

Senator Stephen H. Urquhart proposes the following substitute bill:

LEGAL NOTICE AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: John Dougall

LONG TITLE

General Description:

This bill amends legal notice requirements.

Highlighted Provisions:

This bill:

- ▶ modifies provisions relating to public notices on websites;
- ▶ modifies provisions requiring the publication of notice of a public meeting or hearing so that the notice is published on the Utah Public Notice Website rather than a website for legal notices;
- ▶ clarifies publication requirements for a notice subject to legal notice publication and the Open and Public Meetings Act;
- ▶ adds a requirement to publish notice to the Utah Public Notice Website to certain provisions requiring the publication of notice;
- ▶ modifies an advertisement for bids publication requirement applicable to the Department of Transportation; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **4-30-5**, as last amended by Laws of Utah 2009, Chapter 388

30 **7-1-706**, as last amended by Laws of Utah 2009, Chapter 388

31 **10-2-108**, as last amended by Laws of Utah 2009, Chapter 388

32 **10-2-114**, as last amended by Laws of Utah 2009, Chapter 388

33 **10-2-125**, as last amended by Laws of Utah 2009, Chapters 350 and 388

34 **10-2-407**, as last amended by Laws of Utah 2009, Chapters 205 and 388

35 **10-2-415**, as last amended by Laws of Utah 2009, Chapter 388

36 **10-2-418**, as last amended by Laws of Utah 2009, Chapters 230, 350, and 388

37 **10-2-419**, as last amended by Laws of Utah 2009, Chapters 218, 350, and 388

38 **10-2-502.5**, as last amended by Laws of Utah 2009, Chapter 388

39 **10-3-818**, as last amended by Laws of Utah 2009, Chapter 388

40 **10-5-108**, as last amended by Laws of Utah 2009, Chapter 388

41 **10-6-113**, as last amended by Laws of Utah 2009, Chapter 388

42 **10-8-2**, as last amended by Laws of Utah 2009, Chapter 388

43 **10-9a-204**, as last amended by Laws of Utah 2009, Chapter 388

44 **10-9a-205**, as last amended by Laws of Utah 2009, Chapter 388

45 **10-9a-208**, as last amended by Laws of Utah 2009, Chapters 338 and 388

46 **10-18-203**, as last amended by Laws of Utah 2009, Chapter 388

47 **10-18-302**, as last amended by Laws of Utah 2009, Chapter 388

48 **11-14-202**, as last amended by Laws of Utah 2009, Chapter 388

49 **11-42-402**, as last amended by Laws of Utah 2009, Chapter 388

50 **17-27a-204**, as last amended by Laws of Utah 2009, Chapter 388

51 **17-27a-205**, as last amended by Laws of Utah 2009, Chapter 388

52 **17-27a-208**, as last amended by Laws of Utah 2009, Chapters 338 and 388

53 **17-27a-306**, as last amended by Laws of Utah 2009, Chapters 205 and 388

54 **17-27a-404**, as last amended by Laws of Utah 2009, Chapter 388

55 **17-36-12**, as last amended by Laws of Utah 2009, Chapter 388

56 **17-36-26**, as last amended by Laws of Utah 2009, Chapter 388

- 57 **17-41-304**, as last amended by Laws of Utah 2009, Chapter 388
- 58 **17-41-405**, as last amended by Laws of Utah 2009, Chapter 388
- 59 **17B-1-211**, as last amended by Laws of Utah 2009, Chapter 388
- 60 **17B-1-413**, as last amended by Laws of Utah 2009, Chapter 388
- 61 **17B-1-417**, as last amended by Laws of Utah 2009, Chapters 350 and 388
- 62 **17B-1-609**, as last amended by Laws of Utah 2009, Chapters 204 and 388
- 63 **17B-1-1204**, as last amended by Laws of Utah 2009, Chapter 388
- 64 **17B-1-1307**, as last amended by Laws of Utah 2009, Chapter 388
- 65 **17C-1-601**, as last amended by Laws of Utah 2009, Chapters 387 and 388
- 66 **17C-2-403**, as last amended by Laws of Utah 2009, Chapter 388
- 67 **17C-4-202**, as last amended by Laws of Utah 2009, Chapters 387 and 388
- 68 **17C-4-302**, as last amended by Laws of Utah 2009, Chapter 388
- 69 **19-2-109**, as last amended by Laws of Utah 2009, Chapter 388
- 70 **20A-7-204.1**, as last amended by Laws of Utah 2009, Chapter 388
- 71 **45-1-101**, as last amended by Laws of Utah 2009, First Special Session, Chapter 5
- 72 **53A-3-202**, as last amended by Laws of Utah 2009, Chapter 388
- 73 **53A-3-402**, as last amended by Laws of Utah 2009, Chapters 277 and 388
- 74 **53B-7-101.5**, as last amended by Laws of Utah 2009, Chapter 388
- 75 **54-8-10**, as last amended by Laws of Utah 2009, Chapter 388
- 76 **54-8-16**, as last amended by Laws of Utah 2009, Chapter 388
- 77 **57-11-11**, as last amended by Laws of Utah 2009, Chapter 388
- 78 **59-2-919**, as last amended by Laws of Utah 2009, Chapters 162, 204, and 388
- 79 **59-2-919.2**, as enacted by Laws of Utah 2009, Chapter 162
- 80 **59-12-1102**, as last amended by Laws of Utah 2009, Chapters 385 and 388
- 81 **63G-9-303**, as last amended by Laws of Utah 2009, Chapter 388
- 82 **63H-1-701**, as last amended by Laws of Utah 2009, Chapter 388
- 83 **63H-2-204**, as enacted by Laws of Utah 2009, Chapter 378
- 84 **72-3-108**, as last amended by Laws of Utah 2009, Chapter 388
- 85 **72-5-105**, as last amended by Laws of Utah 2009, Chapter 388
- 86 **72-6-107**, as last amended by Laws of Utah 2009, Chapter 217
- 87 **73-1-16**, as last amended by Laws of Utah 2009, Chapter 388

88 **73-5-14**, as last amended by Laws of Utah 2009, Chapter 388
89 **75-1-401**, as last amended by Laws of Utah 2009, Chapter 388



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

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

93 **4-30-5. Hearing on license application -- Notice of hearing.**

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

99 (a) each licensed livestock market operator within the state; and

100 (b) each livestock or other interested association or group of persons in the state that
101 has filed written notice with the committee requesting receipt of notice of such hearings.

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

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

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

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

108 **7-1-706. Application to commissioner to exercise power -- Procedure.**

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

111 (a) issue any rule or order;

112 (b) exercise any powers granted to the commissioner under this title; or

113 (c) act on any matter that is subject to the approval of the commissioner.

114 (2) Within 10 days of receipt of the request, the commissioner shall, at the applicant's
115 expense, cause a supervisor to make a careful investigation of the facts relevant or material to
116 the request.

117 (3) (a) The supervisor shall submit written findings and recommendations to the
118 commissioner.

119 (b) The application, any additional information furnished by the applicant, and the
120 findings and recommendations of the supervisor may be inspected by any person at the office
121 of the commissioner, except those portions of the application or report that the commissioner
122 designates as confidential to prevent a clearly unwarranted invasion of privacy.

123 (4) (a) If a hearing is held concerning the request, the commissioner shall publish
124 notice of the hearing at the applicant's expense:

125 (i) in a newspaper of general circulation within the county where the applicant is
126 located at least once a week for three successive weeks before the date of the hearing; and

127 (ii) ~~[as required in Section 45-1-101]~~ on the Utah Public Notice Website created in
128 Section 63F-1-701, for three weeks before the date of the hearing.

129 (b) The notice required by Subsection (4)(a) shall include the information required by
130 the department's rules.

131 (c) The commissioner shall act upon the request within 30 days after the close of the
132 hearing, based on the record before the commissioner.

133 (5) (a) If no hearing is held, the commissioner shall approve or disapprove the request
134 within 90 days of receipt of the request based on:

135 (i) the application;

136 (ii) additional information filed with the commissioner; and

137 (iii) the findings and recommendations of the supervisor.

138 (b) The commissioner shall act on the request by issuing findings of fact, conclusions,
139 and an order, and shall mail a copy of each to:

140 (i) the applicant;

141 (ii) all persons who have filed protests to the granting of the application; and

142 (iii) other persons that the commissioner considers should receive copies.

143 (6) The commissioner may impose any conditions or limitations on the approval or
144 disapproval of a request that the commissioner considers proper to:

145 (a) protect the interest of creditors, depositors, and other customers of an institution;

146 (b) protect its shareholders or members; and

147 (c) carry out the purposes of this title.

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

149 **10-2-108. Public hearings on feasibility study results -- Notice of hearings.**

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

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

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

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

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

169 (b) (i) If, under Subsection (2)(a)(i)(A), there is no newspaper of general circulation
170 within the proposed city, the county clerk shall post at least one notice of the hearings per
171 1,000 population in conspicuous places within the proposed city that are most likely to give
172 notice of the hearings to the residents of the proposed city.

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

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

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

179 **10-2-114. Determination of number of council members -- Determination of**
180 **election districts -- Hearings and notice.**

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

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

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

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

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

193 (ii) the remaining members of the city council are elected to serve an initial term, of no
194 less than one year, that allows their successors to serve a full four-year term that coincides with
195 the schedule established in Subsection 10-3-205(2); and

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

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

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

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

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

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

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

212 give notice of the hearing to the residents of the future city.

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

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

216 **10-2-125. Incorporation of a town.**

217 (1) As used in this section:

218 (a) "Assessed value," with respect to agricultural land, means the value at which the
219 land would be assessed without regard to a valuation for agricultural use under Section
220 59-2-503.

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

222 (i) the projected revenues for the proposed town during the first three years after
223 incorporation; and

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

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

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

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

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

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

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

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

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

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

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

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

- 243 (i) be signed by the owners of at least five separate parcels of private real property,
244 each owned by a different owner, located within the area proposed to be incorporated; and
245 (ii) be accompanied by an accurate map or plat depicting the boundary of the proposed
246 town.
- 247 (c) Within 10 days after a request for a public hearing is filed under Subsection (3)(a),
248 the county clerk shall, with the assistance of other county officers from whom the clerk
249 requests assistance, determine whether the petition complies with the requirements of
250 Subsection (3)(b).
- 251 (d) If the clerk determines that a request under Subsection (3)(a) fails to comply with
252 the requirements of Subsection (3)(b), the clerk shall reject the request and deliver written
253 notice of the rejection to the signers of the request.
- 254 (e) (i) If the clerk determines that a request under Subsection (3)(a) complies with the
255 requirements of Subsection (3)(b), the clerk shall:
- 256 (A) schedule and arrange for a public hearing to be held:
- 257 (I) (Aa) at a public facility located within the boundary of the proposed town; or
258 (Bb) if there is no public facility within the boundary of the proposed town, at another
259 nearby public facility or at the county seat; and
- 260 (II) within 20 days after the clerk provides the last notice required under Subsection
261 (3)(e)(i)(B); and
- 262 (B) subject to Subsection (3)(e)(ii), give notice of the public hearing on the proposed
263 incorporation by:
- 264 (I) posting notice of the public hearing on the county's Internet website, if the county
265 has an Internet website; and
- 266 (II) (Aa) (Ii) publishing notice of the public hearing at least once a week for two
267 consecutive weeks in a newspaper of general circulation within the proposed town; and
268 (Iiii) publishing notice of the public hearing [~~in accordance with Section 45-1-101~~] on
269 the Utah Public Notice Website created in Section 63F-1-701 for two weeks; or
- 270 (Bb) in accordance with Subsection (3)(e)(i)(B)(II)(Aa)(Ii), if there is no newspaper of
271 general circulation within the proposed town, posting notice of the public hearing in at least
272 five conspicuous public places within the proposed town.
- 273 (ii) The posting of notice required under Subsection (3)(e)(i)(B)(I) and, if applicable,

274 Subsection (3)(e)(i)(B)(II)(Bb) and the first publishing of notice required under Subsection
275 (3)(e)(i)(B)(II)(Aa), if applicable, shall occur no later than 10 days after the clerk determines
276 that a request complies with the requirements of Subsection (3)(b).

277 (iii) Each public hearing under Subsection (3)(e)(i)(A) shall be conducted by the chair
278 of the county commission or council, or the chair's designee, to:

279 (A) introduce the concept of the proposed incorporation to the public;

280 (B) allow the public to review the map or plat of the boundary of the proposed town;

281 (C) allow the public to ask questions and become informed about the proposed
282 incorporation; and

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

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

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

289 (i) be signed by:

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

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

292 (II) covers a majority of the total private land area within the area;

293 (III) is equal in assessed value to more than 1/2 of the assessed value of all private real
294 property within the area; and

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

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

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

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

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

306 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
307 town)

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

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

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

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

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

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

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

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

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

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

334 (b) A private real property owner described in Subsection (5)(a)(i) may exclude all or
335 part of the owner's property from the area proposed to be incorporated as a town by filing a

336 notice of exclusion:

337 (i) with the county clerk; and

338 (ii) within 10 calendar days after receiving the clerk's notice under Subsection (5)(a).

339 (c) The county legislative body shall exclude from the area proposed to be incorporated

340 as a town the property identified in the notice of exclusion under Subsection (5)(b) if:

341 (i) the property:

342 (A) is nonurban; and

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

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

345 (d) If the county legislative body excludes property from the area proposed to be

346 incorporated as a town, the county legislative body shall send written notice of the exclusion to

347 the contact sponsor within five days after the exclusion.

348 (6) Within 20 days after the filing of a petition under Subsection (4), the county clerk
349 shall:

350 (a) with the assistance of other county officers from whom the clerk requests

351 assistance, determine whether the petition complies with the requirements of Subsection (4);

352 and

353 (b) (i) if the clerk determines that the petition complies with those requirements:

354 (A) certify the petition and deliver the certified petition to the county legislative body;

355 and

356 (B) mail or deliver written notification of the certification to:

357 (I) the contact sponsor;

358 (II) if applicable, the chair of the planning commission of each township in which any

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

360 (III) the Utah Population Estimates Committee; or

361 (ii) if the clerk determines that the petition fails to comply with any of those

362 requirements, reject the petition and notify the contact sponsor in writing of the rejection and

363 the reasons for the rejection.

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

366 (ii) A valid signature on a petition filed under Subsection (4)(a) may be used toward

367 fulfilling the signature requirement of Subsection (4)(b) for the same petition that is amended
368 under Subsection (7)(a)(i) and then refiled with the county clerk.

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

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

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

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

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

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

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

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

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

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

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

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

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

397 (A) deny the petition, subject to Subsection (8)(c)(ii), if the results of the financial

398 feasibility study show that the average annual amount of revenues described in Subsection
399 (1)(b)(i) exceeds the average annual amount of costs described in Subsection (1)(b)(ii) by 25%
400 or more;

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

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

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

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

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

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

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

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

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

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

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

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

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

428 (ii) at noon on the first day of the month next following the effective date of the

429 incorporation under Subsection (12), if the election of officers is held on any other date.

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

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

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

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

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

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

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

442 (A) notice of an impending boundary action;

443 (B) certificate of incorporation; and

444 (C) approved final local entity plat; or

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

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

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

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

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

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

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

- 460 (B) levy or collect an assessment on property within the town; or
- 461 (C) charge or collect a fee for service provided to property within the town.
- 462 (13) For each petition filed before March 5, 2008:
- 463 (a) the petition is subject to and governed by the law in effect at the time the petition
- 464 was filed; and
- 465 (b) the law in effect at the time the petition was filed governs in all administrative and
- 466 judicial proceedings relating to the petition.

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

468 **10-2-407. Protest to annexation petition -- Township planning commission**
469 **recommendation -- Petition requirements -- Disposition of petition if no protest filed.**

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

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

474 (A) is located in the unincorporated area within 1/2 mile of the area proposed for

475 annexation;

476 (B) covers at least 25% of the private land area located in the unincorporated area

477 within 1/2 mile of the area proposed for annexation; and

478 (C) is equal in value to at least 15% of all real property located in the unincorporated

479 area within 1/2 mile of the area proposed for annexation.

480 (b) (i) A planning commission of a township located in a county of the first class may

481 recommend to the legislative body of the county in which the township is located that the

482 county legislative body file a protest against a proposed annexation under this part of an area

483 located within the township.

484 (ii) (A) The township planning commission shall communicate each recommendation

485 under Subsection (1)(b)(i) in writing to the county legislative body within 30 days after the city

486 recorder or town clerk's certification of the annexation petition under Subsection 10-2-405(2)

487 (c)(i).

488 (B) At the time the recommendation is communicated to the county legislative body

489 under Subsection (1)(b)(ii)(A), the township planning commission shall mail or deliver a copy

490 of the recommendation to the legislative body of the proposed annexing municipality and to the

491 contact sponsor.

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

493 (i) be filed:

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

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

498 (II) in a county that has not yet created a commission under Section 10-2-409, with the
499 clerk of the county in which the area proposed for annexation is located; and

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

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

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

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

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

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

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

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

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

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

518 (b):

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

521 (ii) designate one of the signers of the protest as the contact person and state the

522 mailing address of the contact person.

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

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

526 (B) if the municipal legislative body does not deny the annexation petition under
527 Subsection (3)(a)(i)(A), the municipal legislative body may take no further action on the
528 annexation petition until after receipt of the commission's notice of its decision on the protest
529 under Section 10-2-416.

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

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

534 (B) the commission;

535 (C) each entity that filed a protest;

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

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

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

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

544 (A) hold a public hearing; and

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

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

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

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

553 (iii) Within 10 days after approving an annexation under Subsection (3)(b)(i) of an area
554 that is partly or entirely within a township, the municipal legislative body shall send notice of
555 the approval to the legislative body of the county in which the township is located.

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

557 **10-2-415. Public hearing -- Notice.**

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

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

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

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

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

568 (iii) (A) The commission shall:

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

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

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

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

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

583 (C) The notice under Subsections (1)(a)(iii)(A) and (B) shall include the feasibility

584 study summary under Subsection 10-2-413(2)(b) and shall indicate that a full copy of the study
585 is available for inspection and copying at the office of the commission.

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

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

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

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

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

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

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

599 (iv) In considering protests, the commission shall consider whether the proposed
600 annexation:

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

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

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

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

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

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

612 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**
613 **Hearing.**

614 (1) (a) Notwithstanding Subsection 10-2-402(2), a municipality may annex an

615 unincorporated area under this section without an annexation petition if:

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

618 (B) the majority of each island or peninsula consists of residential or commercial
619 development;

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

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

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

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

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

630 (I) an unincorporated island within or an unincorporated peninsula contiguous to the
631 municipality; and

632 (II) no more than 50 acres; and

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

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

638 (i) in adopting the resolution under Subsection (2)(a)(i), the municipal legislative body
639 determines that not annexing the entire unincorporated island or unincorporated peninsula is in
640 the municipality's best interest; and

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

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

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

648 (ii) publish notice:

649 (A) (I) at least once a week for three successive weeks in a newspaper of general
650 circulation within the municipality and the area proposed for annexation; or
651 (II) if there is no newspaper of general circulation in the areas described in Subsection
652 (2)(a)(ii)(A), post at least one notice per 1,000 population in places within those areas that are
653 most likely to give notice to the residents of those areas; and

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

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

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

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

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

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

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

666 (iv) except for an annexation that meets the property owner consent requirements of
667 Subsection (3)(b), state in conspicuous and plain terms that the municipal legislative body will
668 annex the area unless, at or before the public hearing under Subsection (2)(a)(iv), written
669 protests to the annexation are filed by the owners of private real property that:

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

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

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

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

677 (2)(a)(i).

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

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

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

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

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

694 (ii) Upon the effective date under Section 10-2-425 of an annexation approved by an
695 ordinance adopted under Subsection (3)(b)(i), the area annexed shall be conclusively presumed
696 to be validly annexed.

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

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

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

705 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

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

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

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

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

714 (iii) (A) publish notice:

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

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

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

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

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

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

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

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

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

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

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

737 (v) state that the area that is the subject of the boundary adjustment will, because of the
738 boundary adjustment, be automatically annexed to a local district providing fire protection,

739 paramedic, and emergency services or a local district providing law enforcement service, as the
740 case may be, as provided in Section 17B-1-416, if:

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

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

745 (II) in the creation of which an election was not required because of Subsection
746 17B-1-214(3)(c); and

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

749 (vi) state that the area proposed for annexation to the municipality will be
750 automatically withdrawn from a local district providing fire protection, paramedic, and
751 emergency services, as provided in Subsection 17B-1-502(2), if:

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

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

755 (II) in the creation of which an election was not required because of Subsection
756 17B-1-214(3)(c); and

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

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

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

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

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

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

772 (4) The municipal legislative body shall comply with the requirements of Section
773 10-2-425 as if the boundary adjustment were an annexation.

