: (name of meeting place and address of meeting place)

2797 To obtain more information regarding the tax increase, citizens may contact the (name
2798 of the taxing entity) at (phone number of taxing entity)."

2799 (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and content of an
2800 advertisement shall be substantially as follows:

2801 "NOTICE OF PROPOSED TAX INCREASE

2802 (NAME OF TAXING ENTITY)

2803 The (name of the taxing entity) is proposing to increase its property tax revenue.

2804 ● The (name of the taxing entity) tax on a (insert the average value of a residence
2805 in the taxing entity rounded to the nearest thousand dollars) residence would
2806 increase from \$_____ to \$_____, which is \$_____ per year.

2807 ● The (name of the taxing entity) tax on a (insert the value of a business having
2808 the same value as the average value of a residence in the taxing entity) business
2809 would increase from \$_____ to \$_____, which is \$_____ per year.

2810 ● If the proposed budget is approved, (name of the taxing entity) would increase
2811 its property tax budgeted revenue by ___% above last year's property tax
2812 budgeted revenue excluding new growth.

2813 (Name of taxing entity) property tax revenue from new growth and other sources will
2814 increase from \$_____ to \$_____.

2815 All concerned citizens are invited to a public hearing on the tax increase.

2816 **PUBLIC HEARING**

2817 Date/Time: (date) (time)

2818 Location: (name of meeting place and address of meeting place)

2819 To obtain more information regarding the tax increase, citizens may contact the (name
2820 of the taxing entity) at (phone number of taxing entity)."

2821 (7) The commission:

2822 (a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
2823 Rulemaking Act, governing the joint use of one advertisement described in Subsection (6) by
2824 two or more taxing entities; and

2825 (b) subject to Section 45-1-101, may authorize:

2826 (i) the use of a weekly newspaper:

2827 (A) in a county having both daily and weekly newspapers if the weekly newspaper
2828 would provide equal or greater notice to the taxpayer; and

2829 (B) if the county petitions the commission for the use of the weekly newspaper; or

2830 (ii) the use by a taxing entity except for a calendar year taxing entity that provides the
2831 notice described in Subsection (3)(a)(i)(B)(II) of a commission approved direct notice to each
2832 taxpayer if:

2833 (A) the cost of the advertisement would cause undue hardship;

2834 (B) the direct notice is different and separate from that provided for in Section
2835 59-2-919.1; and

2836 (C) the taxing entity petitions the commission for the use of a commission approved
2837 direct notice.

2838 (8) (a) (i) A taxing entity shall on or before March 1 notify the county legislative body
2839 in which the taxing entity is located of the date, time, and place of the first public hearing at
2840 which the taxing entity's annual budget will be discussed.

2841 (ii) A county that receives notice from a taxing entity under Subsection (8)(a)(i) shall
2842 include on the notice required by Section 59-2-919.1 the date, time, and place of the public
2843 hearing described in Subsection (8)(a)(i).

2844 (b) (i) A public hearing described in this section shall be open to the public.

2845 (ii) The governing body of a taxing entity conducting a public hearing described in
2846 this section shall provide an interested party desiring to be heard an opportunity to present oral
2847 testimony within reasonable time limits.

2848 (c) (i) Except as provided in Subsection (8)(c)(ii), a taxing entity may not schedule a
2849 public hearing described in this section at the same time as the public hearing of another
2850 overlapping taxing entity in the same county.

2851 (ii) The taxing entities in which the power to set tax levies is vested in the same
2852 governing board or authority may consolidate the public hearings described in this section into
2853 one public hearing.

2854 (d) A county legislative body shall resolve any conflict in public hearing dates and
2855 times after consultation with each affected taxing entity.

2856 (e) A taxing entity shall hold a public hearing described in this section beginning at or
2857 after 6 p.m.

2858 (9) (a) If a taxing entity does not make a final decision on budgeting an increased
2859 amount of ad valorem tax revenue at a public hearing described in this section, the taxing
2860 entity shall announce at that public hearing the scheduled time and place of the next public
2861 meeting at which the taxing entity will consider budgeting the increased amount of ad valorem
2862 tax revenue.

2863 (b) (i) If a calendar year taxing entity that conducts a public hearing in accordance
2864 with Subsection (3)(b)(ii) does not adopt a resolution levying a tax rate on the day of the
2865 public hearing, the taxing entity shall announce at that public hearing the scheduled time and
2866 place of the next public meeting at which the taxing entity will consider adopting a resolution
2867 levying the tax rate.

2868 (ii) If a taxing entity except for a taxing entity described in Subsection (5)(a) or (b)
2869 will consider adopting a resolution levying a tax rate at a day and time that is more than two
2870 weeks after the public hearing described in Subsection 59-2-919.1(2)(c)(v), the taxing entity
2871 shall meet the notice requirements of Subsection (3)(a)(i)(B)(I).

2872 (10) (a) A taxing entity may adopt a resolution levying a tax rate that exceeds the
2873 taxing entity's certified tax rate if the taxing entity, to the extent required by this section, meets
2874 the:

2875 (i) notice requirements of this section; and

2876 (ii) public hearing requirements of this section.

