

Senator Ann Millner proposes the following substitute bill:

1 **DEPARTMENT OF GOVERNMENT OPERATIONS - CROSS**

2 **REFERENCE CHANGES**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ann Millner**

6 House Sponsor: Val L. Peterson

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies cross-references in conformance with 2021 General Session S.B.
11 181.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ modifies cross-references in conformance with 2021 General Session S.B. 181.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 This bill provides a special effective date.

19 This bill provides revisor instructions.

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **4-30-106**, as last amended by Laws of Utah 2020, Chapter 154

23 **4-21-106**, as last amended by Laws of Utah 2019, Chapters 370 and 456

24 **4-22-107**, as last amended by Laws of Utah 2019, Chapters 370 and 456

25 **7-1-706**, as last amended by Laws of Utah 2010, Chapter 90



- 26 [10-2-406](#), as last amended by Laws of Utah 2019, Chapter 255
- 27 [10-2-407](#), as last amended by Laws of Utah 2019, Chapter 255
- 28 [10-2-415](#), as last amended by Laws of Utah 2020, Chapter 22
- 29 [10-2-418](#), as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 7
- 30 [10-2-419](#), as last amended by Laws of Utah 2019, Chapter 255
- 31 [10-2-501](#), as last amended by Laws of Utah 2019, Chapter 255
- 32 [10-2-502.5](#), as last amended by Laws of Utah 2019, Chapter 255
- 33 [10-2-607](#), as last amended by Laws of Utah 2019, Chapter 255
- 34 [10-2-708](#), as last amended by Laws of Utah 2020, Chapter 22
- 35 [10-2a-207](#), as last amended by Laws of Utah 2019, Chapters 165, 255 and last amended
- 36 by Coordination Clause, Laws of Utah 2019, Chapter 165
- 37 [10-2a-210](#), as last amended by Laws of Utah 2020, Chapter 22
- 38 [10-2a-213](#), as last amended by Laws of Utah 2020, Chapter 22
- 39 [10-2a-214](#), as last amended by Laws of Utah 2020, Chapter 22
- 40 [10-2a-215](#), as last amended by Laws of Utah 2020, Chapter 22
- 41 [10-2a-405](#), as last amended by Laws of Utah 2016, Chapter 176
- 42 [10-3-301](#), as last amended by Laws of Utah 2020, Chapter 95
- 43 [10-3-818](#), as last amended by Laws of Utah 2010, Chapter 90
- 44 [10-5-107.5](#), as enacted by Laws of Utah 2017, Chapter 71
- 45 [10-5-108](#), as last amended by Laws of Utah 2017, Chapter 193
- 46 [10-6-113](#), as last amended by Laws of Utah 2017, Chapter 193
- 47 [10-6-135.5](#), as enacted by Laws of Utah 2017, Chapter 71
- 48 [10-7-19](#), as last amended by Laws of Utah 2019, Chapter 255
- 49 [10-8-2](#), as last amended by Laws of Utah 2019, Chapter 376
- 50 [10-8-15](#), as last amended by Laws of Utah 2019, Chapter 413
- 51 [10-9a-203](#), as last amended by Laws of Utah 2015, Chapter 202
- 52 [10-9a-204](#), as last amended by Laws of Utah 2010, Chapter 90
- 53 [10-9a-205](#), as last amended by Laws of Utah 2017, Chapter 84
- 54 [10-9a-208](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 55 [10-9a-603](#), as last amended by Laws of Utah 2020, Chapter 434
- 56 [10-18-203](#), as last amended by Laws of Utah 2010, Chapter 90

57 [10-18-302](#), as last amended by Laws of Utah 2014, Chapter 176
58 [11-13-204](#), as last amended by Laws of Utah 2015, Chapter 265
59 [11-13-509](#), as enacted by Laws of Utah 2015, Chapter 265
60 [11-13-531](#), as enacted by Laws of Utah 2015, Chapter 265
61 [11-14-202](#), as last amended by Laws of Utah 2020, Chapter 31
62 [11-14-318](#), as last amended by Laws of Utah 2009, First Special Session, Chapter 5
63 [11-36a-503](#), as enacted by Laws of Utah 2011, Chapter 47
64 [11-36a-504](#), as last amended by Laws of Utah 2017, Chapter 84
65 [11-42-202](#), as last amended by Laws of Utah 2020, Chapter 282
66 [11-42-402](#), as last amended by Laws of Utah 2015, Chapter 396
67 [11-58-502](#), as last amended by Laws of Utah 2019, Chapter 399
68 [11-58-503](#), as last amended by Laws of Utah 2019, Chapter 399
69 [11-58-801](#), as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
70 [11-59-401](#), as enacted by Laws of Utah 2018, Chapter 388
71 [13-1-2](#), as last amended by Laws of Utah 2019, Chapter 174
72 [17-27a-203](#), as last amended by Laws of Utah 2009, Chapter 188
73 [17-27a-204](#), as last amended by Laws of Utah 2010, Chapter 90
74 [17-27a-205](#), as last amended by Laws of Utah 2017, Chapter 84
75 [17-27a-208](#), as last amended by Laws of Utah 2019, Chapter 384
76 [17-27a-306](#), as last amended by Laws of Utah 2015, Chapter 352
77 [17-27a-404](#), as last amended by Laws of Utah 2020, Chapter 434
78 [17-27a-603](#), as last amended by Laws of Utah 2020, Chapter 434
79 [17-36-12](#), as last amended by Laws of Utah 2017, Chapter 193
80 [17-36-26](#), as last amended by Laws of Utah 2017, Chapter 193
81 [17-41-304](#), as last amended by Laws of Utah 2019, Chapter 227
82 [17-41-405](#), as last amended by Laws of Utah 2019, Chapter 227
83 [17-50-105](#), as last amended by Laws of Utah 2009, Chapter 350
84 [17-50-303](#), as last amended by Laws of Utah 2019, Chapter 376
85 [17B-1-106](#), as last amended by Laws of Utah 2013, Chapter 445
86 [17B-1-211](#), as last amended by Laws of Utah 2013, Chapter 265
87 [17B-1-303](#), as last amended by Laws of Utah 2019, Chapters 40 and 255

- 88 **17B-1-306**, as last amended by Laws of Utah 2020, Chapter 31
- 89 **17B-1-413**, as last amended by Laws of Utah 2010, Chapter 90
- 90 **17B-1-417**, as last amended by Laws of Utah 2010, Chapter 90
- 91 **17B-1-505.5**, as enacted by Laws of Utah 2017, Chapter 404
- 92 **17B-1-609**, as last amended by Laws of Utah 2015, Chapter 436
- 93 **17B-1-643**, as last amended by Laws of Utah 2016, Chapter 273
- 94 **17B-1-1204**, as last amended by Laws of Utah 2010, Chapter 90
- 95 **17B-1-1307**, as last amended by Laws of Utah 2010, Chapter 90
- 96 **17B-2a-705**, as last amended by Laws of Utah 2019, Chapter 255
- 97 **17B-2a-1110**, as last amended by Laws of Utah 2016, Chapter 176
- 98 **17C-1-207**, as last amended by Laws of Utah 2019, Chapter 376
- 99 **17C-1-601.5**, as last amended by Laws of Utah 2018, Chapter 101
- 100 **17C-1-804**, as last amended by Laws of Utah 2019, Chapter 376
- 101 **17C-1-806**, as last amended by Laws of Utah 2018, Chapter 364
- 102 **17C-2-108**, as last amended by Laws of Utah 2016, Chapter 350
- 103 **17C-2-109**, as last amended by Laws of Utah 2016, Chapter 350
- 104 **17C-3-107**, as last amended by Laws of Utah 2016, Chapter 350
- 105 **17C-3-108**, as last amended by Laws of Utah 2016, Chapter 350
- 106 **17C-4-107**, as last amended by Laws of Utah 2016, Chapter 350
- 107 **17C-4-109**, as last amended by Laws of Utah 2016, Chapter 350
- 108 **17C-4-202**, as last amended by Laws of Utah 2016, Chapter 350
- 109 **17C-5-110**, as enacted by Laws of Utah 2016, Chapter 350
- 110 **17C-5-111**, as enacted by Laws of Utah 2016, Chapter 350
- 111 **17C-5-113**, as enacted by Laws of Utah 2016, Chapter 350
- 112 **17C-5-205**, as last amended by Laws of Utah 2019, Chapter 376
- 113 **17D-3-305**, as last amended by Laws of Utah 2020, Chapter 311
- 114 **19-1-202**, as last amended by Laws of Utah 2017, Chapter 246
- 115 **19-1-308**, as enacted by Laws of Utah 2018, Chapter 427
- 116 **19-2-109**, as last amended by Laws of Utah 2012, Chapter 360
- 117 **20A-1-512**, as last amended by Laws of Utah 2019, Chapter 40
- 118 **20A-3a-604**, as renumbered and amended by Laws of Utah 2020, Chapter 31

- 119 [20A-4-104](#), as last amended by Laws of Utah 2020, Chapter 31
- 120 [20A-4-304](#), as last amended by Laws of Utah 2019, Chapters 255 and 433
- 121 [20A-5-101](#), as last amended by Laws of Utah 2019, Chapter 255
- 122 [20A-5-303](#), as last amended by Laws of Utah 2011, Chapter 335
- 123 [20A-5-403.5](#), as enacted by Laws of Utah 2020, Chapter 31
- 124 [20A-5-405](#), as last amended by Laws of Utah 2020, Chapter 31
- 125 [20A-7-204.1](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20
- 126 [20A-7-401.5](#), as enacted by Laws of Utah 2019, Chapter 203
- 127 [20A-7-402](#), as last amended by Laws of Utah 2020, Chapters 22 and 354
- 128 [20A-9-203](#), as last amended by Laws of Utah 2020, Chapter 22
- 129 [20A-13-104](#), as last amended by Laws of Utah 2013, Chapter 383
- 130 [20A-14-101.5](#), as last amended by Laws of Utah 2013, Chapter 455
- 131 [20A-14-102.2](#), as last amended by Laws of Utah 2013, Chapter 455
- 132 [20A-14-201](#), as last amended by Laws of Utah 2011, Chapter 297
- 133 [20A-20-203](#), as enacted by Laws of Utah 2020, Chapter 288
- 134 [26-6-27](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 21
- 135 [26-6-32](#), as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 21
- 136 [26-61a-303](#), as last amended by Laws of Utah 2020, Chapter 12
- 137 [31A-2-103](#), as last amended by Laws of Utah 1994, Chapter 128
- 138 [32B-1-303](#), as last amended by Laws of Utah 2019, Chapter 145
- 139 [32B-2-206](#), as last amended by Laws of Utah 2012, Chapter 365
- 140 [32B-2-207](#), as last amended by Laws of Utah 2018, Chapter 200
- 141 [32B-3-204](#), as last amended by Laws of Utah 2020, Chapter 219
- 142 [32B-8a-302](#), as last amended by Laws of Utah 2020, Chapter 219
- 143 [34-41-101](#), as last amended by Laws of Utah 2007, Chapter 329
- 144 [34A-1-201](#), as last amended by Laws of Utah 2020, Chapter 352
- 145 [34A-1-204](#), as enacted by Laws of Utah 1997, Chapter 375
- 146 [34A-1-205](#), as last amended by Laws of Utah 2020, Chapters 156, 352, and 354
- 147 [35A-1-201](#), as last amended by Laws of Utah 2020, Chapter 352
- 148 [35A-1-204](#), as last amended by Laws of Utah 1997, Chapter 375
- 149 [36-1-101.5](#), as last amended by Laws of Utah 2013, Chapter 454

- 150 [36-1-105](#), as last amended by Laws of Utah 2013, Chapter 454
- 151 [36-1-201.5](#), as last amended by Laws of Utah 2017, Chapter 243
- 152 [36-1-204](#), as last amended by Laws of Utah 2013, Chapter 382
- 153 [40-2-202](#), as enacted by Laws of Utah 2008, Chapter 113
- 154 [45-1-101](#), as last amended by Laws of Utah 2019, Chapter 274
- 155 [46-4-501](#), as last amended by Laws of Utah 2019, Chapter 254
- 156 [49-11-1102](#), as enacted by Laws of Utah 2016, Chapter 281
- 157 [49-22-403](#), as enacted by Laws of Utah 2011, Chapter 439
- 158 [49-23-403](#), as enacted by Laws of Utah 2011, Chapter 439
- 159 [51-5-3](#), as last amended by Laws of Utah 2001, Chapter 175
- 160 [52-4-202](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 1
- 161 [52-4-203](#), as last amended by Laws of Utah 2018, Chapter 425
- 162 [53-1-203](#), as enacted by Laws of Utah 1993, Chapter 234
- 163 [53-1-303](#), as enacted by Laws of Utah 1993, Chapter 234
- 164 [53-2a-103](#), as renumbered and amended by Laws of Utah 2013, Chapter 295
- 165 [53-3-103](#), as enacted by Laws of Utah 1993, Chapter 234
- 166 [53-7-103](#), as last amended by Laws of Utah 2018, Chapter 415
- 167 [53-8-103](#), as renumbered and amended by Laws of Utah 1993, Chapter 234
- 168 [53-10-103](#), as renumbered and amended by Laws of Utah 1998, Chapter 263
- 169 [53-10-201](#), as enacted by Laws of Utah 1998, Chapter 263
- 170 [53-10-301](#), as last amended by Laws of Utah 2002, Chapter 5
- 171 [53-10-401](#), as enacted by Laws of Utah 1998, Chapter 263
- 172 [53-13-114](#), as last amended by Laws of Utah 2012, Chapter 196
- 173 [53B-7-101.5](#), as last amended by Laws of Utah 2010, Chapter 90
- 174 [53E-4-202](#), as last amended by Laws of Utah 2019, Chapters 186 and 324
- 175 [53E-8-203](#), as renumbered and amended by Laws of Utah 2018, Chapter 1
- 176 [53G-3-204](#), as renumbered and amended by Laws of Utah 2018, Chapter 3
- 177 [53G-4-204](#), as last amended by Laws of Utah 2019, Chapter 293
- 178 [53G-4-402](#), as last amended by Laws of Utah 2020, Chapter 347
- 179 [53G-5-203](#), as last amended by Laws of Utah 2019, Chapter 293
- 180 [53G-5-504](#), as last amended by Laws of Utah 2020, Chapters 192 and 408

181 [53G-7-1105](#), as last amended by Laws of Utah 2019, Chapter 293
182 [54-3-28](#), as last amended by Laws of Utah 2013, Chapter 445
183 [54-8-10](#), as last amended by Laws of Utah 2010, Chapter 90
184 [54-8-16](#), as last amended by Laws of Utah 2010, Chapter 90
185 [57-11-11](#), as last amended by Laws of Utah 2011, Chapter 340
186 [59-1-206](#), as last amended by Laws of Utah 2020, Chapter 352
187 [59-2-919](#), as last amended by Laws of Utah 2020, Chapter 354
188 [59-2-919.2](#), as last amended by Laws of Utah 2010, Chapter 90
189 [59-12-1102](#), as last amended by Laws of Utah 2016, Chapter 364
190 [62A-1-109](#), as last amended by Laws of Utah 2019, Chapter 246
191 [63A-5b-905](#), as renumbered and amended by Laws of Utah 2020, Chapter 152
192 [63D-2-102](#), as last amended by Laws of Utah 2020, Chapter 365
193 [63E-2-109](#), as last amended by Laws of Utah 2019, Chapter 370
194 [63G-6a-103](#), as last amended by Laws of Utah 2020, Chapters 152, 257, 365 and last
195 amended by Coordination Clause, Laws of Utah 2020, Chapter 365
196 [63G-22-102](#), as enacted by Laws of Utah 2018, Chapter 200
197 [63H-1-403](#), as last amended by Laws of Utah 2020, Chapter 282
198 [63H-1-701](#), as last amended by Laws of Utah 2018, Chapter 101
199 [63H-2-502](#), as last amended by Laws of Utah 2018, Chapter 101
200 [63H-2-504](#), as last amended by Laws of Utah 2012, Chapter 347
201 [63H-4-108](#), as last amended by Laws of Utah 2019, Chapters 370 and 456
202 [63H-5-108](#), as last amended by Laws of Utah 2019, Chapters 370 and 456
203 [63H-6-103](#), as last amended by Laws of Utah 2020, Chapter 152
204 [63H-7a-104](#), as enacted by Laws of Utah 2019, Chapter 456
205 [63H-7a-304](#), as last amended by Laws of Utah 2020, Chapters 294 and 368
206 [63H-7a-803](#), as last amended by Laws of Utah 2019, Chapters 370 and 509
207 [63H-8-204](#), as last amended by Laws of Utah 2019, Chapter 370
208 [63I-1-263](#), as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230,
209 303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws
210 of Utah 2020, Chapter 360
211 [63I-2-267](#), as last amended by Laws of Utah 2020, Chapter 197

- 212 **63J-4-602**, as last amended by Laws of Utah 2020, Chapter 352
- 213 **63J-4-603**, as last amended by Laws of Utah 2018, Chapter 411
- 214 **63M-4-402**, as enacted by Laws of Utah 2014, Chapter 294
- 215 **63N-3-501**, as enacted by Laws of Utah 2018, Chapter 182
- 216 **67-1-2.5**, as last amended by Laws of Utah 2020, Chapters 154, 352, and 373
- 217 **67-1-14**, as last amended by Laws of Utah 2005, Chapter 169
- 218 **67-1a-2.2**, as enacted by Laws of Utah 2011, Third Special Session, Chapter 9
- 219 **67-1a-6.5**, as last amended by Laws of Utah 2016, Chapter 350
- 220 **67-5-11**, as last amended by Laws of Utah 2007, Chapter 166
- 221 **72-3-108**, as last amended by Laws of Utah 2010, Chapter 90
- 222 **72-5-105**, as last amended by Laws of Utah 2017, First Special Session, Chapter 2
- 223 **72-5-304**, as last amended by Laws of Utah 2005, Chapter 169
- 224 **72-16-202**, as last amended by Laws of Utah 2020, Chapter 423
- 225 **73-1-16**, as last amended by Laws of Utah 2010, Chapter 90
- 226 **73-5-1**, as last amended by Laws of Utah 2017, Chapter 463
- 227 **73-5-14**, as last amended by Laws of Utah 2010, Chapter 90
- 228 **75-1-401**, as last amended by Laws of Utah 2010, Chapter 90

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

231 Section 1. Section **4-21-106** is amended to read:

232 **4-21-106. Exemption from certain operational requirements.**

233 (1) The council is exempt from:

234 (a) Title 51, Chapter 5, Funds Consolidation Act;

235 (b) Title 63A, Utah [~~Administrative Services~~] Government Operations Code, except as
 236 provided in Subsection (2)(c);

237 (c) Title 63G, Chapter 6a, Utah Procurement Code, but the council shall adopt
 238 procedures to ensure that the council makes purchases:

239 (i) in a manner that provides for fair competition between providers; and

240 (ii) at competitive prices;

241 (d) Title 63J, Chapter 1, Budgetary Procedures Act; and

242 (e) Title [~~67~~] 63A, Chapter [~~19~~] 17, Utah State Personnel Management Act.

- 243 (2) The council is subject to:
- 244 (a) Title 51, Chapter 7, State Money Management Act;
- 245 (b) Title 52, Chapter 4, Open and Public Meetings Act;
- 246 (c) Title 63A, Chapter 1, Part 2, Utah Public Finance Website;
- 247 (d) Title 63G, Chapter 2, Government Records Access and Management Act;
- 248 (e) other Utah Code provisions not specifically exempted under Subsection
- 249 4-21-106(1); and
- 250 (f) audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the
- 251 legislative auditor pursuant to Section 36-12-15.

252 Section 2. Section 4-22-107 is amended to read:

253 **4-22-107. Exemption from certain operational requirements.**

- 254 (1) The commission is exempt from:
- 255 (a) Title 51, Chapter 5, Funds Consolidation Act;
- 256 (b) Title 51, Chapter 7, State Money Management Act;
- 257 (c) except as provided in Subsection (2)(b), Title 63A, Utah [~~Administrative Services~~
- 258 Government Operations Code;
- 259 (d) Title 63G, Chapter 6a, Utah Procurement Code, but the commission shall adopt
- 260 procedures to ensure that the commission makes purchases:
- 261 (i) in a manner that provides for fair competition between providers; and
- 262 (ii) at competitive prices;
- 263 (e) Title 63J, Chapter 1, Budgetary Procedures Act; and
- 264 (f) Title [~~67~~] 63A, Chapter [~~19~~] 17, Utah State Personnel Management Act.

265 (2) The commission is subject to:

- 266 (a) Title 52, Chapter 4, Open and Public Meetings Act;
- 267 (b) Title 63A, Chapter 1, Part 2, Utah Public Finance Website; and
- 268 (c) Title 63G, Chapter 2, Government Records Access and Management Act.

269 Section 3. Section 4-30-106 is amended to read:

270 **4-30-106. Hearing on license application -- Notice of hearing.**

- 271 (1) Upon the filing of an application, the department shall set a time for hearing on the
- 272 application in the city or town nearest the proposed site of the livestock market and cause
- 273 notice of the time and place of the hearing together with a copy of the application to be

274 forwarded by mail, not less than 15 days before the hearing date, to the following:

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

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

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

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

281 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#).

282 Section 4. Section ~~7-1-706~~ is amended to read:

283 **7-1-706. Application to commissioner to exercise power -- Procedure.**

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

286 (a) issue any rule or order;

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

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

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

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

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

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

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

302 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
303 three weeks before the date of the hearing.

304 (b) The notice required by Subsection (4)(a) shall include the information required by

305 the department's rules.

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

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

310 (i) the application;

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

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

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

315 (i) the applicant;

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

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

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

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

321 (b) protect its shareholders or members; and

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

323 Section 5. Section **10-2-406** is amended to read:

324 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

325 (1) After receipt of the notice of certification from the city recorder or town clerk under
326 Subsection **10-2-405(2)(c)(i)**, the municipal legislative body shall publish notice:

327 (a) (i) at least once a week for three successive weeks, beginning no later than 10 days
328 after the day on which the municipal legislative body receives the notice of certification, in a
329 newspaper of general circulation within:

330 (A) the area proposed for annexation; and

331 (B) the unincorporated area within 1/2 mile of the area proposed for annexation;

332 (ii) if there is no newspaper of general circulation in the combined area described in

333 Subsections (1)(a)(i)(A) and (B), no later than 10 days after the day on which the municipal

334 legislative body receives the notice of certification, by posting one notice, and at least one

335 additional notice per 2,000 population within the combined area, in places within the combined

336 area that are most likely to give notice to the residents within, and the owners of real property
337 located within, the combined area; or

338 (iii) no later than 10 days after the day on which the municipal legislative body
339 receives the notice of certification, by mailing the notice to each residence within, and to each
340 owner of real property located within, the combined area described in Subsections (1)(a)(i)(A)
341 and (B);

342 (b) in accordance with Section [45-1-101](#), for three weeks, beginning no later than 10
343 days after the day on which the municipal legislative body receives the notice of certification;

344 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
345 three weeks, beginning no later than 10 days after the day on which the municipal legislative
346 body receives the notice of certification;

347 (d) within 20 days after the day on which the municipal legislative body receives the
348 notice of certification, by mailing written notice to each affected entity; and

349 (e) if the municipality has a website, on the municipality's website for the period of
350 time described in Subsection (1)(c).

351 (2) The notice described in Subsection (1) shall:

352 (a) state that a petition has been filed with the municipality proposing the annexation of
353 an area to the municipality;

354 (b) state the date of the municipal legislative body's receipt of the notice of certification
355 under Subsection [10-2-405\(2\)\(c\)\(i\)](#);

356 (c) describe the area proposed for annexation in the annexation petition;

357 (d) state that the complete annexation petition is available for inspection and copying at
358 the office of the city recorder or town clerk;

359 (e) state in conspicuous and plain terms that the municipality may grant the petition
360 and annex the area described in the petition unless, within the time required under Subsection
361 [10-2-407\(2\)\(a\)\(i\)](#), a written protest to the annexation petition is filed with the commission and
362 a copy of the protest delivered to the city recorder or town clerk of the proposed annexing
363 municipality;

364 (f) state the address of the commission or, if a commission has not yet been created in
365 the county, the county clerk, where a protest to the annexation petition may be filed;

366 (g) state that the area proposed for annexation to the municipality will also

367 automatically be annexed to a local district providing fire protection, paramedic, and
368 emergency services or a local district providing law enforcement service, as the case may be, as
369 provided in Section 17B-1-416, if:

370 (i) the proposed annexing municipality is entirely within the boundaries of a local
371 district:

372 (A) that provides fire protection, paramedic, and emergency services or law
373 enforcement service, respectively; and

374 (B) in the creation of which an election was not required because of Subsection
375 17B-1-214(3)(c); and

376 (ii) the area proposed to be annexed to the municipality is not already within the
377 boundaries of the local district; and

378 (h) state that the area proposed for annexation to the municipality will be automatically
379 withdrawn from a local district providing fire protection, paramedic, and emergency services or
380 a local district providing law enforcement service, as the case may be, as provided in
381 Subsection 17B-1-502(2), if:

382 (i) the petition proposes the annexation of an area that is within the boundaries of a
383 local district:

384 (A) that provides fire protection, paramedic, and emergency services or law
385 enforcement service, respectively; and

386 (B) in the creation of which an election was not required because of Subsection
387 17B-1-214(3)(c); and

388 (ii) the proposed annexing municipality is not within the boundaries of the local
389 district.

390 (3) (a) The statement required by Subsection (2)(e) shall state the deadline for filing a
391 written protest in terms of the actual date rather than by reference to the statutory citation.

392 (b) In addition to the requirements under Subsection (2), a notice under Subsection (1)
393 for a proposed annexation of an area within a county of the first class shall include a statement
394 that a protest to the annexation petition may be filed with the commission by property owners if
395 it contains the signatures of the owners of private real property that:

396 (i) is located in the unincorporated area within 1/2 mile of the area proposed for
397 annexation;

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

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

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

403 **10-2-407. Protest to annexation petition -- Planning advisory area planning**
404 **commission recommendation -- Petition requirements -- Disposition of petition if no**
405 **protest filed.**

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

407 (a) the legislative body or governing board of an affected entity;

408 (b) the owner of rural real property as defined in Section **17B-2a-1107**; or

409 (c) for a proposed annexation of an area within a county of the first class, the owners of
410 private real property that:

411 (i) is located in the unincorporated area within 1/2 mile of the area proposed for
412 annexation;

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

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

417 (2) Each protest under Subsection (1) shall:

418 (a) be filed:

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

421 (ii) (A) in a county that has already created a commission under Section **10-2-409**, with
422 the commission; or

423 (B) in a county that has not yet created a commission under Section **10-2-409**, with the
424 clerk of the county in which the area proposed for annexation is located;

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

428 (c) if the area proposed to be annexed is located in a specified county, contain other

429 information that the commission by rule requires or that the party filing the protest considers
430 pertinent; and

431 (d) contain the name and address of a contact person who is to receive notices sent by
432 the commission with respect to the protest proceedings.

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

435 (4) Each clerk who receives a protest under Subsection (2)(a)(ii)(B) shall:

436 (a) immediately notify the county legislative body of the protest; and

437 (b) deliver the protest to the boundary commission within five days after:

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

439 (ii) creation of the boundary commission under Subsection 10-2-409(1)(b), if the
440 boundary commission has not previously been created.

441 (5) (a) If a protest is filed under this section:

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

444 (ii) if the municipal legislative body does not deny the annexation petition under
445 Subsection (5)(a)(i), the municipal legislative body may take no further action on the
446 annexation petition until after receipt of the commission's notice of its decision on the protest
447 under Section 10-2-416.

448 (b) If a municipal legislative body denies an annexation petition under Subsection
449 (5)(a)(i), the municipal legislative body shall, within five days after the denial, send notice of
450 the denial in writing to:

451 (i) the contact sponsor of the annexation petition;

452 (ii) the commission; and

453 (iii) each entity that filed a protest.

454 (6) If no timely protest is filed under this section, the municipal legislative body may,
455 subject to Subsection (7), approve the petition.