774 (5) (a) An ordinance adopted under Subsection (3) becomes effective when each
775 municipality involved in the boundary adjustment has adopted an ordinance under Subsection
776 (3).

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

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

780 **10-2-502.5. Hearing on request for disconnection -- Determination by municipal**
781 **legislative body -- Petition in district court.**

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

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

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

789 (b) by publishing a notice:

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

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

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

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

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

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

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

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

803 (i) petitioners; or

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

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

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

808 **10-3-818. Salaries in municipalities.**

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

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

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

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

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

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

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

829 (5) Any ordinance enacted before Laws of Utah 1977, Chapter 48, by a municipality
830 establishing a salary or compensation schedule for its elective or appointive officers and any
831 salary fixed prior to Laws of Utah 1977, Chapter 48, shall remain effective until the

832 municipality has enacted an ordinance pursuant to the provisions of this chapter.

833 (6) The compensation of all municipal officers shall be paid at least monthly out of the
834 municipal treasury provided that municipalities having 1,000 or fewer population may by
835 ordinance provide for the payment of its statutory officers less frequently. None of the
836 provisions of this chapter shall be considered as limiting or restricting the authority to any
837 municipality that has adopted or does adopt a charter pursuant to Utah Constitution, Article XI,
838 Section 5, to determine the salaries of its elective and appointive officers or employees.

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

840 **10-5-108. Budget hearing -- Notice -- Adjustments.**

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

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

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

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

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

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

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

853 **10-6-113. Budget -- Notice of hearing to consider adoption.**

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

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

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

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

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

864 **10-8-2. Appropriations -- Acquisition and disposal of property -- Municipal**
865 **authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.**

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

867 (i) appropriate money for corporate purposes only;

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

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

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

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

878 (b) A municipality may:

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

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

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

886 (c) Each municipality that intends to acquire property by eminent domain under
887 Subsection (1)(b) shall, upon the first contact with the owner of the property sought to be
888 acquired, deliver to the owner a copy of a booklet or other materials provided by the Office of
889 the Property Rights Ombudsman, created under Section 13-43-201, dealing with the property
890 owner's rights in an eminent domain proceeding.

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

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

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

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

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

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

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

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

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

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

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

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

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

924 (i) what identified benefit the municipality will receive in return for any money or

925 resources appropriated;

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

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

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

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

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

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

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

943 (h) This section applies only to appropriations not otherwise approved pursuant to Title
944 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6, Uniform
945 Fiscal Procedures Act for Utah Cities.

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

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

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

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

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

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

954 (5) (a) Except as provided in Subsection (5)(d), each municipality intending to acquire
955 real property for the purpose of expanding the municipality's infrastructure or other facilities

956 used for providing services that the municipality offers or intends to offer shall provide written
957 notice, as provided in this Subsection (5), of its intent to acquire the property if:

958 (i) the property is located:

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

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

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

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

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

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

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

967 (ii) identify the real property; and

968 (iii) be sent to:

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

971 (B) each affected entity.

972 (c) A notice under this Subsection (5) is a protected record as provided in Subsection
973 63G-2-305(7).

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

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

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

982 **10-9a-204. Notice of public hearings and public meetings to consider general plan**
983 **or modifications.**

984 (1) Each municipality shall provide:

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

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

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

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

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

993 (b) mailed to each affected entity; and

994 (c) posted:

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

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

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

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

1000 (ii) published [~~as required in Section 45-1-101~~] on the Utah Public Notice Website
1001 created in Section 63F-1-701; and

1002 (b) posted:

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

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

1005 Section 16. Section **10-9a-205** is amended to read:

1006 **10-9a-205. Notice of public hearings and public meetings on adoption or**
1007 **modification of land use ordinance.**

1008 (1) Each municipality shall give:

1009 (a) notice of the date, time, and place of the first public hearing to consider the
1010 adoption or any modification of a land use ordinance; and

1011 (b) notice of each public meeting on the subject.

1012 (2) Each notice of a public hearing under Subsection (1)(a) shall be:

1013 (a) mailed to each affected entity at least 10 calendar days before the public hearing;

1014 (b) posted:

1015 (i) in at least three public locations within the municipality; or

1016 (ii) on the municipality's official website; and

1017 (c) (i) (A) published in a newspaper of general circulation in the area at least 10

1018 calendar days before the public hearing; and

1019 (B) published [~~in accordance with Section 45-1-101~~] on the Utah Public Notice
1020 Website created in Section 63F-1-701, at least 10 calendar days before the public hearing; or

1021 (ii) mailed at least three days before the public hearing to:

1022 (A) each property owner whose land is directly affected by the land use ordinance
1023 change; and

1024 (B) each adjacent property owner within the parameters specified by municipal
1025 ordinance.

1026 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
1027 before the meeting and shall be posted:

1028 (a) in at least three public locations within the municipality; or

1029 (b) on the municipality's official website.

1030 Section 17. Section **10-9a-208** is amended to read:

1031 **10-9a-208. Hearing and notice for proposal to vacate a public street,**
1032 **right-of-way, or easement.**

1033 (1) For any proposal to vacate some or all of a public street, right-of-way, or easement,
1034 the legislative body shall:

1035 (a) hold a public hearing; and

1036 (b) give notice of the date, place, and time of the hearing, as provided in Subsection
1037 (2).

1038 (2) At least 10 days before the public hearing under Subsection (1)(a), the notice
1039 required under Subsection (1)(b) shall be:

1040 (a) mailed to the record owner of each parcel that is accessed by the public street,
1041 right-of-way, or easement;

1042 (b) mailed to each affected entity;

1043 (c) posted on or near the street, right-of-way, or easement in a manner that is calculated
1044 to alert the public; and

1045 (d) (i) published in a newspaper of general circulation in the municipality in which the
1046 land subject to the petition is located; and

1047 (ii) published [~~as required in Section 45-1-101~~] on the Utah Public Notice Website
1048 created in Section 63F-1-701.

1049 Section 18. Section **10-18-203** is amended to read:

1050 **10-18-203. Feasibility study on providing cable television or public**
1051 **telecommunications services -- Public hearings.**

1052 (1) If a feasibility consultant is hired under Section 10-18-202, the legislative body of
1053 the municipality shall require the feasibility consultant to:

1054 (a) complete the feasibility study in accordance with this section;

1055 (b) submit to the legislative body by no later than 180 days from the date the feasibility
1056 consultant is hired to conduct the feasibility study:

1057 (i) the full written results of the feasibility study; and

1058 (ii) a summary of the results that is no longer than one page in length; and

1059 (c) attend the public hearings described in Subsection (4) to:

1060 (i) present the feasibility study results; and

1061 (ii) respond to questions from the public.

1062 (2) The feasibility study described in Subsection (1) shall at a minimum consider:

1063 (a) (i) if the municipality is proposing to provide cable television services to
1064 subscribers, whether the municipality providing cable television services in the manner
1065 proposed by the municipality will hinder or advance competition for cable television services
1066 in the municipality;

1067 (ii) if the municipality is proposing to provide public telecommunications services to
1068 subscribers, whether the municipality providing public telecommunications services in the
1069 manner proposed by the municipality will hinder or advance competition for public
1070 telecommunications services in the municipality;

1071 (b) whether but for the municipality any person would provide the proposed:

1072 (i) cable television services; or

1073 (ii) public telecommunications services;

1074 (c) the fiscal impact on the municipality of:

1075 (i) the capital investment in facilities that will be used to provide the proposed:

1076 (A) cable television services; or

1077 (B) public telecommunications services; and

1078 (ii) the expenditure of funds for labor, financing, and administering the proposed:

1079 (A) cable television services; or

1080 (B) public telecommunications services;
1081 (d) the projected growth in demand in the municipality for the proposed:
1082 (i) cable television services; or
1083 (ii) public telecommunications services;
1084 (e) the projections at the time of the feasibility study and for the next five years, of a
1085 full-cost accounting for a municipality to purchase, lease, construct, maintain, or operate the
1086 facilities necessary to provide the proposed:

1087 (i) cable television services; or
1088 (ii) public telecommunications services; and
1089 (f) the projections at the time of the feasibility study and for the next five years of the
1090 revenues to be generated from the proposed:

1091 (i) cable television services; or
1092 (ii) public telecommunications services.

1093 (3) For purposes of the financial projections required under Subsections (2)(e) and (f),
1094 the feasibility consultant shall assume that the municipality will price the proposed cable
1095 television services or public telecommunications services consistent with Subsection
1096 10-18-303(5).

1097 (4) If the results of the feasibility study satisfy the revenue requirement of Subsection
1098 10-18-202(3), the legislative body, at the next regular meeting after the legislative body
1099 receives the results of the feasibility study, shall schedule at least two public hearings to be
1100 held:

1101 (a) within 60 days of the meeting at which the public hearings are scheduled;
1102 (b) at least seven days apart; and
1103 (c) for the purpose of allowing:
1104 (i) the feasibility consultant to present the results of the feasibility study; and
1105 (ii) the public to:
1106 (A) become informed about the feasibility study results; and
1107 (B) ask questions of the feasibility consultant about the results of the feasibility study.

1108 (5) (a) Except as provided in Subsection (5)(b), the municipality shall publish notice of
1109 the public hearings required under Subsection (4):

1110 (i) at least once a week for three consecutive weeks in a newspaper of general

1111 circulation in the municipality and at least three days before the first public hearing required
1112 under Subsection (4); and

1113 (ii) [~~in accordance with Section 45-1-101~~] on the Utah Public Notice Website created
1114 in Section 63F-1-701 for three weeks, at least three days before the first public hearing required
1115 under Subsection (4).

1116 (b) (i) In accordance with Subsection (5)(a)(i), if there is no newspaper of general
1117 circulation in the municipality, for each 1,000 residents, the municipality shall post at least one
1118 notice of the hearings in a conspicuous place within the municipality that is likely to give
1119 notice of the hearings to the greatest number of residents of the municipality.

1120 (ii) The municipality shall post the notices at least seven days before the first public
1121 hearing required under Subsection (4) is held.

1122 Section 19. Section **10-18-302** is amended to read:

1123 **10-18-302. Bonding authority.**

1124 (1) In accordance with Title 11, Chapter 14, Local Government Bonding Act, the
1125 legislative body of a municipality may by resolution determine to issue one or more revenue
1126 bonds or general obligation bonds to finance the capital costs for facilities necessary to provide
1127 to subscribers:

1128 (a) a cable television service; or

1129 (b) a public telecommunications service.

1130 (2) The resolution described in Subsection (1) shall:

1131 (a) describe the purpose for which the indebtedness is to be created; and

1132 (b) specify the dollar amount of the one or more bonds proposed to be issued.

1133 (3) (a) A revenue bond issued under this section shall be secured and paid for:

1134 (i) from the revenues generated by the municipality from providing:

1135 (A) cable television services with respect to revenue bonds issued to finance facilities
1136 for the municipality's cable television services; and

1137 (B) public telecommunications services with respect to revenue bonds issued to finance
1138 facilities for the municipality's public telecommunications services; and

1139 (ii) notwithstanding Subsection (3)(b) and Subsection 10-18-303(3)(a), from revenues
1140 generated under Title 59, Chapter 12, Sales and Use Tax Act, if:

1141 (A) notwithstanding Subsection 11-14-201(3) and except as provided in Subsections

1142 (4) and (5), the revenue bond is approved by the registered voters in an election held:
1143 (I) except as provided in Subsection (3)(a)(ii)(A)(II), pursuant to the provisions of Title
1144 11, Chapter 14, Local Government Bonding Act, that govern bond elections; and
1145 (II) notwithstanding Subsection 11-14-203(2), at a regular general election;
1146 (B) the revenues described in this Subsection (3)(a)(ii) are pledged as security for the
1147 revenue bond; and
1148 (C) the municipality or municipalities annually appropriate the revenues described in
1149 this Subsection (3)(a)(ii) to secure and pay the revenue bond issued under this section.
1150 (b) Except as provided in Subsection (3)(a)(ii), a municipality may not pay the
1151 origination, financing, or other carrying costs associated with the one or more revenue bonds
1152 issued under this section from the general funds or other enterprise funds of the municipality.
1153 (4) (a) As used in this Subsection (4), "municipal entity" means an entity created
1154 pursuant to an agreement:
1155 (i) under Title 11, Chapter 13, Interlocal Cooperation Act; and
1156 (ii) to which a municipality is a party.
1157 (b) The requirements of Subsection (3)(a)(ii)(A) do not apply to a municipality or
1158 municipal entity that issues revenue bonds, or to a municipality that is a member of a municipal
1159 entity that issues revenue bonds, if:
1160 (i) on or before March 2, 2004, the municipality that is issuing revenue bonds or that is
1161 a member of a municipal entity that is issuing revenue bonds has published the first notice
1162 described in Subsection (4)(b)(iii);
1163 (ii) on or before April 15, 2004, the municipality that is issuing revenue bonds or that
1164 is a member of a municipal entity that is issuing revenue bonds makes the decision to pledge
1165 the revenues described in Subsection (3)(a)(ii) as security for the revenue bonds described in
1166 this Subsection (4)(b)(ii);
1167 (iii) the municipality that is issuing the revenue bonds or the municipality that is a
1168 member of the municipal entity that is issuing the revenue bonds has:
1169 (A) held a public hearing for which public notice was given by publication of the
1170 notice:
1171 (I) in a newspaper published in the municipality or in a newspaper of general
1172 circulation within the municipality for two consecutive weeks, with the first publication being

1173 not less than 14 days before the public hearing; and
1174 (II) [~~in accordance with Section 45-1-101~~] on the Utah Public Notice Website created
1175 in Section 63F-1-701 for two weeks before the public hearing; and
1176 (B) the notice identifies:
1177 (I) that the notice is given pursuant to Title 11, Chapter 14, Local Government Bonding
1178 Act;
1179 (II) the purpose for the bonds to be issued;
1180 (III) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will
1181 be pledged in any fiscal year;
1182 (IV) the maximum number of years that the pledge will be in effect; and
1183 (V) the time, place, and location for the public hearing;
1184 (iv) the municipal entity that issues revenue bonds:
1185 (A) adopts a final financing plan; and
1186 (B) in accordance with Title 63G, Chapter 2, Government Records Access and
1187 Management Act, makes available to the public at the time the municipal entity adopts the final
1188 financing plan:
1189 (I) the final financing plan; and
1190 (II) all contracts entered into by the municipal entity, except as protected by Title 63G,
1191 Chapter 2, Government Records Access and Management Act;
1192 (v) any municipality that is a member of a municipal entity described in Subsection
1193 (4)(b)(iv):
1194 (A) not less than 30 calendar days after the municipal entity complies with Subsection
1195 (4)(b)(iv)(B), holds a final public hearing;
1196 (B) provides notice, at the time the municipality schedules the final public hearing, to
1197 any person who has provided to the municipality a written request for notice; and
1198 (C) makes all reasonable efforts to provide fair opportunity for oral testimony by all
1199 interested parties; and
1200 (vi) except with respect to a municipality that issued bonds prior to March 1, 2004, not
1201 more than 50% of the average annual debt service of all revenue bonds described in this section
1202 to provide service throughout the municipality or municipal entity may be paid from the
1203 revenues described in Subsection (3)(a)(ii).

1204 (5) On or after July 1, 2007, the requirements of Subsection (3)(a)(ii)(A) do not apply
1205 to a municipality that issues revenue bonds if:

1206 (a) the municipality that is issuing the revenue bonds has:

1207 (i) held a public hearing for which public notice was given by publication of the notice;

1208 (A) in a newspaper published in the municipality or in a newspaper of general
1209 circulation within the municipality for two consecutive weeks, with the first publication being
1210 not less than 14 days before the public hearing; and

1211 (B) on the Utah Public Notice Website created in Section 63F-1-701 for 14 days before
1212 the public hearing; and

1213 (ii) the notice identifies:

1214 (A) that the notice is given pursuant to Title 11, Chapter 14, Local Government
1215 Bonding Act;

1216 (B) the purpose for the bonds to be issued;

1217 (C) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will be
1218 pledged in any fiscal year;

1219 (D) the maximum number of years that the pledge will be in effect; and

1220 (E) the time, place, and location for the public hearing; and

1221 (b) except with respect to a municipality that issued bonds prior to March 1, 2004, not
1222 more than 50% of the average annual debt service of all revenue bonds described in this section
1223 to provide service throughout the municipality or municipal entity may be paid from the
1224 revenues described in Subsection (3)(a)(ii).

1225 (6) A municipality that issues bonds pursuant to this section may not make or grant any
1226 undue or unreasonable preference or advantage to itself or to any private provider of:

1227 (a) cable television services; or

1228 (b) public telecommunications services.

1229 Section 20. Section **11-14-202** is amended to read:

1230 **11-14-202. Notice of election -- Contents -- Publication -- Mailing.**

1231 (1) The governing body shall ensure that notice of the election is published:

1232 (a) ~~[(i)-(A)]~~ once per week during three consecutive weeks in a newspaper designated
1233 in accordance with Section 11-14-316~~[-and (B)]~~, the first publication ~~[described in Subsection~~
1234 ~~(1)(a)(i)(A) occurs]~~ occurring not less than 21 nor more than 35 days before the election; and

1235 [~~(C) in a newspaper having general circulation in the local political subdivision; and]~~
1236 (b) in accordance with Section 45-1-101 for the three weeks that immediately precede
1237 the election.

1238 (2) When the debt service on the bonds to be issued will increase the property tax
1239 imposed upon the average value of a residence by an amount that is greater than or equal to \$15
1240 per year, the governing body shall, at least seven days but not more than 30 days before the
1241 bond election, if the bond election is not held on the date of a regular primary election, a
1242 municipal primary election, a regular general election, or a municipal general election, either
1243 mail:

1244 (a) written notice of the bond election on a minimum three inch by five inch postcard
1245 to every household containing a registered voter who is eligible to vote on the bonds; or

1246 (b) a voter information pamphlet prepared by the governing body, if one is prepared,
1247 that includes the information required by Subsection (4).

1248 (3) (a) Except as provided in Subsection (3)(b), notice of the bond election need not be
1249 posted.

1250 (b) (i) In a local political subdivision where there is no newspaper of general
1251 circulation, the legislative body may require that notice of a bond election be given by posting
1252 in lieu of the publication requirements of Subsection (1)(a)(i).

1253 (ii) When the governing body imposes a posting requirement, the governing body shall
1254 ensure that notice of the bond election is posted in at least five public places in the local
1255 political subdivision at least 21 days before the election.

1256 (4) Any notice required by this section shall include:

1257 (a) the date and place of the election;

1258 (b) the hours during which the polls will be open; and

1259 (c) the title and text of the ballot proposition.

1260 (5) The governing body shall pay the costs associated with the notice required by this
1261 section.

1262 Section 21. Section **11-42-402** is amended to read:

1263 **11-42-402. Notice of assessment and board of equalization hearing.**

1264 Each notice required under Subsection 11-42-401(2)(a)(iii) shall:

1265 (1) state:

1266 (a) that an assessment list is completed and available for examination at the offices of
1267 the local entity;

1268 (b) the total estimated or actual cost of the improvements;

1269 (c) the amount of the total estimated or actual cost of the proposed improvements to be
1270 paid by the local entity;

1271 (d) the amount of the assessment to be levied against benefitted property within the
1272 assessment area;

1273 (e) the assessment method used to calculate the proposed assessment;

1274 (f) the unit cost used to calculate the assessments shown on the assessment list, based
1275 on the assessment method used to calculate the proposed assessment; and

1276 (g) the dates, times, and place of the board of equalization hearings under Subsection
1277 11-42-401(2)(b);

1278 (2) beginning at least 20 but not more than 35 days before the first hearing of the board
1279 of equalization:

1280 (a) (i) be published at least once in a newspaper of general circulation within the local
1281 entity's jurisdictional boundaries; or

1282 (ii) if there is no newspaper of general circulation within the local entity's jurisdictional
1283 boundaries, be posted in at least three public places within the local entity's jurisdictional
1284 boundaries; and

1285 (b) be published [~~in accordance with Section 45-1-101~~] on the Utah Public Notice
1286 Website created in Section 63F-1-701 for 35 days before the first hearing of the board of
1287 equalization; and

1288 (3) be mailed, postage prepaid, within 10 days after the first publication or posting of
1289 the notice under Subsection (2) to each owner of property to be assessed within the proposed
1290 assessment area at the property owner's mailing address.