2877 (b) A public hearing on levying a tax rate that exceeds a taxing entity's certified tax
2878 rate may coincide with a public hearing on the taxing entity's proposed annual budget.

2879 (11) The amendments to this section in Laws of Utah 2009, Chapter 204, apply to:

2880 (a) for a fiscal year taxing entity, the fiscal year that begins on July 1, 2009; or

2881 (b) for a calendar year taxing entity, the fiscal year that begins on January 1, 2010.

2882 Section 51. Section **59-2-919.2** is amended to read:

2883 **59-2-919.2. Consolidated advertisement of public hearings.**

2884 (1) (a) Except as provided in Subsection (1)(b), on the same day on which a taxing
2885 entity provides the notice to the county required under Subsection 59-2-919(8)(a)(i), the

2886 taxing entity shall provide to the county auditor the information required by Subsection
2887 59-2-919(8)(a)(i).

2888 (b) A taxing entity is not required to notify the county auditor of the taxing entity's
2889 public hearing in accordance with Subsection (1)(a) if the taxing entity is exempt from the
2890 notice requirements of Section 59-2-919.

2891 (2) If as of July 22, two or more taxing entities notify the county auditor under
2892 Subsection (1), the county auditor shall by no later than July 22 of each year:

2893 (a) compile a list of the taxing entities that notify the county auditor under Subsection
2894 (1);

2895 (b) include on the list described in Subsection (2)(a), the following information for
2896 each taxing entity on the list:

2897 (i) the name of the taxing entity;

2898 (ii) the date, time, and location of the public hearing described in Subsection
2899 59-2-919(8)(a)(i);

2900 (iii) the average dollar increase on a residence in the taxing entity that the proposed
2901 tax increase would generate; and

2902 (iv) the average dollar increase on a business in the taxing entity that the proposed tax
2903 increase would generate;

2904 (c) provide a copy of the list described in Subsection (2)(a) to each taxing entity that
2905 notifies the county auditor under Subsection (1); and

2906 (d) in addition to the requirements of Subsection (3), if the county has a webpage,
2907 publish a copy of the list described in Subsection (2)(a) on the county's webpage until
2908 December 31.

2909 (3) (a) At least two weeks before any public hearing included in the list under
2910 Subsection (2) is held, the county auditor shall publish:

2911 (i) the list compiled under Subsection (2); and

2912 (ii) a statement that:

2913 (A) the list is for informational purposes only;

2914 (B) the list should not be relied on to determine a person's tax liability under this
2915 chapter; and

2916 (C) for specific information related to the tax liability of a taxpayer, the taxpayer
2917 should review the taxpayer's tax notice received under Section 59-2-919.1.

2918 (b) Except as provided in Subsection (3)(d)(ii), the information described in
2919 Subsection (3)(a) shall be published:

2920 (i) in no less than 1/4 page in size;

2921 (ii) in type no smaller than 18 point; and

2922 (iii) surrounded by a 1/4-inch border.

2923 (c) The published information described in Subsection (3)(a) and published in
2924 accordance with Subsection (3)(d)(i) may not be placed in the portion of a newspaper where a
2925 legal notice or classified advertisement appears.

2926 (d) A county auditor shall publish the information described in Subsection (3)(a):

2927 (i) (A) in a newspaper or combination of newspapers that are:

2928 (I) published at least one day per week;

2929 (II) of general interest and readership in the county; and

2930 (III) not of limited subject matter; and

2931 (B) once each week for the two weeks preceding the first hearing included in the list
2932 compiled under Subsection (2); and

2933 (ii) [~~as required in Section 45-1-101,~~] for two weeks preceding the first hearing
2934 included in the list compiled under Subsection (2)[-];

2935 (A) as required in Section 45-1-101; and

2936 (B) on the Utah Public Notice Website created in Section 63F-1-701.

2937 (4) A taxing entity that notifies the county auditor under Subsection (1) shall provide
2938 the list described in Subsection (2)(c) to a person:

2939 (a) who attends the public hearing described in Subsection 59-2-919(8)(a)(i) of the
2940 taxing entity; or

2941 (b) who requests a copy of the list.

2942 (5) (a) A county auditor shall by no later than 30 days from the day on which the last
2943 publication of the information required by Subsection (3)(a) is made:

2944 (i) determine the costs of compiling and publishing the list; and

2945 (ii) charge each taxing entity included on the list an amount calculated by dividing the
2946 amount determined under Subsection (5)(a) by the number of taxing entities on the list.

2947 (b) A taxing entity shall pay the county auditor the amount charged under Subsection
2948 (5)(a).

2949 (6) The publication of the list under this section does not remove or change the notice
2950 requirements of Section 59-2-919 for a taxing entity.

2951 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2952 the commission may make rules:

2953 (a) relating to the publication of a consolidated advertisement which includes the
2954 information described in Subsection (2) for a taxing entity that overlaps two or more counties;

2955 (b) relating to the payment required in Subsection (5)(b); and

2956 (c) to oversee the administration of this section and provide for uniform
2957 implementation.