456 (7) Before approving an annexation petition under Subsection (6), the municipal
457 legislative body shall hold a public hearing and publish notice of the public hearing:

458 (a) (i) at least seven days before the day of the public hearing in a newspaper of general
459 circulation within the municipality and the area proposed for annexation;

460 (ii) if there is no newspaper of general circulation in the combined area described in
461 Subsection (7)(a)(i), at least seven days before the day of the public hearing, by posting one
462 notice, and at least one additional notice per 2,000 population within the combined area, in
463 places within the combined area that are most likely to give notice to the residents within, and
464 the owners of real property located within, the combined area; or

465 (iii) at least 10 days before the day of the public hearing by mailing the notice to each
466 residence within, and to each owner of real property located within, the combined area
467 described in Subsection (7)(a)(i);

468 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
469 seven days before the day of the public hearing;

470 (c) in accordance with Section [45-1-101](#), for seven days before the day of the public
471 hearing; and

472 (d) if the municipality has a website, on the municipality's website for seven days
473 before the day of the public hearing.

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

475 **10-2-415. Public hearing -- Notice.**

476 (1) (a) If the results of the feasibility study or supplemental feasibility study meet the
477 requirements of Subsection [10-2-416\(3\)](#) with respect to a proposed annexation of an area
478 located in a county of the first class, the commission shall hold a public hearing within 30 days
479 after the day on which the commission receives the feasibility study or supplemental feasibility
480 study results.

481 (b) At the public hearing described in Subsection (1)(a), the commission shall:

482 (i) require the feasibility consultant to present the results of the feasibility study and, if
483 applicable, the supplemental feasibility study;

484 (ii) allow those present to ask questions of the feasibility consultant regarding the study
485 results; and

486 (iii) allow those present to speak to the issue of annexation.

487 (2) The commission shall publish notice of the public hearing described in Subsection
488 (1)(a):

489 (a) (i) at least once a week for two successive weeks before the public hearing in a
490 newspaper of general circulation within the area proposed for annexation, the surrounding 1/2

491 mile of unincorporated area, and the proposed annexing municipality;

492 (ii) if there is no newspaper of general circulation within the combined area described
493 in Subsection (2)(a)(i), at least two weeks before the day of the public hearing, by posting one
494 notice, and at least one additional notice per 2,000 population within the combined area, in
495 places within the combined area that are most likely to give notice of the public hearing to the
496 residents within, and the owners of real property located within, the combined area; or

497 (iii) by mailing notice to each residence within, and to each owner of real property
498 located within, the combined area described in Subsection (2)(a)(i);

499 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
500 two weeks before the day of the public hearing;

501 (c) in accordance with Section [45-1-101](#), for two weeks before the day of the public
502 hearing;

503 (d) by sending written notice of the public hearing to the municipal legislative body of
504 the proposed annexing municipality, the contact sponsor on the annexation petition, each entity
505 that filed a protest, and, if a protest was filed under Subsection [10-2-407\(1\)\(c\)](#), the contact
506 person;

507 (e) if the municipality has a website, on the municipality's website for two weeks
508 before the day of the public hearing; and

509 (f) on the county's website for two weeks before the day of the public hearing.

510 (3) The notice described in Subsection (2) shall:

511 (a) be entitled, "notice of annexation hearing";

512 (b) state the name of the annexing municipality;

513 (c) describe the area proposed for annexation; and

514 (d) specify the following sources where an individual may obtain a copy of the
515 feasibility study conducted in relation to the proposed annexation:

516 (i) if the municipality has a website, the municipality's website;

517 (ii) a municipality's physical address; and

518 (iii) a mailing address and telephone number.

519 (4) Within 30 days after the time under Subsection [10-2-407\(2\)](#) for filing a protest has
520 expired with respect to a proposed annexation of an area located in a specified county, the
521 boundary commission shall hold a hearing on all protests that were filed with respect to the

522 proposed annexation.

523 (5) At least 14 days before the date of a hearing described in Subsection (4), the
524 commission chair shall publish notice of the hearing:

525 (a) (i) in a newspaper of general circulation within the area proposed for annexation;

526 (ii) if there is no newspaper of general circulation within the area proposed for
527 annexation, by posting one notice, and at least one additional notice per 2,000 population
528 within the area in places within the area that are most likely to give notice of the hearing to the
529 residents within, and the owners of real property located within, the area; or

530 (iii) mailing notice to each resident within, and each owner of real property located
531 within, the area proposed for annexation;

532 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
533 14 days before the day of the hearing;

534 (c) in accordance with Section [45-1-101](#), for 14 days before the day of the hearing;

535 (d) if the municipality has a website, on the municipality's website for two weeks
536 before the day of the public hearing; and

537 (e) on the county's website for two weeks before the day of the public hearing.

538 (6) Each notice described in Subsection (5) shall:

539 (a) state the date, time, and place of the hearing;

540 [~~(a)~~] (b) briefly summarize the nature of the protest; and

541 [~~(b)~~] (c) state that a copy of the protest is on file at the commission's office.

542 (7) The commission may continue a hearing under Subsection (4) from time to time,
543 but no continued hearing may be held later than 60 days after the original hearing date.

544 (8) In considering protests, the commission shall consider whether the proposed
545 annexation:

546 (a) complies with the requirements of Sections [10-2-402](#) and [10-2-403](#) and the
547 annexation policy plan of the proposed annexing municipality;

548 (b) conflicts with the annexation policy plan of another municipality; and

549 (c) if the proposed annexation includes urban development, will have an adverse tax
550 consequence on the remaining unincorporated area of the county.

551 (9) (a) The commission shall record each hearing under this section by electronic
552 means.

553 (b) A transcription of the recording under Subsection (9)(a), the feasibility study, if
554 applicable, information received at the hearing, and the written decision of the commission
555 shall constitute the record of the hearing.

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

557 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**
558 **Hearing.**

559 (1) As used in Subsection (2)(b)(ii), for purposes of an annexation conducted in
560 accordance with this section of an area located within a county of the first class,
561 "municipal-type services" does not include a service provided by a municipality pursuant to a
562 contract that the municipality has with another political subdivision as "political subdivision" is
563 defined in Section [17B-1-102](#).

564 (2) Notwithstanding Subsection [10-2-402\(2\)](#), a municipality may annex an
565 unincorporated area under this section without an annexation petition if:

566 (a) for an unincorporated area within the expansion area of more than one municipality,
567 each municipality agrees to the annexation; and

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

570 (B) the majority of each island or peninsula consists of residential or commercial
571 development;

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

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

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

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

581 (iii) the area consists of:

582 (A) an unincorporated island within or an unincorporated peninsula contiguous to the
583 municipality; and

584 (B) for an area outside of the county of the first class proposed for annexation, no more
585 than 50 acres; or

586 (iv) (A) the area to be annexed consists only of one or more unincorporated islands in a
587 county of the second class;

588 (B) the area to be annexed is located in the expansion area of a municipality; and

589 (C) the county legislative body in which the municipality is located provides notice to
590 each property owner within the area to be annexed that the county legislative body will hold a
591 public hearing, no less than 15 days after the day on which the county legislative body provides
592 the notice, and may make a recommendation of annexation to the municipality whose
593 expansion area includes the area to be annexed after the public hearing.

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

597 (a) in adopting the resolution under Subsection (5)(a) the municipal legislative body
598 determines that not annexing the entire unincorporated island or unincorporated peninsula is in
599 the municipality's best interest; and

600 (b) for an annexation of one or more unincorporated islands under Subsection (2)(b),
601 the entire island of unincorporated area, of which a portion is being annexed, complies with the
602 requirement of Subsection (2)(b)(ii) relating to the number of residents.

603 (4) (a) This subsection applies only to an annexation within a county of the first class.

604 (b) A county of the first class shall agree to an annexation if the majority of private
605 property owners within the area to be annexed give written consent to the annexation, in
606 accordance with Subsection (4)(d), to the recorder of the annexing municipality.

607 (c) For purposes of Subsection (4)(b), the majority of private property owners is
608 property owners who own:

609 (i) the majority of the total private land area within the area proposed for annexation;
610 and

611 (ii) private real property equal to at least 1/2 the value of private real property within
612 the area proposed for annexation.

613 (d) A property owner consenting to annexation shall indicate the property owner's
614 consent on a form which includes language in substantially the following form:

615 "Notice: If this written consent is used to proceed with an annexation of your property
616 in accordance with Utah Code Section [10-2-418](#), no public election is required by law to
617 approve the annexation. If you sign this consent and later decide you do not want to support
618 the annexation of your property, you may withdraw your signature by submitting a signed,
619 written withdrawal with the recorder or clerk of [name of annexing municipality]. If you
620 choose to withdraw your signature, you must do so no later than the close of the public hearing
621 on the annexation conducted in accordance with Utah Code Subsection [10-2-418\(4\)\(d\)](#)."

622 (e) A private property owner may withdraw the property owner's signature indicating
623 consent by submitting a signed, written withdrawal with the recorder or clerk no later than the
624 close of the public hearing held in accordance with Subsection (5)(b).

625 (5) The legislative body of each municipality intending to annex an area under this
626 section shall:

627 (a) adopt a resolution indicating the municipal legislative body's intent to annex the
628 area, describing the area proposed to be annexed; and

629 (b) hold a public hearing on the proposed annexation no earlier than 30 days after the
630 adoption of the resolution described in Subsection (5)(a).

631 (6) A legislative body described in Subsection (5) shall publish notice of a public
632 hearing described in Subsection (5)(b):

633 (a) (i) at least once a week for three successive weeks before the public hearing in a
634 newspaper of general circulation within the municipality and the area proposed for annexation;

635 (ii) if there is no newspaper of general circulation in the combined area described in
636 Subsection (6)(a)(i), at least three weeks before the day of the public hearing, by posting one
637 notice, and at least one additional notice per 2,000 population in the combined area, in places
638 within the combined area that are most likely to give notice to the residents within, and the
639 owners of real property located within, the combined area; or

640 (iii) at least three weeks before the day of the public hearing, by mailing notice to each
641 residence within, and each owner of real property located within, the combined area described
642 in Subsection (6)(a)(i);

643 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
644 three weeks before the day of the public hearing;

645 (c) in accordance with Section [45-1-101](#), for three weeks before the day of the public

646 hearing;

647 (d) by sending written notice to:

648 (i) the board of each local district and special service district whose boundaries contain
649 some or all of the area proposed for annexation; and

650 (ii) the legislative body of the county in which the area proposed for annexation is
651 located; and

652 (e) if the municipality has a website, on the municipality's website for three weeks
653 before the day of the public hearing.

654 (7) The legislative body of the annexing municipality shall ensure that:

655 (a) each notice described in Subsection (6):

656 (i) states that the municipal legislative body has adopted a resolution indicating the
657 municipality's intent to annex the area proposed for annexation;

658 (ii) states the date, time, and place of the public hearing described in Subsection (5)(b);

659 (iii) describes the area proposed for annexation; and

660 (iv) except for an annexation that meets the requirements of Subsection (8)(b) or (c),
661 states in conspicuous and plain terms that the municipal legislative body will annex the area
662 unless, at or before the public hearing described in Subsection (5)(b), written protests to the
663 annexation are filed by the owners of private real property that:

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

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

667 (C) is equal in value to at least 1/2 the value of all private real property within the
668 entire area proposed for annexation; and

669 (b) the first publication of the notice described in Subsection (6)(a) occurs within 14
670 days after the day on which the municipal legislative body adopts a resolution under Subsection
671 (5)(a).

672 (8) (a) Except as provided in Subsections (8)(b)(i) and (8)(c)(i), upon conclusion of the
673 public hearing described in Subsection (5)(b), the municipal legislative body may adopt an
674 ordinance approving the annexation of the area proposed for annexation under this section
675 unless, at or before the hearing, written protests to the annexation have been filed with the
676 recorder or clerk of the municipality by the owners of private real property that:

677 (i) is located within the area proposed for annexation;
678 (ii) covers a majority of the total private land area within the entire area proposed for
679 annexation; and
680 (iii) is equal in value to at least 1/2 the value of all private real property within the
681 entire area proposed for annexation.

682 (b) (i) Notwithstanding Subsection (8)(a), upon conclusion of the public hearing
683 described in Subsection (5)(b), a municipality may adopt an ordinance approving the
684 annexation of the area proposed for annexation under this section without allowing or
685 considering protests under Subsection (8)(a) if the owners of at least 75% of the total private
686 land area within the entire area proposed for annexation, representing at least 75% of the value
687 of the private real property within the entire area proposed for annexation, have consented in
688 writing to the annexation.

689 (ii) Upon the effective date under Section [10-2-425](#) of an annexation approved by an
690 ordinance adopted under Subsection (8)(b)(i), the area annexed is conclusively presumed to be
691 validly annexed.

692 (c) (i) Notwithstanding Subsection (8)(a), upon conclusion of the public hearing
693 described in Subsection (5)(b), a municipality may adopt an ordinance approving the
694 annexation of an area that the county legislative body proposes for annexation under this
695 section without allowing or considering protests under Subsection (8)(a) if the county
696 legislative body has formally recommended annexation to the annexing municipality and has
697 made a formal finding that:

698 (A) the area to be annexed can be more efficiently served by the municipality than by
699 the county;

700 (B) the area to be annexed is not likely to be naturally annexed by the municipality in
701 the future as the result of urban development;

702 (C) annexation of the area is likely to facilitate the consolidation of overlapping
703 functions of local government; and

704 (D) annexation of the area is likely to result in an equitable distribution of community
705 resources and obligations.

706 (ii) The county legislative body may base the finding required in Subsection
707 (8)(c)(i)(B) on:

708 (A) existing development in the area;

709 (B) natural or other conditions that may limit the future development of the area; or

710 (C) other factors that the county legislative body considers relevant.

711 (iii) A county legislative body may make the recommendation for annexation required
712 in Subsection (8)(c)(i) for only a portion of an unincorporated island if, as a result of
713 information provided at the public hearing, the county legislative body makes a formal finding
714 that it would be equitable to leave a portion of the island unincorporated.

715 (iv) If a county legislative body has made a recommendation of annexation under
716 Subsection (8)(c)(i):

717 (A) the relevant municipality is not required to proceed with the recommended
718 annexation; and

719 (B) if the relevant municipality proceeds with annexation, the municipality shall annex
720 the entire area that the county legislative body recommended for annexation.

721 (v) Upon the effective date under Section 10-2-425 of an annexation approved by an
722 ordinance adopted under Subsection (8)(c)(i), the area annexed is conclusively presumed to be
723 validly annexed.

724 (9) (a) Except as provided in Subsections (8)(b)(i) and (8)(c)(i), if protests are timely
725 filed under Subsection (8)(a), the municipal legislative body may not adopt an ordinance
726 approving the annexation of the area proposed for annexation, and the annexation proceedings
727 under this section shall be considered terminated.

728 (b) Subsection (9)(a) does not prohibit the municipal legislative body from excluding
729 from a proposed annexation under Subsection (2)(b) the property within an unincorporated
730 island regarding which protests have been filed and proceeding under Subsection (3) to annex
731 some or all of the remaining portion of the unincorporated island.

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

733 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

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

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

738 (a) adopt a resolution indicating the intent of the municipal legislative body to adjust a

739 common boundary; and

740 (b) hold a public hearing on the proposed adjustment no less than 60 days after the
741 adoption of the resolution under Subsection (2)(a).

742 (3) A legislative body described in Subsection (2) shall publish notice of a public
743 hearing described in Subsection (2)(b):

744 (a) (i) at least once a week for three successive weeks before the public hearing in a
745 newspaper of general circulation within the municipality;

746 (ii) if there is no newspaper of general circulation within the municipality, at least three
747 weeks before the day of the public hearing, by posting one notice, and at least one additional
748 notice per 2,000 population of the municipality, in places within the municipality that are most
749 likely to give notice to residents of the municipality; or

750 (iii) at least three weeks before the day of the public hearing, by mailing notice to each
751 residence in the municipality;

752 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
753 three weeks before the day of the public hearing;

754 (c) in accordance with Section [45-1-101](#), for three weeks before the day of the public
755 hearing;

756 (d) if the proposed boundary adjustment may cause any part of real property owned by
757 the state to be within the geographic boundary of a different local governmental entity than
758 before the adjustment, by providing written notice, at least 50 days before the day of the public
759 hearing, to:

760 (i) the title holder of any state-owned real property described in this Subsection (3)(d);
761 and

762 (ii) the Utah State Developmental Center Board, created under Section [62A-5-202](#), if
763 any state-owned real property described in this Subsection (3)(d) is associated with the Utah
764 State Developmental Center; and

765 (e) if the municipality has a website, on the municipality's website for three weeks
766 before the day of the public hearing.

767 (4) The notice described in Subsection (3) shall:

768 (a) state that the municipal legislative body has adopted a resolution indicating the
769 municipal legislative body's intent to adjust a boundary that the municipality has in common

770 with another municipality;

771 (b) describe the area proposed to be adjusted;

772 (c) state the date, time, and place of the public hearing described in Subsection (2)(b);

773 (d) state in conspicuous and plain terms that the municipal legislative body will adjust
774 the boundaries unless, at or before the public hearing described in Subsection (2)(b), a written
775 protest to the adjustment is filed by:

776 (i) an owner of private real property that:

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

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

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

782 (ii) a title holder of state-owned real property described in Subsection (3)(d);

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

787 (i) the municipality to which the area is being added because of the boundary
788 adjustment is entirely within the boundaries of a local district:

789 (A) that provides fire protection, paramedic, and emergency services or law
790 enforcement service, respectively; and

791 (B) in the creation of which an election was not required because of Subsection
792 17B-1-214(3)(c); and

793 (ii) the municipality from which the area is being taken because of the boundary
794 adjustment is not within the boundaries of the local district; and

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

798 (i) the municipality to which the area is being added because of the boundary
799 adjustment is not within the boundaries of a local district:

800 (A) that provides fire protection, paramedic, and emergency services; and

801 (B) in the creation of which an election was not required because of Subsection
802 17B-1-214(3)(c); and

803 (ii) the municipality from which the area is being taken because of the boundary
804 adjustment is entirely within the boundaries of the local district.

805 (5) The first publication of the notice described in Subsection (3)(a)(i) shall be within
806 14 days after the day on which the municipal legislative body adopts a resolution under
807 Subsection (2)(a).

808 (6) Upon conclusion of the public hearing described in Subsection (2)(b), the
809 municipal legislative body may adopt an ordinance approving the adjustment of the common
810 boundary unless, at or before the hearing described in Subsection (2)(b), a written protest to the
811 adjustment is filed with the city recorder or town clerk by a person described in Subsection
812 (3)(d)(i) or (ii).

813 (7) The municipal legislative body shall comply with the requirements of Section
814 10-2-425 as if the boundary adjustment were an annexation.

815 (8) (a) An ordinance adopted under Subsection (6) becomes effective when each
816 municipality involved in the boundary adjustment has adopted an ordinance under Subsection
817 (6).

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

820 Section 10. Section 10-2-501 is amended to read:

821 **10-2-501. Municipal disconnection -- Definitions -- Request for disconnection --**
822 **Requirements upon filing request.**

823 (1) As used in this part "petitioner" means:

824 (a) one or more persons who:

825 (i) own title to real property within the area proposed for disconnection; and

826 (ii) sign a request for disconnection proposing to disconnect the area proposed for
827 disconnection from the municipality; or

828 (b) the mayor of the municipality within which the area proposed for disconnection is
829 located who signs a request for disconnection proposing to disconnect the area proposed for
830 disconnection from the municipality.

831 (2) (a) A petitioner proposing to disconnect an area within and lying on the borders of a

832 municipality shall file with that municipality's legislative body a request for disconnection.

833 (b) Each request for disconnection shall:

834 (i) contain the names, addresses, and signatures of the owners of more than 50% of any
835 private real property in the area proposed for disconnection;

836 (ii) give the reasons for the proposed disconnection;

837 (iii) include a map or plat of the territory proposed for disconnection; and

838 (iv) designate between one and five persons with authority to act on the petitioner's
839 behalf in the proceedings.

840 (3) Upon filing the request for disconnection, the petitioner shall publish notice of the
841 request:

842 (a) (i) once a week for three consecutive weeks before the public hearing described in
843 Section [10-2-502.5](#) in a newspaper of general circulation within the municipality;

844 (ii) if there is no newspaper of general circulation in the municipality, at least three
845 weeks before the day of the public hearing described in Section [10-2-502.5](#), by posting one
846 notice, and at least one additional notice per 2,000 population of the municipality, in places
847 within the municipality that are most likely to give notice to the residents within, and the
848 owners of real property located within, the municipality, including the residents who live in the
849 area proposed for disconnection; or

850 (iii) at least three weeks before the day of the public hearing described in Section
851 [10-2-502.5](#), by mailing notice to each residence within, and each owner of real property located
852 within, the municipality;

853 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
854 three weeks before the day of the public hearing described in Section [10-2-502.5](#);

855 (c) in accordance with Section [45-1-101](#), for three weeks before the day of the public
856 hearing described in Section [10-2-502.5](#);

857 (d) by mailing notice to each owner of real property located within the area proposed to
858 be disconnected;

859 (e) by delivering a copy of the request to the legislative body of the county in which the
860 area proposed for disconnection is located; and

861 (f) if the municipality has a website, on the municipality's website for three weeks
862 before the day of the public hearing.

863 Section 11. Section **10-2-502.5** is amended to read:

864 **10-2-502.5. Hearing on request for disconnection -- Determination by municipal**
865 **legislative body -- Petition in district court.**

866 (1) No sooner than seven calendar days after, and no later than 30 calendar days after,
867 the last day on which the petitioner publishes the notice required under Subsection
868 **10-2-501(3)(a)**, the legislative body of the municipality in which the area proposed for
869 disconnection is located shall hold a public hearing.

870 (2) The municipal legislative body shall provide notice of the public hearing:

871 (a) at least seven days before the hearing date, in writing to the petitioner and to the
872 legislative body of the county in which the area proposed for disconnection is located;

873 (b) (i) at least seven days before the hearing date, by publishing notice in a newspaper
874 of general circulation within the municipality;

875 (ii) if there is no newspaper of general circulation within the municipality, at least
876 seven days before the hearing date, by posting one notice, and at least one additional notice per
877 2,000 population of the municipality, in places within the municipality that are most likely to
878 give notice to residents within, and the owners of real property located within, the municipality;
879 or

880 (iii) at least 10 days before the hearing date, by mailing notice to each residence within,
881 and each owner of real property located within, the municipality;

882 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-16-601, for
883 seven days before the hearing date;

884 (d) in accordance with Section **45-1-101**, for seven days before the hearing date; and

885 (e) if the municipality has a website, on the municipality's website for seven days
886 before the hearing date.

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

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

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

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

893 (5) (a) A petition against the municipality challenging the municipal legislative body's

894 determination under Subsection (4) may be filed in district court by:

895 (i) the petitioner; or

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

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

899 Section 12. Section **10-2-607** is amended to read:

900 **10-2-607. Notice of election.**

901 If the county legislative bodies find that the resolution or petition for consolidation and
902 their attachments substantially conform with the requirements of this part, the county
903 legislative bodies shall publish notice of the election for consolidation to the voters of each
904 municipality that would become part of the consolidated municipality:

905 (1) (a) in a newspaper of general circulation within the boundaries of the municipality
906 at least once a week for four consecutive weeks before the election;

907 (b) if there is no newspaper of general circulation in the municipality, at least four
908 weeks before the day of the election, by posting one notice, and at least one additional notice
909 per 2,000 population of the municipality, in places within the municipality that are most likely
910 to give notice to the voters in the municipality; or

911 (c) at least four weeks before the day of the election, by mailing notice to each
912 registered voter in the municipality;

913 (2) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
914 at least four weeks before the day of the election;

915 (3) in accordance with Section [45-1-101](#), for at least four weeks before the day of the
916 election; and

917 (4) if the municipality has a website, on the municipality's website for at least four
918 weeks before the day of the election.

919 Section 13. Section **10-2-708** is amended to read:

920 **10-2-708. Notice of disincorporation -- Publication and filing.**

921 When a municipality has been dissolved, the clerk of the court shall publish notice of
922 the dissolution:

923 (1) (a) in a newspaper of general circulation in the county in which the municipality is
924 located at least once a week for four consecutive weeks;

925 (b) if there is no newspaper of general circulation in the county in which the
926 municipality is located, by posting one notice, and at least one additional notice per 2,000
927 population of the county in places within the county that are most likely to give notice to the
928 residents within, and the owners of real property located within, the county, including the
929 residents and owners within the municipality that is dissolved; or

930 (c) by mailing notice to each residence within, and each owner of real property located
931 within, the county;

932 (2) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
933 four weeks;

934 (3) in accordance with Section [45-1-101](#), for four weeks;

935 (4) if the municipality has a website, on the municipality's website for four weeks; and

936 (5) on the county's website for four weeks.

937 Section 14. Section **10-2a-207** is amended to read:

938 **10-2a-207. Public hearings on feasibility study results -- Notice of hearings.**

939 (1) If the results of the feasibility study or supplemental feasibility study comply with
940 Subsection [10-2a-205](#)(6)(a), the lieutenant governor shall, after receipt of the results of the
941 feasibility study or supplemental feasibility study, conduct at least two public hearings:

942 (a) within 60 days after the day on which the lieutenant governor receives the results;

943 (b) at least seven days apart;

944 (c) except in a proposed municipality that will be a city of the fifth class or a town, in
945 geographically diverse locations;

946 (d) within or near the proposed municipality;

947 (e) to allow the feasibility consultant to present the results of the feasibility study; and

948 (f) to inform the public about the results of the feasibility study.

949 (2) At each public hearing described in Subsection (1), the lieutenant governor shall:

950 (a) provide a map or plat of the boundary of the proposed municipality;

951 (b) provide a copy of the feasibility study for public review;

952 (c) allow members of the public to express views about the proposed incorporation,
953 including views about the proposed boundaries; and

954 (d) allow the public to ask the feasibility consultant questions about the feasibility
955 study.

956 (3) The lieutenant governor shall publish notice of the public hearings described in
957 Subsection (1):

958 (a) (i) at least once a week for three consecutive weeks before the first public hearing
959 in a newspaper of general circulation within the proposed municipality;

960 (ii) if there is no newspaper of general circulation in the proposed municipality, at least
961 three weeks before the day of the first public hearing, by posting one notice, and at least one
962 additional notice per 2,000 population of the proposed municipality, in places within the
963 proposed municipality that are most likely to give notice to the residents within, and the owners
964 of real property located within, the proposed municipality; or

965 (iii) at least three weeks before the first public hearing, by mailing notice to each
966 residence within, and each owner of real property located within, the proposed municipality;

967 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
968 three weeks before the day of the first public hearing;

969 (c) in accordance with Section [45-1-101](#), for three weeks before the day of the first
970 public hearing; and

971 (d) on the lieutenant governor's website for three weeks before the day of the first
972 public hearing.

973 (4) The last notice required to be published under Subsection (3)(a)(i) shall be at least
974 three days before the first public hearing required under Subsection (1).

975 (5) (a) Except as provided in Subsection (5)(b), the notice described in Subsection (3)
976 shall include the feasibility study summary described in Subsection [10-2a-205](#)(3)(c) and shall
977 indicate that a full copy of the study is available on the lieutenant governor's website and for
978 inspection at the Office of the Lieutenant Governor.

979 (b) Instead of publishing the [~~feasibility~~] feasibility summary under Subsection (5)(a),
980 the lieutenant governor may publish a statement that specifies the following sources where a
981 resident within, or the owner of real property located within, the proposed municipality, may
982 view or obtain a copy of the [~~feasibility~~] feasibility study:

983 (i) the lieutenant governor's website;

984 (ii) the physical address of the Office of the Lieutenant Governor; and

985 (iii) a mailing address and telephone number.

986 Section 15. Section [10-2a-210](#) is amended to read:

987 **10-2a-210. Incorporation election.**

988 (1) (a) If the lieutenant governor certifies a petition under Subsection [10-2a-209\(1\)\(b\)](#),
989 the lieutenant governor shall schedule an incorporation election for the proposed municipality
990 described in the petition to be held on the date of the next regular general election described in
991 Section [20A-1-201](#), or the next municipal general election described in Section [20A-1-202](#), that
992 is at least 65 days after the day on which the lieutenant governor certifies the petition.