1291 Section 22. Section **17-27a-204** is amended to read:

1292 **17-27a-204. Notice of public hearings and public meetings to consider general**
1293 **plan or modifications.**

1294 (1) A county shall provide:

1295 (a) notice of the date, time, and place of the first public hearing to consider the original
1296 adoption or any modification of all or any portion of a general plan; and

- 1297 (b) notice of each public meeting on the subject.
- 1298 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar
1299 days before the public hearing and shall be:
- 1300 (a) (i) published in a newspaper of general circulation in the area; and
1301 (ii) published [~~in accordance with Section 45-1-101~~] on the Utah Public Notice
1302 Website created in Section 63F-1-701;
- 1303 (b) mailed to each affected entity; and
1304 (c) posted:
1305 (i) in at least three public locations within the county; or
1306 (ii) on the county's official website.
- 1307 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
1308 before the meeting and shall be:
- 1309 (a) (i) submitted to a newspaper of general circulation in the area; and
1310 (ii) published [~~in accordance with Section 45-1-101~~] on the Utah Public Notice
1311 Website created in Section 63F-1-701; and
1312 (b) posted:
1313 (i) in at least three public locations within the county; or
1314 (ii) on the county's official website.
- 1315 Section 23. Section **17-27a-205** is amended to read:
1316 **17-27a-205. Notice of public hearings and public meetings on adoption or**
1317 **modification of land use ordinance.**
- 1318 (1) Each county shall give:
1319 (a) notice of the date, time, and place of the first public hearing to consider the
1320 adoption or modification of a land use ordinance; and
1321 (b) notice of each public meeting on the subject.
- 1322 (2) Each notice of a public hearing under Subsection (1)(a) shall be:
1323 (a) mailed to each affected entity at least 10 calendar days before the public hearing;
1324 (b) posted:
1325 (i) in at least three public locations within the county; or
1326 (ii) on the county's official website; and
1327 (c) (i) published:

1328 (A) in a newspaper of general circulation in the area at least 10 calendar days before
1329 the public hearing; and

1330 (B) [~~in accordance with Section 45-1-101~~] on the Utah Public Notice Website created
1331 in Section 63F-1-701, at least 10 calendar days before the public hearing; or

1332 (ii) mailed at least three days before the public hearing to:

1333 (A) each property owner whose land is directly affected by the land use ordinance
1334 change; and

1335 (B) each adjacent property owner within the parameters specified by county ordinance.

1336 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
1337 before the hearing and shall be posted:

1338 (a) in at least three public locations within the county; or

1339 (b) on the county's official website.

1340 Section 24. Section **17-27a-208** is amended to read:

1341 **17-27a-208. Hearing and notice for proposal to vacate a public street,**
1342 **right-of-way, or easement.**

1343 (1) For any proposal to vacate some or all of a public street, right-of-way, or easement,
1344 the legislative body shall:

1345 (a) hold a public hearing; and

1346 (b) give notice of the date, place, and time of the hearing, as provided in Subsection
1347 (2).

1348 (2) At least 10 days before the public hearing under Subsection (1)(a), the notice
1349 required under Subsection (1)(b) shall be:

1350 (a) mailed to the record owner of each parcel that is accessed by the public street,
1351 right-of-way, or easement;

1352 (b) mailed to each affected entity;

1353 (c) posted on or near the street, right-of-way, or easement in a manner that is calculated
1354 to alert the public; and

1355 (d) (i) published in a newspaper of general circulation in the county in which the land
1356 subject to the petition is located; and

1357 (ii) published [~~as required in Section 45-1-101~~] on the Utah Public Notice Website
1358 created in Section 63F-1-701.

1359 Section 25. Section **17-27a-306** is amended to read:

1360 **17-27a-306. Townships.**

1361 (1) (a) A township may be established as provided in this Subsection (1).

1362 (b) A township may not be established unless the area to be included within the
1363 proposed township:

1364 (i) is unincorporated;

1365 (ii) is contiguous; and

1366 (iii) (A) contains:

1367 (I) at least 20% but not more than 80% of:

1368 (Aa) the total private land area in the unincorporated county; or

1369 (Bb) the total value of locally assessed taxable property in the unincorporated county;

1370 or

1371 (II) (Aa) in a county of the first, second, or third class, at least 5% of the total
1372 population of the unincorporated county; or

1373 (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population
1374 of the unincorporated county; or

1375 (B) has been declared by the United States Census Bureau as a census designated
1376 place.

1377 (c) (i) The process to establish a township is initiated by the filing of a petition with the
1378 clerk of the county in which the proposed township is located.

1379 (ii) A petition to establish a township may not be filed if it proposes the establishment
1380 of a township that includes an area within a proposed township in a petition that has previously
1381 been certified under Subsection (1)(f), until after the canvass of an election on the proposed
1382 township under Subsection (1)(h).

1383 (d) A petition under Subsection (1)(c) to establish a township shall:

1384 (i) be signed by the owners of private real property that:

1385 (A) is located within the proposed township;

1386 (B) covers at least 10% of the total private land area within the proposed township;

1387 (C) is equal in value to at least 10% of the value of all private real property within the
1388 proposed township;

1389 (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous

1390 area proposed to be established as a township;

1391 (iii) indicate the typed or printed name and current residence address of each owner
1392 signing the petition;

1393 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
1394 be designated as the contact sponsor, with the mailing address and telephone number of each
1395 petition sponsor;

1396 (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
1397 petition for purposes of the petition; and

1398 (vi) request the county legislative body to provide notice of the petition and of a public
1399 hearing, hold a public hearing, and conduct an election on the proposal to establish a township.

1400 (e) Subsection 10-2-101(3) applies to a petition to establish a township to the same
1401 extent as if it were an incorporation petition under Title 10, Chapter 2, Part 1, Incorporation.

1402 (f) (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing
1403 the establishment of a township in a county of the first or second class, the county clerk shall
1404 provide notice of the filing of the petition to:

1405 (A) each owner of real property owning more than 1% of the assessed value of all real
1406 property within the proposed township; and

1407 (B) each owner of real property owning more than 850 acres of real property within the
1408 proposed township.

1409 (ii) A property owner may exclude all or part of the property owner's property from a
1410 proposed township in a county of the first or second class:

1411 (A) if:

1412 (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all
1413 property within the proposed township;

1414 (Iiii) the property is nonurban; and

1415 (IIIiii) the property does not or will not require municipal provision of municipal-type
1416 services; or

1417 (Bb) the property owner owns more than 850 acres of real property within the proposed
1418 township; and

1419 (II) exclusion of the property will not leave within the township an island of property
1420 that is not part of the township; and

1421 (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice
1422 under Subsection (1)(f)(i).

1423 (iii) (A) The county legislative body shall exclude from the proposed township the
1424 property identified in a notice of exclusion timely filed under Subsection (1)(f)(ii)(B) if the
1425 property meets the applicable requirements of Subsection (1)(f)(ii)(A).

1426 (B) If the county legislative body excludes property from a proposed township under
1427 Subsection (1)(f)(iii), the county legislative body shall, within five days after the exclusion,
1428 send written notice of its action to the contact sponsor.

1429 (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county
1430 clerk shall:

1431 (A) with the assistance of other county officers from whom the clerk requests
1432 assistance, determine whether the petition complies with the requirements of Subsection (1)(d);
1433 and

1434 (B) (I) if the clerk determines that the petition complies with the requirements of
1435 Subsection (1)(d):

1436 (Aa) certify the petition and deliver the certified petition to the county legislative body;
1437 and

1438 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

1439 (II) if the clerk determines that the petition fails to comply with any of the requirements
1440 of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the
1441 rejection and the reasons for the rejection.

1442 (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition
1443 may be amended to correct the deficiencies for which it was rejected and then refiled with the
1444 county clerk.

1445 (h) (i) Within 90 days after a petition to establish a township is certified, the county
1446 legislative body shall hold a public hearing on the proposal to establish a township.

1447 (ii) A public hearing under Subsection (1)(h)(i) shall be:

1448 (A) within the boundary of the proposed township; or

1449 (B) if holding a public hearing in that area is not practicable, as close to that area as
1450 practicable.

1451 (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the

1452 county legislative body shall publish notice of the petition and the time, date, and place of the
1453 public hearing:

1454 (A) at least once in a newspaper of general circulation in the county; and

1455 (B) ~~[as required in Section 45-1-10]~~ on the Utah Public Notice Website created in
1456 Section 63F-1-701.

1457 (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body
1458 shall arrange for the proposal to establish a township to be submitted to voters residing within
1459 the proposed township at the next regular general election that is more than 90 days after the
1460 public hearing.

1461 (j) A township is established at the time of the canvass of the results of an election
1462 under Subsection (1)(i) if the canvass indicates that a majority of voters voting on the proposal
1463 to establish a township voted in favor of the proposal.

1464 (k) (i) A township that was dissolved under Laws of Utah 1997, Chapter 389, is
1465 reinstated as a township under this part with the same boundaries and name as before the
1466 dissolution, if the former township consisted of a single, contiguous land area.

1467 (ii) Notwithstanding Subsection (1)(k)(i), a county legislative body may enact an
1468 ordinance establishing as a township under this part a former township that was dissolved
1469 under Laws of Utah 1997, Chapter 389, even though the former township does not qualify to be
1470 reinstated under Subsection (1)(k)(i).

1471 (iii) A township reinstated under Subsection (1)(k)(i) or established under Subsection
1472 (1)(k)(ii) is subject to the provisions of this part.

1473 (l) A township established under this section on or after May 5, 1997, may use the
1474 word "township" in its name.

1475 (2) The county legislative body may:

1476 (a) assign to the countywide planning commission the duties established in this part
1477 that would have been assumed by a township planning commission designated under
1478 Subsection (2)(b); or

1479 (b) designate and appoint a planning commission for the township.

1480 (3) (a) An area within the boundary of a township may be withdrawn from the
1481 township as provided in this Subsection (3).

1482 (b) The process to withdraw an area from a township is initiated by the filing of a

1483 petition with the clerk of the county in which the township is located.

1484 (c) A petition under Subsection (3)(b) shall:

1485 (i) be signed by the owners of private real property that:

1486 (A) is located within the area proposed to be withdrawn from the township;

1487 (B) covers at least 50% of the total private land area within the area proposed to be
1488 withdrawn from the township; and

1489 (C) is equal in value to at least 33% of the value of all private real property within the
1490 area proposed to be withdrawn from the township;

1491 (ii) state the reason or reasons for the proposed withdrawal;

1492 (iii) be accompanied by an accurate plat or map showing the boundary of the
1493 contiguous area proposed to be withdrawn from the township;

1494 (iv) indicate the typed or printed name and current residence address of each owner
1495 signing the petition;

1496 (v) designate up to five signers of the petition as petition sponsors, one of whom shall
1497 be designated as the contact sponsor, with the mailing address and telephone number of each
1498 petition sponsor;

1499 (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
1500 petition for purposes of the petition; and

1501 (vii) request the county legislative body to withdraw the area from the township.

1502 (d) Subsection 10-2-101(3) applies to a petition to withdraw an area from a township to
1503 the same extent as if it were an incorporation petition under Title 10, Chapter 2, Part 1,
1504 Incorporation.

1505 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county
1506 clerk shall:

1507 (A) with the assistance of other county officers from whom the clerk requests
1508 assistance, determine whether the petition complies with the requirements of Subsection (3)(c);
1509 and

1510 (B) (I) if the clerk determines that the petition complies with the requirements of
1511 Subsection (3)(c):

1512 (Aa) certify the petition and deliver the certified petition to the county legislative body;
1513 and

1514 (Bb) mail or deliver written notification of the certification to the contact sponsor; or
1515 (II) if the clerk determines that the petition fails to comply with any of the requirements
1516 of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection
1517 and the reasons for the rejection.

1518 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition
1519 may be amended to correct the deficiencies for which it was rejected and then refiled with the
1520 county clerk.

1521 (f) (i) Within 60 days after a petition to withdraw an area from a township is certified,
1522 the county legislative body shall hold a public hearing on the proposal to withdraw the area
1523 from the township.

1524 (ii) A public hearing under Subsection (3)(f)(i) shall be held:

1525 (A) within the area proposed to be withdrawn from the township; or

1526 (B) if holding a public hearing in that area is not practicable, as close to that area as
1527 practicable.

1528 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative
1529 body shall:

1530 (A) publish notice of the petition and the time, date, and place of the public hearing:

1531 (I) at least once a week for three consecutive weeks in a newspaper of general
1532 circulation in the township; and

1533 (II) ~~[as required in Section 45-1-101]~~ on the Utah Public Notice Website created in
1534 Section 63F-1-701 for three consecutive weeks; and

1535 (B) mail a notice of the petition and the time, date, and place of the public hearing to
1536 each owner of private real property within the area proposed to be withdrawn.

1537 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county
1538 legislative body shall make a written decision on the proposal to withdraw the area from the
1539 township.

1540 (ii) In making its decision as to whether to withdraw the area from the township, the
1541 county legislative body shall consider:

1542 (A) whether the withdrawal would leave the remaining township in a situation where
1543 the future incorporation of an area within the township or the annexation of an area within the
1544 township to an adjoining municipality would be economically or practically not feasible;

1545 (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn
1546 area:

1547 (I) whether the proposed subsequent incorporation or withdrawal:

1548 (Aa) will leave or create an unincorporated island or peninsula; or

1549 (Bb) will leave the county with an area within its unincorporated area for which the
1550 cost, requirements, or other burdens of providing municipal services would materially increase
1551 over previous years; and

1552 (II) whether the municipality to be created or the municipality into which the
1553 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of
1554 providing service to the withdrawn area that the county will no longer provide due to the
1555 incorporation or annexation;

1556 (C) the effects of a withdrawal on adjoining property owners, existing or projected
1557 county streets or other public improvements, law enforcement, and zoning and other municipal
1558 services provided by the county; and

1559 (D) whether justice and equity favor the withdrawal.

1560 (h) Upon the written decision of the county legislative body approving the withdrawal
1561 of an area from a township, the area is withdrawn from the township and the township
1562 continues as a township with a boundary that excludes the withdrawn area.

1563 (4) (a) A township may be dissolved as provided in this Subsection (4).

1564 (b) The process to dissolve a township is initiated by the filing of a petition with the
1565 clerk of the county in which the township is located.

1566 (c) A petition under Subsection (4)(b) shall:

1567 (i) be signed by registered voters within the township equal in number to at least 25%
1568 of all votes cast by voters within the township at the last congressional election;

1569 (ii) state the reason or reasons for the proposed dissolution;

1570 (iii) indicate the typed or printed name and current residence address of each person
1571 signing the petition;

1572 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
1573 be designated as the contact sponsor, with the mailing address and telephone number of each
1574 petition sponsor;

1575 (v) authorize the petition sponsors to act on behalf of all persons signing the petition

1576 for purposes of the petition; and

1577 (vi) request the county legislative body to provide notice of the petition and of a public
1578 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the
1579 township.

1580 (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county
1581 clerk shall:

1582 (A) with the assistance of other county officers from whom the clerk requests
1583 assistance, determine whether the petition complies with the requirements of Subsection (4)(c);
1584 and

1585 (B) (I) if the clerk determines that the petition complies with the requirements of
1586 Subsection (4)(c):

1587 (Aa) certify the petition and deliver the certified petition to the county legislative body;
1588 and

1589 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

1590 (II) if the clerk determines that the petition fails to comply with any of the requirements
1591 of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection
1592 and the reasons for the rejection.

1593 (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition
1594 may be amended to correct the deficiencies for which it was rejected and then refiled with the
1595 county clerk.

1596 (e) (i) Within 60 days after a petition to dissolve the township is certified, the county
1597 legislative body shall hold a public hearing on the proposal to dissolve the township.

1598 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

1599 (A) within the boundary of the township; or

1600 (B) if holding a public hearing in that area is not practicable, as close to that area as
1601 practicable.

1602 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative
1603 body shall publish notice of the petition and the time, date, and place of the public hearing:

1604 (A) at least once a week for three consecutive weeks in a newspaper of general
1605 circulation in the township[?]; and

1606 (B) on the Utah Public Notice Website created in Section 63F-1-701 for three

1607 consecutive weeks immediately before the public hearing.

1608 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body
1609 shall arrange for the proposal to dissolve the township to be submitted to voters residing within
1610 the township at the next regular general election that is more than 90 days after the public
1611 hearing.

1612 (g) A township is dissolved at the time of the canvass of the results of an election under
1613 Subsection (4)(f) if the canvass indicates that a majority of voters voting on the proposal to
1614 dissolve the township voted in favor of the proposal.

1615 Section 26. Section **17-27a-404** is amended to read:

1616 **17-27a-404. Public hearing by planning commission on proposed general plan or**
1617 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
1618 **by legislative body.**

1619 (1) (a) After completing its recommendation for a proposed general plan, or proposal to
1620 amend the general plan, the planning commission shall schedule and hold a public hearing on
1621 the proposed plan or amendment.

1622 (b) The planning commission shall provide notice of the public hearing, as required by
1623 Section 17-27a-204.

1624 (c) After the public hearing, the planning commission may modify the proposed
1625 general plan or amendment.

1626 (2) The planning commission shall forward the proposed general plan or amendment to
1627 the legislative body.

1628 (3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body
1629 shall provide notice of its intent to consider the general plan proposal.

1630 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative
1631 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan
1632 regarding Subsection 17-27a-401(3). The hearing procedure shall comply with this Subsection
1633 (3)(b).

1634 (ii) The hearing format shall allow adequate time for public comment at the actual
1635 public hearing, and shall also allow for public comment in writing to be submitted to the
1636 legislative body for not fewer than 90 days after the date of the public hearing.

1637 (c) (i) The legislative body shall give notice of the hearing in accordance with this

1638 Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(3) are
1639 complete.

1640 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of
1641 the state Legislature, executive director of the Department of Environmental Quality, the state
1642 planning coordinator, the Resource Development Coordinating Committee, and any other
1643 citizens or entities who specifically request notice in writing.

1644 (iii) Public notice shall be given by publication:

1645 (A) in at least one major Utah newspaper having broad general circulation in the state;
1646 and

1647 (B) in at least one Utah newspaper having a general circulation focused mainly on the
1648 county where the proposed high-level nuclear waste or greater than class C radioactive waste
1649 site is to be located; and

1650 (C) [~~as required in Section 45-1-101~~] on the Utah Public Notice Website created in
1651 Section 63F-1-701.

1652 (iv) The notice shall be published to allow reasonable time for interested parties and
1653 the state to evaluate the information regarding the provisions of Subsection 17-27a-401(3),
1654 including:

1655 (A) in a newspaper described in Subsection (3)(c)(iii)(A), no less than 180 days before
1656 the date of the hearing to be held under this Subsection (3); and

1657 (B) publication described in Subsection (3)(c)(iii)(B) or (C) for 180 days before the
1658 date of the hearing to be held under this Subsection (3).

1659 (4) (a) After the public hearing required under this section, the legislative body may
1660 make any revisions to the proposed general plan that it considers appropriate.

1661 (b) The legislative body shall respond in writing and in a substantive manner to all
1662 those providing comments as a result of the hearing required by Subsection (3).

1663 (5) (a) The county legislative body may adopt or reject the proposed general plan or
1664 amendment either as proposed by the planning commission or after making any revision the
1665 county legislative body considers appropriate.

1666 (b) If the county legislative body rejects the proposed general plan or amendment, it
1667 may provide suggestions to the planning commission for its consideration.

1668 (6) The legislative body shall adopt:

1669 (a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);

1670 (b) a transportation and traffic circulation element as provided in Subsection

1671 17-27a-403(2)(a)(ii); and

1672 (c) after considering the factors included in Subsection 17-27a-403(2)(b), a plan to

1673 provide a realistic opportunity to meet estimated needs for additional moderate income housing

1674 if long-term projections for land use and development occur.

1675 Section 27. Section **17-36-12** is amended to read:

1676 **17-36-12. Notice of budget hearing.**

1677 (1) The governing body shall determine the time and place for the public hearing on the
1678 adoption of the budget.

1679 (2) Notice of such hearing shall be published:

1680 (a) (i) at least seven days before the hearing in at least one newspaper of general

1681 circulation within the county, if there is such a paper; or

1682 (ii) if there is no newspaper as described in Subsection (2)(a)(i), by posting notice in

1683 three conspicuous places within the county seven days before the hearing; and

1684 (b) [~~in accordance with Section 45-1-101~~] on the Utah Public Notice Website created
1685 in Section 63F-1-701 for seven days before the hearing.