2958 Section 52. Section **59-12-1102** is amended to read:

2959 **59-12-1102. Base -- Rate -- Imposition of tax -- Distribution of revenue --**
2960 **Administration -- Commission requirement to retain an amount to be deposited into the**
2961 **Qualified Emergency Food Agencies Fund -- Enactment or repeal of tax -- Effective date**
2962 **-- Notice requirements.**

2963 (1) (a) (i) Subject to Subsections (2) through (6), and in addition to any other tax
2964 authorized by this chapter, a county may impose by ordinance a county option sales and use
2965 tax of .25% upon the transactions described in Subsection 59-12-103(1).

2966 (ii) Notwithstanding Subsection (1)(a)(i), a county may not impose a tax under this
2967 section on the sales and uses described in Section 59-12-104 to the extent the sales and uses
2968 are exempt from taxation under Section 59-12-104.

2969 (b) For purposes of this Subsection (1), the location of a transaction shall be

2970 determined in accordance with Sections 59-12-211 through 59-12-215.

2971 (c) The county option sales and use tax under this section shall be imposed:

2972 (i) upon transactions that are located within the county, including transactions that are
2973 located within municipalities in the county; and

2974 (ii) except as provided in Subsection (1)(d) or (5), beginning on the first day of
2975 January:

2976 (A) of the next calendar year after adoption of the ordinance imposing the tax if the
2977 ordinance is adopted on or before May 25; or

2978 (B) of the second calendar year after adoption of the ordinance imposing the tax if the
2979 ordinance is adopted after May 25.

2980 (d) Notwithstanding Subsection (1)(c)(ii), the county option sales and use tax under
2981 this section shall be imposed:

2982 (i) beginning January 1, 1998, if an ordinance adopting the tax imposed on or before
2983 September 4, 1997; or

2984 (ii) beginning January 1, 1999, if an ordinance adopting the tax is imposed during
2985 1997 but after September 4, 1997.

2986 (2) (a) Before imposing a county option sales and use tax under Subsection (1), a
2987 county shall hold two public hearings on separate days in geographically diverse locations in
2988 the county.

2989 (b) (i) At least one of the hearings required by Subsection (2)(a) shall have a starting
2990 time of no earlier than 6 p.m.

2991 (ii) The earlier of the hearings required by Subsection (2)(a) shall be no less than
2992 seven days after the day the first advertisement required by Subsection (2)(c) is published.

2993 (c) (i) Before holding the public hearings required by Subsection (2)(a), the county
2994 shall advertise:

2995 (A) its intent to adopt a county option sales and use tax;

2996 (B) the date, time, and location of each public hearing; and

2997 (C) a statement that the purpose of each public hearing is to obtain public comments

2998 regarding the proposed tax.

2999 (ii) The advertisement shall be published:

3000 (A) in a newspaper of general circulation in the county once each week for the two
3001 weeks preceding the earlier of the two public hearings; and

3002 (B) ~~[in accordance with Section 45-1-101]~~ on the Utah Public Notice Website created
3003 in Section 63F-1-701, for two weeks preceding the earlier of the two public hearings.

3004 (iii) The advertisement described in Subsection (2)(c)(ii)(A) shall be no less than 1/8
3005 page in size, and the type used shall be no smaller than 18 point and surrounded by a 1/4-inch
3006 border.

3007 (iv) The advertisement described in Subsection (2)(c)(ii)(A) may not be placed in that
3008 portion of the newspaper where legal notices and classified advertisements appear.

3009 (v) In accordance with Subsection (2)(c)(ii)(A), whenever possible:

3010 (A) the advertisement shall appear in a newspaper that is published at least five days a
3011 week, unless the only newspaper in the county is published less than five days a week; and

3012 (B) the newspaper selected shall be one of general interest and readership in the
3013 community, and not one of limited subject matter.

3014 (d) The adoption of an ordinance imposing a county option sales and use tax is subject
3015 to a local referendum election and shall be conducted as provided in Title 20A, Chapter 7, Part
3016 6, Local Referenda - Procedures.

3017 (3) (a) Subject to Subsection (5), if the aggregate population of the counties imposing
3018 a county option sales and use tax under Subsection (1) is less than 75% of the state population,
3019 the tax levied under Subsection (1) shall be distributed to the county in which the tax was
3020 collected.

3021 (b) Subject to Subsection (5), if the aggregate population of the counties imposing a
3022 county option sales and use tax under Subsection (1) is greater than or equal to 75% of the
3023 state population:

3024 (i) 50% of the tax collected under Subsection (1) in each county shall be distributed to
3025 the county in which the tax was collected; and

3026 (ii) except as provided in Subsection (3)(c), 50% of the tax collected under Subsection
3027 (1) in each county shall be distributed proportionately among all counties imposing the tax,
3028 based on the total population of each county.

3029 (c) Except as provided in Subsection (5), the amount to be distributed annually to a
3030 county under Subsection (3)(b)(ii), when combined with the amount distributed to the county
3031 under Subsection (3)(b)(i), does not equal at least \$75,000, then:

3032 (i) the amount to be distributed annually to that county under Subsection (3)(b)(ii)
3033 shall be increased so that, when combined with the amount distributed to the county under
3034 Subsection (3)(b)(i), the amount distributed annually to the county is \$75,000; and

3035 (ii) the amount to be distributed annually to all other counties under Subsection
3036 (3)(b)(ii) shall be reduced proportionately to offset the additional amount distributed under
3037 Subsection (3)(c)(i).