993 (b) (i) The lieutenant governor shall direct the county legislative body of the county in
994 which the proposed municipality is located to hold the election on the date that the lieutenant
995 governor schedules under Subsection (1)(a).

996 (ii) The county shall hold the election as directed by the lieutenant governor under
997 Subsection (1)(b)(i).

998 (2) The county clerk shall publish notice of the election:

999 (a) (i) in a newspaper of general circulation within the area proposed to be incorporated
1000 at least once a week for three successive weeks before the election;

1001 (ii) if there is no newspaper of general circulation in the area proposed to be
1002 incorporated, at least three weeks before the day of the election, by posting one notice, and at
1003 least one additional notice per 2,000 population of the area proposed to be incorporated, in
1004 places within the area proposed to be incorporated that are most likely to give notice to the
1005 voters within the area proposed to be incorporated; or

1006 (iii) at least three weeks before the day of the election, by mailing notice to each
1007 registered voter in the area proposed to be incorporated;

1008 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
1009 three weeks before the day of the election;

1010 (c) in accordance with Section [45-1-101](#), for three weeks before the day of the election;

1011 (d) if the proposed municipality has a website, on the proposed municipality's website
1012 for three weeks before the day of the election; and

1013 (e) on the county's website for three weeks before the day of the election.

1014 (3) (a) The notice required by Subsection (2) shall contain:

1015 (i) a statement of the contents of the petition;

1016 (ii) a description of the area proposed to be incorporated as a municipality;

1017 (iii) a statement of the date and time of the election and the location of polling places;

1018 and

1019 (iv) except as provided in Subsection (3)(c), the feasibility study summary described in
1020 Subsection 10-2a-205(3)(c) and a statement that a full copy of the study is available on the
1021 lieutenant governor's website and for inspection at the Office of the Lieutenant Governor.

1022 (b) The last notice required to be published under Subsection (2)(a)(i) shall be
1023 published at least one day, but no more than seven days, before the day of the election.

1024 (c) Instead of publishing the feasibility summary under Subsection (3)(a)(iv), the notice
1025 may include a statement that specifies the following sources where a registered voter in area
1026 proposed to be incorporated may view or obtain a copy the feasibility study:

1027 (i) the lieutenant governor's website;

1028 (ii) the physical address of the Office of the Lieutenant Governor; and

1029 (iii) a mailing address and telephone number.

1030 (4) An individual may not vote in an incorporation election under this section unless
1031 the individual is a registered voter who resides, as defined in Section 20A-1-102, within the
1032 boundaries of the proposed municipality.

1033 (5) If a majority of those who vote in an incorporation election held under this section
1034 cast votes in favor of incorporation, the area shall incorporate.

1035 Section 16. Section 10-2a-213 is amended to read:

1036 **10-2a-213. Determination of number of council members -- Determination of**
1037 **election districts -- Hearings and notice.**

1038 (1) If the incorporation proposal passes, the petition sponsors shall, within 60 days
1039 after the day on which the county conducts the canvass of the election under Section
1040 10-2a-212:

1041 (a) for the incorporation of a city:

1042 (i) if the voters at the incorporation election choose the council-mayor form of
1043 government, determine the number of council members that will constitute the city council of
1044 the city; and

1045 (ii) if the voters at the incorporation election vote to elect council members by district,
1046 determine the number of council members to be elected by district and draw the boundaries of
1047 those districts, which shall be substantially equal in population; and

1048 (b) for the incorporation of any municipality:

1049 (i) determine the initial terms of the mayor and members of the municipal council so
1050 that:

1051 (A) the mayor and approximately half the members of the municipal council are
1052 elected to serve an initial term, of no less than one year, that allows the mayor's and members'
1053 successors to serve a full four-year term that coincides with the schedule established in
1054 Subsection [10-3-205\(1\)](#); and

1055 (B) the remaining members of the municipal council are elected to serve an initial
1056 term, of no less than one year, that allows the members' successors to serve a full four-year
1057 term that coincides with the schedule established in Subsection [10-3-205\(2\)](#); and

1058 (ii) submit in writing to the county legislative body the results of the determinations
1059 made by the sponsors under Subsections (1)(a) and (b)(i).

1060 (2) A newly incorporated town shall operate under the five-member council form of
1061 government as defined in Section [10-3b-102](#).

1062 (3) Before making a determination under Subsection (1)(a) or (b)(i), the petition
1063 sponsors shall hold a public hearing within the future municipality on the applicable issues
1064 described in Subsections (1)(a) and (b)(i).

1065 (4) The petition sponsors shall publish notice of the public hearing described in
1066 Subsection (3):

1067 (a) (i) in a newspaper of general circulation within the future municipality at least once
1068 a week for two successive weeks before the public hearing;

1069 (ii) if there is no newspaper of general circulation in the future municipality, at least
1070 two weeks before the day of the public hearing, by posting one notice, and at least one
1071 additional notice per 2,000 population of the future municipality, in places within the future
1072 municipality that are most likely to give notice to the residents within, and the owners of real
1073 property located within, the future municipality; or

1074 (iii) at least two weeks before the day of the public hearing, by mailing notice to each
1075 residence within, and each owner of real property located within, the future municipality;

1076 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
1077 two weeks before the day of the public hearing;

1078 (c) in accordance with Section [45-1-101](#), for at least two weeks before the day of the
1079 public hearing;

1080 (d) if the future municipality has a website, for two weeks before the day of the public
1081 hearing; and

1082 (e) on the county's website for two weeks before the day of the public hearing.

1083 (5) The last notice required to be published under Subsection (4)(a)(i) shall be
1084 published at least three days before the day of the public hearing described in Subsection (3).

1085 Section 17. Section **10-2a-214** is amended to read:

1086 **10-2a-214. Notice of number of commission or council members to be elected and**
1087 **of district boundaries -- Declaration of candidacy for municipal office.**

1088 (1) Within 20 days after the day on which a county legislative body receives the
1089 petition sponsors' determination under Subsection [10-2a-213](#)(1)(b)(ii), the county clerk shall
1090 publish, in accordance with Subsection (2), notice containing:

1091 (a) the number of municipal council members to be elected for the new municipality;

1092 (b) except as provided in Subsection (3), if some or all of the municipal council
1093 members are to be elected by district, a description of the boundaries of those districts;

1094 (c) information about the deadline for an individual to file a declaration of candidacy to
1095 become a candidate for mayor or municipal council; and

1096 (d) information about the length of the initial term of each of the municipal officers.

1097 (2) The county clerk shall publish the notice described in Subsection (1):

1098 (a) (i) in a newspaper of general circulation within the future municipality at least once
1099 a week for two consecutive weeks;

1100 (ii) if there is no newspaper of general circulation in the future municipality, by posting
1101 one notice, and at least one additional notice per 2,000 population of the future municipality, in
1102 places within the future municipality that are most likely to give notice to the residents in the
1103 future municipality; or

1104 (iii) by mailing notice to each residence in the future municipality;

1105 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
1106 two weeks;

1107 (c) in accordance with Section [45-1-101](#), for two weeks;

1108 (d) if the future municipality has a website, on the future municipality's website for two
1109 weeks; and

1110 (e) on the county's website for two weeks.

1111 (3) Instead of publishing the district boundaries described in Subsection (1)(b), the
1112 notice may include a statement that specifies the following sources where a resident of the
1113 future municipality may view or obtain a copy the district:

- 1114 (a) the county website;
- 1115 (b) the physical address of the county offices; and
- 1116 (c) a mailing address and telephone number.

1117 (4) Notwithstanding Subsection 20A-9-203(3)(a), each individual seeking to become a
1118 candidate for mayor or municipal council of a municipality incorporating under this part shall
1119 file a declaration of candidacy with the clerk of the county in which the future municipality is
1120 located and in accordance with:

- 1121 (a) for an incorporation held on the date of a regular general election, the deadlines for
1122 filing a declaration of candidacy under Section 20A-9-202; or
- 1123 (b) for an incorporation held on the date of a municipal general election, the deadlines
1124 for filing a declaration of candidacy under Section 20A-9-203.

1125 Section 18. Section 10-2a-215 is amended to read:

1126 **10-2a-215. Election of officers of new municipality -- Primary and final election**
1127 **dates -- County clerk duties -- Candidate duties -- Occupation of office.**

1128 (1) For the election of municipal officers, the county legislative body shall:

- 1129 (a) unless a primary election is prohibited under Subsection 20A-9-404(2), hold a
1130 primary election; and
- 1131 (b) unless the election may be cancelled in accordance with Section 20A-1-206, hold a
1132 final election.

1133 (2) Each election described in Subsection (1) shall be held:

- 1134 (a) consistent with the petition sponsors' determination of the length of each council
1135 member's initial term; and
- 1136 (b) for the incorporation of a city:
 - 1137 (i) appropriate to the form of government chosen by the voters at the incorporation
1138 election;
 - 1139 (ii) consistent with the voters' decision about whether to elect city council members by
1140 district and, if applicable, consistent with the boundaries of those districts as determined by the
1141 petition sponsors; and

1142 (iii) consistent with the sponsors' determination of the number of city council members
1143 to be elected.

1144 (3) (a) Subject to Subsection (3)(b), and notwithstanding Subsection [20A-1-201.5\(2\)](#),
1145 the primary election described in Subsection (1)(a) shall be held at the earliest of the next:

1146 (i) regular primary election described in Subsection [20A-1-201.5\(1\)](#); or

1147 (ii) municipal primary election described in Section [20A-9-404](#).

1148 (b) The county shall hold the primary election, if necessary, on the next election date
1149 described in Subsection (3)(a) that is after the incorporation election conducted under Section
1150 [10-2a-210](#).

1151 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election described in
1152 Subsection (1)(b):

1153 (i) on the following election date that next follows the date of the incorporation
1154 election held under Subsection [10-2a-210\(1\)\(a\)](#);

1155 (ii) a regular general election described in Section [20A-1-201](#); or

1156 (iii) a regular municipal general election under Section [20A-1-202](#).

1157 (b) The county shall hold the final election on the earliest of the next election date that
1158 is listed in Subsection (4)(a)(i), (ii), or (iii):

1159 (i) that is after a primary election; or

1160 (ii) if there is no primary election, that is at least:

1161 (A) 75 days after the incorporation election under Section [10-2a-210](#); and

1162 (B) 65 days after the candidate filing period.

1163 (5) The county clerk shall publish notice of an election under this section:

1164 (a) (i) in accordance with Subsection (6), at least once a week for two consecutive
1165 weeks before the election in a newspaper of general circulation within the future municipality;

1166 (ii) if there is no newspaper of general circulation in the future municipality, at least
1167 two weeks before the day of the election, by posting one notice, and at least one additional
1168 notice per 2,000 population of the future municipality, in places within the future municipality
1169 that are most likely to give notice to the voters within the future municipality; or

1170 (iii) at least two weeks before the day of the election, by mailing notice to each
1171 registered voter within the future municipality;

1172 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for

1173 two weeks before the day of the election;

1174 (c) in accordance with Section 45-1-101, for two weeks before the day of the election;

1175 (d) if the future municipality has a website, on the future municipality's website for two
1176 weeks before the day of the election; and

1177 (e) on the county's website for two weeks before the day of the election.

1178 (6) The last notice required to be published under Subsection (5)(a)(i) shall be
1179 published at least one day but no more than seven days before the day of the election.

1180 (7) Until the municipality is incorporated, the county clerk:

1181 (a) is the election officer for all purposes related to the election of municipal officers;

1182 (b) may, as necessary, determine appropriate deadlines, procedures, and instructions
1183 related to the election of municipal officers for a new municipality that are not otherwise
1184 contrary to law;

1185 (c) shall require and determine deadlines for municipal office candidates to file
1186 campaign financial disclosures in accordance with Section 10-3-208; and

1187 (d) shall ensure that the ballot for the election includes each office that is required to be
1188 included in the election for officers of the newly incorporated municipality, including the term
1189 of each office.

1190 (8) An individual who has filed as a candidate for an office described in this section
1191 shall comply with:

1192 (a) the campaign finance disclosure requirements described in Section 10-3-208; and

1193 (b) the requirements and deadlines established by the county clerk under this section.

1194 (9) Notwithstanding Section 10-3-201, the officers elected at a final election described
1195 in Subsection (4)(a) shall take office:

1196 (a) after taking the oath of office; and

1197 (b) at noon on the first Monday following the day on which the election official
1198 transmits a certificate of nomination or election under the officer's seal to each elected
1199 candidate in accordance with Subsection 20A-4-304(4)(b).

1200 Section 19. Section 10-2a-405 is amended to read:

1201 **10-2a-405. Duties of county legislative body -- Public hearing -- Notice -- Other**
1202 **election and incorporation issues -- Rural real property excluded.**

1203 (1) The legislative body of a county of the first class shall before an election described

1204 in Section [10-2a-404](#):

1205 (a) in accordance with Subsection (3), publish notice of the public hearing described in
1206 Subsection (1)(b);

1207 (b) hold a public hearing; and

1208 (c) at the public hearing, adopt a resolution:

1209 (i) identifying, including a map prepared by the county surveyor, all unincorporated
1210 islands within the county;

1211 (ii) identifying each eligible city that will annex each unincorporated island, including
1212 whether the unincorporated island may be annexed by one eligible city or divided and annexed
1213 by multiple eligible cities, if approved by the residents at an election under Section [10-2a-404](#);
1214 and

1215 (iii) identifying, including a map prepared by the county surveyor, the planning
1216 townships within the county and any changes to the boundaries of a planning township that the
1217 county legislative body proposes under Subsection (5).

1218 (2) The county legislative body shall exclude from a resolution adopted under
1219 Subsection (1)(c) rural real property unless the owner of the rural real property provides written
1220 consent to include the property in accordance with Subsection (7).

1221 (3) (a) The county clerk shall publish notice of the public hearing described in
1222 Subsection (1)(b):

1223 (i) by mailing notice to each owner of real property located in an unincorporated island
1224 or planning township no later than 15 days before the day of the public hearing;

1225 (ii) at least once a week for three successive weeks in a newspaper of general
1226 circulation within each unincorporated island, each eligible city, and each planning township;
1227 and

1228 (iii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#),
1229 for three weeks before the day of the public hearing.

1230 (b) The last publication of notice required under Subsection (3)(a)(ii) shall be at least
1231 three days before the first public hearing required under Subsection (1)(b).

1232 (c) (i) If, under Subsection (3)(a)(ii), there is no newspaper of general circulation
1233 within an unincorporated island, an eligible city, or a planning township, the county clerk shall
1234 post at least one notice of the hearing per 1,000 population in conspicuous places within the

1235 selected unincorporated island, eligible city, or planning township, as applicable, that are most
1236 likely to give notice of the hearing to the residents of the unincorporated island, eligible city, or
1237 planning township.

1238 (ii) The clerk shall post the notices under Subsection (3)(c)(i) at least seven days before
1239 the hearing under Subsection (1)(b).

1240 (d) The notice under Subsection (3)(a) or (c) shall include:

1241 (i) (A) for a resident of an unincorporated island, a statement that the property in the
1242 unincorporated island may be, if approved at an election under Section 10-2a-404, annexed by
1243 an eligible city, including divided and annexed by multiple cities if applicable, and the name of
1244 the eligible city or cities; or

1245 (B) for residents of a planning township, a statement that the property in the planning
1246 township shall be, pending the results of the election held under Section 10-2a-404,
1247 incorporated as a city, town, or metro township;

1248 (ii) the location and time of the public hearing; and

1249 (iii) the county website where a map may be accessed showing:

1250 (A) how the unincorporated island boundaries will change if annexed by an eligible
1251 city; or

1252 (B) how the planning township area boundaries will change, if applicable under
1253 Subsection (5), when the planning township incorporates as a metro township or as a city or
1254 town.

1255 (e) The county clerk shall publish a map described in Subsection (3)(d)(iii) on the
1256 county website.

1257 (4) The county legislative body may, by ordinance or resolution adopted at a public
1258 meeting and in accordance with applicable law, resolve an issue that arises with an election
1259 held in accordance with this part or the incorporation and establishment of a metro township in
1260 accordance with this part.

1261 (5) (a) The county legislative body may, by ordinance or resolution adopted at a public
1262 meeting, change the boundaries of a planning township.

1263 (b) A change to a planning township boundary under this Subsection (5) is effective
1264 only upon the vote of the residents of the planning township at an election under Section
1265 10-2a-404 to incorporate as a metro township or as a city or town and does not affect the

1266 boundaries of the planning township before the election.

1267 (c) The county legislative body:

1268 (i) may alter a planning township boundary under Subsection (5)(a) only if the
1269 alteration:

1270 (A) affects less than 5% of the residents residing within the planning advisory area; and

1271 (B) does not increase the area located within the planning township's boundaries; and

1272 (ii) may not alter the boundaries of a planning township whose boundaries are entirely
1273 surrounded by one or more municipalities.

1274 (6) After November 2, 2015, and before January 1, 2017, a person may not initiate an
1275 annexation or an incorporation process that, if approved, would change the boundaries of a
1276 planning township.

1277 (7) (a) As used in this Subsection (7), "rural real property" means an area:

1278 (i) zoned primarily for manufacturing, commercial, or agricultural purposes; and

1279 (ii) that does not include residential units with a density greater than one unit per acre.

1280 (b) Unless an owner of rural real property gives written consent to a county legislative
1281 body, rural real property described in Subsection (7)(c) may not be:

1282 (i) included in a planning township identified under Subsection (1)(c); or

1283 (ii) incorporated as part of a metro township, city, or town, in accordance with this
1284 part.

1285 (c) The following rural real property is subject to an owner's written consent under
1286 Subsection (7)(b):

1287 (i) rural real property that consists of 1,500 or more contiguous acres of real property
1288 consisting of one or more tax parcels;

1289 (ii) rural real property that is not contiguous to, but used in connection with, rural real
1290 property that consists of 1,500 or more contiguous acres of real property consisting of one or
1291 more tax parcels;

1292 (iii) rural real property that is owned, managed, or controlled by a person, company, or
1293 association, including a parent, subsidiary, or affiliate related to the owner of 1,500 or more
1294 contiguous acres of rural real property consisting of one or more tax parcels; or

1295 (iv) rural real property that is located in whole or in part in one of the following as
1296 defined in Section [17-41-101](#):

- 1297 (A) an agricultural protection area;
- 1298 (B) an industrial protection area; or
- 1299 (C) a mining protection area.

1300 Section 20. Section **10-3-301** is amended to read:

1301 **10-3-301. Notice -- Eligibility and residency requirements for elected municipal**
1302 **office -- Mayor and recorder limitations.**

1303 (1) As used in this section:

1304 (a) "Absent" means that an elected municipal officer fails to perform official duties,
1305 including the officer's failure to attend each regularly scheduled meeting that the officer is
1306 required to attend.

1307 (b) "Principal place of residence" means the same as that term is defined in Section
1308 [20A-2-105](#).

1309 (c) "Secondary residence" means a place where an individual resides other than the
1310 individual's principal place of residence.

1311 (2) (a) On or before May 1 in a year in which there is a municipal general election, the
1312 municipal clerk shall publish a notice that identifies:

- 1313 (i) the municipal offices to be voted on in the municipal general election; and
- 1314 (ii) the dates for filing a declaration of candidacy for the offices identified under

1315 Subsection (2)(a)(i).

1316 (b) The municipal clerk shall publish the notice described in Subsection (2)(a):

1317 (i) on the Utah Public Notice Website established by Section [~~63F-1-701~~] [63A-16-601](#);
1318 and

1319 (ii) in at least one of the following ways:

1320 (A) at the principal office of the municipality;

1321 (B) in a newspaper of general circulation within the municipality at least once a week
1322 for two successive weeks in accordance with Section [45-1-101](#);

1323 (C) in a newsletter produced by the municipality;

1324 (D) on a website operated by the municipality; or

1325 (E) with a utility enterprise fund customer's bill.

1326 (3) (a) An individual who files a declaration of candidacy for a municipal office shall
1327 comply with the requirements described in Section [20A-9-203](#).

1328 (b) (i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of
1329 each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in
1330 Subsections 20A-9-203(3)(a)(i) and (c)(i) unless the date occurs on a:

1331 (A) Saturday or Sunday; or

1332 (B) state holiday as listed in Section 63G-1-301.

1333 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that
1334 is less than 40 hours per week, the city recorder or town clerk may comply with Subsection
1335 (3)(b)(i) without maintaining office hours by:

1336 (A) posting the recorder's or clerk's contact information, including a phone number and
1337 email address, on the recorder's or clerk's office door, the main door to the municipal offices,
1338 and, if available, on the municipal website; and

1339 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i),
1340 via the contact information described in Subsection (3)(b)(ii)(A).

1341 (4) An individual elected to municipal office shall be a registered voter in the
1342 municipality in which the individual is elected.

1343 (5) (a) Each elected officer of a municipality shall maintain a principal place of
1344 residence within the municipality, and within the district that the elected officer represents,
1345 during the officer's term of office.

1346 (b) Except as provided in Subsection (6), an elected municipal office is automatically
1347 vacant if the officer elected to the municipal office, during the officer's term of office:

1348 (i) establishes a principal place of residence outside the district that the elected officer
1349 represents;

1350 (ii) resides at a secondary residence outside the district that the elected officer
1351 represents for a continuous period of more than 60 days while still maintaining a principal
1352 place of residence within the district;

1353 (iii) is absent from the district that the elected officer represents for a continuous period
1354 of more than 60 days; or

1355 (iv) fails to respond to a request, within 30 days after the day on which the elected
1356 officer receives the request, from the county clerk or the lieutenant governor seeking
1357 information to determine the officer's residency.

1358 (6) (a) Notwithstanding Subsection (5), if an elected municipal officer obtains the

1359 consent of the municipal legislative body in accordance with Subsection (6)(b) before the
1360 expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the officer may:

1361 (i) reside at a secondary residence outside the district that the elected officer represents
1362 while still maintaining a principal place of residence within the district for a continuous period
1363 of up to one year during the officer's term of office; or

1364 (ii) be absent from the district that the elected officer represents for a continuous period
1365 of up to one year during the officer's term of office.

1366 (b) At a public meeting, the municipal legislative body may give the consent described
1367 in Subsection (6)(a) by majority vote after taking public comment regarding:

1368 (i) whether the legislative body should give the consent; and

1369 (ii) the length of time to which the legislative body should consent.

1370 (7) (a) The mayor of a municipality may not also serve as the municipal recorder or
1371 treasurer.

1372 (b) The recorder of a municipality may not also serve as the municipal treasurer.

1373 (c) An individual who holds a county elected office may not, at the same time, hold a
1374 municipal elected office.

1375 (d) The restriction described in Subsection (7)(c) applies regardless of whether the
1376 individual is elected to the office or appointed to fill a vacancy in the office.

1377 Section 21. Section **10-3-818** is amended to read:

1378 **10-3-818. Salaries in municipalities.**

1379 (1) The elective and statutory officers of municipalities shall receive such
1380 compensation for their services as the governing body may fix by ordinance adopting
1381 compensation or compensation schedules enacted after public hearing.

1382 (2) Upon its own motion the governing body may review or consider the compensation
1383 of any officer or officers of the municipality or a salary schedule applicable to any officer or
1384 officers of the city for the purpose of determining whether or not it should be adopted, changed,
1385 or amended. In the event that the governing body decides that the compensation or
1386 compensation schedules should be adopted, changed, or amended, it shall set a time and place
1387 for a public hearing at which all interested persons shall be given an opportunity to be heard.

1388 (3) (a) Notice of the time, place, and purpose of the meeting shall be published at least
1389 seven days before the meeting by publication:

1390 (i) at least once in a newspaper published in the county within which the municipality
1391 is situated and generally circulated in the municipality; and

1392 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#).

1393 (b) If there is not a newspaper as described in Subsection (3)(a)(i), then notice shall be
1394 given by posting this notice in three public places in the municipality.

1395 (4) After the conclusion of the public hearing, the governing body may enact an
1396 ordinance fixing, changing, or amending the compensation of any elective or appointive officer
1397 of the municipality or adopting a compensation schedule applicable to any officer or officers.

1398 (5) Any ordinance enacted before Laws of Utah 1977, Chapter 48, by a municipality
1399 establishing a salary or compensation schedule for its elective or appointive officers and any
1400 salary fixed prior to Laws of Utah 1977, Chapter 48, shall remain effective until the
1401 municipality has enacted an ordinance pursuant to the provisions of this chapter.

1402 (6) The compensation of all municipal officers shall be paid at least monthly out of the
1403 municipal treasury provided that municipalities having 1,000 or fewer population may by
1404 ordinance provide for the payment of its statutory officers less frequently. None of the
1405 provisions of this chapter shall be considered as limiting or restricting the authority to any
1406 municipality that has adopted or does adopt a charter pursuant to Utah Constitution, Article XI,
1407 Section 5, to determine the salaries of its elective and appointive officers or employees.

1408 Section 22. Section **10-5-107.5** is amended to read:

1409 **10-5-107.5. Transfer of enterprise fund money to another fund.**

1410 (1) As used in this section:

1411 (a) "Budget hearing" means a public hearing required under Section [10-5-108](#).

1412 (b) "Enterprise fund accounting data" means a detailed overview of the various
1413 enterprise funds of the town that includes:

1414 (i) a cost accounting breakdown of how money in the enterprise fund is being used to
1415 cover, as applicable:

1416 (A) administrative and overhead costs of the town attributable to the operation of the
1417 enterprise for which the enterprise fund was created; and

1418 (B) other costs not associated with the enterprise for which the enterprise fund was
1419 created; and

1420 (ii) specific enterprise fund information.

1421 (c) "Enterprise fund hearing" means the public hearing required under Subsection
1422 (3)(d).

1423 (d) "Specific enterprise fund information" means:

1424 (i) the dollar amount of transfers from an enterprise fund to another fund; and

1425 (ii) the percentage of the total enterprise fund expenditures represented by each transfer
1426 to another fund.

1427 (2) Subject to the requirements of this section, a town may transfer money in an
1428 enterprise fund to another fund to pay for a good, service, project, venture, or other purpose
1429 that is not directly related to the goods or services provided by the enterprise for which the
1430 enterprise fund was created.

1431 (3) The governing body of a town that intends to transfer money in an enterprise fund
1432 to another fund shall:

1433 (a) provide notice of the intended transfer as required under Subsection (4);

1434 (b) clearly identify in a separate section or document accompanying the town's
1435 tentative budget or, if an amendment to the town's budget includes or is based on an intended
1436 transfer, in a separate section or document accompanying the amendment to the town's budget:

1437 (i) the enterprise fund from which money is intended to be transferred; and

1438 (ii) the specific enterprise fund information for that enterprise fund;

1439 (c) provide notice of an enterprise fund hearing, as required in Subsection (4); and

1440 (d) hold an enterprise fund hearing before the adoption of the town's budget or, if
1441 applicable, the amendment to the budget.

1442 (4) (a) At least seven days before holding an enterprise fund hearing, a governing body
1443 shall:

1444 (i) provide the notice described in Subsection (4)(b) by:

1445 (A) mailing a copy of the notice to users of the goods or services provided by the
1446 enterprise for which the enterprise fund was created, if the town regularly mails users a
1447 periodic billing for the goods or services;

1448 (B) emailing a copy of the notice to users of the goods or services provided by the
1449 enterprise for which the enterprise fund was created, if the town regularly emails users a
1450 periodic billing for the goods or services;

1451 (C) posting the notice on the Utah Public Notice Website created in Section

1452 [~~63F-1-701~~] [63A-16-601](#); and

1453 (D) if the town has a website, prominently posting the notice on the town's website
1454 until the enterprise fund hearing is concluded; and

1455 (ii) if the town communicates with the public through a social media platform, publish
1456 notice of the date, time, place, and purpose of the enterprise fund hearing using the social
1457 media platform.