1686 Section 28. Section **17-36-26** is amended to read:

1687 **17-36-26. Increase in general fund budget.**

1688 (1) (a) The budget of the general fund may be increased by resolution of the governing
1689 body, only after a duly called hearing shall have been held and all interested parties shall have
1690 been given an opportunity to be heard.

1691 (b) Notice of such hearing shall be published at least five days before such hearing:

1692 (i) (A) in at least one issue of a newspaper generally circulated in the county; or

1693 (B) if there is not a newspaper generally circulated in the county, the hearing may be
1694 published by posting notice in three conspicuous places within the county; and

1695 (ii) [~~as required in Section 45-1-101~~] on the Utah Public Notice Website created in
1696 Section 63F-1-701.

1697 (2) After such public hearing the governing body may amend the general fund budget
1698 as it deems appropriate with due consideration to matters discussed at the public hearing and to
1699 revised estimates of revenues.

1700 Section 29. Section **17-41-304** is amended to read:

1701 **17-41-304. Public hearing -- Review and action on proposal.**

1702 (1) After receipt of the written reports from the advisory committee and planning
1703 commission, or after the 45 days have expired, whichever is earlier, the county or municipal
1704 legislative body shall:

1705 (a) schedule a public hearing;

1706 (b) provide notice of the public hearing by:

1707 (i) publishing notice:

1708 (A) in a newspaper having general circulation within:

1709 (I) the same county as the land proposed for inclusion within the agriculture protection
1710 area or industrial protection area, if the land is within the unincorporated part of the county; or

1711 (II) the same city or town as the land proposed for inclusion within an agriculture
1712 protection area or industrial protection area, if the land is within a city or town; and

1713 (B) ~~[as required in Section 45-1-101]~~ on the Utah Public Notice Website created in
1714 Section 63F-1-701;

1715 (ii) posting notice at five public places, designated by the applicable legislative body,
1716 within or near the proposed agriculture protection area or industrial protection area; and

1717 (iii) mailing written notice to each owner of land within 1,000 feet of the land proposed
1718 for inclusion within an agriculture protection area or industrial protection area; and

1719 (c) ensure that the notice includes:

1720 (i) the time, date, and place of the public hearing on the proposal;

1721 (ii) a description of the proposed agriculture protection area or industrial protection
1722 area;

1723 (iii) any proposed modifications to the proposed agriculture protection area or
1724 industrial protection area;

1725 (iv) a summary of the recommendations of the advisory committee and planning
1726 commission; and

1727 (v) a statement that interested persons may appear at the public hearing and speak in
1728 favor of or against the proposal, any proposed modifications to the proposal, or the
1729 recommendations of the advisory committee and planning commission.

1730 (2) The applicable legislative body shall:

1731 (a) convene the public hearing at the time, date, and place specified in the notice; and

1732 (b) take verbal or written testimony from interested persons.

1733 (3) (a) Within 120 days of the submission of the proposal, the applicable legislative
1734 body shall approve, modify and approve, or reject the proposal.

1735 (b) The creation of an agriculture protection area or industrial protection area is
1736 effective at the earlier of:

1737 (i) the applicable legislative body's approval of a proposal or modified proposal; or

1738 (ii) 120 days after submission of a proposal complying with Subsection 17-41-301(2) if
1739 the applicable legislative body has failed to approve or reject the proposal within that time.

1740 (4) (a) In order to give constructive notice of the existence of the agriculture protection
1741 area or industrial protection area to all persons who have, may acquire, or may seek to acquire
1742 an interest in land in or adjacent to the agriculture protection area or industrial protection area,
1743 respectively, within 10 days of the creation of an agriculture protection area or industrial
1744 protection area, the applicable legislative body shall file an executed document containing a
1745 legal description of the agriculture protection area or industrial protection area, as the case may
1746 be, with:

1747 (i) the county recorder of deeds; and

1748 (ii) the affected planning commission.

1749 (b) If the legal description of the property to be included in the agriculture protection
1750 area or industrial protection area is available through the county recorder's office, the
1751 applicable legislative body shall use that legal description in its executed document required in
1752 Subsection (4)(a).

1753 (5) Within 10 days of the recording of the agriculture protection area, the applicable
1754 legislative body shall:

1755 (a) send written notification to the commissioner of agriculture and food that the
1756 agriculture protection area has been created; and

1757 (b) include in the notification:

1758 (i) the number of landowners owning land within the agriculture protection area;

1759 (ii) the total acreage of the area;

1760 (iii) the date of approval of the area; and

1761 (iv) the date of recording.

1762 (6) The applicable legislative body's failure to record the notice required under
1763 Subsection (4) or to send the written notification under Subsection (5) does not invalidate the
1764 creation of an agriculture protection area.

1765 (7) The applicable legislative body may consider the cost of recording notice under
1766 Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee
1767 under Subsection 17-41-301(4)(b).

1768 Section 30. Section **17-41-405** is amended to read:

1769 **17-41-405. Eminent domain restrictions.**

1770 (1) A political subdivision having or exercising eminent domain powers may not
1771 condemn for any purpose any land within an agriculture protection area that is being used for
1772 agricultural production or any land within an industrial protection area that is being put to an
1773 industrial use unless it has obtained approval, according to the procedures and requirements of
1774 this section, from the applicable legislative body and the advisory board.

1775 (2) Any condemnor wishing to condemn property within an agriculture protection area
1776 or industrial protection area shall file a notice of condemnation with the applicable legislative
1777 body and the agriculture protection area or industrial protection area's advisory board at least
1778 30 days before filing an eminent domain complaint.

1779 (3) The applicable legislative body and the advisory board shall:

1780 (a) hold a joint public hearing on the proposed condemnation at a location within the
1781 county in which the agriculture protection area or industrial protection area is located;

1782 (b) publish notice of the time, date, place, and purpose of the public hearing:

1783 (i) in a newspaper of general circulation within the agriculture protection area or
1784 industrial protection area, as the case may be; and

1785 (ii) ~~[as required in Section 45-1-101]~~ on the Utah Public Notice Website created in
1786 Section 63F-1-701; and

1787 (c) post notice of the time, date, place, and purpose of the public hearing in five
1788 conspicuous public places, designated by the applicable legislative body, within or near the
1789 agriculture protection area or industrial protection area, as the case may be.

1790 (4) (a) If the condemnation is for highway purposes or for the disposal of solid or
1791 liquid waste materials, the applicable legislative body and the advisory board may approve the
1792 condemnation only if there is no reasonable and prudent alternative to the use of the land

1793 within the agriculture protection area or industrial protection area for the project.

1794 (b) If the condemnation is for any other purpose, the applicable legislative body and the
1795 advisory board may approve the condemnation only if:

1796 (i) the proposed condemnation would not have an unreasonably adverse effect upon the
1797 preservation and enhancement of agriculture within the agriculture protection area or of the
1798 industrial use within the industrial protection area; or

1799 (ii) there is no reasonable and prudent alternative to the use of the land within the
1800 agriculture protection area or industrial protection area for the project.

1801 (5) (a) Within 60 days after receipt of the notice of condemnation, the applicable
1802 legislative body and the advisory board shall approve or reject the proposed condemnation.

1803 (b) If the applicable legislative body and the advisory board fail to act within the 60
1804 days or such further time as the applicable legislative body establishes, the condemnation shall
1805 be considered rejected.

1806 (6) The applicable legislative body or the advisory board may request the county or
1807 municipal attorney to bring an action to enjoin any condemnor from violating any provisions of
1808 this section.

1809 Section 31. Section **17B-1-211** is amended to read:

1810 **17B-1-211. Notice of public hearings -- Publication of resolution.**

1811 (1) Before holding a public hearing or set of public hearings under Section 17B-1-210,
1812 the legislative body of each county or municipality with which a request is filed or that adopts a
1813 resolution under Subsection 17B-1-203(1)(c) and the board of trustees of each local district that
1814 adopts a resolution under Subsection 17B-1-203(1)(d) shall:

1815 (a) (i) (A) except as provided in Subsections (1)(a)(i)(B) and (1)(a)(ii), publish notice
1816 in a newspaper or combination of newspapers of general circulation within the applicable area
1817 in accordance with Subsection (2); or

1818 (B) if there is no newspaper or combination of newspapers of general circulation
1819 within the applicable area, post notice in accordance with Subsection (2):

1820 (I) at least one notice per 1,000 population of that area; and

1821 (II) at places within the area that are most likely to provide actual notice to residents of
1822 the area; and

1823 (ii) publish~~[, in accordance with Section 45-1-101,]~~ notice on the Utah Public Notice

1824 Website created in Section 63F-1-701, for two weeks before the hearing or the first of the set of
1825 hearings; or

1826 (b) mail a notice to each registered voter residing within and each owner of real
1827 property located within the proposed local district.

1828 (2) Each published notice under Subsection (1)(a)(i)(A) shall:

1829 (a) be no less than 1/4 page in size, use type no smaller than 18 point, and be
1830 surrounded by a 1/4-inch border;

1831 (b) if possible, appear in a newspaper that is published at least one day per week;

1832 (c) if possible, appear in a newspaper of general interest and readership in the area and
1833 not of limited subject matter;

1834 (d) be placed in a portion of the newspaper other than where legal notices and
1835 classified advertisements appear; and

1836 (e) be run at least once each week for two successive weeks, with the final publication
1837 being no less than three and no more than 10 days before the hearing or the first of the set of
1838 hearings.

1839 (3) Each notice required under Subsection (1) shall:

1840 (a) if the hearing or set of hearings is concerning a resolution:

1841 (i) contain the entire text or an accurate summary of the resolution; and

1842 (ii) state the deadline for filing a protest against the creation of the proposed local
1843 district;

1844 (b) clearly identify each governing body involved in the hearing or set of hearings;

1845 (c) state the date, time, and place for the hearing or set of hearings and the purposes for
1846 the hearing or set of hearings; and

1847 (d) describe or include a map of the entire proposed local district.

1848 (4) County or municipal legislative bodies may jointly provide the notice required
1849 under this section if all the requirements of this section are met as to each notice.

1850 Section 32. Section **17B-1-413** is amended to read:

1851 **17B-1-413. Hearing, notice, and protest provisions do not apply for certain**
1852 **petitions.**

1853 (1) Section 17B-1-412 does not apply, and, except as provided in Subsection (2)(a),
1854 Sections 17B-1-409 and 17B-1-410 do not apply:

1855 (a) if the process to annex an area to a local district was initiated by:
1856 (i) a petition under Subsection 17B-1-403(1)(a)(i);
1857 (ii) a petition under Subsection 17B-1-403(1)(a)(ii)(A) that was signed by the owners
1858 of private real property that:
1859 (A) is located within the area proposed to be annexed;
1860 (B) covers at least 75% of the total private land area within the entire area proposed to
1861 be annexed and within each applicable area; and
1862 (C) is equal in assessed value to at least 75% of the assessed value of all private real
1863 property within the entire area proposed to be annexed and within each applicable area; or
1864 (iii) a petition under Subsection 17B-1-403(1)(a)(ii)(B) that was signed by registered
1865 voters residing within the entire area proposed to be annexed and within each applicable area
1866 equal in number to at least 75% of the number of votes cast within the entire area proposed to
1867 be annexed and within each applicable area, respectively, for the office of governor at the last
1868 regular general election before the filing of the petition;
1869 (b) to an annexation under Section 17B-1-415; or
1870 (c) to a boundary adjustment under Section 17B-1-417.
1871 (2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under
1872 Section 17B-1-405, the local district board:
1873 (i) shall provide notice of the proposed annexation as provided in Subsection (2)(b);
1874 and
1875 (ii) (A) may, in the board's discretion, hold a public hearing as provided in Section
1876 17B-1-409 after giving notice of the public hearing as provided in Subsection (2)(b); and
1877 (B) shall, after giving notice of the public hearing as provided in Subsection (2)(b),
1878 hold a public hearing as provided in Section 17B-1-409 if a written request to do so is
1879 submitted, within 20 days after the local district provides notice under Subsection (2)(a)(i), to
1880 the local district board by an owner of property that is located within or a registered voter
1881 residing within the area proposed to be annexed who did not sign the annexation petition.
1882 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:
1883 (i) be given:
1884 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition
1885 certification; or

1886 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least 10 but not more
1887 than 30 days before the public hearing; and

1888 (B) by:

1889 (I) posting written notice at the local district's principal office and in one or more other
1890 locations within or proximate to the area proposed to be annexed as are reasonable under the
1891 circumstances, considering the number of parcels included in that area, the size of the area, the
1892 population of the area, and the contiguousness of the area; and

1893 (II) providing written notice [to]:

1894 (Aa) to at least one newspaper of general circulation, if there is one, within the area
1895 proposed to be annexed or to a local media correspondent; and

1896 (Bb) [~~as required in Section 45-1-101~~] on the Utah Public Notice Website created in
1897 Section 63F-1-701; and

1898 (ii) contain a brief explanation of the proposed annexation and include the name of the
1899 local district, the service provided by the local district, a description or map of the area
1900 proposed to be annexed, a local district telephone number where additional information about
1901 the proposed annexation may be obtained, and, for a notice under Subsection (2)(a)(i), an
1902 explanation of the right of a property owner or registered voter to request a public hearing as
1903 provided in Subsection (2)(a)(ii)(B).

1904 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is
1905 required for a public hearing under Subsection (2)(a)(ii)(A).

1906 Section 33. Section **17B-1-417** is amended to read:

1907 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**
1908 **adjusting boundaries -- Filing of notice and plat with the lieutenant governor --**
1909 **Recording requirements -- Effective date.**

1910 (1) As used in this section, "affected area" means the area located within the
1911 boundaries of one local district that will be removed from that local district and included within
1912 the boundaries of another local district because of a boundary adjustment under this section.

1913 (2) The boards of trustees of two or more local districts having a common boundary
1914 and providing the same service on the same wholesale or retail basis may adjust their common
1915 boundary as provided in this section.

1916 (3) (a) The board of trustees of each local district intending to adjust a boundary that is

1917 common with another local district shall:

1918 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

1919 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days
1920 after the adoption of the resolution under Subsection (3)(a)(i); and

1921 (iii) (A) publish notice:

1922 (I) (Aa) once a week for two successive weeks in a newspaper of general circulation
1923 within the local district; or

1924 (Bb) if there is no newspaper of general circulation within the local district, post notice
1925 in at least four conspicuous places within the local district; and

1926 (II) [~~in accordance with Section 45-1-101~~] on the Utah Public Notice Website created
1927 in Section 63F-1-701 for two weeks; or

1928 (B) mail a notice to each owner of property located within the affected area and to each
1929 registered voter residing within the affected area.

1930 (b) The notice required under Subsection (3)(a)(iii) shall:

1931 (i) state that the board of trustees of the local district has adopted a resolution
1932 indicating the board's intent to adjust a boundary that the local district has in common with
1933 another local district that provides the same service as the local district;

1934 (ii) describe the affected area;

1935 (iii) state the date, time, and location of the public hearing required under Subsection
1936 (3)(a)(ii);

1937 (iv) provide a local district telephone number where additional information about the
1938 proposed boundary adjustment may be obtained;

1939 (v) explain the financial and service impacts of the boundary adjustment on property
1940 owners or residents within the affected area; and

1941 (vi) state in conspicuous and plain terms that the board of trustees may approve the
1942 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),
1943 written protests to the adjustment are filed with the board by:

1944 (A) the owners of private real property that:

1945 (I) is located within the affected area;

1946 (II) covers at least 50% of the total private land area within the affected area; and

1947 (III) is equal in assessed value to at least 50% of the assessed value of all private real

1948 property within the affected area; or

1949 (B) registered voters residing within the affected area equal in number to at least 50%
1950 of the votes cast in the affected area for the office of governor at the last regular general
1951 election before the filing of the protests.

1952 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be
1953 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).

1954 (d) The boards of trustees of the local districts whose boundaries are being adjusted
1955 may jointly:

1956 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and

1957 (ii) hold the public hearing required under Subsection (3)(a)(ii).

1958 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees
1959 may adopt a resolution approving the adjustment of the common boundary unless, at or before
1960 the public hearing, written protests to the boundary adjustment have been filed with the board
1961 by:

1962 (a) the owners of private real property that:

1963 (i) is located within the affected area;

1964 (ii) covers at least 50% of the total private land area within the affected area; and

1965 (iii) is equal in assessed value to at least 50% of the assessed value of all private real
1966 property within the affected area; or

1967 (b) registered voters residing within the affected area equal in number to at least 50%
1968 of the votes cast in the affected area for the office of governor at the last regular general
1969 election before the filing of the protests.

1970 (5) A resolution adopted under Subsection (4) does not take effect until the board of
1971 each local district whose boundaries are being adjusted has adopted a resolution under
1972 Subsection (4).

1973 (6) The board of the local district whose boundaries are being adjusted to include the
1974 affected area shall:

1975 (a) within 30 days after the resolutions take effect under Subsection (5), file with the
1976 lieutenant governor:

1977 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
1978 that meets the requirements of Subsection 67-1a-6.5(3); and

1979 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

1980 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment

1981 under Section 67-1a-6.5:

1982 (i) if the affected area is located within the boundary of a single county, submit to the

1983 recorder of that county:

1984 (A) the original:

1985 (I) notice of an impending boundary action;

1986 (II) certificate of boundary adjustment; and

1987 (III) approved final local entity plat; and

1988 (B) a certified copy of each resolution adopted under Subsection (4); or

1989 (ii) if the affected area is located within the boundaries of more than a single county:

1990 (A) submit to the recorder of one of those counties:

1991 (I) the original of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III); and

1992 (II) a certified copy of each resolution adopted under Subsection (4); and

1993 (B) submit to the recorder of each other county:

1994 (I) a certified copy of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III);

1995 and

1996 (II) a certified copy of each resolution adopted under Subsection (4).

1997 (7) (a) Upon the lieutenant governor's issuance of a certificate of boundary adjustment

1998 under Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are

1999 being adjusted to include the affected area, and the affected area is withdrawn from the local

2000 district whose boundaries are being adjusted to exclude the affected area.

2001 (b) (i) The effective date of a boundary adjustment under this section for purposes of

2002 assessing property within the affected area is governed by Section 59-2-305.5.

2003 (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the

2004 recorder of the county in which the property is located, a local district in whose boundary an

2005 affected area is included because of a boundary adjustment under this section may not:

2006 (A) levy or collect a property tax on property within the affected area;

2007 (B) levy or collect an assessment on property within the affected area; or

2008 (C) charge or collect a fee for service provided to property within the affected area.

2009 (iii) Subsection (7)(b)(ii)(C):

2010 (A) may not be construed to limit a local district's ability before a boundary adjustment
2011 to charge and collect a fee for service provided to property that is outside the local district's
2012 boundary; and

2013 (B) does not apply until 60 days after the effective date, under Subsection (7)(a), of the
2014 local district's boundary adjustment, with respect to a fee that the local district was charging for
2015 service provided to property within the area affected by the boundary adjustment immediately
2016 before the boundary adjustment.

2017 Section 34. Section **17B-1-609** is amended to read:

2018 **17B-1-609. Hearing to consider adoption.**

2019 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

2020 (a) establish the time and place of a public hearing to consider its adoption; and

2021 (b) order that notice of the hearing:

2022 (i) (A) be published at least seven days before the hearing in at least one issue of a
2023 newspaper of general circulation published in the county or counties in which the district is
2024 located; or

2025 (B) if no newspaper is published, be posted in three public places within the district;
2026 and

2027 (ii) be published~~[, in accordance with Section 45-1-101,]~~ at least seven days before the
2028 hearing on the Utah Public Notice Website created in Section 63F-1-701.

2029 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
2030 shall be published in accordance with the advertisement provisions of Section 59-2-919.

2031 Section 35. Section **17B-1-1204** is amended to read:

2032 **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**
2033 **supplemented validation petition.**

2034 (1) Upon the entry of an order under Section 17B-1-1203 setting a hearing on a
2035 validation petition, the local district that filed the petition shall:

2036 (a) publish notice:

2037 (i) at least once a week for three consecutive weeks in a newspaper of general
2038 circulation in the county in which the principal office of the district is located; and

2039 (ii) ~~[in accordance with Section 45-1-101]~~ on the Utah Public Notice Website created
2040 in Section 63F-1-701, for three weeks immediately before the hearing; and

2041 (b) post notice in its principal office at least 21 days before the date set for the hearing.

2042 (2) Each notice under Subsection (1) shall:

2043 (a) state the date, time, and place of the hearing on the validation petition;

2044 (b) include a general description of the contents of the validation petition; and

2045 (c) if applicable, state the location where a complete copy of a contract that is the
2046 subject of the validation petition may be examined.