3038 (d) The commission shall establish rules to implement the distribution of the tax under
3039 Subsections (3)(a), (b), and (c).

3040 (4) (a) Except as provided in Subsection (4)(b) or (c), a tax authorized under this part
3041 shall be administered, collected, and enforced in accordance with:

3042 (i) the same procedures used to administer, collect, and enforce the tax under:

3043 (A) Part 1, Tax Collection; or

3044 (B) Part 2, Local Sales and Use Tax Act; and

3045 (ii) Chapter 1, General Taxation Policies.

3046 (b) Notwithstanding Subsection (4)(a), a tax under this part is not subject to
3047 Subsections 59-12-205(2) through (6).

3048 (c) Notwithstanding Subsection (4)(a), the fee charged by the commission under
3049 Section 59-12-206 shall be based on the distribution amounts resulting after:

3050 (i) the applicable distribution calculations under Subsection (3) have been made; and

3051 (ii) the commission retains the amount required by Subsection (5).

3052 (5) (a) Beginning on July 1, 2009, the commission shall calculate and retain a portion
3053 of the sales and use tax collected under this part as provided in this Subsection (5).

3054 (b) For a county that imposes a tax under this part, the commission shall calculate a
3055 percentage each month by dividing the sales and use tax collected under this part for that
3056 month within the boundaries of that county by the total sales and use tax collected under this
3057 part for that month within the boundaries of all of the counties that impose a tax under this
3058 part.

3059 (c) For a county that imposes a tax under this part, the commission shall retain each
3060 month an amount equal to the product of:

3061 (i) the percentage the commission determines for the month under Subsection (5)(b)
3062 for the county; and

3063 (ii) \$6,354.

3064 (d) The commission shall deposit an amount the commission retains in accordance
3065 with this Subsection (5) into the Qualified Emergency Food Agencies Fund created by Section
3066 9-4-1409.

3067 (e) An amount the commission deposits into the Qualified Emergency Food Agencies
3068 Fund shall be expended as provided in Section 9-4-1409.

3069 (6) (a) For purposes of this Subsection (6):

3070 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2,
3071 ~~[Annexation to County]~~ County Consolidations and Annexations.

3072 (ii) "Annexing area" means an area that is annexed into a county.

3073 (b) (i) Except as provided in Subsection (6)(c) or (d), if, on or after July 1, 2004, a
3074 county enacts or repeals a tax under this part:

3075 (A) (I) the enactment shall take effect as provided in Subsection (1)(c); or

3076 (II) the repeal shall take effect on the first day of a calendar quarter; and

3077 (B) after a 90-day period beginning on the date the commission receives notice
3078 meeting the requirements of Subsection (6)(b)(ii) from the county.

3079 (ii) The notice described in Subsection (6)(b)(i)(B) shall state:

3080 (A) that the county will enact or repeal a tax under this part;

3081 (B) the statutory authority for the tax described in Subsection (6)(b)(ii)(A);

3082 (C) the effective date of the tax described in Subsection (6)(b)(ii)(A); and
3083 (D) if the county enacts the tax described in Subsection (6)(b)(ii)(A), the rate of the
3084 tax.

3085 (c) (i) The enactment of a tax shall take effect on the first day of the first billing
3086 period:

3087 (A) that begins after the effective date of the enactment of the tax; and
3088 (B) if the billing period for the transaction begins before the effective date of the
3089 enactment of the tax under Subsection (1).

3090 (ii) The repeal of a tax shall take effect on the first day of the last billing period:
3091 (A) that began before the effective date of the repeal of the tax; and
3092 (B) if the billing period for the transaction begins before the effective date of the
3093 repeal of the tax imposed under Subsection (1).

3094 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
3095 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
3096 Subsection (6)(b)(i) takes effect:

3097 (A) on the first day of a calendar quarter; and
3098 (B) beginning 60 days after the effective date of the enactment or repeal under
3099 Subsection (6)(b)(i).

3100 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
3101 the commission may by rule define the term "catalogue sale."

3102 (e) (i) Except as provided in Subsection (6)(f) or (g), if, for an annexation that occurs
3103 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under
3104 this part for an annexing area, the enactment or repeal shall take effect:

3105 (A) on the first day of a calendar quarter; and
3106 (B) after a 90-day period beginning on the date the commission receives notice
3107 meeting the requirements of Subsection (6)(e)(ii) from the county that annexes the annexing
3108 area.

3109 (ii) The notice described in Subsection (6)(e)(i)(B) shall state:

3110 (A) that the annexation described in Subsection (6)(e)(i) will result in an enactment or
3111 repeal of a tax under this part for the annexing area;

3112 (B) the statutory authority for the tax described in Subsection (6)(e)(ii)(A);

3113 (C) the effective date of the tax described in Subsection (6)(e)(ii)(A); and

3114 (D) the rate of the tax described in Subsection (6)(e)(ii)(A).

3115 (f) (i) The enactment of a tax shall take effect on the first day of the first billing
3116 period:

3117 (A) that begins after the effective date of the enactment of the tax; and

3118 (B) if the billing period for the transaction begins before the effective date of the
3119 enactment of the tax under Subsection (1).