1458 (b) The notice required under Subsection (4)(a)(i) shall:

1459 (i) explain the intended transfer of enterprise fund money to another fund;

1460 (ii) include specific enterprise fund information for each enterprise fund from which
1461 money is intended to be transferred;

1462 (iii) provide the date, time, and place of the enterprise fund hearing; and

1463 (iv) explain the purpose of the enterprise fund hearing.

1464 (5) (a) An enterprise fund hearing shall be separate and independent from a budget
1465 hearing and any other public hearing.

1466 (b) At an enterprise fund hearing, the governing body shall:

1467 (i) explain the intended transfer of enterprise fund money to another fund;

1468 (ii) provide enterprise fund accounting data to the public; and

1469 (iii) allow members of the public in attendance at the hearing to comment on:

1470 (A) the intended transfer of enterprise fund money to another fund; and

1471 (B) the enterprise fund accounting data.

1472 (6) (a) If a governing body adopts a budget or a budget amendment that includes or is
1473 based on a transfer of money from an enterprise fund to another fund, the governing body shall:

1474 (i) within 60 days after adopting the budget or budget amendment:

1475 (A) mail a notice to users of the goods or services provided by the enterprise for which
1476 the enterprise fund was created, if the town regularly mails users a periodic billing for the
1477 goods or services; and

1478 (B) email a notice to users of the goods or services provided by the enterprise for
1479 which the enterprise fund was created, if the town regularly emails users a periodic billing for
1480 the goods or services;

1481 (ii) within seven days after adopting the budget or budget amendment:

1482 (A) post enterprise fund accounting data on the town's website, if the town has a

1483 website;

1484 (B) using the town's social media platform, publish notice of the adoption of a budget
1485 or budget amendment that includes or is based on a transfer of money from an enterprise fund
1486 to another fund, if the town communicates with the public through a social media platform; and

1487 (iii) within 30 days after adopting the budget, submit to the state auditor the specific
1488 enterprise fund information for each enterprise fund from which money will be transferred.

1489 (b) A notice required under Subsection (6)(a)(i) shall:

1490 (i) announce the adoption of a budget or budget amendment that includes or is based
1491 on a transfer of money from an enterprise fund to another fund; and

1492 (ii) include the specific enterprise fund information.

1493 (c) The governing body shall maintain the website posting required under Subsection
1494 (6)(a)(ii)(A) continuously until another posting is required under Subsection (4)(a)(i)(C).

1495 Section 23. Section **10-5-108** is amended to read:

1496 **10-5-108. Budget hearing -- Notice -- Adjustments.**

1497 (1) Prior to the adoption of the final budget or an amendment to a budget, a town
1498 council shall hold a public hearing to receive public comment.

1499 (2) The town council shall provide notice of the place, purpose, and time of the public
1500 hearing by publishing notice at least seven days before the hearing:

1501 (a) (i) at least once in a newspaper of general circulation in the town; or

1502 (ii) if there is no newspaper of general circulation, then by posting the notice in three
1503 public places at least 48 hours before the hearing;

1504 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#); and

1505 (c) on the home page of the website, either in full or as a link, of the town or metro
1506 township, if the town or metro township has a publicly viewable website, until the hearing
1507 takes place.

1508 (3) After the hearing, the town council, subject to Section [10-5-110](#), may adjust
1509 expenditures and revenues in conformity with this chapter.

1510 Section 24. Section **10-6-113** is amended to read:

1511 **10-6-113. Budget -- Notice of hearing to consider adoption.**

1512 At the meeting at which each tentative budget is adopted, the governing body shall
1513 establish the time and place of a public hearing to consider its adoption and shall order that

1514 notice of the public hearing be published at least seven days prior to the hearing:

1515 (1) (a) in at least one issue of a newspaper of general circulation published in the
1516 county in which the city is located; or

1517 (b) if there is not a newspaper as described in Subsection (1)(a), in three public places
1518 within the city;

1519 (2) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#); and

1520 (3) on the home page of the website, either in full or as a link, of the city or metro
1521 township, if the city or metro township has a publicly viewable website, until the hearing takes
1522 place.

1523 Section 25. Section **10-6-135.5** is amended to read:

1524 **10-6-135.5. Transfer of enterprise fund money to another fund.**

1525 (1) As used in this section:

1526 (a) "Budget hearing" means a public hearing required under Section [10-6-114](#).

1527 (b) "Enterprise fund accounting data" means a detailed overview of the various
1528 enterprise funds of the city that includes:

1529 (i) a cost accounting breakdown of how money in the enterprise fund is being used to
1530 cover, as applicable:

1531 (A) administrative and overhead costs of the city attributable to the operation of the
1532 enterprise for which the enterprise fund was created; and

1533 (B) other costs not associated with the enterprise for which the enterprise fund was
1534 created; and

1535 (ii) specific enterprise fund information.

1536 (c) "Enterprise fund hearing" means the public hearing required under Subsection
1537 (3)(d).

1538 (d) "Specific enterprise fund information" means:

1539 (i) the dollar amount of transfers from an enterprise fund to another fund; and

1540 (ii) the percentage of the total enterprise fund expenditures represented by each transfer
1541 to another fund.

1542 (2) Subject to the requirements of this section, a city may transfer money in an
1543 enterprise fund to another fund to pay for a good, service, project, venture, or other purpose
1544 that is not directly related to the goods or services provided by the enterprise for which the

1545 enterprise fund was created.

1546 (3) The governing body of a city that intends to transfer money in an enterprise fund to
1547 another fund shall:

1548 (a) provide notice of the intended transfer as required under Subsection (4);

1549 (b) clearly identify in a separate section or document accompanying the city's tentative
1550 budget or, if an amendment to the city's budget includes or is based on an intended transfer, in
1551 a separate section or document accompanying the amendment to the city's budget:

1552 (i) the enterprise fund from which money is intended to be transferred; and

1553 (ii) the specific enterprise fund information for that enterprise fund;

1554 (c) provide notice of an enterprise fund hearing, as required in Subsection (4); and

1555 (d) hold an enterprise fund hearing before the adoption of the city's budget or, if
1556 applicable, the amendment to the budget.

1557 (4) (a) At least seven days before holding an enterprise fund hearing, a governing body
1558 shall:

1559 (i) provide the notice described in Subsection (4)(b) by:

1560 (A) mailing a copy of the notice to users of the goods or services provided by the
1561 enterprise for which the enterprise fund was created, if the city regularly mails users a periodic
1562 billing for the goods or services;

1563 (B) emailing a copy of the notice to users of the goods or services provided by the
1564 enterprise for which the enterprise fund was created, if the city regularly emails users a periodic
1565 billing for the goods or services;

1566 (C) posting the notice on the Utah Public Notice Website created in Section
1567 ~~[63F-1-701]~~ [63A-16-601](#); and

1568 (D) if the city has a website, prominently posting the notice on the city's website until
1569 the enterprise fund hearing is concluded; and

1570 (ii) if the city communicates with the public through a social media platform, publish
1571 notice of the date, time, place, and purpose of the enterprise fund hearing using the social
1572 media platform.

1573 (b) The notice required under Subsection (4)(a)(i) shall:

1574 (i) explain the intended transfer of enterprise fund money to another fund;

1575 (ii) include specific enterprise fund information for each enterprise fund from which

1576 money is intended to be transferred;

1577 (iii) provide the date, time, and place of the enterprise fund hearing; and

1578 (iv) explain the purpose of the enterprise fund hearing.

1579 (5) (a) An enterprise fund hearing shall be separate and independent from a budget

1580 hearing and any other public hearing.

1581 (b) At an enterprise fund hearing, the governing body shall:

1582 (i) explain the intended transfer of enterprise fund money to another fund;

1583 (ii) provide enterprise fund accounting data to the public; and

1584 (iii) allow members of the public in attendance at the hearing to comment on:

1585 (A) the intended transfer of enterprise fund money to another fund; and

1586 (B) the enterprise fund accounting data.

1587 (6) (a) If a governing body adopts a budget or a budget amendment that includes or is

1588 based on a transfer of money from an enterprise fund to another fund, the governing body shall:

1589 (i) within 60 days after adopting the budget or budget amendment:

1590 (A) mail a notice to users of the goods or services provided by the enterprise for which

1591 the enterprise fund was created, if the city regularly mails users a periodic billing for the goods

1592 or services; and

1593 (B) email a notice to users of the goods or services provided by the enterprise for

1594 which the enterprise fund was created, if the city regularly emails users a periodic billing for

1595 the goods or services;

1596 (ii) within seven days after adopting the budget or budget amendment:

1597 (A) post enterprise fund accounting data on the city's website, if the city has a website;

1598 (B) using the city's social media platform, publish notice of the adoption of a budget or

1599 budget amendment that includes or is based on a transfer of money from an enterprise fund to

1600 another fund, if the city communicates with the public through a social media platform; and

1601 (iii) within 30 days after adopting the budget, submit to the state auditor the specific

1602 enterprise fund information for each enterprise fund from which money will be transferred.

1603 (b) A notice required under Subsection (6)(a)(i) shall:

1604 (i) announce the adoption of a budget or budget amendment that includes or is based

1605 on a transfer of money from an enterprise fund to another fund; and

1606 (ii) include the specific enterprise fund information.

1607 (c) The governing body shall maintain the website posting required under Subsection
1608 (6)(a)(ii)(A) continuously until another posting is required under Subsection (4)(a)(i)(C).

1609 Section 26. Section **10-7-19** is amended to read:

1610 **10-7-19. Election to authorize -- Notice -- Ballots.**

1611 (1) Subject to Subsection (2), the board of commissioners or city council of any city, or
1612 the board of trustees of any incorporated town, may aid and encourage the building of railroads
1613 by granting to any railroad company, for depot or other railroad purposes, real property of the
1614 city or incorporated town, not necessary for municipal or public purposes, upon the limitations
1615 and conditions established by the board of commissioners, city council, or board of trustees.

1616 (2) A board of commissioners, city council, or board of trustees may not grant real
1617 property under Subsection (1) unless the grant is approved by the eligible voters of the city or
1618 town at the next municipal election, or at a special election called for that purpose by the board
1619 of commissioners, city council, or board of trustees.

1620 (3) If the question is submitted at a special election, the election shall be held as nearly
1621 as practicable in conformity with the general election laws of the state.

1622 (4) The board of commissioners, city council, or board of trustees shall publish notice
1623 of an election described in Subsections (2) and (3):

1624 (a) (i) in a newspaper of general circulation in the city or town once a week for four
1625 weeks before the election;

1626 (ii) if there is no newspaper of general circulation in the city or town, at least four
1627 weeks before the day of the election, by posting one notice, and at least one additional notice
1628 per 2,000 population of the city or town, in places within the city or town that are most likely to
1629 give notice to the voters in the city or town; or

1630 (iii) at least four weeks before the day of the election, by mailing notice to each
1631 registered voter in the city or town;

1632 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
1633 four weeks before the day of the election;

1634 (c) in accordance with Section [45-1-101](#), for four weeks before the day of the election;
1635 and

1636 (d) if the municipality has a website, on the municipality's website for at least four
1637 weeks before the day of the election.

1638 (5) The board of commissioners, city council, or board of trustees shall cause ballots to
1639 be printed and provided to the eligible voters, which shall read: "For the proposed grant for
1640 depot or other railroad purposes: Yes. No."

1641 (6) If a majority of the votes are cast in favor of the grant, the board of commissioners,
1642 city council, or board of trustees shall convey the real property to the railroad company.

1643 Section 27. Section **10-8-2** is amended to read:

1644 **10-8-2. Appropriations -- Acquisition and disposal of property -- Municipal**
1645 **authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.**

1646 (1) (a) A municipal legislative body may:

1647 (i) appropriate money for corporate purposes only;

1648 (ii) provide for payment of debts and expenses of the corporation;

1649 (iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and
1650 dispose of real and personal property for the benefit of the municipality, whether the property is
1651 within or without the municipality's corporate boundaries, if the action is in the public interest
1652 and complies with other law;

1653 (iv) improve, protect, and do any other thing in relation to this property that an
1654 individual could do; and

1655 (v) subject to Subsection (2) and after first holding a public hearing, authorize
1656 municipal services or other nonmonetary assistance to be provided to or waive fees required to
1657 be paid by a nonprofit entity, whether or not the municipality receives consideration in return.

1658 (b) A municipality may:

1659 (i) furnish all necessary local public services within the municipality;

1660 (ii) purchase, hire, construct, own, maintain and operate, or lease public utilities
1661 located and operating within and operated by the municipality; and

1662 (iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property
1663 located inside or outside the corporate limits of the municipality and necessary for any of the
1664 purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B,
1665 Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.

1666 (c) Each municipality that intends to acquire property by eminent domain under
1667 Subsection (1)(b) shall comply with the requirements of Section [78B-6-505](#).

1668 (d) Subsection (1)(b) may not be construed to diminish any other authority a

1669 municipality may claim to have under the law to acquire by eminent domain property located
1670 inside or outside the municipality.

1671 (2) (a) Services or assistance provided pursuant to Subsection (1)(a)(v) is not subject to
1672 the provisions of Subsection (3).

1673 (b) The total amount of services or other nonmonetary assistance provided or fees
1674 waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the
1675 municipality's budget for that fiscal year.

1676 (3) It is considered a corporate purpose to appropriate money for any purpose that, in
1677 the judgment of the municipal legislative body, provides for the safety, health, prosperity,
1678 moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality
1679 subject to this Subsection (3).

1680 (a) The net value received for any money appropriated shall be measured on a
1681 project-by-project basis over the life of the project.

1682 (b) (i) A municipal legislative body shall establish the criteria for a determination
1683 under this Subsection (3).

1684 (ii) A municipal legislative body's determination of value received is presumed valid
1685 unless a person can show that the determination was arbitrary, capricious, or illegal.

1686 (c) The municipality may consider intangible benefits received by the municipality in
1687 determining net value received.

1688 (d) (i) Before the municipal legislative body makes any decision to appropriate any
1689 funds for a corporate purpose under this section, the municipal legislative body shall hold a
1690 public hearing.

1691 (ii) The municipal legislative body shall publish a notice of the hearing described in
1692 Subsection (3)(d)(i):

1693 (A) in a newspaper of general circulation at least 14 days before the date of the hearing
1694 or, if there is no newspaper of general circulation, by posting notice in at least three
1695 conspicuous places within the municipality for the same time period; and

1696 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), at
1697 least 14 days before the date of the hearing.

1698 (e) (i) Before a municipality provides notice as described in Subsection (3)(d)(ii), the
1699 municipality shall perform a study that analyzes and demonstrates the purpose for an

1700 appropriation described in this Subsection (3) in accordance with Subsection (3)(e)(iii).

1701 (ii) A municipality shall make the study described in Subsection (3)(e)(i) available at
1702 the municipality for review by interested parties at least 14 days immediately before the public
1703 hearing described in Subsection (3)(d)(i).

1704 (iii) A municipality shall consider the following factors when conducting the study
1705 described in Subsection (3)(e)(i):

1706 (A) what identified benefit the municipality will receive in return for any money or
1707 resources appropriated;

1708 (B) the municipality's purpose for the appropriation, including an analysis of the way
1709 the appropriation will be used to enhance the safety, health, prosperity, moral well-being,
1710 peace, order, comfort, or convenience of the inhabitants of the municipality; and

1711 (C) whether the appropriation is necessary and appropriate to accomplish the
1712 reasonable goals and objectives of the municipality in the area of economic development, job
1713 creation, affordable housing, elimination of a development impediment, job preservation, the
1714 preservation of historic structures and property, and any other public purpose.

1715 (f) (i) An appeal may be taken from a final decision of the municipal legislative body,
1716 to make an appropriation.

1717 (ii) A person shall file an appeal as described in Subsection (3)(f)(i) with the district
1718 court within 30 days after the day on which the municipal legislative body makes a decision.

1719 (iii) Any appeal shall be based on the record of the proceedings before the legislative
1720 body.

1721 (iv) A decision of the municipal legislative body shall be presumed to be valid unless
1722 the appealing party shows that the decision was arbitrary, capricious, or illegal.

1723 (g) The provisions of this Subsection (3) apply only to those appropriations made after
1724 May 6, 2002.

1725 (h) This section applies only to appropriations not otherwise approved pursuant to Title
1726 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6, Uniform
1727 Fiscal Procedures Act for Utah Cities.

1728 (4) (a) Before a municipality may dispose of a significant parcel of real property, the
1729 municipality shall:

1730 (i) provide reasonable notice of the proposed disposition at least 14 days before the

1731 opportunity for public comment under Subsection (4)(a)(ii); and
1732 (ii) allow an opportunity for public comment on the proposed disposition.
1733 (b) Each municipality shall, by ordinance, define what constitutes:
1734 (i) a significant parcel of real property for purposes of Subsection (4)(a); and
1735 (ii) reasonable notice for purposes of Subsection (4)(a)(i).
1736 (5) (a) Except as provided in Subsection (5)(d), each municipality intending to acquire
1737 real property for the purpose of expanding the municipality's infrastructure or other facilities
1738 used for providing services that the municipality offers or intends to offer shall provide written
1739 notice, as provided in this Subsection (5), of its intent to acquire the property if:
1740 (i) the property is located:
1741 (A) outside the boundaries of the municipality; and
1742 (B) in a county of the first or second class; and
1743 (ii) the intended use of the property is contrary to:
1744 (A) the anticipated use of the property under the general plan of the county in whose
1745 unincorporated area or the municipality in whose boundaries the property is located; or
1746 (B) the property's current zoning designation.
1747 (b) Each notice under Subsection (5)(a) shall:
1748 (i) indicate that the municipality intends to acquire real property;
1749 (ii) identify the real property; and
1750 (iii) be sent to:
1751 (A) each county in whose unincorporated area and each municipality in whose
1752 boundaries the property is located; and
1753 (B) each affected entity.
1754 (c) A notice under this Subsection (5) is a protected record as provided in Subsection
1755 [63G-2-305](#)(8).
1756 (d) (i) The notice requirement of Subsection (5)(a) does not apply if the municipality
1757 previously provided notice under Section [10-9a-203](#) identifying the general location within the
1758 municipality or unincorporated part of the county where the property to be acquired is located.
1759 (ii) If a municipality is not required to comply with the notice requirement of
1760 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide
1761 the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real

1762 property.

1763 Section 28. Section **10-8-15** is amended to read:

1764 **10-8-15. Waterworks -- Construction -- Extraterritorial jurisdiction.**

1765 (1) As used in this section, "affected entity" means a:

1766 (a) county that has land use authority over land subject to an ordinance or regulation
1767 described in this section;

1768 (b) local health department, as that term is defined in Section [26A-1-102](#), that has
1769 jurisdiction pursuant to Section [26A-1-108](#) over land subject to an ordinance or regulation
1770 described in this section;

1771 (c) municipality that has enacted or has the right to enact an ordinance or regulation
1772 described in this section over the land subject to an ordinance or regulation described in this
1773 section; and

1774 (d) municipality that has land use authority over land subject to an ordinance or
1775 regulation described in this section.

1776 (2) A municipality may construct or authorize the construction of waterworks within or
1777 without the municipal limits, and for the purpose of maintaining and protecting the same from
1778 injury and the water from pollution the municipality's jurisdiction shall extend over the territory
1779 occupied by such works, and over all reservoirs, streams, canals, ditches, pipes and drains used
1780 in and necessary for the construction, maintenance and operation of the same, and over the
1781 stream or other source from which the water is taken, for 15 miles above the point from which
1782 it is taken and for a distance of 300 feet on each side of such stream and over highways along
1783 such stream or watercourse within said 15 miles and said 300 feet.

1784 (3) The jurisdiction of a city of the first class shall additionally be over the entire
1785 watershed within the county of origin of the city of the first class and subject to Subsection (6)
1786 provided that livestock shall be permitted to graze beyond 1,000 feet from any such stream or
1787 source; and provided further, that the city of the first class shall provide a highway in and
1788 through the city's corporate limits, and so far as the city's jurisdiction extends, which may not
1789 be closed to cattle, horses, sheep, hogs, or goats driven through the city, or through any
1790 territory adjacent thereto over which the city has jurisdiction, but the board of commissioners
1791 of the city may enact ordinances placing under police regulations the manner of driving such
1792 cattle, sheep, horses, hogs, and goats through the city, or any territory adjacent thereto over

1793 which the city has jurisdiction.

1794 (4) A municipality may enact all ordinances and regulations necessary to carry the
1795 power herein conferred into effect, and is authorized and empowered to enact ordinances
1796 preventing pollution or contamination of the streams or watercourses from which the
1797 municipality derives the municipality's water supply, in whole or in part, for domestic and
1798 culinary purposes, and may enact ordinances prohibiting or regulating the construction or
1799 maintenance of any closet, privy, outhouse or urinal within the area over which the
1800 municipality has jurisdiction, and provide for permits for the construction and maintenance of
1801 the same.

1802 (5) In granting a permit described in Subsection (4), a municipality may annex thereto
1803 such reasonable conditions and requirements for the protection of the public health as the
1804 municipality determines proper, and may, if determined advisable, require that all closets,
1805 privies and urinals along such streams shall be provided with effective septic tanks or other
1806 germ-destroying instrumentalities.

1807 (6) A city of the first class may only exercise extraterritorial jurisdiction outside of the
1808 city's county of origin, as described in Subsection (3), pursuant to a written agreement with all
1809 municipalities and counties that have jurisdiction over the area where the watershed is located.

1810 (7) (a) After July 1, 2019, a municipal legislative body that seeks to adopt an ordinance
1811 or regulation under the authority of this section shall:

1812 (i) hold a public hearing on the proposed ordinance or regulation; and

1813 (ii) give notice of the date, place, and time of the hearing, as described in Subsection
1814 (7)(b).

1815 (b) At least ten days before the day on which the public hearing described in
1816 Subsection (7)(a)(i) is to be held, the notice described in Subsection (7)(a)(ii) shall be:

1817 (i) mailed to:

1818 (A) each affected entity;

1819 (B) the director of the Division of Drinking Water; and

1820 (C) the director of the Division of Water Quality; and

1821 (ii) published:

1822 (A) in a newspaper of general circulation in the county in which the land subject to the
1823 proposed ordinance or regulation is located; and

1824 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#).

1825 (c) An ordinance or regulation adopted under the authority of this section may not
1826 conflict with:

1827 (i) existing federal or state statutes; or

1828 (ii) a rule created pursuant to a federal or state statute governing drinking water or
1829 water quality.

1830 (d) A municipality that enacts an ordinance or regulation under the authority of this
1831 section shall:

1832 (i) provide a copy of the ordinance or regulation to each affected entity; and

1833 (ii) include a copy of the ordinance or regulation in the municipality's drinking water
1834 source protection plan.

1835 Section 29. Section **10-9a-203** is amended to read:

1836 **10-9a-203. Notice of intent to prepare a general plan or comprehensive general**
1837 **plan amendments in certain municipalities.**

1838 (1) Before preparing a proposed general plan or a comprehensive general plan
1839 amendment, each municipality within a county of the first or second class shall provide 10
1840 calendar days notice of its intent to prepare a proposed general plan or a comprehensive general
1841 plan amendment:

1842 (a) to each affected entity;

1843 (b) to the Automated Geographic Reference Center created in Section [~~63F-1-506~~]
1844 [63A-16-505](#);

1845 (c) to the association of governments, established pursuant to an interlocal agreement
1846 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member;
1847 and

1848 (d) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-16-601](#).

1849 (2) Each notice under Subsection (1) shall:

1850 (a) indicate that the municipality intends to prepare a general plan or a comprehensive
1851 general plan amendment, as the case may be;

1852 (b) describe or provide a map of the geographic area that will be affected by the general
1853 plan or amendment;

1854 (c) be sent by mail, e-mail, or other effective means;

1855 (d) invite the affected entities to provide information for the municipality to consider in
1856 the process of preparing, adopting, and implementing a general plan or amendment concerning:

1857 (i) impacts that the use of land proposed in the proposed general plan or amendment
1858 may have; and

1859 (ii) uses of land within the municipality that the affected entity is considering that may
1860 conflict with the proposed general plan or amendment; and

1861 (e) include the address of an Internet website, if the municipality has one, and the name
1862 and telephone number of a person where more information can be obtained concerning the
1863 municipality's proposed general plan or amendment.

1864 Section 30. Section **10-9a-204** is amended to read:

1865 **10-9a-204. Notice of public hearings and public meetings to consider general plan**
1866 **or modifications.**

1867 (1) Each municipality shall provide:

1868 (a) notice of the date, time, and place of the first public hearing to consider the original
1869 adoption or any modification of all or any portion of a general plan; and

1870 (b) notice of each public meeting on the subject.

1871 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar
1872 days before the public hearing and shall be:

1873 (a) (i) published in a newspaper of general circulation in the area; and

1874 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]

1875 [63A-16-601](#);

1876 (b) mailed to each affected entity; and

1877 (c) posted:

1878 (i) in at least three public locations within the municipality; or

1879 (ii) on the municipality's official website.

1880 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
1881 before the meeting and shall be:

1882 (a) (i) submitted to a newspaper of general circulation in the area; and

1883 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]

1884 [63A-16-601](#); and

1885 (b) posted:

- 1886 (i) in at least three public locations within the municipality; or
- 1887 (ii) on the municipality's official website.

1888 Section 31. Section **10-9a-205** is amended to read:

1889 **10-9a-205. Notice of public hearings and public meetings on adoption or**
1890 **modification of land use regulation.**

1891 (1) Each municipality shall give:

1892 (a) notice of the date, time, and place of the first public hearing to consider the
1893 adoption or any modification of a land use regulation; and

1894 (b) notice of each public meeting on the subject.

1895 (2) Each notice of a public hearing under Subsection (1)(a) shall be:

1896 (a) mailed to each affected entity at least 10 calendar days before the public hearing;

1897 (b) posted:

1898 (i) in at least three public locations within the municipality; or

1899 (ii) on the municipality's official website; and

1900 (c) (i) (A) published in a newspaper of general circulation in the area at least 10
1901 calendar days before the public hearing; and

1902 (B) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
1903 [63A-16-601](#), at least 10 calendar days before the public hearing; or

1904 (ii) mailed at least 10 days before the public hearing to:

1905 (A) each property owner whose land is directly affected by the land use ordinance
1906 change; and

1907 (B) each adjacent property owner within the parameters specified by municipal
1908 ordinance.

1909 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
1910 before the meeting and shall be posted:

1911 (a) in at least three public locations within the municipality; or

1912 (b) on the municipality's official website.

1913 (4) (a) A municipality shall send a courtesy notice to each owner of private real
1914 property whose property is located entirely or partially within a proposed zoning map
1915 enactment or amendment at least 10 days before the scheduled day of the public hearing.

1916 (b) The notice shall:

1917 (i) identify with specificity each owner of record of real property that will be affected
1918 by the proposed zoning map or map amendments;

1919 (ii) state the current zone in which the real property is located;

1920 (iii) state the proposed new zone for the real property;

1921 (iv) provide information regarding or a reference to the proposed regulations,
1922 prohibitions, and permitted uses that the property will be subject to if the zoning map or map
1923 amendment is adopted;

1924 (v) state that the owner of real property may no later than 10 days after the day of the
1925 first public hearing file a written objection to the inclusion of the owner's property in the
1926 proposed zoning map or map amendment;

1927 (vi) state the address where the property owner should file the protest;

1928 (vii) notify the property owner that each written objection filed with the municipality
1929 will be provided to the municipal legislative body; and

1930 (viii) state the location, date, and time of the public hearing described in Section
1931 [10-9a-502](#).

1932 (c) If a municipality mails notice to a property owner in accordance with Subsection
1933 (2)(c)(ii) for a public hearing on a zoning map or map amendment, the notice required in this
1934 Subsection (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather
1935 than sent separately.

1936 Section 32. Section **10-9a-208** is amended to read:

1937 **10-9a-208. Hearing and notice for petition to vacate a public street.**

1938 (1) For any petition to vacate some or all of a public street or municipal utility
1939 easement the legislative body shall:

1940 (a) hold a public hearing; and

1941 (b) give notice of the date, place, and time of the hearing, as provided in Subsection
1942 (2).