2047 (3) If a district amends or supplements a validation petition under Subsection
2048 17B-1-1202(3) after publishing and posting notice as required under Subsection (1), the district
2049 is not required to publish or post notice again unless required by the court.

2050 Section 36. Section **17B-1-1307** is amended to read:

2051 **17B-1-1307. Notice of public hearing and of dissolution.**

2052 (1) Before holding a public hearing required under Section 17B-1-1306, the
2053 administrative body shall:

2054 (a) (i) publish notice of the public hearing and of the proposed dissolution:

2055 (A) in a newspaper of general circulation within the local district proposed to be
2056 dissolved; and

2057 (B) ~~[in accordance with Section 45-1-101]~~ on the Utah Public Notice Website created
2058 in Section 63F-1-701 for 30 days before the public hearing; and

2059 (ii) post notice of the public hearing and of the proposed dissolution in at least four
2060 conspicuous places within the local district proposed to be dissolved, no less than five and no
2061 more than 30 days before the public hearing; or

2062 (b) mail a notice to each owner of property located within the local district and to each
2063 registered voter residing within the local district.

2064 (2) Each notice required under Subsection (1) shall:

2065 (a) identify the local district proposed to be dissolved and the service it was created to
2066 provide; and

2067 (b) state the date, time, and location of the public hearing.

2068 Section 37. Section **17C-1-601** is amended to read:

2069 **17C-1-601. Annual agency budget -- Fiscal year -- Public hearing required --**
2070 **Auditor forms -- Requirement to file form.**

2071 (1) Each agency shall prepare and its board adopt an annual budget of revenues and

2072 expenditures for the agency for each fiscal year.

2073 (2) Each annual agency budget shall be adopted:

2074 (a) for an agency created by a city or town, before June 22; or

2075 (b) for an agency created by a county, before December 15.

2076 (3) The agency's fiscal year shall be the same as the fiscal year of the community that
2077 created the agency.

2078 (4) (a) Before adopting an annual budget, each agency board shall hold a public hearing
2079 on the annual budget.

2080 (b) Each agency shall provide notice of the public hearing on the annual budget by:

2081 [~~(i)~~ publishing:]

2082 [~~(A)~~ (B)] (i) (A) publishing at least one notice in a newspaper of general circulation
2083 within the agency boundaries, one week before the public hearing; or

2084 [~~(B)~~ (B)] if there is no newspaper of general circulation within the agency boundaries,
2085 posting a notice of the public hearing in at least three public places within the agency
2086 boundaries; and

2087 [~~(B)~~ (ii)] [~~in accordance with Section 45-1-101~~] publishing notice on the Utah Public
2088 Notice Website created in Section 63F-1-701, at least one week before the public hearing.

2089 (c) Each agency shall make the annual budget available for public inspection at least
2090 three days before the date of the public hearing.

2091 (5) The state auditor shall prescribe the budget forms and the categories to be contained
2092 in each agency budget, including:

2093 (a) revenues and expenditures for the budget year;

2094 (b) legal fees; and

2095 (c) administrative costs, including rent, supplies, and other materials, and salaries of
2096 agency personnel.

2097 (6) (a) Within 90 days after adopting an annual budget, each agency board shall file a
2098 copy of the annual budget with the auditor of the county in which the agency is located, the
2099 State Tax Commission, the state auditor, the State Board of Education, and each taxing entity
2100 that levies a tax on property from which the agency collects tax increment.

2101 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
2102 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the

2103 state auditor.

2104 Section 38. Section **17C-2-403** is amended to read:

2105 **17C-2-403. Notice required for continued hearing.**

2106 The board shall give notice of a hearing continued under Section 17C-2-402 by
2107 announcing at the hearing:

2108 (1) the date, time, and place the hearing will be resumed; or

2109 (2) that it is being continued to a later time and causing a notice of the continued
2110 hearing to be:

2111 [~~(a) published:~~]

2112 [~~(i)-(A)~~] (a) (i) published once in a newspaper of general circulation within the agency
2113 boundaries at least seven days before the hearing is scheduled to resume; or

2114 [~~(B)~~] (ii) if there is no newspaper of general circulation, posted in at least three
2115 conspicuous places within the boundaries of the agency in which the project area or proposed
2116 project area is located; and

2117 [~~(ii)~~] (b) [~~in accordance with Section 45-1-101~~] published on the Utah Public Notice
2118 Website created in Section 63F-1-701, at least seven days before the hearing is schedule to
2119 resume.

2120 Section 39. Section **17C-4-202** is amended to read:

2121 **17C-4-202. Resolution or interlocal agreement to provide funds for the**
2122 **community development project area plan -- Notice -- Effective date of resolution or**
2123 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**
2124 **of resolution or interlocal agreement.**

2125 (1) The approval and adoption of each resolution or interlocal agreement under
2126 Subsection 17C-4-201(2) shall be in an open and public meeting.

2127 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section
2128 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by:

2129 (i) (A) publishing or causing to be published a notice in a newspaper of general
2130 circulation within the agency's boundaries; or

2131 (B) if there is no newspaper of general circulation within the agency's boundaries,
2132 causing a notice to be posted in at least three public places within the agency's boundaries; and

2133 (ii) publishing or causing to be published [~~in accordance with Section 45-1-101~~] a

2134 notice on the Utah Public Notice Website created in Section 63F-1-701.

2135 (b) Each notice under Subsection (2)(a) shall:

2136 (i) set forth a summary of the resolution or interlocal agreement; and

2137 (ii) include a statement that the resolution or interlocal agreement is available for

2138 general public inspection and the hours of inspection.

2139 (3) The resolution or interlocal agreement shall become effective on the date of:

2140 (a) if notice was published under Subsection (2)(a)(i)(A) or (ii), publication of the

2141 notice; or

2142 (b) if notice was posted under Subsection (2)(a)(i)(B), posting of the notice.

2143 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal

2144 agreement under Subsection (3), any person in interest may contest the resolution or interlocal

2145 agreement or the procedure used to adopt the resolution or interlocal agreement if the

2146 resolution or interlocal agreement or procedure fails to comply with applicable statutory

2147 requirements.

2148 (b) After the 30-day period under Subsection (4)(a) expires, no person may contest the

2149 resolution or interlocal agreement for any cause.

2150 (5) Each agency that is to receive funds under a resolution or interlocal agreement

2151 under Section 17C-4-201 and each taxing entity or public entity that approves a resolution or

2152 enters into an interlocal agreement under Section 17C-4-201 shall make the resolution or

2153 interlocal agreement, as the case may be, available at its offices to the general public for

2154 inspection and copying during normal business hours.

2155 Section 40. Section **17C-4-302** is amended to read:

2156 **17C-4-302. Notice required for continued hearing.**

2157 The board shall give notice of a hearing continued under Section 17C-4-301 by

2158 announcing at the hearing:

2159 (1) the date, time, and place the hearing will be resumed; or

2160 (2) that it is being continued to a later time and causing a notice of the continued

2161 hearing to be:

2162 (a) (i) published once in a newspaper of general circulation within the agency

2163 boundaries at least seven days before the hearing is scheduled to resume; or

2164 (ii) if there is no newspaper of general circulation, posted in at least three conspicuous

2165 places within the boundaries of the agency in which the project area or proposed project area is
2166 located; and

2167 (b) published~~[, in accordance with Section 45-1-101,]~~ on the Utah Public Notice
2168 Website created in Section 63F-1-701, at least seven days before the hearing is schedule to
2169 resume.

2170 Section 41. Section **19-2-109** is amended to read:

2171 **19-2-109. Air quality standards -- Hearings on adoption -- Orders of executive**
2172 **secretary -- Adoption of emission control requirements.**

2173 (1) (a) The board, in adopting standards of quality for ambient air, shall conduct public
2174 hearings.

2175 (b) Notice of any public hearing for the consideration, adoption, or amendment of air
2176 quality standards shall specify the locations to which the proposed standards apply and the
2177 time, date, and place of the hearing.

2178 (c) The notice shall be:

2179 (i) (A) published at least twice in any newspaper of general circulation in the area
2180 affected; and

2181 (B) published~~[, in accordance with Section 45-1-101,]~~ on the Utah Public Notice
2182 Website created in Section 63F-1-701, at least 20 days before the public hearing; and

2183 (ii) mailed at least 20 days before the public hearing to the chief executive of each
2184 political subdivision of the area affected and to other persons the executive secretary has reason
2185 to believe will be affected by the standards.

2186 (d) The adoption of air quality standards or any modification or changes to air quality
2187 standards shall be by order of the executive secretary following formal action of the board with
2188 respect to the standards.

2189 (e) The order shall be published:

2190 (i) in a newspaper of general circulation in the area affected; and

2191 (ii) as required in Section 45-1-101.

2192 (2) (a) The board may establish emission control requirements by rule that in its
2193 judgment may be necessary to prevent, abate, or control air pollution that may be statewide or
2194 may vary from area to area, taking into account varying local conditions.

2195 (b) In adopting these requirements, the board shall give notice and conduct public

2196 hearings in accordance with the requirements in Subsection (1).

2197 Section 42. Section **20A-7-204.1** is amended to read:

2198 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated.**

2199 (1) (a) After issuance of the initial fiscal impact estimate by the Governor's Office of
2200 Planning and Budget and before circulating initiative petitions for signature statewide, sponsors
2201 of the initiative petition shall hold at least seven public hearings throughout Utah as follows:

2202 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

2203 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington

2204 County;

2205 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

2206 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne

2207 County;

2208 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

2209 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

2210 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber

2211 County.

2212 (b) Of the seven meetings, at least two of the meetings must be held in a first or second
2213 class county, but not in the same county.

2214 (2) At least three calendar days before the date of the public hearing, the sponsors
2215 shall:

2216 (a) provide written notice of the public hearing to:

2217 (i) the lieutenant governor for posting on the state's website; and

2218 (ii) each state senator, state representative, and county commission or county council

2219 member who is elected in whole or in part from the region where the public hearing will be

2220 held; and

2221 (b) publish written notice of the public hearing detailing its time, date, and location:

2222 (i) in at least one newspaper of general circulation in each county in the region where
2223 the public hearing will be held; and

2224 (ii) ~~[as required in Section 45-1-101]~~ on the Utah Public Notice Website created in
2225 Section 63F-1-701.

2226 (3) (a) During the public hearing, the sponsors shall either:

- 2227 (i) video tape or audio tape the public hearing and, when the hearing is complete,
- 2228 deposit the complete audio or video tape of the meeting with the lieutenant governor; or
- 2229 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of
- 2230 each speaker and summarizing each speaker's comments.
- 2231 (b) The lieutenant governor shall make copies of the tapes or minutes available to the
- 2232 public.

2233 Section 43. Section **45-1-101** is amended to read:

2234 **45-1-101. Legal notice publication requirements.**

2235 (1) As used in this section:

2236 (a) (i) "Legal notice" means:

2237 (A) a communication required to be made public by a state statute or state agency rule;

2238 or

2239 (B) a notice required for judicial proceedings or by judicial decision.

2240 (ii) "Legal notice" does not include a public notice published by a public body in

2241 accordance with the provisions of Sections 52-4-202 and 63F-1-701.

2242 (b) "Person" is as defined in Section 68-3-12.

2243 (2) (a) Notwithstanding any other legal notice provision established in this Utah Code,

2244 a person required to publish legal notice:

2245 ~~[(a)]~~ (i) until January 1, 2010, shall publish as required by the ~~[state]~~ statute

2246 establishing the legal notice requirement; and

2247 ~~[(b)]~~ (ii) beginning on January 1, 2010, shall publish legal notice:

2248 ~~[(i)]~~ (A) as required by the statute establishing the legal notice requirement; and

2249 ~~[(ii)]~~ (B) on a website established by the collective efforts of Utah's newspapers.

2250 (b) A person's publishing legal notice as required under Subsection (2)(a) does not

2251 relieve the person from complying with an otherwise applicable requirement under Title 52,

2252 Chapter 4, Open and Public Meetings Act.

2253 (3) Beginning on January 1, 2012, notwithstanding any provision of law requiring

2254 publication of legal notice in a newspaper, a person who publishes legal notice that is required

2255 to be given in a county of the first or second class:

2256 (a) is not required to comply with the requirement to publish legal notice in a

2257 newspaper;

2258 (b) is required to publish legal notice on the website described in Subsection
2259 ~~[(2)(b)(ii)]~~ (2)(a)(ii)(B); and
2260 (c) may, in addition to complying with Subsection (3)(b), publish legal notice in a
2261 newspaper.
2262 (4) The website described in Subsection ~~[(2)(b)(ii)]~~ (2)(a)(ii)(B) may not:
2263 (a) charge a fee to publish a legal notice on the website before January 1, 2012; and
2264 (b) charge more than \$10 to publish a legal notice on the website on or after January 1,
2265 2012.
2266 Section 44. Section **53A-3-202** is amended to read:
2267 **53A-3-202. Compensation for services -- Additional per diem -- Approval of**
2268 **expenses.**
2269 (1) Each member of a local school board, except the student member, shall receive
2270 compensation for services and for necessary expenses in accordance with board compensation
2271 schedules adopted by the local school board in accordance with the provisions of this section.
2272 (2) Beginning on July 1, 2007, if a local school board decides to adopt or amend its
2273 board compensation schedules, the board shall set a time and place for a public hearing at
2274 which all interested persons shall be given an opportunity to be heard.
2275 (3) Notice of the time, place, and purpose of the meeting shall be provided at least
2276 seven days prior to the meeting by:
2277 (a) (i) publication at least once in a newspaper published in the county where the
2278 school district is situated and generally circulated within the school district; and
2279 (ii) publication ~~[in accordance with Section 45-1-101]~~ on the Utah Public Notice
2280 Website created in Section 63F-1-701; and
2281 (b) posting a notice:
2282 (i) at each school within the school district;
2283 (ii) in at least three other public places within the school district; and
2284 (iii) on the Internet in a manner that is easily accessible to citizens that use the Internet.
2285 (4) After the conclusion of the public hearing, the local school board may adopt or
2286 amend its board compensation schedules.
2287 (5) Each member shall submit an itemized account of necessary travel expenses for
2288 board approval.

2289 (6) A local school board may, without following the procedures described in
2290 Subsections (2) and (3), continue to use the compensation schedule that was in effect prior to
2291 July 1, 2007 until, at the discretion of the board, the compensation schedule is amended or a
2292 new compensation schedule is adopted.

2293 Section 45. Section **53A-3-402** is amended to read:

2294 **53A-3-402. Powers and duties generally.**

2295 (1) Each local school board shall:

2296 (a) implement the core curriculum utilizing instructional materials that best correlate to
2297 the core curriculum and graduation requirements;

2298 (b) administer tests, required by the State Board of Education, which measure the
2299 progress of each student, and coordinate with the state superintendent and State Board of
2300 Education to assess results and create plans to improve the student's progress which shall be
2301 submitted to the State Office of Education for approval;

2302 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
2303 students that need remediation and determine the type and amount of federal, state, and local
2304 resources to implement remediation;

2305 (d) develop early warning systems for students or classes failing to make progress;

2306 (e) work with the State Office of Education to establish a library of documented best
2307 practices, consistent with state and federal regulations, for use by the local districts; and

2308 (f) implement training programs for school administrators, including basic
2309 management training, best practices in instructional methods, budget training, staff
2310 management, managing for learning results and continuous improvement, and how to help
2311 every child achieve optimal learning in core academics.

2312 (2) Local school boards shall spend minimum school program funds for programs and
2313 activities for which the State Board of Education has established minimum standards or rules
2314 under Section 53A-1-402.

2315 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,
2316 and equipment and construct, erect, and furnish school buildings.

2317 (b) School sites or buildings may only be conveyed or sold on board resolution
2318 affirmed by at least two-thirds of the members.

2319 (4) (a) A board may participate in the joint construction or operation of a school

2320 attended by children residing within the district and children residing in other districts either
2321 within or outside the state.

2322 (b) Any agreement for the joint operation or construction of a school shall:

2323 (i) be signed by the president of the board of each participating district;

2324 (ii) include a mutually agreed upon pro rata cost; and

2325 (iii) be filed with the State Board of Education.

2326 (5) A board may establish, locate, and maintain elementary, secondary, and applied
2327 technology schools.

2328 (6) Except as provided in Subsection 53A-11-1402(3), a board may enroll children in
2329 school who are at least five years of age before September 2 of the year in which admission is
2330 sought.

2331 (7) A board may establish and support school libraries.

2332 (8) A board may collect damages for the loss, injury, or destruction of school property.

2333 (9) A board may authorize guidance and counseling services for children and their
2334 parents or guardians prior to, during, or following enrollment of the children in schools.

2335 (10) (a) A board shall administer and implement federal educational programs in
2336 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

2337 (b) Federal funds are not considered funds within the school district budget under Title
2338 53A, Chapter 19, School District Budgets.

2339 (11) (a) A board may organize school safety patrols and adopt rules under which the
2340 patrols promote student safety.

2341 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
2342 parental consent for the appointment.

2343 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
2344 of a highway intended for vehicular traffic use.

2345 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
2346 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
2347 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

2348 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
2349 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
2350 devises, or bequests that are made for educational purposes.

- 2351 (b) These contributions are not subject to appropriation by the Legislature.
- 2352 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue
2353 citations for violations of Subsection 76-10-105(2).
- 2354 (b) A person may not be appointed to serve as a compliance officer without the
2355 person's consent.
- 2356 (c) A teacher or student may not be appointed as a compliance officer.
- 2357 (14) A board shall adopt bylaws and rules for its own procedures.
- 2358 (15) (a) A board shall make and enforce rules necessary for the control and
2359 management of the district schools.
- 2360 (b) All board rules and policies shall be in writing, filed, and referenced for public
2361 access.
- 2362 (16) A board may hold school on legal holidays other than Sundays.
- 2363 (17) (a) Each board shall establish for each school year a school traffic safety
2364 committee to implement this Subsection (17).
- 2365 (b) The committee shall be composed of one representative of:
- 2366 (i) the schools within the district;
- 2367 (ii) the Parent Teachers' Association of the schools within the district;
- 2368 (iii) the municipality or county;
- 2369 (iv) state or local law enforcement; and
- 2370 (v) state or local traffic safety engineering.
- 2371 (c) The committee shall:
- 2372 (i) receive suggestions from parents, teachers, and others and recommend school traffic
2373 safety improvements, boundary changes to enhance safety, and school traffic safety program
2374 measures;
- 2375 (ii) review and submit annually to the Department of Transportation and affected
2376 municipalities and counties a child access routing plan for each elementary, middle, and junior
2377 high school within the district;
- 2378 (iii) consult the Utah Safety Council and the Division of Family Health Services and
2379 provide training to all school children in kindergarten through grade six, within the district, on
2380 school crossing safety and use; and
- 2381 (iv) help ensure the district's compliance with rules made by the Department of

2382 Transportation under Section 41-6a-303.

2383 (d) The committee may establish subcommittees as needed to assist in accomplishing
2384 its duties under Subsection (17)(c).

2385 (e) The board shall require the school community council of each elementary, middle,
2386 and junior high school within the district to develop and submit annually to the committee a
2387 child access routing plan.

2388 (18) (a) Each school board shall adopt and implement a comprehensive emergency
2389 response plan to prevent and combat violence in its public schools, on school grounds, on its
2390 school vehicles, and in connection with school-related activities or events.

2391 (b) The board shall implement its plan by July 1, 2000.

2392 (c) The plan shall:

2393 (i) include prevention, intervention, and response components;

2394 (ii) be consistent with the student conduct and discipline policies required for school
2395 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;

2396 (iii) require inservice training for all district and school building staff on what their
2397 roles are in the emergency response plan; and

2398 (iv) provide for coordination with local law enforcement and other public safety
2399 representatives in preventing, intervening, and responding to violence in the areas and activities
2400 referred to in Subsection (18)(a).

2401 (d) The State Board of Education, through the state superintendent of public
2402 instruction, shall develop comprehensive emergency response plan models that local school
2403 boards may use, where appropriate, to comply with Subsection (18)(a).

2404 (e) Each local school board shall, by July 1 of each year, certify to the State Board of
2405 Education that its plan has been practiced at the school level and presented to and reviewed by
2406 its teachers, administrators, students, and their parents and local law enforcement and public
2407 safety representatives.

2408 (19) (a) Each local school board may adopt an emergency response plan for the
2409 treatment of sports-related injuries that occur during school sports practices and events.

2410 (b) The plan may be implemented by each secondary school in the district that has a
2411 sports program for students.