3120 (ii) The repeal of a tax shall take effect on the first day of the last billing period:

3121 (A) that began before the effective date of the repeal of the tax; and

3122 (B) if the billing period for the transaction begins before the effective date of the
3123 repeal of the tax imposed under Subsection (1).

3124 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
3125 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
3126 Subsection (6)(e)(i) takes effect:

3127 (A) on the first day of a calendar quarter; and

3128 (B) beginning 60 days after the effective date of the enactment or repeal under
3129 Subsection (6)(e)(i).

3130 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
3131 the commission may by rule define the term "catalogue sale."

3132 Section 53. Section **63G-9-303** is amended to read:

3133 **63G-9-303. Meeting to examine claims -- Notice of meeting.**

3134 (1) At least 60 days preceding the meeting of each Legislature the board [must] shall
3135 hold a session for the purpose of examining the claims referred to in Section 63G-9-302, and
3136 may adjourn from time to time until the work is completed.

3137 (2) The board shall cause notice of such meeting or meetings to be published:

3138 (a) in some newspaper at the seat of government and such other newspapers as may be
3139 determined by the board for such time as the board may prescribe; and

3140 (b) [~~as required in Section 45-1-101~~] on the Utah Public Notice Website created in
3141 Section 63F-1-701.

3142 Section 54. Section **63H-1-701** is amended to read:

3143 **63H-1-701. Annual authority budget -- Fiscal year -- Public hearing required --**
3144 **Auditor forms -- Requirement to file form.**

3145 (1) The authority shall prepare and its board adopt an annual budget of revenues and
3146 expenditures for the authority for each fiscal year.

3147 (2) Each annual authority budget shall be adopted before June 22.

3148 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

3149 (4) (a) Before adopting an annual budget, the authority board shall hold a public
3150 hearing on the annual budget.

3151 (b) The authority shall provide notice of the public hearing on the annual budget by:

3152 (i) publishing notice:

3153 (A) at least once in a newspaper of general circulation within the authority boundaries,
3154 one week before the public hearing; and

3155 (B) [~~in accordance with Section 45-1-101~~] on the Utah Public Notice Website created
3156 in Section 63F-1-701, for at least one week immediately before the public hearing; or

3157 (ii) if there is no newspaper of general circulation within the authority boundaries as
3158 described in Subsection (4)(a)(i)(A), posting a notice of the public hearing in at least three
3159 public places within the authority boundaries.

3160 (c) The authority shall make the annual budget available for public inspection at least
3161 three days before the date of the public hearing.

3162 (5) The state auditor shall prescribe the budget forms and the categories to be
3163 contained in each authority budget, including:

3164 (a) revenues and expenditures for the budget year;

3165 (b) legal fees; and

3166 (c) administrative costs, including rent, supplies, and other materials, and salaries of
3167 authority personnel.

3168 (6) (a) Within 30 days after adopting an annual budget, the authority board shall file a
3169 copy of the annual budget with the auditor of the county in which the authority is located, the
3170 State Tax Commission, the state auditor, the State Board of Education, and each taxing entity
3171 that levies a tax on property from which the authority collects tax increment.

3172 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
3173 state as a taxing entity is met if the authority files a copy with the State Tax Commission and
3174 the state auditor.

3175 Section 55. Section **63H-2-204** is amended to read:

3176 **63H-2-204. Dissolution of authority.**

3177 (1) Subject to the other provisions of this section, the board may dissolve the
3178 authority:

3179 (a) if the board determines that the authority can no longer comply with the
3180 requirements of this chapter; and

3181 (b) by a vote of at least five members of the board.

3182 (2) The authority may not be dissolved if the authority has any of the following:

3183 (a) an outstanding bonded indebtedness;

3184 (b) an unpaid loan, indebtedness, or advance; or

3185 (c) a legally binding contractual obligation with a person other than the state.

3186 (3) Upon the dissolution of the authority:

3187 (a) the Governor's Office of Economic Development shall publish a notice of
3188 dissolution;

3189 (i) in a newspaper of general circulation in each county in which a qualifying
3190 transmission project is located; and

3191 (ii) electronically, in accordance with Section 45-1-101;

3192 (b) the authority shall deposit its records with the state auditor, to be retained for the
3193 time period determined by the state auditor; and

3194 (c) the assets of the authority shall revert to the state.

3195 (4) The authority shall pay the expenses of dissolution and winding up the affairs of
3196 the authority.

3197 (5) If a dissolution under this section is part of a privatization of the authority, the
3198 dissolution is subject to Title 63E, Chapter 1, Part 4, Privatization of Independent Entities.

3199 Section 56. Section **72-3-108** is amended to read:

3200 **72-3-108. County roads -- Vacation and narrowing.**

3201 (1) A county may, by ordinance, vacate, narrow, or change the name of a county road
3202 without petition or after petition by a property owner.

3203 (2) A county may not vacate a county road unless notice of the hearing is:

3204 (a) published:

3205 (i) in a newspaper of general circulation in the county once a week for four
3206 consecutive weeks before the hearing; and

3207 (ii) [~~in accordance with Section 45-1-104~~] on the Utah Public Notice Website created
3208 in Section 63F-1-701, for four weeks before the hearing; and

3209 (b) posted in three public places for four consecutive weeks prior to the hearing; and

3210 (c) mailed to the department and all owners of property abutting the county road.