1943 (2) At least 10 days before the public hearing under Subsection (1)(a), the legislative
1944 body shall ensure that the notice required under Subsection (1)(b) is:

1945 (a) mailed to the record owner of each parcel that is accessed by the public street or
1946 municipal utility easement;

1947 (b) mailed to each affected entity;

1948 (c) posted on or near the public street or municipal utility easement in a manner that is
1949 calculated to alert the public; and

1950 (d) (i) published on the website of the municipality in which the land subject to the
1951 petition is located until the public hearing concludes; and

1952 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
1953 63A-16-601.

1954 Section 33. Section **10-9a-603** is amended to read:

1955 **10-9a-603. Plat required when land is subdivided -- Approval of plat -- Owner**
1956 **acknowledgment, surveyor certification, and underground utility facility owner**
1957 **verification of plat -- Recording plat.**

1958 (1) Unless exempt under Section 10-9a-605 or excluded from the definition of
1959 subdivision under Section 10-9a-103, whenever any land is laid out and platted, the owner of
1960 the land shall provide an accurate plat that describes or specifies:

1961 (a) a subdivision name that is distinct from any subdivision name on a plat recorded in
1962 the county recorder's office;

1963 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by
1964 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is
1965 intended to be used as a street or for any other public use, and whether any such area is
1966 reserved or proposed for dedication for a public purpose;

1967 (c) the lot or unit reference, block or building reference, street or site address, street
1968 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length
1969 and width of the blocks and lots intended for sale; and

1970 (d) every existing right-of-way and easement grant of record for an underground
1971 facility, as defined in Section 54-8a-2, and for any other utility facility.

1972 (2) (a) Subject to Subsections (3), (5), and (6), if the plat conforms to the municipality's
1973 ordinances and this part and has been approved by the culinary water authority, the sanitary
1974 sewer authority, and the local health department, as defined in Section 26A-1-102, if the local
1975 health department and the municipality consider the local health department's approval
1976 necessary, the municipality shall approve the plat.

1977 (b) Municipalities are encouraged to receive a recommendation from the fire authority
1978 and the public safety answering point before approving a plat.

- 1979 (c) A municipality may not require that a plat be approved or signed by a person or
1980 entity who:
- 1981 (i) is not an employee or agent of the municipality; or
 - 1982 (ii) does not:
 - 1983 (A) have a legal or equitable interest in the property within the proposed subdivision;
 - 1984 (B) provide a utility or other service directly to a lot within the subdivision;
 - 1985 (C) own an easement or right-of-way adjacent to the proposed subdivision who signs
1986 for the purpose of confirming the accuracy of the location of the easement or right-of-way in
1987 relation to the plat; or
 - 1988 (D) provide culinary public water service whose source protection zone designated as
1989 provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision.
- 1990 (d) For a subdivision application that includes land located within a notification zone,
1991 as determined under Subsection (2)(f), the land use authority shall:
- 1992 (i) within 20 days after the day on which a complete subdivision application is filed,
1993 provide written notice of the application to the canal owner or associated canal operator contact
1994 described in:
 - 1995 (A) Section 10-9a-211;
 - 1996 (B) Subsection 73-5-7(2); or
 - 1997 (C) Subsection (5)(c); and
 - 1998 (ii) wait to approve or reject the subdivision application for at least 20 days after the
1999 day on which the land use authority mails the notice described in Subsection (2)(d)(i) in order
2000 to receive input from the canal owner or associated canal operator, including input regarding:
 - 2001 (A) access to the canal;
 - 2002 (B) maintenance of the canal;
 - 2003 (C) canal protection; and
 - 2004 (D) canal safety.
 - 2005 (e) When applicable, the subdivision applicant shall comply with Section 73-1-15.5.
 - 2006 (f) The land use authority shall provide the notice described in Subsection (2)(d) to a
2007 canal owner or associated canal operator if:
 - 2008 (i) the canal's centerline is located within 100 feet of a proposed subdivision; and
 - 2009 (ii) the centerline alignment is available to the land use authority:

2010 (A) from information provided by the canal company under Section 10-9a-211, using
2011 mapping-grade global positioning satellite units or digitized data from the most recent aerial
2012 photo available to the canal owner or associated canal operator;

2013 (B) using the state engineer's inventory of canals under Section 73-5-7; or

2014 (C) from information provided by a surveyor under Subsection (5)(c).

2015 (3) The municipality may withhold an otherwise valid plat approval until the owner of
2016 the land provides the legislative body with a tax clearance indicating that all taxes, interest, and
2017 penalties owing on the land have been paid.

2018 (4) (a) Within 30 days after approving a final plat under this section, a municipality
2019 shall submit to the Automated Geographic Reference Center, created in Section [63F-1-506]
2020 63A-16-505, for inclusion in the unified statewide 911 emergency service database described
2021 in Subsection 63H-7a-304(4)(b):

2022 (i) an electronic copy of the approved final plat; or

2023 (ii) preliminary geospatial data that depict any new streets and situs addresses proposed
2024 for construction within the bounds of the approved plat.

2025 (b) If requested by the Automated Geographic Reference Center, a municipality that
2026 approves a final plat under this section shall:

2027 (i) coordinate with the Automated Geographic Reference Center to validate the
2028 information described in Subsection (4)(a); and

2029 (ii) assist the Automated Geographic Reference Center in creating electronic files that
2030 contain the information described in Subsection (4)(a) for inclusion in the unified statewide
2031 911 emergency service database.

2032 (5) (a) A county recorder may not record a plat unless:

2033 (i) prior to recordation, the municipality has approved and signed the plat;

2034 (ii) each owner of record of land described on the plat has signed the owner's
2035 dedication as shown on the plat; and

2036 (iii) the signature of each owner described in Subsection (5)(a)(ii) is acknowledged as
2037 provided by law.

2038 (b) The surveyor making the plat shall certify that the surveyor:

2039 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
2040 Professional Land Surveyors Licensing Act;

2041 (ii) has completed a survey of the property described on the plat in accordance with
2042 Section 17-23-17 and has verified all measurements; and

2043 (iii) has placed monuments as represented on the plat.

2044 (c) (i) To the extent possible, the surveyor shall consult with the owner or operator of
2045 an existing or proposed underground facility or utility facility within the proposed subdivision,
2046 or a representative designated by the owner or operator, to verify the accuracy of the surveyor's
2047 depiction of the:

2048 (A) boundary, course, dimensions, and intended use of the public rights-of-way, a
2049 public or private easement, or grants of record;

2050 (B) location of an existing underground facility and utility facility; and

2051 (C) physical restrictions governing the location of the underground facility and utility
2052 facility within the subdivision.

2053 (ii) The cooperation of an owner or operator under Subsection (5)(c)(i):

2054 (A) indicates only that the plat approximates the location of the existing underground
2055 and utility facilities but does not warrant or verify their precise location; and

2056 (B) does not affect a right that the owner or operator has under Title 54, Chapter 8a,
2057 Damage to Underground Utility Facilities, a recorded easement or right-of-way, the law
2058 applicable to prescriptive rights, or any other provision of law.

2059 (6) (a) Except as provided in Subsection (5)(c), after the plat has been acknowledged,
2060 certified, and approved, the individual seeking to record the plat shall, within the time period
2061 and manner designated by ordinance, record the plat in the county recorder's office in the
2062 county in which the lands platted and laid out are situated.

2063 (b) A failure to record a plat within the time period designated by ordinance renders the
2064 plat voidable by the land use authority.

2065 Section 34. Section 10-18-203 is amended to read:

2066 **10-18-203. Feasibility study on providing cable television or public**
2067 **telecommunications services -- Public hearings.**

2068 (1) If a feasibility consultant is hired under Section 10-18-202, the legislative body of
2069 the municipality shall require the feasibility consultant to:

2070 (a) complete the feasibility study in accordance with this section;

2071 (b) submit to the legislative body by no later than 180 days from the date the feasibility

2072 consultant is hired to conduct the feasibility study:

2073 (i) the full written results of the feasibility study; and

2074 (ii) a summary of the results that is no longer than one page in length; and

2075 (c) attend the public hearings described in Subsection (4) to:

2076 (i) present the feasibility study results; and

2077 (ii) respond to questions from the public.

2078 (2) The feasibility study described in Subsection (1) shall at a minimum consider:

2079 (a) (i) if the municipality is proposing to provide cable television services to

2080 subscribers, whether the municipality providing cable television services in the manner

2081 proposed by the municipality will hinder or advance competition for cable television services

2082 in the municipality; or

2083 (ii) if the municipality is proposing to provide public telecommunications services to

2084 subscribers, whether the municipality providing public telecommunications services in the

2085 manner proposed by the municipality will hinder or advance competition for public

2086 telecommunications services in the municipality;

2087 (b) whether but for the municipality any person would provide the proposed:

2088 (i) cable television services; or

2089 (ii) public telecommunications services;

2090 (c) the fiscal impact on the municipality of:

2091 (i) the capital investment in facilities that will be used to provide the proposed:

2092 (A) cable television services; or

2093 (B) public telecommunications services; and

2094 (ii) the expenditure of funds for labor, financing, and administering the proposed:

2095 (A) cable television services; or

2096 (B) public telecommunications services;

2097 (d) the projected growth in demand in the municipality for the proposed:

2098 (i) cable television services; or

2099 (ii) public telecommunications services;

2100 (e) the projections at the time of the feasibility study and for the next five years, of a

2101 full-cost accounting for a municipality to purchase, lease, construct, maintain, or operate the

2102 facilities necessary to provide the proposed:

2103 (i) cable television services; or
2104 (ii) public telecommunications services; and
2105 (f) the projections at the time of the feasibility study and for the next five years of the
2106 revenues to be generated from the proposed:

2107 (i) cable television services; or
2108 (ii) public telecommunications services.

2109 (3) For purposes of the financial projections required under Subsections (2)(e) and (f),
2110 the feasibility consultant shall assume that the municipality will price the proposed cable
2111 television services or public telecommunications services consistent with Subsection
2112 [10-18-303\(5\)](#).

2113 (4) If the results of the feasibility study satisfy the revenue requirement of Subsection
2114 [10-18-202\(3\)](#), the legislative body, at the next regular meeting after the legislative body
2115 receives the results of the feasibility study, shall schedule at least two public hearings to be
2116 held:

2117 (a) within 60 days of the meeting at which the public hearings are scheduled;

2118 (b) at least seven days apart; and

2119 (c) for the purpose of allowing:

2120 (i) the feasibility consultant to present the results of the feasibility study; and

2121 (ii) the public to:

2122 (A) become informed about the feasibility study results; and

2123 (B) ask questions of the feasibility consultant about the results of the feasibility study.

2124 (5) (a) Except as provided in Subsection (5)(b), the municipality shall publish notice of
2125 the public hearings required under Subsection (4):

2126 (i) at least once a week for three consecutive weeks in a newspaper of general
2127 circulation in the municipality and at least three days before the first public hearing required
2128 under Subsection (4); and

2129 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
2130 three weeks, at least three days before the first public hearing required under Subsection (4).

2131 (b) (i) In accordance with Subsection (5)(a)(i), if there is no newspaper of general
2132 circulation in the municipality, for each 1,000 residents, the municipality shall post at least one
2133 notice of the hearings in a conspicuous place within the municipality that is likely to give

2134 notice of the hearings to the greatest number of residents of the municipality.

2135 (ii) The municipality shall post the notices at least seven days before the first public
2136 hearing required under Subsection (4) is held.

2137 Section 35. Section **10-18-302** is amended to read:

2138 **10-18-302. Bonding authority.**

2139 (1) In accordance with Title 11, Chapter 14, Local Government Bonding Act, the
2140 legislative body of a municipality may by resolution determine to issue one or more revenue
2141 bonds or general obligation bonds to finance the capital costs for facilities necessary to provide
2142 to subscribers:

2143 (a) a cable television service; or

2144 (b) a public telecommunications service.

2145 (2) The resolution described in Subsection (1) shall:

2146 (a) describe the purpose for which the indebtedness is to be created; and

2147 (b) specify the dollar amount of the one or more bonds proposed to be issued.

2148 (3) (a) A revenue bond issued under this section shall be secured and paid for:

2149 (i) from the revenues generated by the municipality from providing:

2150 (A) cable television services with respect to revenue bonds issued to finance facilities
2151 for the municipality's cable television services; and

2152 (B) public telecommunications services with respect to revenue bonds issued to finance
2153 facilities for the municipality's public telecommunications services; and

2154 (ii) notwithstanding Subsection (3)(b) and Subsection **10-18-303**(3)(a), from revenues
2155 generated under Title 59, Chapter 12, Sales and Use Tax Act, if:

2156 (A) notwithstanding Subsection **11-14-201**(3) and except as provided in Subsections
2157 (4) and (5), the revenue bond is approved by the registered voters in an election held:

2158 (I) except as provided in Subsection (3)(a)(ii)(A)(II), pursuant to the provisions of Title
2159 11, Chapter 14, Local Government Bonding Act, that govern bond elections; and

2160 (II) notwithstanding Subsection **11-14-203**(2), at a regular general election;

2161 (B) the revenues described in this Subsection (3)(a)(ii) are pledged as security for the
2162 revenue bond; and

2163 (C) the municipality or municipalities annually appropriate the revenues described in
2164 this Subsection (3)(a)(ii) to secure and pay the revenue bond issued under this section.

2165 (b) Except as provided in Subsection (3)(a)(ii), a municipality may not pay the
2166 origination, financing, or other carrying costs associated with the one or more revenue bonds
2167 issued under this section from the town or city, respectively, general funds or other enterprise
2168 funds of the municipality.

2169 (4) (a) As used in this Subsection (4), "municipal entity" means an entity created
2170 pursuant to an agreement:

2171 (i) under Title 11, Chapter 13, Interlocal Cooperation Act; and

2172 (ii) to which a municipality is a party.

2173 (b) The requirements of Subsection (3)(a)(ii)(A) do not apply to a municipality or
2174 municipal entity that issues revenue bonds, or to a municipality that is a member of a municipal
2175 entity that issues revenue bonds, if:

2176 (i) on or before March 2, 2004, the municipality that is issuing revenue bonds or that is
2177 a member of a municipal entity that is issuing revenue bonds has published the first notice
2178 described in Subsection (4)(b)(iii);

2179 (ii) on or before April 15, 2004, the municipality that is issuing revenue bonds or that
2180 is a member of a municipal entity that is issuing revenue bonds makes the decision to pledge
2181 the revenues described in Subsection (3)(a)(ii) as security for the revenue bonds described in
2182 this Subsection (4)(b)(ii);

2183 (iii) the municipality that is issuing the revenue bonds or the municipality that is a
2184 member of the municipal entity that is issuing the revenue bonds has:

2185 (A) held a public hearing for which public notice was given by publication of the
2186 notice:

2187 (I) in a newspaper published in the municipality or in a newspaper of general
2188 circulation within the municipality for two consecutive weeks, with the first publication being
2189 not less than 14 days before the public hearing; and

2190 (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
2191 two weeks before the public hearing; and

2192 (B) the notice identifies:

2193 (I) that the notice is given pursuant to Title 11, Chapter 14, Local Government Bonding
2194 Act;

2195 (II) the purpose for the bonds to be issued;

2196 (III) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will
2197 be pledged in any fiscal year;

2198 (IV) the maximum number of years that the pledge will be in effect; and

2199 (V) the time, place, and location for the public hearing;

2200 (iv) the municipal entity that issues revenue bonds:

2201 (A) adopts a final financing plan; and

2202 (B) in accordance with Title 63G, Chapter 2, Government Records Access and
2203 Management Act, makes available to the public at the time the municipal entity adopts the final
2204 financing plan:

2205 (I) the final financing plan; and

2206 (II) all contracts entered into by the municipal entity, except as protected by Title 63G,
2207 Chapter 2, Government Records Access and Management Act;

2208 (v) any municipality that is a member of a municipal entity described in Subsection
2209 (4)(b)(iv):

2210 (A) not less than 30 calendar days after the municipal entity complies with Subsection
2211 (4)(b)(iv)(B), holds a final public hearing;

2212 (B) provides notice, at the time the municipality schedules the final public hearing, to
2213 any person who has provided to the municipality a written request for notice; and

2214 (C) makes all reasonable efforts to provide fair opportunity for oral testimony by all
2215 interested parties; and

2216 (vi) except with respect to a municipality that issued bonds prior to March 1, 2004, not
2217 more than 50% of the average annual debt service of all revenue bonds described in this section
2218 to provide service throughout the municipality or municipal entity may be paid from the
2219 revenues described in Subsection (3)(a)(ii).

2220 (5) On or after July 1, 2007, the requirements of Subsection (3)(a)(ii)(A) do not apply
2221 to a municipality that issues revenue bonds if:

2222 (a) the municipality that is issuing the revenue bonds has:

2223 (i) held a public hearing for which public notice was given by publication of the notice:

2224 (A) in a newspaper published in the municipality or in a newspaper of general
2225 circulation within the municipality for two consecutive weeks, with the first publication being
2226 not less than 14 days before the public hearing; and

2227 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
2228 14 days before the public hearing; and

2229 (ii) the notice identifies:

2230 (A) that the notice is given pursuant to Title 11, Chapter 14, Local Government
2231 Bonding Act;

2232 (B) the purpose for the bonds to be issued;

2233 (C) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will be
2234 pledged in any fiscal year;

2235 (D) the maximum number of years that the pledge will be in effect; and

2236 (E) the time, place, and location for the public hearing; and

2237 (b) except with respect to a municipality that issued bonds prior to March 1, 2004, not
2238 more than 50% of the average annual debt service of all revenue bonds described in this section
2239 to provide service throughout the municipality or municipal entity may be paid from the
2240 revenues described in Subsection (3)(a)(ii).

2241 (6) A municipality that issues bonds pursuant to this section may not make or grant any
2242 undue or unreasonable preference or advantage to itself or to any private provider of:

2243 (a) cable television services; or

2244 (b) public telecommunications services.

2245 Section 36. Section **11-13-204** is amended to read:

2246 **11-13-204. Powers and duties of interlocal entities -- Additional powers of energy**
2247 **services interlocal entities -- Length of term of agreement and interlocal entity -- Notice to**
2248 **lieutenant governor -- Recording requirements -- Public Service Commission.**

2249 (1) (a) An interlocal entity:

2250 (i) shall adopt bylaws, policies, and procedures for the regulation of its affairs and the
2251 conduct of its business;

2252 (ii) may:

2253 (A) amend or repeal a bylaw, policy, or procedure;

2254 (B) sue and be sued;

2255 (C) have an official seal and alter that seal at will;

2256 (D) make and execute contracts and other instruments necessary or convenient for the
2257 performance of its duties and the exercise of its powers and functions;

2258 (E) acquire real or personal property, or an undivided, fractional, or other interest in
2259 real or personal property, necessary or convenient for the purposes contemplated in the
2260 agreement creating the interlocal entity and sell, lease, or otherwise dispose of that property;

2261 (F) directly or by contract with another:

2262 (I) own and acquire facilities and improvements or an undivided, fractional, or other
2263 interest in facilities and improvements;

2264 (II) construct, operate, maintain, and repair facilities and improvements; and

2265 (III) provide the services contemplated in the agreement creating the interlocal entity
2266 and establish, impose, and collect rates, fees, and charges for the services provided by the
2267 interlocal entity;

2268 (G) borrow money, incur indebtedness, and issue revenue bonds, notes, or other
2269 obligations and secure their payment by an assignment, pledge, or other conveyance of all or
2270 any part of the revenues and receipts from the facilities, improvements, or services that the
2271 interlocal entity provides;

2272 (H) offer, issue, and sell warrants, options, or other rights related to the bonds, notes, or
2273 other obligations issued by the interlocal entity;

2274 (I) sell or contract for the sale of the services, output, product, or other benefits
2275 provided by the interlocal entity to:

2276 (I) public agencies inside or outside the state; and

2277 (II) with respect to any excess services, output, product, or benefits, any person on
2278 terms that the interlocal entity considers to be in the best interest of the public agencies that are
2279 parties to the agreement creating the interlocal entity; and

2280 (J) create a local disaster recovery fund in the same manner and to the same extent as
2281 authorized for a local government in accordance with Section [53-2a-605](#); and

2282 (iii) may not levy, assess, or collect ad valorem property taxes.

2283 (b) An assignment, pledge, or other conveyance under Subsection (1)(a)(ii)(G) may, to
2284 the extent provided by the documents under which the assignment, pledge, or other conveyance
2285 is made, rank prior in right to any other obligation except taxes or payments in lieu of taxes
2286 payable to the state or its political subdivisions.

2287 (2) An energy services interlocal entity:

2288 (a) except with respect to any ownership interest it has in facilities providing additional

2289 project capacity, is not subject to:

2290 (i) Part 3, Project Entity Provisions; or

2291 (ii) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to
2292 Pay Corporate Franchise or Income Tax Act; and

2293 (b) may:

2294 (i) own, acquire, and, by itself or by contract with another, construct, operate, and
2295 maintain a facility or improvement for the generation, transmission, and transportation of
2296 electric energy or related fuel supplies;

2297 (ii) enter into a contract to obtain a supply of electric power and energy and ancillary
2298 services, transmission, and transportation services, and supplies of natural gas and fuels
2299 necessary for the operation of generation facilities;

2300 (iii) enter into a contract with public agencies, investor-owned or cooperative utilities,
2301 and others, whether located in or out of the state, for the sale of wholesale services provided by
2302 the energy services interlocal entity; and

2303 (iv) adopt and implement risk management policies and strategies and enter into
2304 transactions and agreements to manage the risks associated with the purchase and sale of
2305 energy, including forward purchase and sale contracts, hedging, tolling and swap agreements,
2306 and other instruments.

2307 (3) Notwithstanding Section [11-13-216](#), an agreement creating an interlocal entity or
2308 an amendment to that agreement may provide that the agreement may continue and the
2309 interlocal entity may remain in existence until the latest to occur of:

2310 (a) 50 years after the date of the agreement or amendment;

2311 (b) five years after the interlocal entity has fully paid or otherwise discharged all of its
2312 indebtedness;

2313 (c) five years after the interlocal entity has abandoned, decommissioned, or conveyed
2314 or transferred all of its interest in its facilities and improvements; or

2315 (d) five years after the facilities and improvements of the interlocal entity are no longer
2316 useful in providing the service, output, product, or other benefit of the facilities and
2317 improvements, as determined under the agreement governing the sale of the service, output,
2318 product, or other benefit.

2319 (4) (a) Upon execution of an agreement to approve the creation of an interlocal entity,

2320 including an electric interlocal entity and an energy services interlocal entity, the governing
2321 body of a member of the interlocal entity under Section 11-13-203 shall:

2322 (i) within 30 days after the date of the agreement, jointly file with the lieutenant
2323 governor:

2324 (A) a copy of a notice of an impending boundary action, as defined in Section
2325 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

2326 (B) if less than all of the territory of any Utah public agency that is a party to the
2327 agreement is included within the interlocal entity, a copy of an approved final local entity plat,
2328 as defined in Section 67-1a-6.5; and

2329 (ii) upon the lieutenant governor's issuance of a certificate of creation under Section
2330 67-1a-6.5:

2331 (A) if the interlocal entity is located within the boundary of a single county, submit to
2332 the recorder of that county:

2333 (I) the original:

2334 (Aa) notice of an impending boundary action;

2335 (Bb) certificate of creation; and

2336 (Cc) approved final local entity plat, if an approved final local entity plat was required
2337 to be filed with the lieutenant governor under Subsection (4)(a)(i)(B); and

2338 (II) a certified copy of the agreement approving the creation of the interlocal entity; or

2339 (B) if the interlocal entity is located within the boundaries of more than a single
2340 county:

2341 (I) submit to the recorder of one of those counties:

2342 (Aa) the original of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa), (Bb), and
2343 (Cc); and

2344 (Bb) a certified copy of the agreement approving the creation of the interlocal entity;
2345 and

2346 (II) submit to the recorder of each other county:

2347 (Aa) a certified copy of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa), (Bb),
2348 and (Cc); and

2349 (Bb) a certified copy of the agreement approving the creation of the interlocal entity.

2350 (b) Upon the lieutenant governor's issuance of a certificate of creation under Section

2351 67-1a-6.5, the interlocal entity is created.

2352 (c) Until the documents listed in Subsection (4)(a)(ii) are recorded in the office of the
2353 recorder of each county in which the property is located, a newly created interlocal entity may
2354 not charge or collect a fee for service provided to property within the interlocal entity.

2355 (5) Nothing in this section may be construed as expanding the rights of any
2356 municipality or interlocal entity to sell or provide retail service.

2357 (6) Except as provided in Subsection (7):

2358 (a) nothing in this section may be construed to expand or limit the rights of a
2359 municipality to sell or provide retail electric service; and

2360 (b) an energy services interlocal entity may not provide retail electric service to
2361 customers located outside the municipal boundaries of its members.

2362 (7) (a) An energy services interlocal entity created before July 1, 2003, that is
2363 comprised solely of Utah municipalities and that, for a minimum of 50 years before July 1,
2364 2010, provided retail electric service to customers outside the municipal boundaries of its
2365 members, may provide retail electric service outside the municipal boundaries of its members
2366 if:

2367 (i) the energy services interlocal entity:

2368 (A) enters into a written agreement with each public utility holding a certificate of
2369 public convenience and necessity issued by the Public Service Commission to provide service
2370 within an agreed upon geographic area for the energy services interlocal entity to be
2371 responsible to provide electric service in the agreed upon geographic area outside the municipal
2372 boundaries of the members of the energy services interlocal entity; and

2373 (B) obtains a franchise agreement, with the legislative body of the county or other
2374 governmental entity for the geographic area in which the energy services interlocal entity
2375 provides service outside the municipal boundaries of its members; and

2376 (ii) each public utility described in Subsection (7)(a)(i)(A) applies for and obtains from
2377 the Public Service Commission approval of the agreement specified in Subsection (7)(a)(i)(A).

2378 (b) (i) The Public Service Commission shall, after a public hearing held in accordance
2379 with Title 52, Chapter 4, Open and Public Meetings Act, approve an agreement described in
2380 Subsection (7)(a)(ii) if it determines that the agreement is in the public interest in that it
2381 incorporates the customer protections described in Subsection (7)(c) and the franchise

2382 agreement described in Subsection (7)(a)(i)(B) provides a reasonable mechanism using a
2383 neutral arbiter or ombudsman for resolving potential future complaints by customers of the
2384 energy services interlocal entity.

2385 (ii) In approving an agreement, the Public Service Commission shall also amend the
2386 certificate of public convenience and necessity of any public utility described in Subsection
2387 (7)(a)(i) to delete from the geographic area specified in the certificate or certificates of the
2388 public utility the geographic area that the energy services interlocal entity has agreed to serve.

2389 (c) In providing retail electric service to customers outside of the municipal boundaries
2390 of its members, but not within the municipal boundaries of another municipality that grants a
2391 franchise agreement in accordance with Subsection (7)(a)(i)(B), an energy services interlocal
2392 entity shall comply with the following:

2393 (i) the rates and conditions of service for customers outside the municipal boundaries
2394 of the members shall be at least as favorable as the rates and conditions of service for similarly
2395 situated customers within the municipal boundaries of the members;

2396 (ii) the energy services interlocal entity shall operate as a single entity providing
2397 service both inside and outside of the municipal boundaries of its members;

2398 (iii) a general rebate, refund, or other payment made to customers located within the
2399 municipal boundaries of the members shall also be provided to similarly situated customers
2400 located outside the municipal boundaries of the members;

2401 (iv) a schedule of rates and conditions of service, or any change to the rates and
2402 conditions of service, shall be approved by the governing board of the energy services
2403 interlocal entity;

2404 (v) before implementation of any rate increase, the governing board of the energy
2405 services interlocal entity shall first hold a public meeting to take public comment on the
2406 proposed increase, after providing at least 20 days and not more than 60 days' advance written
2407 notice to its customers on the ordinary billing and on the Utah Public Notice Website, created
2408 by Section [~~63F-1-701~~] [63A-16-601](#); and

2409 (vi) the energy services interlocal entity shall file with the Public Service Commission
2410 its current schedule of rates and conditions of service.

2411 (d) The Public Service Commission shall make the schedule of rates and conditions of
2412 service of the energy services interlocal entity available for public inspection.