2412 (c) The plan may:

- 2413 (i) include emergency personnel, emergency communication, and emergency
2414 equipment components;
- 2415 (ii) require inservice training on the emergency response plan for school personnel who
2416 are involved in sports programs in the district's secondary schools; and
- 2417 (iii) provide for coordination with individuals and agency representatives who:
2418 (A) are not employees of the school district; and
2419 (B) would be involved in providing emergency services to students injured while
2420 participating in sports events.

2421 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may
2422 review the plan each year and make revisions when required to improve or enhance the plan.

2423 (e) The State Board of Education, through the state superintendent of public
2424 instruction, shall provide local school boards with an emergency plan response model that local
2425 boards may use to comply with the requirements of this Subsection (19).

2426 (20) A board shall do all other things necessary for the maintenance, prosperity, and
2427 success of the schools and the promotion of education.

2428 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:

- 2429 (i) hold a public hearing, as defined in Section 10-9a-103; and
2430 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

2431 (b) The notice of a public hearing required under Subsection (21)(a) shall:

- 2432 (i) indicate the:
2433 (A) school or schools under consideration for closure or boundary change; and
2434 (B) date, time, and location of the public hearing; and
2435 (ii) at least 10 days prior to the public hearing, be:

- 2436 (A) published:
2437 (I) in a newspaper of general circulation in the area; and
2438 (II) ~~[as required in Section 45-1-101]~~ on the Utah Public Notice Website created in
2439 Section 63F-1-701; and

2440 (B) posted in at least three public locations within the municipality or on the district's
2441 official website.

2442 Section 46. Section **53B-7-101.5** is amended to read:

2443 **53B-7-101.5. Proposed tuition increases -- Notice -- Hearings.**

2444 (1) If an institution within the State System of Higher Education listed in Section
2445 53B-1-102 considers increasing tuition rates for undergraduate students in the process of
2446 preparing or implementing its budget, it shall hold a meeting to receive public input and
2447 response on the issue.

2448 (2) The institution shall advertise the hearing required under Subsection (1) using the
2449 following procedure:

2450 (a) The institution shall advertise its intent to consider an increase in student tuition
2451 rates:

2452 (i) in the institution's student newspaper twice during a period of 10 days prior to the
2453 meeting; and

2454 (ii) ~~[as required in Section 45-1-101]~~ on the Utah Public Notice Website created in
2455 Section 63F-1-701, for 10 days immediately before the meeting.

2456 ~~[(b) The advertisement shall be run twice during a period of 10 days prior to the~~
2457 ~~meeting.]~~

2458 ~~[(c)]~~ (b) The advertisement shall state that the institution will meet on a certain day,
2459 time, and place fixed in the advertisement, which shall not be less than seven days after the day
2460 the second advertisement is published, for the purpose of hearing comments regarding the
2461 proposed increase and to explain the reasons for the proposed increase.

2462 (3) The form and content of the notice shall be substantially as follows:

2463 "NOTICE OF PROPOSED TUITION INCREASE

2464 The (name of the higher education institution) is proposing to increase student tuition
2465 rates. This would be an increase of _____ %, which is an increase of \$_____ per semester
2466 for a full-time resident undergraduate student. All concerned students and citizens are invited
2467 to a public hearing on the proposed increase to be held at (meeting place) on (date) at (time)."

2468 (4) (a) The institution shall provide the following information to those in attendance at
2469 the meeting required under Subsection (1):

2470 (i) the current year's student enrollment for:

2471 (A) the State System of Higher Education, if a systemwide increase is being
2472 considered; or

2473 (B) the institution, if an increase is being considered for just a single institution;

2474 (ii) total tuition revenues for the current school year;

2475 (iii) projected student enrollment growth for the next school year and projected tuition
2476 revenue increases from that anticipated growth; and

2477 (iv) a detailed accounting of how and where the increased tuition revenues would be
2478 spent.

2479 (b) The enrollment and revenue data required under Subsection (4)(a) shall be broken
2480 down into majors or departments if the proposed tuition increases are department or major
2481 specific.

2482 (5) If the institution does not make a final decision on the proposed tuition increase at
2483 the meeting, it shall announce the date, time, and place of the meeting where that determination
2484 shall be made.

2485 Section 47. Section **54-8-10** is amended to read:

2486 **54-8-10. Public hearing -- Notice -- Publication.**

2487 (1) Such notice shall be:

2488 (a) (i) published:

2489 (A) in full one time in a newspaper of general circulation in the district; or

2490 (B) if there be no such newspaper, ~~[by publication]~~ in a newspaper of general
2491 circulation in the county, city, or town in which ~~[said]~~ the district is located; and

2492 (ii) ~~[as required in Section 45-1-101]~~ published on the Utah Public Notice Website
2493 created in Section 63F-1-701; and

2494 (b) ~~[by posting]~~ posted in not less than three public places in ~~[such]~~ the district.

2495 (2) A copy of ~~[such]~~ the notice shall be mailed by certified mail to the last known
2496 address of each owner of land within the proposed district whose property will be assessed for
2497 the cost of the improvement.

2498 (3) The address to be used for ~~[said]~~ that purpose shall be that last appearing on the real
2499 property assessment rolls of the county ~~[wherein said]~~ in which the property is located.

2500 (4) In addition, a copy of ~~[such]~~ the notice shall be addressed to "Owner" and shall be
2501 so mailed addressed to the street number of each piece of improved property to be affected by
2502 the assessment.

2503 (5) Mailed notices and the published notice shall state where a copy of the resolution
2504 creating the district will be available for inspection by any interested parties.

2505 Section 48. Section **54-8-16** is amended to read:

2506 **54-8-16. Notice of assessment -- Publication.**

2507 (1) After the preparation of [~~the aforesaid~~] a resolution under Section 54-8-14, notice
2508 of a public hearing on the proposed assessments shall be given.

2509 (2) The notice described in Subsection (1) shall be:

2510 (a) published:

2511 (i) one time in a newspaper in which the first notice of hearing was published at least
2512 20 days before the date fixed for the hearing; and

2513 (ii) [~~in accordance with Section 45-1-101~~] on the Utah Public Notice Website created
2514 in Section 63F-1-701 for at least 20 days before the date fixed for the hearing; and

2515 (b) mailed by certified mail not less than 15 days prior to the date fixed for such
2516 hearing to each owner of real property whose property will be assessed for part of the cost of
2517 the improvement at the last known address of such owner using for such purpose the names
2518 and addresses appearing on the last completed real property assessment rolls of the county
2519 wherein said affected property is located.

2520 (3) In addition, a copy of such notice shall be addressed to "Owner" and shall be so
2521 mailed addressed to the street number of each piece of improved property to be affected by
2522 such assessment.

2523 (4) Each notice shall state that at the specified time and place, the governing body will
2524 hold a public hearing upon the proposed assessments and shall state that any owner of any
2525 property to be assessed pursuant to the resolution will be heard on the question of whether his
2526 property will be benefited by the proposed improvement to the amount of the proposed
2527 assessment against his property and whether the amount assessed against his property
2528 constitutes more than his proper proportional share of the total cost of the improvement.

2529 (5) The notice shall further state where a copy of the resolution proposed to be adopted
2530 levying the assessments against all real property in the district will be on file for public
2531 inspection, and that subject to such changes and corrections therein as may be made by the
2532 governing body, it is proposed to adopt the resolution at the conclusion of the hearing.

2533 (6) A published notice shall describe the boundaries or area of the district with
2534 sufficient particularity to permit each owner of real property therein to ascertain that his
2535 property lies in the district.

2536 (7) The mailed notice may refer to the district by name and date of creation and shall

2537 state the amount of the assessment proposed to be levied against the real property of the person
2538 to whom the notice is mailed.

2539 Section 49. Section **57-11-11** is amended to read:

2540 **57-11-11. Rules of division -- Filing advertising material -- Injunctions --**
2541 **Intervention by division in suits -- General powers of division.**

2542 (1) (a) The division shall prescribe reasonable rules which shall be adopted, amended,
2543 or repealed only after a public hearing.

2544 (b) The division shall:

2545 (i) publish notice of the public hearing described in Subsection (1)(a):

2546 (A) once in a newspaper or newspapers with statewide circulation and at least 20 days
2547 before the hearing; and

2548 (B) ~~[in accordance with Section 45-1-101]~~ on the Utah Public Notice Website created
2549 in Section 63F-1-701, for at least 20 days before the hearing; and

2550 (ii) send a notice to a nonprofit organization which files a written request for notice
2551 with the division at least 20 days prior to the hearing.

2552 (2) The rules shall include but need not be limited to:

2553 (a) provisions for advertising standards to assure full and fair disclosure;

2554 (b) provisions for escrow or trust agreements, performance bonds, or other means
2555 reasonably necessary to assure that all improvements referred to in the application for
2556 registration and advertising will be completed and that purchasers will receive the interest in
2557 land contracted for.

2558 (3) These provisions, however, shall not be required if the city or county in which the
2559 subdivision is located requires similar means of assurance of a nature and in an amount no less
2560 adequate than is required under said rules:

2561 (a) provisions for operating procedures;

2562 (b) provisions for a shortened form of registration in cases where the division
2563 determines that the purposes of this act do not require a subdivision to be registered pursuant to
2564 an application containing all the information required by Section 57-11-6 or do not require that
2565 the public offering statement contain all the information required by Section 57-11-7; and

2566 (c) other rules necessary and proper to accomplish the purpose of this chapter.

2567 (4) The division by rule or order, after reasonable notice, may require the filing of

2568 advertising material relating to subdivided lands prior to its distribution, provided that the
2569 division must approve or reject any advertising material within 15 days from the receipt thereof
2570 or the material shall be considered approved.

2571 (5) If it appears that a person has engaged or is about to engage in an act or practice
2572 constituting a violation of a provision of this act or a rule or order hereunder, the agency, with
2573 or without prior administrative proceedings, may bring an action in the district court of the
2574 district where said person maintains his residence or a place of business or where said act or
2575 practice has occurred or is about to occur, to enjoin the acts or practices and to enforce
2576 compliance with this act or any rule or order hereunder. Upon proper showing, injunctive
2577 relief or temporary restraining orders shall be granted, and a receiver or conservator may be
2578 appointed. The division shall not be required to post a bond in any court proceedings.

2579 (6) The division shall be allowed to intervene in a suit involving subdivided lands,
2580 either as a party or as an amicus curiae, where it appears that the interpretation or
2581 constitutionality of any provision of law will be called into question. In any suit by or against a
2582 subdivider involving subdivided lands, the subdivider promptly shall furnish the agency notice
2583 of the suit and copies of all pleadings. Failure to do so may, in the discretion of the division,
2584 constitute grounds for the division withholding any approval required by this chapter.

2585 (7) The division may:

2586 (a) accept registrations filed in other states or with the federal government;

2587 (b) contract with public agencies or qualified private persons in this state or other
2588 jurisdictions to perform investigative functions; and

2589 (c) accept grants-in-aid from any source.

2590 (8) The division shall cooperate with similar agencies in other jurisdictions to establish
2591 uniform filing procedures and forms, uniform public offering statements, advertising standards,
2592 rules, and common administrative practices.

2593 Section 50. Section **59-2-919** is amended to read:

2594 **59-2-919. Notice, public hearing, and resolution requirements for certain tax**
2595 **increases -- Exceptions -- Applicability of provisions.**

2596 (1) As used in this section:

2597 (a) "Ad valorem tax revenue" means ad valorem property tax revenue not including
2598 revenue from new growth as defined in Section 59-2-924.

2599 (b) "Calendar year taxing entity" means a taxing entity that operates under a fiscal year
2600 that begins on January 1 and ends on December 31.

2601 (c) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year
2602 that begins on July 1 and ends on June 30.

2603 (2) A taxing entity may not levy a tax rate that exceeds the taxing entity's certified tax
2604 rate unless the taxing entity:

2605 (a) to the extent required by this section, meets the:

2606 (i) notice requirements of this section; and

2607 (ii) public hearing requirements of this section; and

2608 (b) adopts a resolution in accordance with this section.

2609 (3) (a) Except as provided in Subsection (5), a calendar year taxing entity may levy a
2610 tax rate that exceeds the calendar year taxing entity's certified tax rate if the calendar year
2611 taxing entity:

2612 (i) (A) provides notice by meeting the advertisement requirements of Subsections (6)
2613 and (7) before the calendar year taxing entity conducts the public hearing at which the calendar
2614 year taxing entity's annual budget is adopted; and

2615 (B) before the calendar year taxing entity levies a tax rate that exceeds the calendar
2616 year taxing entity's certified tax rate:

2617 (I) provides notice by meeting the advertisement requirements of Subsections (6) and
2618 (7); or

2619 (II) provides a notice by mail:

2620 (Aa) on or no earlier than 14 days before the date the treasurer furnishes the notice
2621 required by Section 59-2-1317 for the calendar year immediately preceding the calendar year
2622 for which the calendar year taxing entity seeks to levy a tax rate that exceeds the calendar year
2623 taxing entity's certified tax rate;

2624 (Bb) before the calendar year taxing entity conducts the public meeting at which the
2625 calendar year taxing entity's annual budget is adopted; and

2626 (Cc) as provided in Subsection (3)(b); and

2627 (ii) conducts a public hearing in accordance with Subsections (8) and (9):

2628 (A) on or before the calendar year taxing entity conducts the public meeting at which
2629 the calendar year taxing entity's annual budget is adopted; and

2630 (B) if the calendar year taxing entity provides the notice described in Subsection
2631 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar
2632 year taxing entity's certified tax rate.

2633 (b) For a calendar year taxing entity that provides the notice described in Subsection
2634 (3)(a)(i)(B)(II), the notice:

2635 (i) shall be mailed to each owner of property:

2636 (A) within the calendar year taxing entity; and

2637 (B) listed on the assessment roll;

2638 (ii) shall be printed on a form:

2639 (A) developed by the commission; and

2640 (B) that, as determined by the commission, may be combined with:

2641 (I) a notice described in Subsection (3)(a)(i)(B)(II) provided by one or more other
2642 calendar year taxing entities; or

2643 (II) the notice required by Section 59-2-1317;

2644 (iii) shall contain for each property described in Subsection (3)(b)(i):

2645 (A) the value of the property for the calendar year immediately preceding the calendar
2646 year for which the calendar year taxing entity seeks to levy a tax rate that exceeds the calendar
2647 year taxing entity's certified tax rate;

2648 (B) the tax on the property for the calendar year immediately preceding the calendar
2649 year for which the calendar year taxing entity seeks to levy a tax rate that exceeds the calendar
2650 year taxing entity's certified tax rate; and

2651 (C) the estimated tax on the property:

2652 (I) for the calendar year for which the calendar year taxing entity seeks to levy a tax
2653 rate that exceeds the calendar year taxing entity's certified tax rate; and

2654 (II) calculated on the basis of data for the calendar year immediately preceding the
2655 calendar year for which the calendar year taxing entity seeks to levy a tax rate that exceeds the
2656 calendar year taxing entity's certified tax rate;

2657 (iv) shall contain the following statement:

2658 "[Insert name of taxing entity] is proposing a tax increase for [insert applicable calendar
2659 year]. This notice contains estimates of the tax on your property and the proposed tax increase
2660 on your property as a result of this tax increase. These estimates are calculated on the basis of

2661 [insert previous applicable calendar year] data. The actual tax on your property and proposed
2662 tax increase on your property may vary from this estimate.";

2663 (v) shall state the date, time, and place of the public hearing that will be held to discuss
2664 the calendar year taxing entity's annual budget; and

2665 (vi) may contain other property tax information approved by the commission.

2666 (4) Except as provided in Subsection (5), a fiscal year taxing entity may levy a tax rate
2667 that exceeds the fiscal year taxing entity's certified tax rate if the fiscal year taxing entity:

2668 (a) provides notice by meeting the advertisement requirements of Subsections (6) and
2669 (7) before the fiscal year taxing entity conducts the public meeting at which the fiscal year
2670 taxing entity's annual budget is adopted; and

2671 (b) conducts a public hearing in accordance with Subsections (8) and (9) before the
2672 fiscal year taxing entity's annual budget is adopted.

2673 (5) (a) A taxing entity is not required to meet the notice or public hearing requirements
2674 of Subsection (3) or (4) if the taxing entity is expressly exempted by law from complying with
2675 the requirements of this section.

2676 (b) (i) Except as provided in Subsection (5)(b)(ii), a taxing entity is not required to
2677 meet the notice or public hearing requirements of Subsection (3) or (4) if:

2678 (A) the taxing entity is a party to an interlocal agreement under Title 11, Chapter 13,
2679 Interlocal Cooperation Act, that creates an interlocal entity to provide fire protection,
2680 emergency, and emergency medical services;

2681 (B) the tax rate increase is approved by the taxing entity's voters at an election held for
2682 that purpose on or before December 31, 2010;

2683 (C) the purpose of the tax rate increase is to pay for fire protection, emergency, and
2684 emergency medical services provided by the interlocal entity; and

2685 (D) at least 30 days before the taxing entity's annual budget hearing, the taxing entity:

2686 (I) adopts a resolution certifying that:

2687 (Aa) the taxing entity will dedicate all revenue from the tax rate increase exclusively to
2688 pay for fire protection, emergency, and emergency medical services provided by the interlocal
2689 entity; and

2690 (Bb) the amount of other revenues, independent of the revenue generated from the tax
2691 rate increase, that the taxing entity spends for fire protection, emergency, and emergency

2692 medical services each year after the tax rate increase will not decrease below the amount spent
2693 by the taxing entity during the year immediately before the tax rate increase without a
2694 corresponding decrease in the taxing entity's property tax revenues used in calculating the
2695 taxing entity's certified tax rate; and

2696 (II) sends a copy of the resolution to the commission.

2697 (ii) The exception under Subsection (5)(b)(i) from the notice and public hearing
2698 requirements of Subsection (3) or (4) does not apply to an increase in a taxing entity's tax rate
2699 that occurs after December 31, 2010, even if the tax rate increase is approved by the taxing
2700 entity's voters before that date.

2701 (c) A taxing entity is not required to meet the notice requirements of Subsection (3) or
2702 (4) if:

2703 (i) Section 53A-17a-133 allows the taxing entity to levy a tax rate that exceeds that
2704 certified tax rate without having to comply with the notice provisions of this section; or

2705 (ii) the taxing entity:

2706 (A) budgeted less than \$20,000 in ad valorem tax revenues for the previous fiscal year;
2707 and

2708 (B) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax
2709 revenues.

2710 (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this
2711 section shall be published:

2712 (i) subject to Section 45-1-101, in a newspaper or combination of newspapers of
2713 general circulation in the taxing entity; [~~and~~]

2714 (ii) electronically in accordance with Section 45-1-101[-]; and

2715 (iii) on the Utah Public Notice Website created in Section 63F-1-701.

2716 (b) The advertisement described in Subsection (6)(a)(i) shall:

2717 (i) be no less than 1/4 page in size;

2718 (ii) use type no smaller than 18 point; and

2719 (iii) be surrounded by a 1/4-inch border.

2720 (c) The advertisement described in Subsection (6)(a)(i) may not be placed in that
2721 portion of the newspaper where legal notices and classified advertisements appear.

2722 (d) It is the intent of the Legislature that:

2723 (i) whenever possible, the advertisement described in Subsection (6)(a)(i) appear in a
2724 newspaper that is published at least one day per week; and

2725 (ii) the newspaper or combination of newspapers selected:

2726 (A) be of general interest and readership in the taxing entity; and

2727 (B) not be of limited subject matter.

2728 (e) (i) The advertisement:

2729 (A) described in Subsection (6)(a)(i) shall:

2730 (I) except as provided in Subsection (6)(e)(ii), be run once each week for the two
2731 weeks:

2732 (Aa) before a taxing entity conducts a public hearing at which the taxing entity's annual
2733 budget is discussed; and

2734 (Bb) if a calendar year taxing entity provides the notice described in Subsection
2735 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar
2736 year taxing entity's certified tax rate; and

2737 (II) state that the taxing entity will meet on a certain day, time, and place fixed in the
2738 advertisement, which shall be not less than seven days after the day the first advertisement is
2739 published, for the purpose of hearing comments regarding any proposed increase and to explain
2740 the reasons for the proposed increase; or

2741 (B) described in Subsection (6)(a)(ii) shall:

2742 (I) be published two weeks:

2743 (Aa) before a taxing entity conducts a public hearing at which the taxing entity's annual
2744 budget is discussed; and

2745 (Bb) if a calendar year taxing entity provides the notice described in Subsection
2746 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar
2747 year taxing entity's certified tax rate; and

2748 (II) state that the taxing entity will meet on a certain day, time, and place fixed in the
2749 advertisement, which shall be not less than seven days after the day the first advertisement is
2750 published, for the purpose of hearing comments regarding any proposed increase and to explain
2751 the reasons for the proposed increase.