3211 (3) The right-of-way and easements, if any, of a property owner and the franchise
3212 rights of any public utility may not be impaired by vacating or narrowing a county road.

3213 (4) Except as provided in Section 72-5-305, if a county vacates a county road, the
3214 state's right-of-way interest in the county road is also vacated.

3215 Section 57. Section **72-5-105** is amended to read:

3216 **72-5-105. Highways, streets, or roads once established continue until abandoned**
3217 **-- Temporary closure.**

3218 (1) All public highways, streets, or roads once established shall continue to be
3219 highways, streets, or roads until abandoned or vacated by order of a highway authority having
3220 jurisdiction or by other competent authority.

3221 (2) (a) For purposes of assessment, upon the recordation of an order executed by the

3222 proper authority with the county recorder's office, title to the vacated or abandoned highway,
3223 street, or road shall vest to the adjoining record owners, with 1/2 of the width of the highway,
3224 street, or road assessed to each of the adjoining owners.

3225 (b) Provided, however, that should a description of an owner of record extend into the
3226 vacated or abandoned highway, street, or road that portion of the vacated or abandoned
3227 highway, street, or road shall vest in the record owner, with the remainder of the highway,
3228 street, or road vested as otherwise provided in this Subsection (2).

3229 (3) (a) In accordance with this section, a state or local highway authority may
3230 temporarily close a class B or D road, an R.S. 2477 right-of-way, or a portion of a class B or D
3231 road or R.S. 2477 right-of-way.

3232 (b) A temporary closure authorized under this section is not an abandonment.

3233 (c) A temporary closure under Subsection (3)(a) may be authorized only under the
3234 following circumstances:

3235 (i) when a federal authority, or other person, provides an alternate route to an R.S.
3236 2477 right-of-way or portion of an R.S. 2477 right-of-way that is:

3237 (A) accepted by the highway authority; and

3238 (B) formalized by:

3239 (I) a federal permit; or

3240 (II) a written agreement between the federal authority or other person and the highway
3241 authority; or

3242 (ii) when a state or local highway authority determines that correction or mitigation of
3243 injury to private or public land resources is necessary on or near a class B or D road or portion
3244 of a class B or D road.

3245 (d) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S.
3246 2477 right-of-way temporarily closed under this section if the alternate route is closed for any
3247 reason.

3248 (e) A temporary closure authorized under Subsection (3)(c)(ii) shall:

3249 (i) be authorized annually; and

3250 (ii) not exceed two years or the time it takes to complete the correction or mitigation,
3251 whichever is less.

3252 (4) Prior to authorizing a temporary closure under Subsection (3), a highway authority
3253 shall:

3254 (a) hold a hearing on the proposed temporary closure;

3255 (b) provide notice of the hearing by:

3256 (i) mailing a notice to the Department of Transportation and all owners of property
3257 abutting the highway; and

3258 (ii) (A) publishing the notice:

3259 (I) in a newspaper of general circulation in the county at least once a week for four
3260 consecutive weeks before the hearing; and

3261 (II) ~~[in accordance with Section 45-1-101]~~ on the Utah Public Notice Website created
3262 in Section 63F-1-701, for four weeks before the hearing; or

3263 (B) posting the notice in three public places for at least four consecutive weeks prior
3264 to the hearing; and

3265 (c) pass an ordinance authorizing the temporary closure.

3266 (5) The right-of-way and easements, if any, of a property owner and the franchise
3267 rights of any public utility may not be impaired by a temporary closure authorized under this
3268 section.

3269 Section 58. Section **72-6-107** is amended to read:

3270 **72-6-107. Construction or improvement of highway -- Contracts -- Retainage --**
3271 **Certain indemnification provisions forbidden.**

3272 (1) As used in this section, "design professional" means:

3273 (a) an architect, licensed under Title 58, Chapter 3a, Architects Licensing Act;

3274 (b) a landscape architect, licensed under Title 58, Chapter 53, Landscape Architects
3275 Licensing Act; and

3276 (c) a professional engineer or professional land surveyor, licensed under Title 58,
3277 Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act.

3278 (2) (a) The department shall make plans, specifications, and estimates prior to the
3279 construction or improvement of any state highway.

3280 (b) Except as provided in Section 63G-6-502 and except for construction or
3281 improvements performed with state prison labor, a construction or improvement project with
3282 an estimated cost exceeding the bid limit as defined in Section 72-6-109 for labor and
3283 materials shall be performed under contract awarded to the lowest responsible bidder.

3284 ~~[(c) The advertisement for bids shall be published]~~

3285 (c) (i) The department:

3286 (A) shall publish an advertisement for bids in accordance with Section 45-1-101, for a
3287 period of two weeks ending no more than 10 days before bids are opened; and

3288 (B) may publish an advertisement for bids in a newspaper of general circulation in the
3289 county in which the work is to be performed[;].