2413 (e) Nothing in this section:

2414 (i) gives the Public Service Commission jurisdiction over the provision of retail
2415 electric service by an energy services interlocal entity within the municipal boundaries of its
2416 members; or

2417 (ii) makes an energy services interlocal entity a public utility under Title 54, Public
2418 Utilities.

2419 (f) Nothing in this section expands or diminishes the jurisdiction of the Public Service
2420 Commission over a municipality or an association of municipalities organized under Title 11,
2421 Chapter 13, Interlocal Cooperation Act, except as specifically authorized by this section's
2422 language.

2423 (g) (i) An energy services interlocal entity described in Subsection (7)(a) retains its
2424 authority to provide electric service to the extent authorized by Sections [11-13-202](#) and
2425 [11-13-203](#) and Subsections [11-13-204](#)(1) through (5).

2426 (ii) Notwithstanding Subsection (7)(g)(i), if the Public Service Commission approves
2427 the agreement described in Subsection (7)(a)(i), the energy services interlocal entity may not
2428 provide retail electric service to customers located outside the municipal boundaries of its
2429 members, except for customers located within the geographic area described in the agreement.

2430 Section 37. Section [11-13-509](#) is amended to read:

2431 **11-13-509. Hearing to consider adoption -- Notice.**

2432 (1) At the meeting at which the tentative budget is adopted, the governing board shall:

2433 (a) establish the time and place of a public hearing to consider its adoption; and

2434 (b) except as provided in Subsection (2) or (5), order that notice of the hearing:

2435 (i) be published, at least seven days before the day of the hearing, in at least one issue
2436 of a newspaper of general circulation in a county in which the interlocal entity provides service
2437 to the public or in which its members are located, if such a newspaper is generally circulated in
2438 the county or counties; and

2439 (ii) be published at least seven days before the day of the hearing on the Utah Public
2440 Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#).

2441 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
2442 required in Subsection (1)(b):

2443 (a) may be combined with the notice required under Section [59-2-919](#); and

2444 (b) shall be published in accordance with the advertisement provisions of Section
2445 [59-2-919](#).

2446 (3) Proof that notice was given in accordance with Subsection (1)(b), (2), or (5) is
2447 prima facie evidence that notice was properly given.

2448 (4) If a notice required under Subsection (1)(b), (2), or (5) is not challenged within 30
2449 days after the day on which the hearing is held, the notice is adequate and proper.

2450 (5) A governing board of an interlocal entity with an annual operating budget of less
2451 than \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:

2452 (a) mailing a written notice, postage prepaid, to each voter in an interlocal entity; and

2453 (b) posting the notice in three public places within the interlocal entity's service area.

2454 Section 38. Section **11-13-531** is amended to read:

2455 **11-13-531. Imposing or increasing a fee for service provided by interlocal entity.**

2456 (1) The governing board shall fix the rate for a service or commodity provided by the
2457 interlocal entity.

2458 (2) (a) Before imposing a new fee or increasing an existing fee for a service provided
2459 by an interlocal entity, an interlocal entity governing board shall first hold a public hearing at
2460 which interested persons may speak for or against the proposal to impose a fee or to increase an
2461 existing fee.

2462 (b) Each public hearing under Subsection (2)(a) shall be held on a weekday in the
2463 evening beginning no earlier than 6 p.m.

2464 (c) A public hearing required under this Subsection (2) may be combined with a public
2465 hearing on a tentative budget required under Section [11-13-510](#).

2466 (d) Except to the extent that this section imposes more stringent notice requirements,
2467 the governing board shall comply with Title 52, Chapter 4, Open and Public Meetings Act, in
2468 holding the public hearing under Subsection (2)(a).

2469 (3) (a) An interlocal entity board shall give notice of a hearing under Subsection (2)(a):

2470 (i) as provided in Subsection (3)(b)(i) or (c); and

2471 (ii) for at least 20 days before the day of the hearing on the Utah Public Notice

2472 Website, created by Section [~~63F-1-701~~] [63A-16-601](#).

2473 (b) (i) Except as provided by Subsection (3)(c)(i), the notice required under Subsection
2474 (2)(a) shall be published:

2475 (A) in a newspaper or combination of newspapers of general circulation in the
2476 interlocal entity, if there is a newspaper or combination of newspapers of general circulation in
2477 the interlocal entity; or

2478 (B) if there is no newspaper or combination of newspapers of general circulation in the
2479 interlocal entity, the interlocal entity board shall post at least one notice per 1,000 population
2480 within the interlocal entity, at places within the interlocal entity that are most likely to provide
2481 actual notice to residents within the interlocal entity.

2482 (ii) The notice described in Subsection (3)(b)(i)(A):

2483 (A) shall be no less than 1/4 page in size and the type used shall be no smaller than 18
2484 point, and surrounded by a 1/4-inch border;

2485 (B) may not be placed in that portion of the newspaper where legal notices and
2486 classified advertisements appear;

2487 (C) whenever possible, shall appear in a newspaper that is published at least one day
2488 per week;

2489 (D) shall be in a newspaper or combination of newspapers of general interest and
2490 readership in the interlocal entity, and not of limited subject matter; and

2491 (E) shall be run once each week for the two weeks preceding the hearing.

2492 (iii) The notice described in Subsections (3)(a)(ii) and (3)(b)(i) shall state that the
2493 interlocal entity board intends to impose or increase a fee for a service provided by the
2494 interlocal entity and will hold a public hearing on a certain day, time, and place fixed in the
2495 notice, which shall be not less than seven days after the day the first notice is published, for the
2496 purpose of hearing comments regarding the proposed imposition or increase of a fee and to
2497 explain the reasons for the proposed imposition or increase.

2498 (c) (i) In lieu of providing notice under Subsection (3)(b)(i), the interlocal entity
2499 governing board may give the notice required under Subsection (2)(a) by mailing the notice to
2500 a person within the interlocal entity's service area who:

2501 (A) will be charged the fee for an interlocal entity's service, if the fee is being imposed
2502 for the first time; or

2503 (B) is being charged a fee, if the fee is proposed to be increased.

2504 (ii) Each notice under Subsection (3)(c)(i) shall comply with Subsection (3)(b)(iii).

2505 (iii) A notice under Subsection (3)(c)(i) may accompany an interlocal entity bill for an

2506 existing fee.

2507 (d) If the hearing required under this section is combined with the public hearing
2508 required under Section 11-13-510, the notice requirements under this Subsection (3) are
2509 satisfied if a notice that meets the requirements of Subsection (3)(b)(iii) is combined with the
2510 notice required under Section 11-13-509.

2511 (e) Proof that notice was given as provided in Subsection (3)(b) or (c) is prima facie
2512 evidence that notice was properly given.

2513 (f) If no challenge is made to the notice given of a public hearing required by
2514 Subsection (2) within 30 days after the date of the hearing, the notice is considered adequate
2515 and proper.

2516 (4) After holding a public hearing under Subsection (2)(a), a governing board may:

2517 (a) impose the new fee or increase the existing fee as proposed;

2518 (b) adjust the amount of the proposed new fee or the increase of the existing fee and
2519 then impose the new fee or increase the existing fee as adjusted; or

2520 (c) decline to impose the new fee or increase the existing fee.

2521 (5) This section applies to each new fee imposed and each increase of an existing fee
2522 that occurs on or after May 12, 2015.

2523 (6) An interlocal entity that accepts an electronic payment may charge an electronic
2524 payment fee.

2525 Section 39. Section 11-14-202 is amended to read:

2526 **11-14-202. Notice of election -- Contents -- Publication -- Mailing.**

2527 (1) The governing body shall publish notice of the election:

2528 (a) (i) once per week for three consecutive weeks before the election in a newspaper of
2529 general circulation in the local political subdivision, in accordance with Section 11-14-316, the
2530 first publication occurring not less than 21, nor more than 35, days before the day of the
2531 election;

2532 (ii) if there is no newspaper of general circulation in the local political subdivision, at
2533 least 21 days before the day of the election, by posting one notice, and at least one additional
2534 notice per 2,000 population of the local political subdivision, in places within the local political
2535 subdivision that are most likely to give notice to the voters in the local political subdivision; or

2536 (iii) at least three weeks before the day of the election, by mailing notice to each

2537 registered voter in the local political subdivision;

2538 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
2539 three weeks before the day of the election;

2540 (c) in accordance with Section [45-1-101](#), for three weeks before the day of the election;
2541 and

2542 (d) if the local political subdivision has a website, on the local political subdivision's
2543 website for at least three weeks before the day of the election.

2544 (2) When the debt service on the bonds to be issued will increase the property tax
2545 imposed upon the average value of a residence by an amount that is greater than or equal to \$15
2546 per year, the governing body shall prepare and mail either a voter information pamphlet or a
2547 notification described in Subsection (8):

2548 (a) at least 15 days, but not more than 45 days, before the bond election;

2549 (b) to each household containing a registered voter who is eligible to vote on the
2550 bonds; and

2551 (c) that includes the information required by Subsections (4) and (5).

2552 (3) The election officer may change the location of, or establish an additional:

2553 (a) voting precinct polling place, in accordance with Subsection (6);

2554 (b) early voting polling place, in accordance with Subsection [20A-3a-603\(2\)](#); or

2555 (c) election day voting center, in accordance with Subsection [20A-3a-703\(2\)](#).

2556 (4) The notice described in Subsection (1) and the voter information pamphlet
2557 described in Subsection (2):

2558 (a) shall include, in the following order:

2559 (i) the date of the election;

2560 (ii) the hours during which the polls will be open;

2561 (iii) the address of the Statewide Electronic Voter Information Website and, if
2562 available, the address of the election officer's website, with a statement indicating that the
2563 election officer will post on the website the location of each polling place for each voting
2564 precinct, each early voting polling place, and each election day voting center, including any
2565 changes to the location of a polling place and the location of an additional polling place;

2566 (iv) a phone number that a voter may call to obtain information regarding the location
2567 of a polling place; and

- 2568 (v) the title and text of the ballot proposition, including the property tax cost of the
2569 bond described in Subsection 11-14-206(2)(a); and
- 2570 (b) may include the location of each polling place.
- 2571 (5) The voter information pamphlet required by this section shall include:
- 2572 (a) the information required under Subsection (4); and
- 2573 (b) an explanation of the property tax impact, if any, of the issuance of the bonds,
2574 which may be based on information the governing body determines to be useful, including:
- 2575 (i) expected debt service on the bonds to be issued;
- 2576 (ii) a description of the purpose, remaining principal balance, and maturity date of any
2577 outstanding general obligation bonds of the issuer;
- 2578 (iii) funds other than property taxes available to pay debt service on general obligation
2579 bonds;
- 2580 (iv) timing of expenditures of bond proceeds;
- 2581 (v) property values; and
- 2582 (vi) any additional information that the governing body determines may be useful to
2583 explain the property tax impact of issuance of the bonds.
- 2584 (6) (a) Except as provided in Section 20A-1-308, the election officer may, after the
2585 deadlines described in Subsections (1) and (2):
- 2586 (i) if necessary, change the location of a voting precinct polling place; or
- 2587 (ii) if the election officer determines that the number of voting precinct polling places
2588 is insufficient due to the number of registered voters who are voting, designate additional
2589 voting precinct polling places.
- 2590 (b) Except as provided in Section 20A-1-308, if an election officer changes the
2591 location of a voting precinct polling place or designates an additional voting precinct polling
2592 place, the election officer shall, as soon as is reasonably possible, give notice of the dates,
2593 times, and location of a changed voting precinct polling place or an additional voting precinct
2594 polling place:
- 2595 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter
2596 Information Website;
- 2597 (ii) by posting the information on the website of the election officer, if available; and
- 2598 (iii) by posting notice:

2599 (A) of a change in the location of a voting precinct polling place, at the new location
2600 and, if possible, the old location; and

2601 (B) of an additional voting precinct polling place, at the additional voting precinct
2602 polling place.

2603 (7) The governing body shall pay the costs associated with the notice required by this
2604 section.

2605 (8) (a) The governing body may mail a notice printed on a postage prepaid,
2606 preaddressed return form that a person may use to request delivery of a voter information
2607 pamphlet by mail.

2608 (b) The notice described in Subsection (8)(a) shall include:

2609 (i) the website upon which the voter information pamphlet is available; and

2610 (ii) the phone number a voter may call to request delivery of a voter information
2611 pamphlet by mail.

2612 (9) A local school board shall comply with the voter information pamphlet
2613 requirements described in Section [53G-4-603](#).

2614 Section 40. Section **11-14-318** is amended to read:

2615 **11-14-318. Public hearing required.**

2616 (1) Before issuing bonds authorized under this chapter, a local political subdivision
2617 shall:

2618 (a) in accordance with Subsection (2), provide public notice of the local political
2619 subdivision's intent to issue bonds; and

2620 (b) hold a public hearing:

2621 (i) if an election is required under this chapter:

2622 (A) no sooner than 30 days before the day on which the notice of election is published
2623 under Section [11-14-202](#); and

2624 (B) no later than five business days before the day on which the notice of election is
2625 published under Section [11-14-202](#); and

2626 (ii) to receive input from the public with respect to:

2627 (A) the issuance of the bonds; and

2628 (B) the potential economic impact that the improvement, facility, or property for which
2629 the bonds pay all or part of the cost will have on the private sector.

- 2630 (2) A local political subdivision shall:
- 2631 (a) publish the notice required by Subsection (1)(a):
- 2632 (i) once each week for two consecutive weeks in the official newspaper described in
- 2633 Section [11-14-316](#) with the first publication being not less than 14 days before the public
- 2634 hearing required by Subsection (1)(b); and
- 2635 (ii) on the Utah Public Notice Website, created under Section [~~63F-1-701~~]
- 2636 [63A-16-601](#), no less than 14 days before the public hearing required by Subsection (1)(b); and
- 2637 (b) ensure that the notice:
- 2638 (i) identifies:
- 2639 (A) the purpose for the issuance of the bonds;
- 2640 (B) the maximum principal amount of the bonds to be issued;
- 2641 (C) the taxes, if any, proposed to be pledged for repayment of the bonds; and
- 2642 (D) the time, place, and location of the public hearing; and
- 2643 (ii) informs the public that the public hearing will be held for the purposes described in
- 2644 Subsection (1)(b)(ii).

2645 Section 41. Section **11-36a-503** is amended to read:

2646 **11-36a-503. Notice of preparation of an impact fee analysis.**

2647 (1) Before preparing or contracting to prepare an impact fee analysis, each local

2648 political subdivision or, subject to Subsection (2), private entity shall post a public notice on

2649 the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-16-601](#).

2650 (2) For a private entity required to post notice on the Utah Public Notice Website under

2651 Subsection (1):

2652 (a) the private entity shall give notice to the general purpose local government in which

2653 the private entity's primary business is located; and

2654 (b) the general purpose local government described in Subsection (2)(a) shall post the

2655 notice on the Utah Public Notice Website.

2656 Section 42. Section **11-36a-504** is amended to read:

2657 **11-36a-504. Notice of intent to adopt impact fee enactment -- Hearing --**

2658 **Protections.**

2659 (1) Before adopting an impact fee enactment:

2660 (a) a municipality legislative body shall:

- 2661 (i) comply with the notice requirements of Section 10-9a-205 as if the impact fee
2662 enactment were a land use regulation;
- 2663 (ii) hold a hearing in accordance with Section 10-9a-502 as if the impact fee enactment
2664 were a land use regulation; and
- 2665 (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of
2666 Section 10-9a-801 as if the impact fee were a land use regulation;
- 2667 (b) a county legislative body shall:
- 2668 (i) comply with the notice requirements of Section 17-27a-205 as if the impact fee
2669 enactment were a land use regulation;
- 2670 (ii) hold a hearing in accordance with Section 17-27a-502 as if the impact fee
2671 enactment were a land use regulation; and
- 2672 (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of
2673 Section 17-27a-801 as if the impact fee were a land use regulation;
- 2674 (c) a local district or special service district shall:
- 2675 (i) comply with the notice and hearing requirements of Section 17B-1-111; and
2676 (ii) receive the protections of Section 17B-1-111;
- 2677 (d) a local political subdivision shall at least 10 days before the day on which a public
2678 hearing is scheduled in accordance with this section:
- 2679 (i) make a copy of the impact fee enactment available to the public; and
2680 (ii) post notice of the local political subdivision's intent to enact or modify the impact
2681 fee, specifying the type of impact fee being enacted or modified, on the Utah Public Notice
2682 Website created under Section [~~63F-1-701~~] 63A-16-601; and
- 2683 (e) a local political subdivision shall submit a copy of the impact fee analysis and a
2684 copy of the summary of the impact fee analysis prepared in accordance with Section
2685 11-36a-303 on its website or to each public library within the local political subdivision.
- 2686 (2) Subsection (1)(a) or (b) may not be construed to require involvement by a planning
2687 commission in the impact fee enactment process.
- 2688 Section 43. Section 11-42-202 is amended to read:
- 2689 **11-42-202. Requirements applicable to a notice of a proposed assessment area**
2690 **designation.**
- 2691 (1) Each notice required under Subsection 11-42-201(2)(a) shall:

- 2692 (a) state that the local entity proposes to:
- 2693 (i) designate one or more areas within the local entity's jurisdictional boundaries as an
2694 assessment area;
- 2695 (ii) provide an improvement to property within the proposed assessment area; and
- 2696 (iii) finance some or all of the cost of improvements by an assessment on benefitted
2697 property within the assessment area;
- 2698 (b) describe the proposed assessment area by any reasonable method that allows an
2699 owner of property in the proposed assessment area to determine that the owner's property is
2700 within the proposed assessment area;
- 2701 (c) describe, in a general and reasonably accurate way, the improvements to be
2702 provided to the assessment area, including:
- 2703 (i) the nature of the improvements; and
- 2704 (ii) the location of the improvements, by reference to streets or portions or extensions
2705 of streets or by any other means that the governing body chooses that reasonably describes the
2706 general location of the improvements;
- 2707 (d) state the estimated cost of the improvements as determined by a project engineer;
- 2708 (e) for the version of notice mailed in accordance with Subsection (4)(b), state the
2709 estimated total assessment specific to the benefitted property for which the notice is mailed;
- 2710 (f) state that the local entity proposes to levy an assessment on benefitted property
2711 within the assessment area to pay some or all of the cost of the improvements according to the
2712 estimated benefits to the property from the improvements;
- 2713 (g) if applicable, state that an unassessed benefitted government property will receive
2714 improvements for which the cost will be allocated proportionately to the remaining benefitted
2715 properties within the proposed assessment area and that a description of each unassessed
2716 benefitted government property is available for public review at the location or website
2717 described in Subsection (6);
- 2718 (h) state the assessment method by which the governing body proposes to calculate the
2719 proposed assessment, including, if the local entity is a municipality or county, whether the
2720 assessment will be collected:
- 2721 (i) by directly billing a property owner; or
- 2722 (ii) by inclusion on a property tax notice issued in accordance with Section [59-2-1317](#)

- 2723 and in compliance with Section 11-42-401;
- 2724 (i) state:
- 2725 (i) the date described in Section 11-42-203 and the location at which protests against
2726 designation of the proposed assessment area or of the proposed improvements are required to
2727 be filed;
- 2728 (ii) the method by which the governing body will determine the number of protests
2729 required to defeat the designation of the proposed assessment area or acquisition or
2730 construction of the proposed improvements; and
- 2731 (iii) in large, boldface, and conspicuous type that a property owner must protest the
2732 designation of the assessment area in writing if the owner objects to the area designation or
2733 being assessed for the proposed improvements, operation and maintenance costs, or economic
2734 promotion activities;
- 2735 (j) state the date, time, and place of the public hearing required in Section 11-42-204;
- 2736 (k) if the governing body elects to create and fund a reserve fund under Section
2737 11-42-702, include a description of:
- 2738 (i) how the reserve fund will be funded and replenished; and
- 2739 (ii) how remaining money in the reserve fund is to be disbursed upon full payment of
2740 the bonds;
- 2741 (l) if the governing body intends to designate a voluntary assessment area, include a
2742 property owner consent form that:
- 2743 (i) estimates the total assessment to be levied against the particular parcel of property;
- 2744 (ii) describes any additional benefits that the governing body expects the assessed
2745 property to receive from the improvements;
- 2746 (iii) designates the date and time by which the fully executed consent form is required
2747 to be submitted to the governing body; and
- 2748 (iv) if the governing body intends to enforce an assessment lien on the property in
2749 accordance with Subsection 11-42-502.1(2)(a)(ii)(C):
- 2750 (A) appoints a trustee that satisfies the requirements described in Section 57-1-21;
- 2751 (B) gives the trustee the power of sale;
- 2752 (C) is binding on the property owner and all successors; and
- 2753 (D) explains that if an assessment or an installment of an assessment is not paid when

2754 due, the local entity may sell the property owner's property to satisfy the amount due plus
2755 interest, penalties, and costs, in the manner described in Title 57, Chapter 1, Conveyances;

2756 (m) if the local entity intends to levy an assessment to pay operation and maintenance
2757 costs or for economic promotion activities, include:

2758 (i) a description of the operation and maintenance costs or economic promotion
2759 activities to be paid by assessments and the initial estimated annual assessment to be levied;

2760 (ii) a description of how the estimated assessment will be determined;

2761 (iii) a description of how and when the governing body will adjust the assessment to
2762 reflect the costs of:

2763 (A) in accordance with Section 11-42-406, current economic promotion activities; or

2764 (B) current operation and maintenance costs;

2765 (iv) a description of the method of assessment if different from the method of
2766 assessment to be used for financing any improvement; and

2767 (v) a statement of the maximum number of years over which the assessment will be
2768 levied for:

2769 (A) operation and maintenance costs; or

2770 (B) economic promotion activities;

2771 (n) if the governing body intends to divide the proposed assessment area into
2772 classifications under Subsection 11-42-201(1)(b), include a description of the proposed
2773 classifications;

2774 (o) if applicable, state the portion and value of the improvement that will be increased
2775 in size or capacity to serve property outside of the assessment area and how the increases will
2776 be financed; and

2777 (p) state whether the improvements will be financed with a bond and, if so, the
2778 currently estimated interest rate and term of financing, subject to Subsection (2), for which the
2779 benefitted properties within the assessment area may be obligated.

2780 (2) The estimated interest rate and term of financing in Subsection (1)(p) may not be
2781 interpreted as a limitation to the actual interest rate incurred or the actual term of financing as
2782 subject to the market rate at the time of the issuance of the bond.

2783 (3) A notice required under Subsection 11-42-201(2)(a) may contain other information
2784 that the governing body considers to be appropriate, including:

2785 (a) the amount or proportion of the cost of the improvement to be paid by the local
2786 entity or from sources other than an assessment;

2787 (b) the estimated total amount of each type of assessment for the various improvements
2788 to be financed according to the method of assessment that the governing body chooses; and

2789 (c) provisions for any improvements described in Subsection 11-42-102(24)(a)(ii).

2790 (4) Each notice required under Subsection 11-42-201(2)(a) shall:

2791 (a) (i) (A) be published in a newspaper of general circulation within the local entity's
2792 jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at
2793 least five but not more than 20 days before the day of the hearing required in Section
2794 11-42-204; or

2795 (B) if there is no newspaper of general circulation within the local entity's jurisdictional
2796 boundaries, be posted in at least three public places within the local entity's jurisdictional
2797 boundaries at least 20 but not more than 35 days before the day of the hearing required in
2798 Section 11-42-204; and

2799 (ii) be published on the Utah Public Notice Website described in Section [~~63F-1-701~~]
2800 63A-16-601 for four weeks before the deadline for filing protests specified in the notice under
2801 Subsection (1)(i); and

2802 (b) be mailed, postage prepaid, within 10 days after the first publication or posting of
2803 the notice under Subsection (4)(a) to each owner of property to be assessed within the proposed
2804 assessment area at the property owner's mailing address.

2805 (5) (a) The local entity may record the version of the notice that is published or posted
2806 in accordance with Subsection (4)(a) with the office of the county recorder, by legal description
2807 and tax identification number as identified in county records, against the property proposed to
2808 be assessed.

2809 (b) The notice recorded under Subsection (5)(a) expires and is no longer valid one year
2810 after the day on which the local entity records the notice if the local entity has failed to adopt
2811 the designation ordinance or resolution under Section 11-42-201 designating the assessment
2812 area for which the notice was recorded.

2813 (6) A local entity shall make available on the local entity's website, or, if no website is
2814 available, at the local entity's place of business, the address and type of use of each unassessed
2815 benefitted government property described in Subsection (1)(g).

2816 (7) If a governing body fails to provide actual or constructive notice under this section,
2817 the local entity may not assess a levy against a benefitted property omitted from the notice
2818 unless:

2819 (a) the property owner gives written consent;

2820 (b) the property owner received notice under Subsection 11-42-401(2)(a)(iii) and did
2821 not object to the levy of the assessment before the final hearing of the board of equalization; or

2822 (c) the benefitted property is conveyed to a subsequent purchaser and, before the date
2823 of conveyance, the requirements of Subsections 11-42-206(3)(a)(i) and (ii), or, if applicable,
2824 Subsection 11-42-207(1)(d)(i) are met.

2825 Section 44. Section 11-42-402 is amended to read:

2826 **11-42-402. Notice of assessment and board of equalization hearing.**

2827 Each notice required under Subsection 11-42-401(2)(a)(iii) shall:

2828 (1) state:

2829 (a) that an assessment list is completed and available for examination at the offices of
2830 the local entity;

2831 (b) the total estimated or actual cost of the improvements;

2832 (c) the amount of the total estimated or actual cost of the proposed improvements to be
2833 paid by the local entity;

2834 (d) the amount of the assessment to be levied against benefitted property within the
2835 assessment area;

2836 (e) the assessment method used to calculate the proposed assessment;

2837 (f) the unit cost used to calculate the assessments shown on the assessment list, based
2838 on the assessment method used to calculate the proposed assessment; and

2839 (g) the dates, times, and place of the board of equalization hearings under Subsection
2840 11-42-401(2)(b)(i);

2841 (2) (a) beginning at least 20 but not more than 35 days before the day on which the first
2842 hearing of the board of equalization is held:

2843 (i) be published at least once in a newspaper of general circulation within the local
2844 entity's jurisdictional boundaries; or

2845 (ii) if there is no newspaper of general circulation within the local entity's jurisdictional
2846 boundaries, be posted in at least three public places within the local entity's jurisdictional

2847 boundaries; and

2848 (b) be published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
2849 [63A-16-601](#) for 35 days immediately before the day on which the first hearing of the board of
2850 equalization is held; and

2851 (3) be mailed, postage prepaid, within 10 days after the first publication or posting of
2852 the notice under Subsection (2) to each owner of property to be assessed within the proposed
2853 assessment area at the property owner's mailing address.

2854 Section 45. Section **11-58-502** is amended to read:

2855 **11-58-502. Public meeting to consider and discuss draft project area plan --**
2856 **Notice -- Adoption of plan.**

2857 (1) The board shall hold at least one public meeting to consider and discuss a draft
2858 project area plan.

2859 (2) At least 10 days before holding a public meeting under Subsection (1), the board
2860 shall give notice of the public meeting:

2861 (a) to each taxing entity;

2862 (b) to a municipality in which the proposed project area is located or that is located
2863 within one-half mile of the proposed project area; and

2864 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#).

2865 (3) Following consideration and discussion of the draft project area plan, and any
2866 modification of the project area plan under Subsection **11-58-501**(2)(d), the board may adopt
2867 the draft project area plan or modified draft project area plan as the project area plan.

2868 Section 46. Section **11-58-503** is amended to read:

2869 **11-58-503. Notice of project area plan adoption -- Effective date of plan -- Time**
2870 **for challenging a project area plan or project area.**

2871 (1) Upon the board's adoption of a project area plan, the board shall provide notice as
2872 provided in Subsection (2) by publishing or causing to be published legal notice:

2873 (a) in a newspaper of general circulation within or near the project area; and

2874 (b) as required by Section [45-1-101](#).

2875 (2) (a) Each notice under Subsection (1) shall include:

2876 (i) the board resolution adopting the project area plan or a summary of the resolution;

2877 and

2878 (ii) a statement that the project area plan is available for general public inspection and
2879 the hours for inspection.