2752 (ii) If a taxing entity's public hearing information is published by the county auditor in
2753 accordance with Section 59-2-919.2, the taxing entity is not subject to the requirement to run

2754 the advertisement twice, as required by Subsection (6)(e)(i)(A), but shall run the advertisement
2755 once during the week:

2756 (A) before the taxing entity conducts a public hearing at which the taxing entity's
2757 annual budget is discussed; and

2758 (B) if a calendar year taxing entity provides the notice described in Subsection
2759 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar
2760 year taxing entity's certified tax rate.

2761 (f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an
2762 advertisement shall be substantially as follows:

2763 "NOTICE OF PROPOSED TAX INCREASE

2764 (NAME OF TAXING ENTITY)

2765 The (name of the taxing entity) is proposing to increase its property tax revenue.

2766 ● The (name of the taxing entity) tax on a (insert the average value of a residence
2767 in the taxing entity rounded to the nearest thousand dollars) residence would
2768 increase from \$_____ to \$_____, which is \$_____ per year.

2769 ● The (name of the taxing entity) tax on a (insert the value of a business having
2770 the same value as the average value of a residence in the taxing entity) business
2771 would increase from \$_____ to \$_____, which is \$_____ per year.

2772 ● If the proposed budget is approved, (name of the taxing entity) would increase
2773 its property tax budgeted revenue by ___% above last year's property tax
2774 budgeted revenue excluding new growth.

2775 All concerned citizens are invited to a public hearing on the tax increase.

2776 PUBLIC HEARING

2777 Date/Time: (date) (time)

2778 Location: (name of meeting place and address of meeting place)

2779 To obtain more information regarding the tax increase, citizens may contact the (name
2780 of the taxing entity) at (phone number of taxing entity)."

2781 (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and content of an
2782 advertisement shall be substantially as follows:

2783 "NOTICE OF PROPOSED TAX INCREASE

2784 (NAME OF TAXING ENTITY)

2785 The (name of the taxing entity) is proposing to increase its property tax revenue.

2786 • The (name of the taxing entity) tax on a (insert the average value of a residence
2787 in the taxing entity rounded to the nearest thousand dollars) residence would
2788 increase from \$_____ to \$_____, which is \$_____ per year.

2789 • The (name of the taxing entity) tax on a (insert the value of a business having
2790 the same value as the average value of a residence in the taxing entity) business
2791 would increase from \$_____ to \$_____, which is \$_____ per year.

2792 • If the proposed budget is approved, (name of the taxing entity) would increase
2793 its property tax budgeted revenue by ___% above last year's property tax
2794 budgeted revenue excluding new growth.

2795 (Name of taxing entity) property tax revenue from new growth and other sources will
2796 increase from \$_____ to \$_____.

2797 All concerned citizens are invited to a public hearing on the tax increase.

2798 PUBLIC HEARING

2799 Date/Time: (date) (time)

2800 Location: (name of meeting place and address of meeting place)

2801 To obtain more information regarding the tax increase, citizens may contact the (name
2802 of the taxing entity) at (phone number of taxing entity)."

2803 (7) The commission:

2804 (a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
2805 Rulemaking Act, governing the joint use of one advertisement described in Subsection (6) by
2806 two or more taxing entities; and

2807 (b) subject to Section 45-1-101, may authorize:

2808 (i) the use of a weekly newspaper:

2809 (A) in a county having both daily and weekly newspapers if the weekly newspaper
2810 would provide equal or greater notice to the taxpayer; and

2811 (B) if the county petitions the commission for the use of the weekly newspaper; or

2812 (ii) the use by a taxing entity except for a calendar year taxing entity that provides the
2813 notice described in Subsection (3)(a)(i)(B)(II) of a commission approved direct notice to each
2814 taxpayer if:

2815 (A) the cost of the advertisement would cause undue hardship;

2816 (B) the direct notice is different and separate from that provided for in Section
2817 59-2-919.1; and

2818 (C) the taxing entity petitions the commission for the use of a commission approved
2819 direct notice.

2820 (8) (a) (i) A taxing entity shall on or before March 1 notify the county legislative body
2821 in which the taxing entity is located of the date, time, and place of the first public hearing at
2822 which the taxing entity's annual budget will be discussed.

2823 (ii) A county that receives notice from a taxing entity under Subsection (8)(a)(i) shall
2824 include on the notice required by Section 59-2-919.1 the date, time, and place of the public
2825 hearing described in Subsection (8)(a)(i).

2826 (b) (i) A public hearing described in this section shall be open to the public.

2827 (ii) The governing body of a taxing entity conducting a public hearing described in this
2828 section shall provide an interested party desiring to be heard an opportunity to present oral
2829 testimony within reasonable time limits.

2830 (c) (i) Except as provided in Subsection (8)(c)(ii), a taxing entity may not schedule a
2831 public hearing described in this section at the same time as the public hearing of another
2832 overlapping taxing entity in the same county.

2833 (ii) The taxing entities in which the power to set tax levies is vested in the same
2834 governing board or authority may consolidate the public hearings described in this section into
2835 one public hearing.

2836 (d) A county legislative body shall resolve any conflict in public hearing dates and
2837 times after consultation with each affected taxing entity.

2838 (e) A taxing entity shall hold a public hearing described in this section beginning at or
2839 after 6 p.m.

2840 (9) (a) If a taxing entity does not make a final decision on budgeting an increased
2841 amount of ad valorem tax revenue at a public hearing described in this section, the taxing entity
2842 shall announce at that public hearing the scheduled time and place of the next public meeting at
2843 which the taxing entity will consider budgeting the increased amount of ad valorem tax
2844 revenue.

2845 (b) (i) If a calendar year taxing entity that conducts a public hearing in accordance with
2846 Subsection (3)(b)(ii) does not adopt a resolution levying a tax rate on the day of the public

2847 hearing, the taxing entity shall announce at that public hearing the scheduled time and place of
2848 the next public meeting at which the taxing entity will consider adopting a resolution levying
2849 the tax rate.

2850 (ii) If a taxing entity except for a taxing entity described in Subsection (5)(a) or (b) will
2851 consider adopting a resolution levying a tax rate at a day and time that is more than two weeks
2852 after the public hearing described in Subsection 59-2-919.1(2)(c)(v), the taxing entity shall
2853 meet the notice requirements of Subsection (3)(a)(i)(B)(I).

2854 (10) (a) A taxing entity may adopt a resolution levying a tax rate that exceeds the
2855 taxing entity's certified tax rate if the taxing entity, to the extent required by this section, meets
2856 the:

2857 (i) notice requirements of this section; and

2858 (ii) public hearing requirements of this section.

2859 (b) A public hearing on levying a tax rate that exceeds a taxing entity's certified tax rate
2860 may coincide with a public hearing on the taxing entity's proposed annual budget.

2861 (11) The amendments to this section in Laws of Utah 2009, Chapter 204, apply to:

2862 (a) for a fiscal year taxing entity, the fiscal year that begins on July 1, 2009; or

2863 (b) for a calendar year taxing entity, the fiscal year that begins on January 1, 2010.

2864 Section 51. Section **59-2-919.2** is amended to read:

2865 **59-2-919.2. Consolidated advertisement of public hearings.**

2866 (1) (a) Except as provided in Subsection (1)(b), on the same day on which a taxing
2867 entity provides the notice to the county required under Subsection 59-2-919(8)(a)(i), the taxing
2868 entity shall provide to the county auditor the information required by Subsection
2869 59-2-919(8)(a)(i).

2870 (b) A taxing entity is not required to notify the county auditor of the taxing entity's
2871 public hearing in accordance with Subsection (1)(a) if the taxing entity is exempt from the
2872 notice requirements of Section 59-2-919.

2873 (2) If as of July 22, two or more taxing entities notify the county auditor under
2874 Subsection (1), the county auditor shall by no later than July 22 of each year:

2875 (a) compile a list of the taxing entities that notify the county auditor under Subsection
2876 (1);

2877 (b) include on the list described in Subsection (2)(a), the following information for

2878 each taxing entity on the list:

2879 (i) the name of the taxing entity;

2880 (ii) the date, time, and location of the public hearing described in Subsection

2881 59-2-919(8)(a)(i);

2882 (iii) the average dollar increase on a residence in the taxing entity that the proposed tax

2883 increase would generate; and

2884 (iv) the average dollar increase on a business in the taxing entity that the proposed tax

2885 increase would generate;

2886 (c) provide a copy of the list described in Subsection (2)(a) to each taxing entity that

2887 notifies the county auditor under Subsection (1); and

2888 (d) in addition to the requirements of Subsection (3), if the county has a webpage,

2889 publish a copy of the list described in Subsection (2)(a) on the county's webpage until

2890 December 31.

2891 (3) (a) At least two weeks before any public hearing included in the list under

2892 Subsection (2) is held, the county auditor shall publish:

2893 (i) the list compiled under Subsection (2); and

2894 (ii) a statement that:

2895 (A) the list is for informational purposes only;

2896 (B) the list should not be relied on to determine a person's tax liability under this

2897 chapter; and

2898 (C) for specific information related to the tax liability of a taxpayer, the taxpayer

2899 should review the taxpayer's tax notice received under Section 59-2-919.1.

2900 (b) Except as provided in Subsection (3)(d)(ii), the information described in Subsection

2901 (3)(a) shall be published:

2902 (i) in no less than 1/4 page in size;

2903 (ii) in type no smaller than 18 point; and

2904 (iii) surrounded by a 1/4-inch border.

2905 (c) The published information described in Subsection (3)(a) and published in

2906 accordance with Subsection (3)(d)(i) may not be placed in the portion of a newspaper where a

2907 legal notice or classified advertisement appears.

2908 (d) A county auditor shall publish the information described in Subsection (3)(a):

2909 (i) (A) in a newspaper or combination of newspapers that are:
2910 (I) published at least one day per week;
2911 (II) of general interest and readership in the county; and
2912 (III) not of limited subject matter; and
2913 (B) once each week for the two weeks preceding the first hearing included in the list
2914 compiled under Subsection (2); and
2915 (ii) ~~[as required in Section 45-1-101,]~~ for two weeks preceding the first hearing
2916 included in the list compiled under Subsection (2)[-];
2917 (A) as required in Section 45-1-101; and
2918 (B) on the Utah Public Notice Website created in Section 63F-1-701.
2919 (4) A taxing entity that notifies the county auditor under Subsection (1) shall provide
2920 the list described in Subsection (2)(c) to a person:
2921 (a) who attends the public hearing described in Subsection 59-2-919(8)(a)(i) of the
2922 taxing entity; or
2923 (b) who requests a copy of the list.
2924 (5) (a) A county auditor shall by no later than 30 days from the day on which the last
2925 publication of the information required by Subsection (3)(a) is made:
2926 (i) determine the costs of compiling and publishing the list; and
2927 (ii) charge each taxing entity included on the list an amount calculated by dividing the
2928 amount determined under Subsection (5)(a) by the number of taxing entities on the list.
2929 (b) A taxing entity shall pay the county auditor the amount charged under Subsection
2930 (5)(a).
2931 (6) The publication of the list under this section does not remove or change the notice
2932 requirements of Section 59-2-919 for a taxing entity.
2933 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2934 commission may make rules:
2935 (a) relating to the publication of a consolidated advertisement which includes the
2936 information described in Subsection (2) for a taxing entity that overlaps two or more counties;
2937 (b) relating to the payment required in Subsection (5)(b); and
2938 (c) to oversee the administration of this section and provide for uniform
2939 implementation.

2940 Section 52. Section **59-12-1102** is amended to read:

2941 **59-12-1102. Base -- Rate -- Imposition of tax -- Distribution of revenue --**
2942 **Administration -- Commission requirement to retain an amount to be deposited into the**
2943 **Qualified Emergency Food Agencies Fund -- Enactment or repeal of tax -- Effective date**
2944 **-- Notice requirements.**

2945 (1) (a) (i) Subject to Subsections (2) through (6), and in addition to any other tax
2946 authorized by this chapter, a county may impose by ordinance a county option sales and use tax
2947 of .25% upon the transactions described in Subsection 59-12-103(1).

2948 (ii) Notwithstanding Subsection (1)(a)(i), a county may not impose a tax under this
2949 section on the sales and uses described in Section 59-12-104 to the extent the sales and uses are
2950 exempt from taxation under Section 59-12-104.

2951 (b) For purposes of this Subsection (1), the location of a transaction shall be
2952 determined in accordance with Sections 59-12-211 through 59-12-215.

2953 (c) The county option sales and use tax under this section shall be imposed:

2954 (i) upon transactions that are located within the county, including transactions that are
2955 located within municipalities in the county; and

2956 (ii) except as provided in Subsection (1)(d) or (5), beginning on the first day of
2957 January:

2958 (A) of the next calendar year after adoption of the ordinance imposing the tax if the
2959 ordinance is adopted on or before May 25; or

2960 (B) of the second calendar year after adoption of the ordinance imposing the tax if the
2961 ordinance is adopted after May 25.

2962 (d) Notwithstanding Subsection (1)(c)(ii), the county option sales and use tax under
2963 this section shall be imposed:

2964 (i) beginning January 1, 1998, if an ordinance adopting the tax imposed on or before
2965 September 4, 1997; or

2966 (ii) beginning January 1, 1999, if an ordinance adopting the tax is imposed during 1997
2967 but after September 4, 1997.

2968 (2) (a) Before imposing a county option sales and use tax under Subsection (1), a
2969 county shall hold two public hearings on separate days in geographically diverse locations in
2970 the county.

2971 (b) (i) At least one of the hearings required by Subsection (2)(a) shall have a starting
2972 time of no earlier than 6 p.m.

2973 (ii) The earlier of the hearings required by Subsection (2)(a) shall be no less than seven
2974 days after the day the first advertisement required by Subsection (2)(c) is published.

2975 (c) (i) Before holding the public hearings required by Subsection (2)(a), the county
2976 shall advertise:

2977 (A) its intent to adopt a county option sales and use tax;

2978 (B) the date, time, and location of each public hearing; and

2979 (C) a statement that the purpose of each public hearing is to obtain public comments
2980 regarding the proposed tax.

2981 (ii) The advertisement shall be published:

2982 (A) in a newspaper of general circulation in the county once each week for the two
2983 weeks preceding the earlier of the two public hearings; and

2984 (B) ~~[in accordance with Section 45-1-101]~~ on the Utah Public Notice Website created
2985 in Section 63F-1-701 for two weeks preceding the earlier of the two public hearings.

2986 (iii) The advertisement described in Subsection (2)(c)(ii)(A) shall be no less than 1/8
2987 page in size, and the type used shall be no smaller than 18 point and surrounded by a 1/4-inch
2988 border.

2989 (iv) The advertisement described in Subsection (2)(c)(ii)(A) may not be placed in that
2990 portion of the newspaper where legal notices and classified advertisements appear.

2991 (v) In accordance with Subsection (2)(c)(ii)(A), whenever possible:

2992 (A) the advertisement shall appear in a newspaper that is published at least five days a
2993 week, unless the only newspaper in the county is published less than five days a week; and

2994 (B) the newspaper selected shall be one of general interest and readership in the
2995 community, and not one of limited subject matter.

2996 (d) The adoption of an ordinance imposing a county option sales and use tax is subject
2997 to a local referendum election and shall be conducted as provided in Title 20A, Chapter 7, Part
2998 6, Local Referenda - Procedures.

2999 (3) (a) Subject to Subsection (5), if the aggregate population of the counties imposing a
3000 county option sales and use tax under Subsection (1) is less than 75% of the state population,
3001 the tax levied under Subsection (1) shall be distributed to the county in which the tax was

3002 collected.

3003 (b) Subject to Subsection (5), if the aggregate population of the counties imposing a
3004 county option sales and use tax under Subsection (1) is greater than or equal to 75% of the state
3005 population:

3006 (i) 50% of the tax collected under Subsection (1) in each county shall be distributed to
3007 the county in which the tax was collected; and

3008 (ii) except as provided in Subsection (3)(c), 50% of the tax collected under Subsection
3009 (1) in each county shall be distributed proportionately among all counties imposing the tax,
3010 based on the total population of each county.

3011 (c) Except as provided in Subsection (5), the amount to be distributed annually to a
3012 county under Subsection (3)(b)(ii), when combined with the amount distributed to the county
3013 under Subsection (3)(b)(i), does not equal at least \$75,000, then:

3014 (i) the amount to be distributed annually to that county under Subsection (3)(b)(ii) shall
3015 be increased so that, when combined with the amount distributed to the county under
3016 Subsection (3)(b)(i), the amount distributed annually to the county is \$75,000; and

3017 (ii) the amount to be distributed annually to all other counties under Subsection
3018 (3)(b)(ii) shall be reduced proportionately to offset the additional amount distributed under
3019 Subsection (3)(c)(i).

3020 (d) The commission shall establish rules to implement the distribution of the tax under
3021 Subsections (3)(a), (b), and (c).

3022 (4) (a) Except as provided in Subsection (4)(b) or (c), a tax authorized under this part
3023 shall be administered, collected, and enforced in accordance with:

3024 (i) the same procedures used to administer, collect, and enforce the tax under:

3025 (A) Part 1, Tax Collection; or

3026 (B) Part 2, Local Sales and Use Tax Act; and

3027 (ii) Chapter 1, General Taxation Policies.

3028 (b) Notwithstanding Subsection (4)(a), a tax under this part is not subject to
3029 Subsections 59-12-205(2) through (6).

3030 (c) Notwithstanding Subsection (4)(a), the fee charged by the commission under
3031 Section 59-12-206 shall be based on the distribution amounts resulting after:

3032 (i) the applicable distribution calculations under Subsection (3) have been made; and

3033 (ii) the commission retains the amount required by Subsection (5).

3034 (5) (a) Beginning on July 1, 2009, the commission shall calculate and retain a portion
3035 of the sales and use tax collected under this part as provided in this Subsection (5).

3036 (b) For a county that imposes a tax under this part, the commission shall calculate a
3037 percentage each month by dividing the sales and use tax collected under this part for that
3038 month within the boundaries of that county by the total sales and use tax collected under this
3039 part for that month within the boundaries of all of the counties that impose a tax under this part.

3040 (c) For a county that imposes a tax under this part, the commission shall retain each
3041 month an amount equal to the product of:

3042 (i) the percentage the commission determines for the month under Subsection (5)(b)
3043 for the county; and

3044 (ii) \$6,354.

3045 (d) The commission shall deposit an amount the commission retains in accordance
3046 with this Subsection (5) into the Qualified Emergency Food Agencies Fund created by Section
3047 9-4-1409.

3048 (e) An amount the commission deposits into the Qualified Emergency Food Agencies
3049 Fund shall be expended as provided in Section 9-4-1409.

3050 (6) (a) For purposes of this Subsection (6):

3051 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2,
3052 Annexation to County.

3053 (ii) "Annexing area" means an area that is annexed into a county.

3054 (b) (i) Except as provided in Subsection (6)(c) or (d), if, on or after July 1, 2004, a
3055 county enacts or repeals a tax under this part:

3056 (A) (I) the enactment shall take effect as provided in Subsection (1)(c); or

3057 (II) the repeal shall take effect on the first day of a calendar quarter; and

3058 (B) after a 90-day period beginning on the date the commission receives notice meeting
3059 the requirements of Subsection (6)(b)(ii) from the county.

3060 (ii) The notice described in Subsection (6)(b)(i)(B) shall state:

3061 (A) that the county will enact or repeal a tax under this part;

3062 (B) the statutory authority for the tax described in Subsection (6)(b)(ii)(A);

3063 (C) the effective date of the tax described in Subsection (6)(b)(ii)(A); and

3064 (D) if the county enacts the tax described in Subsection (6)(b)(ii)(A), the rate of the
3065 tax.

3066 (c) (i) The enactment of a tax shall take effect on the first day of the first billing period:

3067 (A) that begins after the effective date of the enactment of the tax; and

3068 (B) if the billing period for the transaction begins before the effective date of the
3069 enactment of the tax under Subsection (1).

3070 (ii) The repeal of a tax shall take effect on the first day of the last billing period:

3071 (A) that began before the effective date of the repeal of the tax; and

3072 (B) if the billing period for the transaction begins before the effective date of the repeal
3073 of the tax imposed under Subsection (1).

3074 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
3075 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
3076 Subsection (6)(b)(i) takes effect:

3077 (A) on the first day of a calendar quarter; and

3078 (B) beginning 60 days after the effective date of the enactment or repeal under
3079 Subsection (6)(b)(i).