3290 (ii) If the department publishes an advertisement for bids in a newspaper under
3291 Subsection (2)(c)(i)(B), the department shall publish the advertisement at least once a week for
3292 two consecutive weeks, with the last publication at least 10 days before bids are opened.

3293 (d) The department shall receive sealed bids and open the bids at the time and place
3294 designated in the advertisement. The department may then award the contract but may reject
3295 any and all bids.

3296 (e) If the department's estimates are substantially lower than any responsible bid
3297 received, the department may perform any work by force account.

3298 (3) If any payment on a contract with a private contractor for construction or
3299 improvement of a state highway is retained or withheld, the payment shall be retained or
3300 withheld and released as provided in Section 13-8-5.

3301 (4) If the department performs a construction or improvement project by force
3302 account, the department shall:

3303 (a) provide an accounting of the costs and expenditures of the improvement including
3304 material and labor;

3305 (b) disclose the costs and expenditures to any person upon request and allow the

3306 person to make a copy and pay for the actual cost of the copy; and

3307 (c) perform the work using the same specifications and standards that would apply to a
3308 private contractor.

3309 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
3310 the department shall establish procedures for:

3311 (a) hearing evidence that a region within the department violated this section; and

3312 (b) administering sanctions against the region if the region is found in violation.

3313 (6) (a) Beginning May 12, 2009, a contract, including an amendment to an existing
3314 contract, entered into under authority of this chapter may not require that a design professional
3315 indemnify another from liability claims that arise out of the design professional's services,
3316 unless the liability claim arises from the design professional's negligent act, wrongful act, error
3317 or omission, or other liability imposed by law.

3318 (b) Subsection (6)(a) may not be waived by contract.

3319 (c) Notwithstanding Subsections (6)(a) and (b), a design professional may be required
3320 to indemnify a person for whom the design professional has direct or indirect control or
3321 responsibility.

3322 Section 59. Section **73-1-16** is amended to read:

3323 **73-1-16. Petition for hearing to determine validity -- Notice -- Service -- Pleading**
3324 **-- Costs -- Review.**

3325 Where any water users' association, irrigation company, canal company, ditch
3326 company, reservoir company, or other corporation of like character or purpose, organized
3327 under the laws of this state has entered into or proposes to enter into a contract with the United
3328 States for the payment by such association or company of the construction and other charges
3329 of a federal reclamation project constructed, under construction, or to be constructed within
3330 this state, and where funds for the payment of such charges are to be obtained from
3331 assessments levied upon the stock of such association or company, or where a lien is created
3332 or will be created against any of the land, property, canals, water rights or other assets of such
3333 association or company or against the land, property, canals, water rights or other assets of any

3334 stockholder of such association or company to secure the payment of construction or other
3335 charges of a reclamation project, the water users' association, irrigation company, canal
3336 company, ditch company, reservoir company or other corporation of like character or purpose
3337 may file in the district court of the county wherein is situated the office of such association or
3338 company a petition entitled "..... Water Users' Association" or "..... Company," as the
3339 case may be, "against the stockholders of said association or company and the owners and
3340 mortgagees of land within the Federal Reclamation Project." No other or more specific
3341 description of the defendants shall be required. In the petition it may be stated that the water
3342 users' association, irrigation company, canal company, ditch company, reservoir company or
3343 other corporation of like character and purpose has entered into or proposes to enter into a
3344 contract with the United States, to be set out in full in said petition, with a prayer that the court
3345 find said contract to be valid, and a modification of any individual contracts between the
3346 United States and the stockholders of such association or company, or between the association
3347 or company, and its stockholders, so far as such individual contracts are at variance with the
3348 contract or proposed contract between the association or company and the United States.

3349 Thereupon a notice in the nature of a summons shall issue under the hand and seal of
3350 the clerk of said court, stating in brief outline the contents of said petition, and showing where
3351 a full copy of said contract or proposed contract may be examined, such notice to be directed
3352 to the said defendants under the same general designations, which shall be [~~deemed~~
3353 considered sufficient to give the court jurisdiction of all matters involved and parties
3354 interested. Service shall be obtained (a) by publication of such notice once a week for three
3355 consecutive weeks (three times) in a newspaper published in each county where the irrigable
3356 land of such federal reclamation project is situated, (b) as required in Section 45-1-101 for
3357 three weeks, (c) by publishing the notice on the Utah Public Notice Website created in Section
3358 63F-1-701, for three weeks prior to the date of the hearing, and [~~(c)~~] (d) by the posting at least
3359 three weeks prior to the date of the hearing on said petition of the notice and a complete copy
3360 of the said contract or proposed contract in the office of the plaintiff association or company,
3361 and at three other public places within the boundaries of such federal reclamation project.