2880 (b) The statement required under Subsection (2)(a)(ii) may be included within the
2881 board resolution adopting the project area plan or within the summary of the resolution.

2882 (3) The project area plan shall become effective on the date designated in the board
2883 resolution.

2884 (4) The authority shall make the adopted project area plan available to the general
2885 public at its offices during normal business hours.

2886 (5) Within 10 days after the day on which a project area plan is adopted that establishes
2887 a project area, or after an amendment to a project area plan is adopted under which the
2888 boundary of a project area is modified, the authority shall send notice of the establishment or
2889 modification of the project area and an accurate map or plat of the project area to:

2890 (a) the State Tax Commission;

2891 (b) the Automated Geographic Reference Center created in Section ~~[63F-1-506]~~
2892 63A-16-505; and

2893 (c) the assessor and recorder of each county where the project area is located.

2894 (6) (a) A legal action or other challenge to a project area plan or a project area
2895 described in a project area plan is barred unless brought within 30 days after the effective date
2896 of the project area plan.

2897 (b) A legal action or other challenge to a project area that consists of authority
2898 jurisdictional land is barred unless brought within 30 days after the board adopts a business
2899 plan under Subsection 11-58-202(1)(a) for the authority jurisdictional land.

2900 Section 47. Section **11-58-801** is amended to read:

2901 **11-58-801. Annual port authority budget -- Fiscal year -- Public hearing required**
2902 **-- Auditor forms -- Requirement to file annual budget.**

2903 (1) The authority shall prepare and its board adopt an annual budget of revenues and
2904 expenditures for the authority for each fiscal year.

2905 (2) Each annual authority budget shall be adopted before June 22, except that the
2906 authority's initial budget shall be adopted as soon as reasonably practicable after the
2907 organization of the board and the beginning of authority operations.

2908 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

2909 (4) (a) Before adopting an annual budget, the board shall hold a public hearing on the
2910 annual budget.

2911 (b) The authority shall provide notice of the public hearing on the annual budget by
2912 publishing notice:

2913 (i) at least once in a newspaper of general circulation within the state, one week before
2914 the public hearing; and

2915 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
2916 at least one week immediately before the public hearing.

2917 (c) The authority shall make the annual budget available for public inspection at least
2918 three days before the date of the public hearing.

2919 (5) The state auditor shall prescribe the budget forms and the categories to be contained
2920 in each authority budget, including:

2921 (a) revenues and expenditures for the budget year;

2922 (b) legal fees; and

2923 (c) administrative costs, including rent, supplies, and other materials, and salaries of
2924 authority personnel.

2925 (6) (a) Within 30 days after adopting an annual budget, the board shall file a copy of
2926 the annual budget with the auditor of each county in which the authority jurisdictional land is
2927 located, the State Tax Commission, the state auditor, the State Board of Education, and each
2928 taxing entity that levies a tax on property from which the authority collects property tax
2929 differential.

2930 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
2931 state as a taxing entity is met if the authority files a copy with the State Tax Commission and
2932 the state auditor.

2933 Section 48. Section **11-59-401** is amended to read:

2934 **11-59-401. Annual authority budget -- Fiscal year -- Public hearing and notice**
2935 **required -- Auditor forms.**

2936 (1) The authority shall prepare and its board adopt an annual budget of revenues and
2937 expenditures for the authority for each fiscal year.

2938 (2) Each annual authority budget shall be adopted before June 22.

2939 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

2940 (4) (a) Before adopting an annual budget, the authority board shall hold a public
2941 hearing on the annual budget.

2942 (b) The authority shall provide notice of the public hearing on the annual budget by
2943 publishing notice:

2944 (i) at least once in a newspaper of general circulation within the state, one week before
2945 the public hearing; and

2946 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
2947 at least one week immediately before the public hearing.

2948 (c) The authority shall make the annual budget available for public inspection at least
2949 three days before the date of the public hearing.

2950 (5) The state auditor shall prescribe the budget forms and the categories to be contained
2951 in each authority budget, including:

2952 (a) revenues and expenditures for the budget year;

2953 (b) legal fees; and

2954 (c) administrative costs, including rent, supplies, and other materials, and salaries of
2955 authority personnel.

2956 Section 49. Section **13-1-2** is amended to read:

2957 **13-1-2. Creation and functions of department -- Divisions created -- Fees --**

2958 **Commerce Service Account.**

2959 (1) (a) There is created the Department of Commerce.

2960 (b) The department shall:

2961 (i) execute and administer state laws regulating business activities and occupations
2962 affecting the public interest; and

2963 (ii) ensure that any training or certification required of a public official or public
2964 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
2965 22, State Training and Certification Requirements, if the training or certification is required:

2966 (A) under this title;

2967 (B) by the department; or

2968 (C) by an agency or division within the department.

2969 (2) Within the department the following divisions are created:

2970 (a) the Division of Occupational and Professional Licensing;

2971 (b) the Division of Real Estate;

2972 (c) the Division of Securities;

2973 (d) the Division of Public Utilities;

2974 (e) the Division of Consumer Protection; and

2975 (f) the Division of Corporations and Commercial Code.

2976 (3) (a) Unless otherwise provided by statute, the department may adopt a schedule of
2977 fees assessed for services provided by the department by following the procedures and
2978 requirements of Section [63J-1-504](#).

2979 (b) The department shall submit each fee established in this manner to the Legislature
2980 for its approval as part of the department's annual appropriations request.

2981 (c) (i) There is created a restricted account within the General Fund known as the
2982 "Commerce Service Account."

2983 (ii) The restricted account created in Subsection (3)(c)(i) consists of fees collected by
2984 each division and by the department.

2985 (iii) The undesignated account balance may not exceed \$1,000,000 at the end of each
2986 fiscal year.

2987 (iv) At the end of each fiscal year, the director of the Division of Finance shall transfer
2988 into the General Fund any undesignated funds in the account that exceed the amount necessary
2989 to maintain the undesignated account balance at \$1,000,000.

2990 (d) The department may not charge or collect a fee or expend money from the
2991 restricted account without approval by the Legislature.

2992 (4) (a) As used in this Subsection (4):

2993 (i) "Business entity" means a sole proprietorship, partnership, limited partnership,
2994 limited liability company, corporation, or other entity or association used to carry on a business
2995 for profit.

2996 (ii) "Fund" means the Single Sign-On Expendable Special Revenue Fund, created in
2997 Subsection (4)(c).

2998 (iii) "Renewal fee" means a fee that the Division of Corporations and Commercial
2999 Code, established in Section [13-1a-1](#), is authorized or required to charge a business entity in
3000 connection with the business entity's periodic renewal of its status with the Division of
3001 Corporations and Commercial Code.

3002 (iv) "Single sign-on fee" means a fee described in Subsection (4)(b) to pay for the
3003 establishment and maintenance of the single sign-on business portal.

3004 (v) "Single sign-on business portal" means the same as that term is defined in Section
3005 ~~[63F-3-103]~~ [63A-16-802](#).

3006 (b) (i) The schedule of fees adopted by the department under Subsection (3) shall
3007 include a single sign-on fee, not to exceed \$5, as part of a renewal fee.

3008 (ii) The department shall deposit all single sign-on fee revenue into the fund.

3009 (c) (i) There is created the Single Sign-On Expendable Special Revenue Fund.

3010 (ii) The fund consists of:

3011 (A) money that the department collects from the single sign-on fee; and

3012 (B) money that the Legislature appropriates to the fund.

3013 (d) The department shall use the money in the fund to pay for costs:

3014 (i) to design, create, operate, and maintain the single sign-on business portal; and

3015 (ii) incurred by:

3016 (A) the Department of Technology Services, created in Section ~~[63F-1-103]~~

3017 [63A-16-103](#); or

3018 (B) a third-party vendor working under a contract with the Department of Technology
3019 Services.

3020 (e) The department shall report on fund revenues and expenditures to the Public
3021 Utilities, Energy, and Technology Interim Committee of the Legislature annually and at any
3022 other time requested by the committee.

3023 Section 50. Section **17-27a-203** is amended to read:

3024 **17-27a-203. Notice of intent to prepare a general plan or comprehensive general**
3025 **plan amendments in certain counties.**

3026 (1) Before preparing a proposed general plan or a comprehensive general plan
3027 amendment, each county of the first or second class shall provide 10 calendar days notice of its
3028 intent to prepare a proposed general plan or a comprehensive general plan amendment:

3029 (a) to each affected entity;

3030 (b) to the Automated Geographic Reference Center created in Section ~~[63F-1-506]~~

3031 [63A-16-505](#);

3032 (c) to the association of governments, established pursuant to an interlocal agreement

3033 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a member; and

3034 (d) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-16-601](#).

3035 (2) Each notice under Subsection (1) shall:

3036 (a) indicate that the county intends to prepare a general plan or a comprehensive

3037 general plan amendment, as the case may be;

3038 (b) describe or provide a map of the geographic area that will be affected by the general

3039 plan or amendment;

3040 (c) be sent by mail, e-mail, or other effective means;

3041 (d) invite the affected entities to provide information for the county to consider in the
3042 process of preparing, adopting, and implementing a general plan or amendment concerning:

3043 (i) impacts that the use of land proposed in the proposed general plan or amendment
3044 may have; and

3045 (ii) uses of land within the county that the affected entity is considering that may
3046 conflict with the proposed general plan or amendment; and

3047 (e) include the address of an Internet website, if the county has one, and the name and
3048 telephone number of a person where more information can be obtained concerning the county's
3049 proposed general plan or amendment.

3050 Section 51. Section ~~17-27a-204~~ is amended to read:

3051 **17-27a-204. Notice of public hearings and public meetings to consider general**
3052 **plan or modifications.**

3053 (1) A county shall provide:

3054 (a) notice of the date, time, and place of the first public hearing to consider the original
3055 adoption or any modification of all or any portion of a general plan; and

3056 (b) notice of each public meeting on the subject.

3057 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar
3058 days before the public hearing and shall be:

3059 (a) (i) published in a newspaper of general circulation in the area; and

3060 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]

3061 [63A-16-601](#);

3062 (b) mailed to each affected entity; and

3063 (c) posted:

- 3064 (i) in at least three public locations within the county; or
3065 (ii) on the county's official website.
- 3066 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
3067 before the meeting and shall be:
- 3068 (a) (i) submitted to a newspaper of general circulation in the area; and
3069 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~
3070 [63A-16-601](#)]; and
- 3071 (b) posted:
- 3072 (i) in at least three public locations within the county; or
3073 (ii) on the county's official website.
- 3074 Section 52. Section **17-27a-205** is amended to read:
- 3075 **17-27a-205. Notice of public hearings and public meetings on adoption or**
3076 **modification of land use regulation.**
- 3077 (1) Each county shall give:
- 3078 (a) notice of the date, time, and place of the first public hearing to consider the
3079 adoption or modification of a land use regulation; and
- 3080 (b) notice of each public meeting on the subject.
- 3081 (2) Each notice of a public hearing under Subsection (1)(a) shall be:
- 3082 (a) mailed to each affected entity at least 10 calendar days before the public hearing;
3083 (b) posted:
- 3084 (i) in at least three public locations within the county; or
3085 (ii) on the county's official website; and
- 3086 (c) (i) published:
- 3087 (A) in a newspaper of general circulation in the area at least 10 calendar days before
3088 the public hearing; and
- 3089 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), at
3090 least 10 calendar days before the public hearing; or
- 3091 (ii) mailed at least 10 days before the public hearing to:
- 3092 (A) each property owner whose land is directly affected by the land use ordinance
3093 change; and
- 3094 (B) each adjacent property owner within the parameters specified by county ordinance.

3095 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
3096 before the hearing and shall be posted:

3097 (a) in at least three public locations within the county; or

3098 (b) on the county's official website.

3099 (4) (a) A county shall send a courtesy notice to each owner of private real property
3100 whose property is located entirely or partially within the proposed zoning map enactment or
3101 amendment at least 10 days before the scheduled day of the public hearing.

3102 (b) The notice shall:

3103 (i) identify with specificity each owner of record of real property that will be affected
3104 by the proposed zoning map or map amendments;

3105 (ii) state the current zone in which the real property is located;

3106 (iii) state the proposed new zone for the real property;

3107 (iv) provide information regarding or a reference to the proposed regulations,
3108 prohibitions, and permitted uses that the property will be subject to if the zoning map or map
3109 amendment is adopted;

3110 (v) state that the owner of real property may no later than 10 days after the day of the
3111 first public hearing file a written objection to the inclusion of the owner's property in the
3112 proposed zoning map or map amendment;

3113 (vi) state the address where the property owner should file the protest;

3114 (vii) notify the property owner that each written objection filed with the county will be
3115 provided to the county legislative body; and

3116 (viii) state the location, date, and time of the public hearing described in Section
3117 [17-27a-502](#).

3118 (c) If a county mails notice to a property owner in accordance with Subsection (2)(c)(ii)
3119 for a public hearing on a zoning map or map amendment, the notice required in this Subsection
3120 (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather than sent
3121 separately.

3122 Section 53. Section **17-27a-208** is amended to read:

3123 **17-27a-208. Hearing and notice for petition to vacate a public street.**

3124 (1) For any petition to vacate some or all of a public street or county utility easement,
3125 the legislative body shall:

- 3126 (a) hold a public hearing; and
3127 (b) give notice of the date, place, and time of the hearing, as provided in Subsection
3128 (2).
- 3129 (2) At least 10 days before the public hearing under Subsection (1)(a), the legislative
3130 body shall ensure that the notice required under Subsection (1)(b) is:
- 3131 (a) mailed to the record owner of each parcel that is accessed by the public street or
3132 county utility easement;
- 3133 (b) mailed to each affected entity;
- 3134 (c) posted on or near the public street or county utility easement in a manner that is
3135 calculated to alert the public; and
- 3136 (d) (i) published on the website of the county in which the land subject to the petition is
3137 located until the public hearing concludes; and
- 3138 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
3139 [63A-16-601](#).
- 3140 Section 54. Section **17-27a-306** is amended to read:
- 3141 **17-27a-306. Planning advisory areas.**
- 3142 (1) (a) A planning advisory area may be established as provided in this Subsection (1).
3143 (b) A planning advisory area may not be established unless the area to be included
3144 within the proposed planning advisory area:
- 3145 (i) is unincorporated;
- 3146 (ii) is contiguous; and
- 3147 (iii) (A) contains:
- 3148 (I) at least 20% but not more than 80% of:
- 3149 (Aa) the total private land area in the unincorporated county; or
3150 (Bb) the total value of locally assessed taxable property in the unincorporated county;
- 3151 or
- 3152 (II) (Aa) in a county of the second or third class, at least 5% of the total population of
3153 the unincorporated county, but not less than 300 residents; or
- 3154 (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population
3155 of the unincorporated county; or
- 3156 (B) has been declared by the United States Census Bureau as a census designated

3157 place.

3158 (c) (i) The process to establish a planning advisory area is initiated by the filing of a
3159 petition with the clerk of the county in which the proposed planning advisory area is located.

3160 (ii) A petition to establish a planning advisory area may not be filed if it proposes the
3161 establishment of a planning advisory area that includes an area within a proposed planning
3162 advisory area in a petition that has previously been certified under Subsection (1)(g), until after
3163 the canvass of an election on the proposed planning advisory area under Subsection (1)(j).

3164 (d) A petition under Subsection (1)(c) to establish a planning advisory area shall:

3165 (i) be signed by the owners of private real property that:

3166 (A) is located within the proposed planning advisory area;

3167 (B) covers at least 10% of the total private land area within the proposed planning
3168 advisory area; and

3169 (C) is equal in value to at least 10% of the value of all private real property within the
3170 proposed planning advisory area;

3171 (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous
3172 area proposed to be established as a planning advisory area;

3173 (iii) indicate the typed or printed name and current residence address of each owner
3174 signing the petition;

3175 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
3176 be designated as the contact sponsor, with the mailing address and telephone number of each
3177 petition sponsor;

3178 (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
3179 petition for purposes of the petition; and

3180 (vi) request the county legislative body to provide notice of the petition and of a public
3181 hearing, hold a public hearing, and conduct an election on the proposal to establish a planning
3182 advisory area.

3183 (e) Subsection [10-2a-102\(3\)](#) applies to a petition to establish a planning advisory area
3184 to the same extent as if it were an incorporation petition under Title 10, Chapter 2a, Municipal
3185 Incorporation.

3186 (f) (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing
3187 the establishment of a planning advisory area in a county of the second class, the county clerk

3188 shall provide notice of the filing of the petition to:

3189 (A) each owner of real property owning more than 1% of the assessed value of all real
3190 property within the proposed planning advisory area; and

3191 (B) each owner of real property owning more than 850 acres of real property within the
3192 proposed planning advisory area.

3193 (ii) A property owner may exclude all or part of the property owner's property from a
3194 proposed planning advisory area in a county of the second class:

3195 (A) if:

3196 (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all
3197 property within the proposed planning advisory area;

3198 (IIIii) the property is nonurban; and

3199 (IIIiii) the property does not or will not require municipal provision of municipal-type
3200 services; or

3201 (Bb) the property owner owns more than 850 acres of real property within the proposed
3202 planning advisory area; and

3203 (II) exclusion of the property will not leave within the planning advisory area an island
3204 of property that is not part of the planning advisory area; and

3205 (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice
3206 under Subsection (1)(f)(i).

3207 (iii) (A) The county legislative body shall exclude from the proposed planning advisory
3208 area the property identified in a notice of exclusion timely filed under Subsection (1)(f)(ii)(B) if
3209 the property meets the applicable requirements of Subsection (1)(f)(ii)(A).

3210 (B) If the county legislative body excludes property from a proposed planning advisory
3211 area under Subsection (1)(f)(iii), the county legislative body shall, within five days after the
3212 exclusion, send written notice of its action to the contact sponsor.

3213 (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county
3214 clerk shall:

3215 (A) with the assistance of other county officers from whom the clerk requests
3216 assistance, determine whether the petition complies with the requirements of Subsection (1)(d);
3217 and

3218 (B) (I) if the clerk determines that the petition complies with the requirements of

3219 Subsection (1)(d):

3220 (Aa) certify the petition and deliver the certified petition to the county legislative body;

3221 and

3222 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

3223 (II) if the clerk determines that the petition fails to comply with any of the requirements

3224 of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the

3225 rejection and the reasons for the rejection.

3226 (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition

3227 may be amended to correct the deficiencies for which it was rejected and then refiled with the

3228 county clerk.

3229 (h) (i) Within 90 days after a petition to establish a planning advisory area is certified,

3230 the county legislative body shall hold a public hearing on the proposal to establish a planning

3231 advisory area.

3232 (ii) A public hearing under Subsection (1)(h)(i) shall be:

3233 (A) within the boundary of the proposed planning advisory area; or

3234 (B) if holding a public hearing in that area is not practicable, as close to that area as

3235 practicable.

3236 (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the

3237 county legislative body shall publish notice of the petition and the time, date, and place of the

3238 public hearing:

3239 (A) at least once in a newspaper of general circulation in the county; and

3240 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#).

3241 (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body

3242 shall arrange for the proposal to establish a planning advisory area to be submitted to voters

3243 residing within the proposed planning advisory area at the next regular general election that is

3244 more than 90 days after the public hearing.

3245 (j) A planning advisory area is established at the time of the canvass of the results of an

3246 election under Subsection (1)(i) if the canvass indicates that a majority of voters voting on the

3247 proposal to establish a planning advisory area voted in favor of the proposal.

3248 (k) An area that is an established township before May 12, 2015:

3249 (i) is, as of May 12, 2015, a planning advisory area; and

3250 (ii) (A) shall change its name, if applicable, to no longer include the word "township";

3251 and

3252 (B) may use the word "planning advisory area" in its name.

3253 (2) The county legislative body may:

3254 (a) assign to the countywide planning commission the duties established in this part
3255 that would have been assumed by a planning advisory area planning commission designated
3256 under Subsection (2)(b); or

3257 (b) designate and appoint a planning commission for the planning advisory area.

3258 (3) (a) An area within the boundary of a planning advisory area may be withdrawn
3259 from the planning advisory area as provided in this Subsection (3) or in accordance with
3260 Subsection (5)(a).

3261 (b) The process to withdraw an area from a planning advisory area is initiated by the
3262 filing of a petition with the clerk of the county in which the planning advisory area is located.

3263 (c) A petition under Subsection (3)(b) shall:

3264 (i) be signed by the owners of private real property that:

3265 (A) is located within the area proposed to be withdrawn from the planning advisory
3266 area;

3267 (B) covers at least 50% of the total private land area within the area proposed to be
3268 withdrawn from the planning advisory area; and

3269 (C) is equal in value to at least 33% of the value of all private real property within the
3270 area proposed to be withdrawn from the planning advisory area;

3271 (ii) state the reason or reasons for the proposed withdrawal;

3272 (iii) be accompanied by an accurate plat or map showing the boundary of the
3273 contiguous area proposed to be withdrawn from the planning advisory area;

3274 (iv) indicate the typed or printed name and current residence address of each owner
3275 signing the petition;

3276 (v) designate up to five signers of the petition as petition sponsors, one of whom shall
3277 be designated as the contact sponsor, with the mailing address and telephone number of each
3278 petition sponsor;

3279 (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
3280 petition for purposes of the petition; and

3281 (vii) request the county legislative body to withdraw the area from the planning
3282 advisory area.

3283 (d) Subsection 10-2a-102(3) applies to a petition to withdraw an area from a planning
3284 advisory area to the same extent as if it were an incorporation petition under Title 10, Chapter
3285 2a, Municipal Incorporation.

3286 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county
3287 clerk shall:

3288 (A) with the assistance of other county officers from whom the clerk requests
3289 assistance, determine whether the petition complies with the requirements of Subsection (3)(c);
3290 and

3291 (B) (I) if the clerk determines that the petition complies with the requirements of
3292 Subsection (3)(c):

3293 (Aa) certify the petition and deliver the certified petition to the county legislative body;
3294 and

3295 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

3296 (II) if the clerk determines that the petition fails to comply with any of the requirements
3297 of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection
3298 and the reasons for the rejection.

3299 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition
3300 may be amended to correct the deficiencies for which it was rejected and then refiled with the
3301 county clerk.

3302 (f) (i) Within 60 days after a petition to withdraw an area from a planning advisory area
3303 is certified, the county legislative body shall hold a public hearing on the proposal to withdraw
3304 the area from the planning advisory area.

3305 (ii) A public hearing under Subsection (3)(f)(i) shall be held:

3306 (A) within the area proposed to be withdrawn from the planning advisory area; or

3307 (B) if holding a public hearing in that area is not practicable, as close to that area as
3308 practicable.

3309 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative
3310 body shall:

3311 (A) publish notice of the petition and the time, date, and place of the public hearing:

- 3312 (I) at least once a week for three consecutive weeks in a newspaper of general
3313 circulation in the planning advisory area; and
- 3314 (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
3315 three consecutive weeks; and
- 3316 (B) mail a notice of the petition and the time, date, and place of the public hearing to
3317 each owner of private real property within the area proposed to be withdrawn.
- 3318 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county
3319 legislative body shall make a written decision on the proposal to withdraw the area from the
3320 planning advisory area.
- 3321 (ii) In making its decision as to whether to withdraw the area from the planning
3322 advisory area, the county legislative body shall consider:
- 3323 (A) whether the withdrawal would leave the remaining planning advisory area in a
3324 situation where the future incorporation of an area within the planning advisory area or the
3325 annexation of an area within the planning advisory area to an adjoining municipality would be
3326 economically or practically not feasible;
- 3327 (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn
3328 area:
- 3329 (I) whether the proposed subsequent incorporation or withdrawal:
- 3330 (Aa) will leave or create an unincorporated island or peninsula; or
- 3331 (Bb) will leave the county with an area within its unincorporated area for which the
3332 cost, requirements, or other burdens of providing municipal services would materially increase
3333 over previous years; and
- 3334 (II) whether the municipality to be created or the municipality into which the
3335 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of
3336 providing service to the withdrawn area that the county will no longer provide due to the
3337 incorporation or annexation;
- 3338 (C) the effects of a withdrawal on adjoining property owners, existing or projected
3339 county streets or other public improvements, law enforcement, and zoning and other municipal
3340 services provided by the county; and
- 3341 (D) whether justice and equity favor the withdrawal.
- 3342 (h) Upon the written decision of the county legislative body approving the withdrawal

3343 of an area from a planning advisory area, the area is withdrawn from the planning advisory area
3344 and the planning advisory area continues as a planning advisory area with a boundary that
3345 excludes the withdrawn area.

3346 (4) (a) A planning advisory area may be dissolved as provided in this Subsection (4).

3347 (b) The process to dissolve a planning advisory area is initiated by the filing of a
3348 petition with the clerk of the county in which the planning advisory area is located.

3349 (c) A petition under Subsection (4)(b) shall:

3350 (i) be signed by registered voters within the planning advisory area equal in number to
3351 at least 25% of all votes cast by voters within the planning advisory area at the last
3352 congressional election;

3353 (ii) state the reason or reasons for the proposed dissolution;

3354 (iii) indicate the typed or printed name and current residence address of each person
3355 signing the petition;

3356 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
3357 be designated as the contact sponsor, with the mailing address and telephone number of each
3358 petition sponsor;

3359 (v) authorize the petition sponsors to act on behalf of all persons signing the petition
3360 for purposes of the petition; and

3361 (vi) request the county legislative body to provide notice of the petition and of a public
3362 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the planning
3363 advisory area.

3364 (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county
3365 clerk shall:

3366 (A) with the assistance of other county officers from whom the clerk requests
3367 assistance, determine whether the petition complies with the requirements of Subsection (4)(c);
3368 and

3369 (B) (I) if the clerk determines that the petition complies with the requirements of
3370 Subsection (4)(c):

3371 (Aa) certify the petition and deliver the certified petition to the county legislative body;
3372 and

3373 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

3374 (II) if the clerk determines that the petition fails to comply with any of the requirements
3375 of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection
3376 and the reasons for the rejection.

3377 (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition
3378 may be amended to correct the deficiencies for which it was rejected and then refiled with the
3379 county clerk.

3380 (e) (i) Within 60 days after a petition to dissolve the planning advisory area is certified,
3381 the county legislative body shall hold a public hearing on the proposal to dissolve the planning
3382 advisory area.

3383 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

3384 (A) within the boundary of the planning advisory area; or

3385 (B) if holding a public hearing in that area is not practicable, as close to that area as
3386 practicable.

3387 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative
3388 body shall publish notice of the petition and the time, date, and place of the public hearing:

3389 (A) at least once a week for three consecutive weeks in a newspaper of general
3390 circulation in the planning advisory area; and

3391 (B) on the Utah Public Notice Website created in Section ~~[63F-1-701]~~ [63A-16-601](#), for
3392 three consecutive weeks immediately before the public hearing.

3393 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body
3394 shall arrange for the proposal to dissolve the planning advisory area to be submitted to voters
3395 residing within the planning advisory area at the next regular general election that is more than
3396 90 days after the public hearing.

3397 (g) A planning advisory area is dissolved at the time of the canvass of the results of an
3398 election under Subsection (4)(f) if the canvass indicates that a majority of voters voting on the
3399 proposal to dissolve the planning advisory area voted in favor of the proposal.

3400 (5) (a) If a portion of an area located within a planning advisory area is annexed by a
3401 municipality or incorporates, that portion is withdrawn from the planning advisory area.

3402 (b) If a planning advisory area in whole is annexed by a municipality or incorporates,
3403 the planning advisory area is dissolved.

3404 Section 55. Section ~~17-27a-404~~ is amended to read:

3405 **17-27a-404. Public hearing by planning commission on proposed general plan or**
3406 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
3407 **by legislative body.**

3408 (1) (a) After completing its recommendation for a proposed general plan, or proposal to
3409 amend the general plan, the planning commission shall schedule and hold a public hearing on
3410 the proposed plan or amendment.

3411 (b) The planning commission shall provide notice of the public hearing, as required by
3412 Section [17-27a-204](#).

3413 (c) After the public hearing, the planning commission may modify the proposed
3414 general plan or amendment.