3080 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3081 commission may by rule define the term "catalogue sale."

3082 (e) (i) Except as provided in Subsection (6)(f) or (g), if, for an annexation that occurs
3083 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this
3084 part for an annexing area, the enactment or repeal shall take effect:

3085 (A) on the first day of a calendar quarter; and

3086 (B) after a 90-day period beginning on the date the commission receives notice meeting
3087 the requirements of Subsection (6)(e)(ii) from the county that annexes the annexing area.

3088 (ii) The notice described in Subsection (6)(e)(i)(B) shall state:

3089 (A) that the annexation described in Subsection (6)(e)(i) will result in an enactment or
3090 repeal of a tax under this part for the annexing area;

3091 (B) the statutory authority for the tax described in Subsection (6)(e)(ii)(A);

3092 (C) the effective date of the tax described in Subsection (6)(e)(ii)(A); and

3093 (D) the rate of the tax described in Subsection (6)(e)(ii)(A).

3094 (f) (i) The enactment of a tax shall take effect on the first day of the first billing period:

3095 (A) that begins after the effective date of the enactment of the tax; and
3096 (B) if the billing period for the transaction begins before the effective date of the
3097 enactment of the tax under Subsection (1).

3098 (ii) The repeal of a tax shall take effect on the first day of the last billing period:

3099 (A) that began before the effective date of the repeal of the tax; and

3100 (B) if the billing period for the transaction begins before the effective date of the repeal
3101 of the tax imposed under Subsection (1).

3102 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
3103 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
3104 Subsection (6)(e)(i) takes effect:

3105 (A) on the first day of a calendar quarter; and

3106 (B) beginning 60 days after the effective date of the enactment or repeal under
3107 Subsection (6)(e)(i).

3108 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3109 commission may by rule define the term "catalogue sale."

3110 Section 53. Section **63G-9-303** is amended to read:

3111 **63G-9-303. Meeting to examine claims -- Notice of meeting.**

3112 (1) At least 60 days preceding the meeting of each Legislature the board [~~must~~] shall
3113 hold a session for the purpose of examining the claims referred to in Section 63G-9-302, and
3114 may adjourn from time to time until the work is completed.

3115 (2) The board shall cause notice of such meeting or meetings to be published:

3116 (a) in some newspaper at the seat of government and such other newspapers as may be
3117 determined by the board for such time as the board may prescribe; and

3118 (b) [~~as required in Section 45-1-101~~] on the Utah Public Notice Website created in
3119 Section 63F-1-701.

3120 Section 54. Section **63H-1-701** is amended to read:

3121 **63H-1-701. Annual authority budget -- Fiscal year -- Public hearing required --**
3122 **Auditor forms -- Requirement to file form.**

3123 (1) The authority shall prepare and its board adopt an annual budget of revenues and
3124 expenditures for the authority for each fiscal year.

3125 (2) Each annual authority budget shall be adopted before June 22.

3126 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

3127 (4) (a) Before adopting an annual budget, the authority board shall hold a public

3128 hearing on the annual budget.

3129 (b) The authority shall provide notice of the public hearing on the annual budget by:

3130 (i) publishing notice:

3131 (A) at least once in a newspaper of general circulation within the authority boundaries,

3132 one week before the public hearing; and

3133 (B) ~~[in accordance with Section 45-1-101]~~ on the Utah Public Notice Website created

3134 in Section 63F-1-701, for at least one week immediately before the public hearing; or

3135 (ii) if there is no newspaper of general circulation within the authority boundaries as

3136 described in Subsection (4)(a)(i)(A), posting a notice of the public hearing in at least three

3137 public places within the authority boundaries.

3138 (c) The authority shall make the annual budget available for public inspection at least

3139 three days before the date of the public hearing.

3140 (5) The state auditor shall prescribe the budget forms and the categories to be contained

3141 in each authority budget, including:

3142 (a) revenues and expenditures for the budget year;

3143 (b) legal fees; and

3144 (c) administrative costs, including rent, supplies, and other materials, and salaries of

3145 authority personnel.

3146 (6) (a) Within 30 days after adopting an annual budget, the authority board shall file a

3147 copy of the annual budget with the auditor of the county in which the authority is located, the

3148 State Tax Commission, the state auditor, the State Board of Education, and each taxing entity

3149 that levies a tax on property from which the authority collects tax increment.

3150 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the

3151 state as a taxing entity is met if the authority files a copy with the State Tax Commission and

3152 the state auditor.

3153 Section 55. Section **63H-2-204** is amended to read:

3154 **63H-2-204. Dissolution of authority.**

3155 (1) Subject to the other provisions of this section, the board may dissolve the authority:

3156 (a) if the board determines that the authority can no longer comply with the

3157 requirements of this chapter; and

3158 (b) by a vote of at least five members of the board.

3159 (2) The authority may not be dissolved if the authority has any of the following:

3160 (a) an outstanding bonded indebtedness;

3161 (b) an unpaid loan, indebtedness, or advance; or

3162 (c) a legally binding contractual obligation with a person other than the state.

3163 (3) Upon the dissolution of the authority:

3164 (a) the Governor's Office of Economic Development shall publish a notice of

3165 dissolution;

3166 (i) in a newspaper of general circulation in each county in which a qualifying

3167 transmission project is located; and

3168 (ii) electronically, in accordance with Section 45-1-101;

3169 (b) the authority shall deposit its records with the state auditor, to be retained for the

3170 time period determined by the state auditor; and

3171 (c) the assets of the authority shall revert to the state.

3172 (4) The authority shall pay the expenses of dissolution and winding up the affairs of the

3173 authority.

3174 (5) If a dissolution under this section is part of a privatization of the authority, the

3175 dissolution is subject to Title 63E, Chapter 1, Part 4, Privatization of Independent Entities.

3176 Section 56. Section **72-3-108** is amended to read:

3177 **72-3-108. County roads -- Vacation and narrowing.**

3178 (1) A county may, by ordinance, vacate, narrow, or change the name of a county road

3179 without petition or after petition by a property owner.

3180 (2) A county may not vacate a county road unless notice of the hearing is:

3181 (a) published:

3182 (i) in a newspaper of general circulation in the county once a week for four consecutive

3183 weeks before the hearing; and

3184 (ii) [~~in accordance with Section 45-1-101~~] on the Utah Public Notice Website created

3185 in Section 63F-1-701 for four weeks before the hearing; and

3186 (b) posted in three public places for four consecutive weeks prior to the hearing; and

3187 (c) mailed to the department and all owners of property abutting the county road.

3188 (3) The right-of-way and easements, if any, of a property owner and the franchise rights
3189 of any public utility may not be impaired by vacating or narrowing a county road.

3190 (4) Except as provided in Section 72-5-305, if a county vacates a county road, the
3191 state's right-of-way interest in the county road is also vacated.

3192 Section 57. Section **72-5-105** is amended to read:

3193 **72-5-105. Highways, streets, or roads once established continue until abandoned**
3194 **-- Temporary closure.**

3195 (1) All public highways, streets, or roads once established shall continue to be
3196 highways, streets, or roads until abandoned or vacated by order of a highway authority having
3197 jurisdiction or by other competent authority.

3198 (2) (a) For purposes of assessment, upon the recordation of an order executed by the
3199 proper authority with the county recorder's office, title to the vacated or abandoned highway,
3200 street, or road shall vest to the adjoining record owners, with 1/2 of the width of the highway,
3201 street, or road assessed to each of the adjoining owners.

3202 (b) Provided, however, that should a description of an owner of record extend into the
3203 vacated or abandoned highway, street, or road that portion of the vacated or abandoned
3204 highway, street, or road shall vest in the record owner, with the remainder of the highway,
3205 street, or road vested as otherwise provided in this Subsection (2).

3206 (3) (a) In accordance with this section, a state or local highway authority may
3207 temporarily close a class B or D road, an R.S. 2477 right-of-way, or a portion of a class B or D
3208 road or R.S. 2477 right-of-way.

3209 (b) A temporary closure authorized under this section is not an abandonment.

3210 (c) A temporary closure under Subsection (3)(a) may be authorized only under the
3211 following circumstances:

3212 (i) when a federal authority, or other person, provides an alternate route to an R.S.
3213 2477 right-of-way or portion of an R.S. 2477 right-of-way that is:

3214 (A) accepted by the highway authority; and

3215 (B) formalized by:

3216 (I) a federal permit; or

3217 (II) a written agreement between the federal authority or other person and the highway
3218 authority; or

3219 (ii) when a state or local highway authority determines that correction or mitigation of
3220 injury to private or public land resources is necessary on or near a class B or D road or portion
3221 of a class B or D road.

3222 (d) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S.
3223 2477 right-of-way temporarily closed under this section if the alternate route is closed for any
3224 reason.

3225 (e) A temporary closure authorized under Subsection (3)(c)(ii) shall:

3226 (i) be authorized annually; and

3227 (ii) not exceed two years or the time it takes to complete the correction or mitigation,
3228 whichever is less.

3229 (4) Prior to authorizing a temporary closure under Subsection (3), a highway authority
3230 shall:

3231 (a) hold a hearing on the proposed temporary closure;

3232 (b) provide notice of the hearing by:

3233 (i) mailing a notice to the Department of Transportation and all owners of property
3234 abutting the highway; and

3235 (ii) (A) publishing the notice:

3236 (I) in a newspaper of general circulation in the county at least once a week for four
3237 consecutive weeks before the hearing; and

3238 (II) ~~[in accordance with Section 45-1-101]~~ on the Utah Public Notice Website created
3239 in Section 63F-1-701 for four weeks before the hearing; or

3240 (B) posting the notice in three public places for at least four consecutive weeks prior to
3241 the hearing; and

3242 (c) pass an ordinance authorizing the temporary closure.

3243 (5) The right-of-way and easements, if any, of a property owner and the franchise rights
3244 of any public utility may not be impaired by a temporary closure authorized under this section.

3245 Section 58. Section **72-6-107** is amended to read:

3246 **72-6-107. Construction or improvement of highway -- Contracts -- Retainage --**
3247 **Certain indemnification provisions forbidden.**

3248 (1) As used in this section, "design professional" means:

3249 (a) an architect, licensed under Title 58, Chapter 3a, Architects Licensing Act;

3250 (b) a landscape architect, licensed under Title 58, Chapter 53, Landscape Architects
3251 Licensing Act; and

3252 (c) a professional engineer or professional land surveyor, licensed under Title 58,
3253 Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act.

3254 (2) (a) The department shall make plans, specifications, and estimates prior to the
3255 construction or improvement of any state highway.

3256 (b) Except as provided in Section 63G-6-502 and except for construction or
3257 improvements performed with state prison labor, a construction or improvement project with
3258 an estimated cost exceeding the bid limit as defined in Section 72-6-109 for labor and materials
3259 shall be performed under contract awarded to the lowest responsible bidder.

3260 [~~(c) The advertisement for bids shall be published]~~

3261 (c) (i) The department:

3262 (A) shall publish an advertisement for bids in accordance with Section 45-1-101, for a
3263 period of two weeks ending no more than 10 days before bids are opened; and

3264 (B) may publish an advertisement for bids in a newspaper of general circulation in the
3265 county in which the work is to be performed[;].

3266 (ii) If the department publishes an advertisement for bids in a newspaper under
3267 Subsection (2)(c)(i)(B), the department shall publish the advertisement at least once a week for
3268 two consecutive weeks, with the last publication at least 10 days before bids are opened.

3269 (d) The department shall receive sealed bids and open the bids at the time and place
3270 designated in the advertisement. The department may then award the contract but may reject
3271 any and all bids.

3272 (e) If the department's estimates are substantially lower than any responsible bid
3273 received, the department may perform any work by force account.

3274 (3) If any payment on a contract with a private contractor for construction or
3275 improvement of a state highway is retained or withheld, the payment shall be retained or
3276 withheld and released as provided in Section 13-8-5.

3277 (4) If the department performs a construction or improvement project by force account,
3278 the department shall:

3279 (a) provide an accounting of the costs and expenditures of the improvement including
3280 material and labor;

3281 (b) disclose the costs and expenditures to any person upon request and allow the person
3282 to make a copy and pay for the actual cost of the copy; and

3283 (c) perform the work using the same specifications and standards that would apply to a
3284 private contractor.

3285 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3286 department shall establish procedures for:

3287 (a) hearing evidence that a region within the department violated this section; and

3288 (b) administering sanctions against the region if the region is found in violation.

3289 (6) (a) Beginning May 12, 2009, a contract, including an amendment to an existing
3290 contract, entered into under authority of this chapter may not require that a design professional
3291 indemnify another from liability claims that arise out of the design professional's services,
3292 unless the liability claim arises from the design professional's negligent act, wrongful act, error
3293 or omission, or other liability imposed by law.

3294 (b) Subsection (6)(a) may not be waived by contract.

3295 (c) Notwithstanding Subsections (6)(a) and (b), a design professional may be required
3296 to indemnify a person for whom the design professional has direct or indirect control or
3297 responsibility.

3298 Section 59. Section **73-1-16** is amended to read:

3299 **73-1-16. Petition for hearing to determine validity -- Notice -- Service -- Pleading**
3300 **-- Costs -- Review.**

3301 Where any water users' association, irrigation company, canal company, ditch company,
3302 reservoir company, or other corporation of like character or purpose, organized under the laws
3303 of this state has entered into or proposes to enter into a contract with the United States for the
3304 payment by such association or company of the construction and other charges of a federal
3305 reclamation project constructed, under construction, or to be constructed within this state, and
3306 where funds for the payment of such charges are to be obtained from assessments levied upon
3307 the stock of such association or company, or where a lien is created or will be created against
3308 any of the land, property, canals, water rights or other assets of such association or company or
3309 against the land, property, canals, water rights or other assets of any stockholder of such
3310 association or company to secure the payment of construction or other charges of a reclamation
3311 project, the water users' association, irrigation company, canal company, ditch company,

3312 reservoir company or other corporation of like character or purpose may file in the district court
3313 of the county wherein is situated the office of such association or company a petition entitled
3314 "..... Water Users' Association" or "..... Company," as the case may be, "against the
3315 stockholders of said association or company and the owners and mortgagees of land within the
3316 Federal Reclamation Project." No other or more specific description of the defendants
3317 shall be required. In the petition it may be stated that the water users' association, irrigation
3318 company, canal company, ditch company, reservoir company or other corporation of like
3319 character and purpose has entered into or proposes to enter into a contract with the United
3320 States, to be set out in full in said petition, with a prayer that the court find said contract to be
3321 valid, and a modification of any individual contracts between the United States and the
3322 stockholders of such association or company, or between the association or company, and its
3323 stockholders, so far as such individual contracts are at variance with the contract or proposed
3324 contract between the association or company and the United States.

3325 Thereupon a notice in the nature of a summons shall issue under the hand and seal of
3326 the clerk of said court, stating in brief outline the contents of said petition, and showing where
3327 a full copy of said contract or proposed contract may be examined, such notice to be directed to
3328 the said defendants under the same general designations, which shall be deemed sufficient to
3329 give the court jurisdiction of all matters involved and parties interested. Service shall be
3330 obtained (a) by publication of such notice once a week for three consecutive weeks (three
3331 times) in a newspaper published in each county where the irrigable land of such federal
3332 reclamation project is situated, (b) as required in Section 45-1-101 for three weeks, (c) by
3333 publishing the notice on the Utah Public Notice Website created in Section 63F-1-701 for three
3334 weeks prior to the date of the hearing, and [~~(c)~~] (d) by the posting at least three weeks prior to
3335 the date of the hearing on said petition of the notice and a complete copy of the said contract or
3336 proposed contract in the office of the plaintiff association or company, and at three other public
3337 places within the boundaries of such federal reclamation project. Any stockholder in the
3338 plaintiff association or company, or owner, or mortgagee of land within said federal
3339 reclamation project affected by the contract proposed to be made by such association or
3340 company, may demur to or answer said petition before the date set for such hearing or within
3341 such further time as may be allowed therefor by the court. The failure of any persons affected
3342 by the said contract to answer or demur shall be construed, so far as such persons are concerned

3343 as an acknowledgment of the validity of said contract and as a consent to the modification of
 3344 said individual contracts if any with such association or company or with the United States, to
 3345 the extent that such modification is required to cause the said individual contracts if any to
 3346 conform to the terms of the contract or proposed contract between the plaintiff and the United
 3347 States. All persons filing demurrers or answers shall be entered as defendants in said cause and
 3348 their defense consolidated for hearing or trial. Upon hearing the court shall examine all matters
 3349 and things in controversy and shall enter judgment and decree as the case warrants, showing
 3350 how and to what extent, if any, the said individual contracts of the defendants or under which
 3351 they claim are modified by the plaintiff's contract or proposed contract with the United States.
 3352 In reaching his conclusion in such causes, the court shall follow a liberal interpretation of the
 3353 laws, and shall disregard informalities or omissions not affecting the substantial rights of the
 3354 parties, unless it is affirmatively shown that such informalities or omissions led to a different
 3355 result than would have been obtained otherwise. The Code of Civil Procedure shall govern
 3356 matters of pleading and practice as nearly as may be. Costs may be assessed or apportioned
 3357 among contesting parties in the discretion of the trial court. Review of the judgment of the
 3358 district court by the Supreme Court may be had as in other civil causes.

3359 Section 60. Section **73-5-14** is amended to read:

3360 **73-5-14. Determination by the state engineer of watershed to which particular**
 3361 **source is tributary -- Publications of notice and result -- Hearing -- Judicial review.**

3362 (1) The state engineer [~~shall have the power to~~] may determine for administrative and
 3363 distribution purposes the watershed to which any particular stream or source of water is
 3364 tributary.

3365 (2) [~~Said~~] A determination under Subsection (1) may be made only after publication of
 3366 notice to the water users.

3367 (3) [~~Said publication~~] Publication of notice under Subsection (2) shall be made:

3368 (a) in a newspaper or newspapers having general circulation in every county in [~~this~~]
 3369 the state in which any rights might be affected, once each week for five consecutive weeks;
 3370 [~~and~~]

3371 (b) in accordance with Section 45-1-101 for five weeks[~~;~~]; and

3372 (c) on the Utah Public Notice Website created in Section 63F-1-701, for five weeks.

3373 (4) [~~It~~] The state engineer shall fix the date and place of hearing and at [~~said~~] the

3374 hearing any water user shall be given an opportunity to appear and adduce evidence material to
3375 the determination of the question involved.

3376 (5) (a) The [~~result of said determination by the~~] state engineer shall [~~likewise be~~
3377 ~~published in the manner set forth above and said~~] publish the result of the determination as
3378 provided in Subsections (3)(a) and (b), and the notice of the decision of the state engineer shall
3379 ~~[also]~~ notify the public that any person aggrieved by [~~said~~] the decision may appeal from [~~said~~
3380 the decision as provided by Section 73-3-14[~~;~~ and].

3381 (b) The notice under Subsection (5)(a) shall be [~~deemed~~] considered to have been
3382 given so as to start the time for appeal upon completion of the publication of notice.

3383 Section 61. Section **75-1-401** is amended to read:

3384 **75-1-401. Notice -- Method and time of giving.**

3385 (1) If notice of a hearing on any petition is required and except for specific notice
3386 requirements as otherwise provided, the petitioner shall cause notice of the time and place of
3387 hearing of any petition to be given to any interested person or his attorney if he has appeared by
3388 attorney or requested that notice be sent to his attorney. Notice shall be given by the clerk
3389 posting a copy of the notice for the 10 consecutive days immediately preceding the time set for
3390 the hearing in at least three public places in the county, one of which must be at the courthouse
3391 of the county and:

3392 (a) (i) by the clerk mailing a copy thereof at least 10 days before the time set for the
3393 hearing by certified, registered, or ordinary first class mail addressed to the person being
3394 notified at the post-office address given in his demand for notice, if any, or at his office or
3395 place of residence, if known; or

3396 (ii) by delivering a copy thereof to the person being notified personally at least 10 days
3397 before the time set for the hearing; and

3398 (b) if the address, or identity of any person is not known and cannot be ascertained with
3399 reasonable diligence, by publishing:

3400 (i) at least once a week for three consecutive weeks a copy thereof in a newspaper
3401 having general circulation in the county where the hearing is to be held, the last publication of
3402 which is to be at least 10 days before the time set for the hearing; and

3403 (ii) [~~in accordance with Section 45-1-101~~] on the Utah Public Notice Website created
3404 in Section 63F-1-701 for three weeks.

3405 (2) The court for good cause shown may provide for a different method or time of
3406 giving notice for any hearing.

3407 (3) Proof of the giving of notice shall be made on or before the hearing and filed in the
3408 proceeding.