3362 Any stockholder in the plaintiff association or company, or owner, or mortgagee of land within
3363 said federal reclamation project affected by the contract proposed to be made by such
3364 association or company, may demur to or answer said petition before the date set for such
3365 hearing or within such further time as may be allowed therefor by the court. The failure of any
3366 persons affected by the said contract to answer or demur shall be construed, so far as such
3367 persons are concerned as an acknowledgment of the validity of said contract and as a consent
3368 to the modification of said individual contracts if any with such association or company or
3369 with the United States, to the extent that such modification is required to cause the said
3370 individual contracts if any to conform to the terms of the contract or proposed contract
3371 between the plaintiff and the United States. All persons filing demurrers or answers shall be
3372 entered as defendants in said cause and their defense consolidated for hearing or trial. Upon
3373 hearing the court shall examine all matters and things in controversy and shall enter judgment
3374 and decree as the case warrants, showing how and to what extent, if any, the said individual
3375 contracts of the defendants or under which they claim are modified by the plaintiff's contract
3376 or proposed contract with the United States. In reaching his conclusion in such causes, the
3377 court shall follow a liberal interpretation of the laws, and shall disregard informalities or
3378 omissions not affecting the substantial rights of the parties, unless it is affirmatively shown
3379 that such informalities or omissions led to a different result than would have been obtained
3380 otherwise. The Code of Civil Procedure shall govern matters of pleading and practice as
3381 nearly as may be. Costs may be assessed or apportioned among contesting parties in the
3382 discretion of the trial court. Review of the judgment of the district court by the Supreme Court
3383 may be had as in other civil causes.

3384 Section 60. Section **73-5-14** is amended to read:

3385 **73-5-14. Determination by the state engineer of watershed to which particular**
3386 **source is tributary -- Publications of notice and result -- Hearing -- Judicial review.**

3387 (1) The state engineer [~~shall have the power to~~] may determine for administrative and
3388 distribution purposes the watershed to which any particular stream or source of water is
3389 tributary.

3390 (2) [~~Said~~] A determination under Subsection (1) may be made only after publication of
 3391 notice to the water users.

3392 (3) [~~Said publication~~] Publication of notice under Subsection (2) shall be made:

3393 (a) in a newspaper or newspapers having general circulation in every county in [~~this~~]
 3394 the state in which any rights might be affected, once each week for five consecutive weeks;
 3395 [~~and~~]

3396 (b) in accordance with Section 45-1-101 for five weeks[~~;~~]; and

3397 (c) on the Utah Public Notice Website created in Section 63F-1-701, for five weeks.

3398 (4) [~~It~~] The state engineer shall fix the date and place of hearing and at [~~said~~] the
 3399 hearing any water user shall be given an opportunity to appear and adduce evidence material
 3400 to the determination of the question involved.

3401 (5) (a) The [~~result of said determination by the~~] state engineer shall [~~likewise be~~
 3402 ~~published in the manner set forth above and said~~] publish the result of the determination as
 3403 provided in Subsections (3)(a) and (b), and the notice of the decision of the state engineer
 3404 shall [~~also~~] notify the public that any person aggrieved by [~~said~~] the decision may appeal
 3405 [~~from said~~] the decision as provided by Section 73-3-14[~~; and~~].

3406 (b) The notice under Subsection (5)(a) shall be [~~deemed~~] considered to have been
 3407 given so as to start the time for appeal upon completion of the publication of notice.

3408 Section 61. Section **75-1-401** is amended to read:

3409 **75-1-401. Notice -- Method and time of giving.**

3410 (1) If notice of a hearing on any petition is required and except for specific notice
 3411 requirements as otherwise provided, the petitioner shall cause notice of the time and place of
 3412 hearing of any petition to be given to any interested person or [~~his~~] the person's attorney if [~~he~~]
 3413 the person has appeared by attorney or requested that notice be sent to [~~his~~] the person's
 3414 attorney. Notice shall be given by the clerk posting a copy of the notice for the 10 consecutive
 3415 days immediately preceding the time set for the hearing in at least three public places in the
 3416 county, one of which must be at the courthouse of the county and:

3417 (a) (i) by the clerk mailing a copy thereof at least 10 days before the time set for the

3418 hearing by certified, registered, or ordinary first class mail addressed to the person being
3419 notified at the post-office address given in ~~his~~ the demand for notice, if any, or at ~~his~~ the
3420 person's office or place of residence, if known; or

3421 (ii) by delivering a copy thereof to the person being notified personally at least 10 days
3422 before the time set for the hearing; and

3423 (b) if the address, or identity of any person is not known and cannot be ascertained
3424 with reasonable diligence, by publishing:

3425 (i) at least once a week for three consecutive weeks a copy thereof in a newspaper
3426 having general circulation in the county where the hearing is to be held, the last publication of
3427 which is to be at least 10 days before the time set for the hearing; and

3428 (ii) ~~[in accordance with Section 45-1-101]~~ on the Utah Public Notice Website created
3429 in Section 63F-1-701, for three weeks.

3430 (2) The court for good cause shown may provide for a different method or time of
3431 giving notice for any hearing.

3432 (3) Proof of the giving of notice shall be made on or before the hearing and filed in the
3433 proceeding.

3434 Section 62. **Coordinating S.B. 89 with H.B. 216 -- Superseding, technical**
3435 **amendments.**

3436 If this S.B. 89 and H.B. 216, Incorporation of a Town Amendments, both pass, it is the
3437 intent of the Legislature that the amendments in this S.B. 89 to Subsection 10-2-125(3)(e)
3438 supersede the amendments to Subsection 10-2-125(3)(e) contained in H.B. 216 when the
3439 Office of Legislative Research and General Counsel prepares the Utah Code database for
3440 publication.