3415 (2) The planning commission shall forward the proposed general plan or amendment to
3416 the legislative body.

3417 (3) (a) As provided by local ordinance and by Section [17-27a-204](#), the legislative body
3418 shall provide notice of its intent to consider the general plan proposal.

3419 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative
3420 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan
3421 regarding Subsection [17-27a-401](#)(4). The hearing procedure shall comply with this Subsection
3422 (3)(b).

3423 (ii) The hearing format shall allow adequate time for public comment at the actual
3424 public hearing, and shall also allow for public comment in writing to be submitted to the
3425 legislative body for not fewer than 90 days after the date of the public hearing.

3426 (c) (i) The legislative body shall give notice of the hearing in accordance with this
3427 Subsection (3) when the proposed plan provisions required by Subsection [17-27a-401](#)(4) are
3428 complete.

3429 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of
3430 the state Legislature, executive director of the Department of Environmental Quality, the state
3431 planning coordinator, the Resource Development Coordinating Committee, and any other
3432 citizens or entities who specifically request notice in writing.

3433 (iii) Public notice shall be given by publication:

3434 (A) in at least one major Utah newspaper having broad general circulation in the state;

3435 (B) in at least one Utah newspaper having a general circulation focused mainly on the

3436 county where the proposed high-level nuclear waste or greater than class C radioactive waste
3437 site is to be located; and

3438 (C) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#).

3439 (iv) The notice shall be published to allow reasonable time for interested parties and
3440 the state to evaluate the information regarding the provisions of Subsection [17-27a-401](#)(4),
3441 including:

3442 (A) in a newspaper described in Subsection (3)(c)(iii)(A), no less than 180 days before
3443 the date of the hearing to be held under this Subsection (3); and

3444 (B) publication described in Subsection (3)(c)(iii)(B) or (C) for 180 days before the
3445 date of the hearing to be held under this Subsection (3).

3446 (4) (a) After the public hearing required under this section, the legislative body may
3447 adopt, reject, or make any revisions to the proposed general plan that it considers appropriate.

3448 (b) The legislative body shall respond in writing and in a substantive manner to all
3449 those providing comments as a result of the hearing required by Subsection (3).

3450 (c) If the county legislative body rejects the proposed general plan or amendment, it
3451 may provide suggestions to the planning commission for the planning commission's review and
3452 recommendation.

3453 (5) The legislative body shall adopt:

3454 (a) a land use element as provided in Subsection [17-27a-403](#)(2)(a)(i);

3455 (b) a transportation and traffic circulation element as provided in Subsection
3456 [17-27a-403](#)(2)(a)(ii);

3457 (c) after considering the factors included in Subsection [17-27a-403](#)(2)(b), a plan to
3458 provide a realistic opportunity to meet the need for additional moderate income housing; and

3459 (d) before August 1, 2017, a resource management plan as provided by Subsection
3460 [17-27a-403](#)(2)(a)(iv).

3461 Section 56. Section [17-27a-603](#) is amended to read:

3462 **[17-27a-603](#). Plat required when land is subdivided -- Approval of plat -- Owner**
3463 **acknowledgment, surveyor certification, and underground utility facility owner**
3464 **verification of plat -- Recording plat.**

3465 (1) Unless exempt under Section [17-27a-605](#) or excluded from the definition of
3466 subdivision under Section [17-27a-103](#), whenever any land is laid out and platted, the owner of

3467 the land shall provide an accurate plat that describes or specifies:

3468 (a) a subdivision name that is distinct from any subdivision name on a plat recorded in
3469 the county recorder's office;

3470 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by
3471 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is
3472 intended to be used as a street or for any other public use, and whether any such area is
3473 reserved or proposed for dedication for a public purpose;

3474 (c) the lot or unit reference, block or building reference, street or site address, street
3475 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length
3476 and width of the blocks and lots intended for sale; and

3477 (d) every existing right-of-way and easement grant of record for an underground
3478 facility, as defined in Section 54-8a-2, and for any other utility facility.

3479 (2) (a) Subject to Subsections (3), (5), and (6), if the plat conforms to the county's
3480 ordinances and this part and has been approved by the culinary water authority, the sanitary
3481 sewer authority, and the local health department, as defined in Section 26A-1-102, if the local
3482 health department and the county consider the local health department's approval necessary, the
3483 county shall approve the plat.

3484 (b) Counties are encouraged to receive a recommendation from the fire authority and
3485 the public safety answering point before approving a plat.

3486 (c) A county may not require that a plat be approved or signed by a person or entity
3487 who:

3488 (i) is not an employee or agent of the county; or

3489 (ii) does not:

3490 (A) have a legal or equitable interest in the property within the proposed subdivision;

3491 (B) provide a utility or other service directly to a lot within the subdivision;

3492 (C) own an easement or right-of-way adjacent to the proposed subdivision who signs
3493 for the purpose of confirming the accuracy of the location of the easement or right-of-way in
3494 relation to the plat; or

3495 (D) provide culinary public water service whose source protection zone designated as
3496 provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision.

3497 (d) For a subdivision application that includes land located within a notification zone,

3498 as determined under Subsection (2)(f), the land use authority shall:

3499 (i) within 20 days after the day on which a complete subdivision application is filed,
3500 provide written notice of the application to the canal owner or associated canal operator contact
3501 described in:

3502 (A) Section [17-27a-211](#);

3503 (B) Subsection [73-5-7\(2\)](#); or

3504 (C) Subsection (5)(c); and

3505 (ii) wait to approve or reject the subdivision application for at least 20 days after the
3506 day on which the land use authority mails the notice under Subsection (2)(d)(i) in order to
3507 receive input from the canal owner or associated canal operator, including input regarding:

3508 (A) access to the canal;

3509 (B) maintenance of the canal;

3510 (C) canal protection; and

3511 (D) canal safety.

3512 (e) When applicable, the subdivision applicant shall comply with Section [73-1-15.5](#).

3513 (f) The land use authority shall provide the notice described in Subsection (2)(d) to a
3514 canal owner or associated canal operator if:

3515 (i) the canal's centerline is located within 100 feet of a proposed subdivision; and

3516 (ii) the centerline alignment is available to the land use authority:

3517 (A) from information provided by the canal company under Section [17-27a-211](#) using
3518 mapping-grade global positioning satellite units or digitized data from the most recent aerial
3519 photo available to the canal owner or canal operator;

3520 (B) using the state engineer's inventory of canals under Section [73-5-7](#); or

3521 (C) from information provided by a surveyor under Subsection (5)(c).

3522 (3) The county may withhold an otherwise valid plat approval until the owner of the
3523 land provides the legislative body with a tax clearance indicating that all taxes, interest, and
3524 penalties owing on the land have been paid.

3525 (4) (a) Within 30 days after approving a final plat under this section, a county shall
3526 submit to the Automated Geographic Reference Center, created in Section [[63F-1-506](#)]
3527 [63A-16-505](#), for inclusion in the unified statewide 911 emergency service database described
3528 in Subsection [63H-7a-304\(4\)\(b\)](#):

3529 (i) an electronic copy of the approved final plat; or
3530 (ii) preliminary geospatial data that depict any new streets and situs addresses proposed
3531 for construction within the bounds of the approved plat.

3532 (b) If requested by the Automated Geographic Reference Center, a county that
3533 approves a final plat under this section shall:

3534 (i) coordinate with the Automated Geographic Reference Center to validate the
3535 information described in Subsection (4)(a); and

3536 (ii) assist the Automated Geographic Reference Center in creating electronic files that
3537 contain the information described in Subsection (4)(a) for inclusion in the unified statewide
3538 911 emergency service database.

3539 (5) (a) A county recorder may not record a plat unless, subject to Subsection
3540 [17-27a-604\(1\)](#):

3541 (i) prior to recordation, the county has approved and signed the plat;

3542 (ii) each owner of record of land described on the plat has signed the owner's
3543 dedication as shown on the plat; and

3544 (iii) the signature of each owner described in Subsection (5)(a)(ii) is acknowledged as
3545 provided by law.

3546 (b) The surveyor making the plat shall certify that the surveyor:

3547 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
3548 Professional Land Surveyors Licensing Act;

3549 (ii) has completed a survey of the property described on the plat in accordance with
3550 Section [17-23-17](#) and has verified all measurements; and

3551 (iii) has placed monuments as represented on the plat.

3552 (c) (i) To the extent possible, the surveyor shall consult with the owner or operator of
3553 an existing or proposed underground facility or utility facility within the proposed subdivision,
3554 or a representative designated by the owner or operator, to verify the accuracy of the surveyor's
3555 depiction of the:

3556 (A) boundary, course, dimensions, and intended use of the public rights-of-way, a
3557 public or private easement, or grants of record;

3558 (B) location of an existing underground facility and utility facility; and

3559 (C) physical restrictions governing the location of the underground facility and utility

3560 facility within the subdivision.

3561 (ii) The cooperation of an owner or operator under Subsection (5)(c)(i):

3562 (A) indicates only that the plat approximates the location of the existing underground
3563 and utility facilities but does not warrant or verify their precise location; and

3564 (B) does not affect a right that the owner or operator has under Title 54, Chapter 8a,
3565 Damage to Underground Utility Facilities, a recorded easement or right-of-way, the law
3566 applicable to prescriptive rights, or any other provision of law.

3567 (6) (a) Except as provided in Subsection (5)(c), after the plat has been acknowledged,
3568 certified, and approved, the individual seeking to record the plat shall, within the time period
3569 and manner designated by ordinance, record the plat in the county recorder's office in the
3570 county in which the lands platted and laid out are situated.

3571 (b) A failure to record a plat within the time period designated by ordinance renders the
3572 plat voidable by the land use authority.

3573 Section 57. Section **17-36-12** is amended to read:

3574 **17-36-12. Notice of budget hearing.**

3575 (1) The governing body shall determine the time and place for the public hearing on the
3576 adoption of the budget.

3577 (2) Notice of such hearing shall be published:

3578 (a) (i) at least seven days before the hearing in at least one newspaper of general
3579 circulation within the county, if there is such a paper; or

3580 (ii) if there is no newspaper as described in Subsection (2)(a)(i), by posting notice in
3581 three conspicuous places within the county seven days before the hearing;

3582 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
3583 seven days before the hearing; and

3584 (c) on the home page of the county's website, either in full or as a link, if the county has
3585 a publicly viewable website, beginning at least seven days before the hearing and until the
3586 hearing takes place.

3587 Section 58. Section **17-36-26** is amended to read:

3588 **17-36-26. Increase in budgetary fund or county general fund -- Public hearing.**

3589 (1) Before the governing body may, by resolution, increase a budget appropriation of
3590 any budgetary fund, increase the budget of the county general fund, or make an amendment to a

3591 budgetary fund or the county general fund, the governing body shall hold a public hearing
3592 giving all interested parties an opportunity to be heard.

3593 (2) Notice of the public hearing described in Subsection (1) shall be published at least
3594 five days before the day of the hearing:

3595 (a) (i) in at least one issue of a newspaper generally circulated in the county; or

3596 (ii) if there is not a newspaper generally circulated in the county, the hearing may be
3597 published by posting notice in three conspicuous places within the county;

3598 (b) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-16-601](#);

3599 and

3600 (c) on the home page of the county's website, either in full or as a link, if the county has
3601 a publicly viewable website, until the hearing takes place.

3602 Section 59. Section ~~17-41-304~~ is amended to read:

3603 **17-41-304. Public hearing -- Review and action on proposal.**

3604 (1) After receipt of the written reports from the advisory committee and planning
3605 commission, or after the 45 days have expired, whichever is earlier, the county or municipal
3606 legislative body shall:

3607 (a) schedule a public hearing;

3608 (b) provide notice of the public hearing by:

3609 (i) publishing notice:

3610 (A) in a newspaper having general circulation within:

3611 (I) the same county as the land proposed for inclusion within the agriculture protection
3612 area, industrial protection area, or critical infrastructure materials protection area, if the land is
3613 within the unincorporated part of the county; or

3614 (II) the same city or town as the land proposed for inclusion within an agriculture
3615 protection area, industrial protection area, or critical infrastructure materials protection area, if
3616 the land is within a city or town; and

3617 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#);

3618 (ii) posting notice at five public places, designated by the applicable legislative body,
3619 within or near the proposed agriculture protection area, industrial protection area, or critical
3620 infrastructure materials protection area; and

3621 (iii) mailing written notice to each owner of land within 1,000 feet of the land proposed

3622 for inclusion within an agriculture protection area, industrial protection area, or critical
3623 infrastructure materials protection area; and

3624 (c) ensure that the notice includes:

3625 (i) the time, date, and place of the public hearing on the proposal;

3626 (ii) a description of the proposed agriculture protection area, industrial protection area,
3627 or critical infrastructure materials protection area;

3628 (iii) any proposed modifications to the proposed agriculture protection area, industrial
3629 protection area, or critical infrastructure materials protection area;

3630 (iv) a summary of the recommendations of the advisory committee and planning
3631 commission; and

3632 (v) a statement that interested persons may appear at the public hearing and speak in
3633 favor of or against the proposal, any proposed modifications to the proposal, or the
3634 recommendations of the advisory committee and planning commission.

3635 (2) The applicable legislative body shall:

3636 (a) convene the public hearing at the time, date, and place specified in the notice; and

3637 (b) take oral or written testimony from interested persons.

3638 (3) (a) Within 120 days of the submission of the proposal, the applicable legislative
3639 body shall approve, modify and approve, or reject the proposal.

3640 (b) The creation of an agriculture protection area, industrial protection area, or critical
3641 infrastructure materials protection area is effective at the earlier of:

3642 (i) the applicable legislative body's approval of a proposal or modified proposal; or

3643 (ii) 120 days after submission of a proposal complying with Subsection 17-41-301(2) if
3644 the applicable legislative body has failed to approve or reject the proposal within that time.

3645 (c) Notwithstanding Subsection (3)(b), a critical infrastructure materials protection area
3646 is effective only if the applicable legislative body, at its discretion, approves a proposal or
3647 modified proposal.

3648 (4) (a) To give constructive notice of the existence of the agriculture protection area,
3649 industrial protection area, or critical infrastructure materials protection area to all persons who
3650 have, may acquire, or may seek to acquire an interest in land in or adjacent to the relevant
3651 protection area within 10 days of the creation of the relevant protection area, the applicable
3652 legislative body shall file an executed document containing a legal description of the relevant

3653 protection area with:

3654 (i) the county recorder of deeds; and

3655 (ii) the affected planning commission.

3656 (b) If the legal description of the property to be included in the relevant protection area
3657 is available through the county recorder's office, the applicable legislative body shall use that
3658 legal description in its executed document required in Subsection (4)(a).

3659 (5) Within 10 days of the recording of the agriculture protection area, the applicable
3660 legislative body shall:

3661 (a) send written notification to the commissioner of agriculture and food that the
3662 agriculture protection area has been created; and

3663 (b) include in the notification:

3664 (i) the number of landowners owning land within the agriculture protection area;

3665 (ii) the total acreage of the area;

3666 (iii) the date of approval of the area; and

3667 (iv) the date of recording.

3668 (6) The applicable legislative body's failure to record the notice required under
3669 Subsection (4) or to send the written notification under Subsection (5) does not invalidate the
3670 creation of an agriculture protection area.

3671 (7) The applicable legislative body may consider the cost of recording notice under
3672 Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee
3673 under Subsection 17-41-301(4)(b).

3674 Section 60. Section 17-41-405 is amended to read:

3675 **17-41-405. Eminent domain restrictions.**

3676 (1) A political subdivision having or exercising eminent domain powers may not
3677 condemn for any purpose any land within an agriculture protection area that is being used for
3678 agricultural production, land within an industrial protection area that is being put to an
3679 industrial use, or land within a critical infrastructure materials protection area, unless the
3680 political subdivision obtains approval, according to the procedures and requirements of this
3681 section, from the applicable legislative body and the advisory board.

3682 (2) Any condemnor wishing to condemn property within an agriculture protection area,
3683 industrial protection area, or critical infrastructure materials protection area shall file a notice

3684 of condemnation with the applicable legislative body and the relevant protection area's advisory
3685 board at least 30 days before filing an eminent domain complaint.

3686 (3) The applicable legislative body and the advisory board shall:

3687 (a) hold a joint public hearing on the proposed condemnation at a location within the
3688 county in which the relevant protection area is located;

3689 (b) publish notice of the time, date, place, and purpose of the public hearing:

3690 (i) in a newspaper of general circulation within the relevant protection area; and

3691 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#);

3692 and

3693 (c) post notice of the time, date, place, and purpose of the public hearing in five
3694 conspicuous public places, designated by the applicable legislative body, within or near the
3695 relevant protection area.

3696 (4) (a) If the condemnation is for highway purposes or for the disposal of solid or
3697 liquid waste materials, the applicable legislative body and the advisory board may approve the
3698 condemnation only if there is no reasonable and prudent alternative to the use of the land
3699 within the agriculture protection area, industrial protection area, or critical infrastructure
3700 materials protection area for the project.

3701 (b) If the condemnation is for any other purpose, the applicable legislative body and the
3702 advisory board may approve the condemnation only if:

3703 (i) the proposed condemnation would not have an unreasonably adverse effect upon the
3704 preservation and enhancement of:

3705 (A) agriculture within the agriculture protection area;

3706 (B) the industrial use within the industrial protection area; or

3707 (C) critical infrastructure materials operations within the critical infrastructure
3708 materials protection area; or

3709 (ii) there is no reasonable and prudent alternative to the use of the land within the [~~the~~]
3710 relevant protection area for the project.

3711 (5) (a) Within 60 days after receipt of the notice of condemnation, the applicable
3712 legislative body and the advisory board shall approve or reject the proposed condemnation.

3713 (b) If the applicable legislative body and the advisory board fail to act within the 60
3714 days or such further time as the applicable legislative body establishes, the condemnation shall

3715 be considered rejected.

3716 (6) The applicable legislative body or the advisory board may request the county or
3717 municipal attorney to bring an action to enjoin any condemnor from violating any provisions of
3718 this section.

3719 Section 61. Section **17-50-105** is amended to read:

3720 **17-50-105. Disputed boundaries.**

3721 (1) As used in this section, "independent surveyor" means the surveyor whose position
3722 is established within the Automated Geographic Reference Center under Subsection
3723 [~~63F-1-506~~] 63A-16-505(3).

3724 (2) (a) If a dispute or uncertainty arises as to the true location of a county boundary as
3725 described in the official records maintained by the office of the lieutenant governor, the
3726 surveyors of each county whose boundary is the subject of the dispute or uncertainty may
3727 determine the true location.

3728 (b) If agreement is reached under Subsection (2)(a), the county surveyors shall provide
3729 notice, accompanied by a map, to the lieutenant governor showing the true location of the
3730 county boundary.

3731 (3) (a) If the county surveyors fail to agree on or otherwise fail to establish the true
3732 location of the county boundary, the county executive of either or both of the affected counties
3733 shall engage the services of the independent surveyor.

3734 (b) After being engaged under Subsection (3)(a), the independent surveyor shall notify
3735 the surveyor of each county whose boundary is the subject of the dispute or uncertainty of the
3736 procedure the independent surveyor will use to determine the true location of the boundary.

3737 (c) With the assistance of each surveyor who chooses to participate, the independent
3738 surveyor shall determine permanently the true location of the boundary by marking surveys and
3739 erecting suitable monuments to designate the boundary.

3740 (d) Each boundary established under this Subsection (3) shall be considered permanent
3741 until superseded by legislative enactment.

3742 (e) The independent surveyor shall provide notice, accompanied by a map, to the
3743 lieutenant governor showing the true location of the county boundary.

3744 (4) Nothing in this section may be construed to give the county surveyors or
3745 independent surveyor any authority other than to erect suitable monuments to designate county

3746 boundaries as they are described in the official records maintained by the office of the
3747 lieutenant governor.

3748 Section 62. Section 17-50-303 is amended to read:

3749 **17-50-303. County may not give or lend credit -- County may borrow in**
3750 **anticipation of revenues -- Assistance to nonprofit and private entities.**

3751 (1) A county may not give or lend its credit to or in aid of any person or corporation,
3752 or, except as provided in Subsection (3), appropriate money in aid of any private enterprise.

3753 (2) (a) A county may borrow money in anticipation of the collection of taxes and other
3754 county revenues in the manner and subject to the conditions of Title 11, Chapter 14, Local
3755 Government Bonding Act.

3756 (b) A county may incur indebtedness under Subsection (2)(a) for any purpose for which
3757 funds of the county may be expended.

3758 (3) (a) A county may appropriate money to or provide nonmonetary assistance to a
3759 nonprofit entity, or waive fees required to be paid by a nonprofit entity, if, in the judgment of
3760 the county legislative body, the assistance contributes to the safety, health, prosperity, moral
3761 well-being, peace, order, comfort, or convenience of county residents.

3762 (b) A county may appropriate money to a nonprofit entity from the county's own funds
3763 or from funds the county receives from the state or any other source.

3764 (4) (a) As used in this Subsection (4):

3765 (i) "Private enterprise" means a person that engages in an activity for profit.

3766 (ii) "Project" means an activity engaged in by a private enterprise.

3767 (b) A county may appropriate money in aid of a private enterprise project if:

3768 (i) subject to Subsection (4)(c), the county receives value in return for the money
3769 appropriated; and

3770 (ii) in the judgment of the county legislative body, the private enterprise project
3771 provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or
3772 convenience of the county residents.

3773 (c) The county shall measure the net value received by the county for money
3774 appropriated by the county to a private entity on a project-by-project basis over the life of the
3775 project.

3776 (d) (i) Before a county legislative body may appropriate funds in aid of a private

3777 enterprise project under this Subsection (4), the county legislative body shall:

3778 (A) adopt by ordinance criteria to determine what value, if any, the county will receive
3779 in return for money appropriated under this Subsection (4);

3780 (B) conduct a study as described in Subsection (4)(e) on the proposed appropriation
3781 and private enterprise project; and

3782 (C) post notice, subject to Subsection (4)(f), and hold a public hearing on the proposed
3783 appropriation and the private enterprise project.

3784 (ii) The county legislative body may consider an intangible benefit as a value received
3785 by the county.

3786 (e) (i) Before publishing or posting notice in accordance with Subsection (4)(f), the
3787 county shall study:

3788 (A) any value the county will receive in return for money or resources appropriated to a
3789 private entity;

3790 (B) the county's purpose for the appropriation, including an analysis of the way the
3791 appropriation will be used to enhance the safety, health, prosperity, moral well-being, peace,
3792 order, comfort, or convenience of the county residents; and

3793 (C) whether the appropriation is necessary and appropriate to accomplish the
3794 reasonable goals and objectives of the county in the area of economic development, job
3795 creation, affordable housing, elimination of a development impediment, as defined in Section
3796 [17C-1-102](#), job preservation, the preservation of historic structures, analyzing and improving
3797 county government structure or property, or any other public purpose.

3798 (ii) The county shall:

3799 (A) prepare a written report of the results of the study; and

3800 (B) make the report available to the public at least 14 days immediately prior to the
3801 scheduled day of the public hearing described in Subsection (4)(d)(i)(C).

3802 (f) The county shall publish notice of the public hearing required in Subsection
3803 (4)(d)(i)(C):

3804 (i) in a newspaper of general circulation at least 14 days before the date of the hearing
3805 or, if there is no newspaper of general circulation, by posting notice in at least three
3806 conspicuous places within the county for the same time period; and

3807 (ii) on the Utah Public Notice Website created in Section [[63F-1-701](#)] [63A-16-601](#), at

3808 least 14 days before the date of the hearing.

3809 (g) (i) A person may appeal the decision of the county legislative body to appropriate
3810 funds under this Subsection (4).

3811 (ii) A person shall file an appeal with the district court within 30 days after the day on
3812 which the legislative body adopts an ordinance or approves a budget to appropriate the funds.

3813 (iii) A court shall:

3814 (A) presume that an ordinance adopted or appropriation made under this Subsection (4)
3815 is valid; and

3816 (B) determine only whether the ordinance or appropriation is arbitrary, capricious, or
3817 illegal.

3818 (iv) A determination of illegality requires a determination that the decision or
3819 ordinance violates a law, statute, or ordinance in effect at the time the decision was made or the
3820 ordinance was adopted.

3821 (v) The district court's review is limited to:

3822 (A) a review of the criteria adopted by the county legislative body under Subsection
3823 (4)(d)(i)(A);

3824 (B) the record created by the county legislative body at the public hearing described in
3825 Subsection (4)(d)(i)(C); and

3826 (C) the record created by the county in preparation of the study and the study itself as
3827 described in Subsection (4)(e).

3828 (vi) If there is no record, the court may call witnesses and take evidence.

3829 (h) This section applies only to an appropriation not otherwise approved in accordance
3830 with Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties.

3831 Section 63. Section **17B-1-106** is amended to read:

3832 **17B-1-106. Notice before preparing or amending a long-range plan or acquiring**
3833 **certain property.**

3834 (1) As used in this section:

3835 (a) (i) "Affected entity" means each county, municipality, local district under this title,
3836 special service district, school district, interlocal cooperation entity established under Title 11,
3837 Chapter 13, Interlocal Cooperation Act, and specified public utility:

3838 (A) whose services or facilities are likely to require expansion or significant

3839 modification because of an intended use of land; or

3840 (B) that has filed with the local district a copy of the general or long-range plan of the
3841 county, municipality, local district, school district, interlocal cooperation entity, or specified
3842 public utility.

3843 (ii) "Affected entity" does not include the local district that is required under this
3844 section to provide notice.

3845 (b) "Specified public utility" means an electrical corporation, gas corporation, or
3846 telephone corporation, as those terms are defined in Section [54-2-1](#).

3847 (2) (a) If a local district under this title located in a county of the first or second class
3848 prepares a long-range plan regarding its facilities proposed for the future or amends an already
3849 existing long-range plan, the local district shall, before preparing a long-range plan or
3850 amendments to an existing long-range plan, provide written notice, as provided in this section,
3851 of its intent to prepare a long-range plan or to amend an existing long-range plan.

3852 (b) Each notice under Subsection (2)(a) shall:

3853 (i) indicate that the local district intends to prepare a long-range plan or to amend a
3854 long-range plan, as the case may be;

3855 (ii) describe or provide a map of the geographic area that will be affected by the
3856 long-range plan or amendments to a long-range plan;

3857 (iii) be:

3858 (A) sent to each county in whose unincorporated area and each municipality in whose
3859 boundaries is located the land on which the proposed long-range plan or amendments to a
3860 long-range plan are expected to indicate that the proposed facilities will be located;

3861 (B) sent to each affected entity;

3862 (C) sent to the Automated Geographic Reference Center created in Section
3863 ~~[63F-1-506]~~ [63A-16-505](#);

3864 (D) sent to each association of governments, established pursuant to an interlocal
3865 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or
3866 municipality described in Subsection (2)(b)(iii)(A) is a member; and

3867 (E) (I) placed on the Utah Public Notice Website created under Section ~~[63F-1-701]~~
3868 [63A-16-601](#), if the local district:

3869 (Aa) is required under Subsection [52-4-203](#)(3) to use that website to provide public

3870 notice of a meeting; or

3871 (Bb) voluntarily chooses to place notice on that website despite not being required to
3872 do so under Subsection (2)(b)(iii)(E)(I)(Aa); or

3873 (II) the state planning coordinator appointed under Section 63J-4-202, if the local
3874 district does not provide notice on the Utah Public Notice Website under Subsection
3875 (2)(b)(iii)(E)(I);

3876 (iv) with respect to the notice to counties and municipalities described in Subsection
3877 (2)(b)(iii)(A) and affected entities, invite them to provide information for the local district to
3878 consider in the process of preparing, adopting, and implementing the long-range plan or
3879 amendments to a long-range plan concerning:

3880 (A) impacts that the use of land proposed in the proposed long-range plan or
3881 amendments to a long-range plan may have on the county, municipality, or affected entity; and

3882 (B) uses of land that the county, municipality, or affected entity is planning or
3883 considering that may conflict with the proposed long-range plan or amendments to a long-range
3884 plan; and

3885 (v) include the address of an Internet website, if the local district has one, and the name
3886 and telephone number of a person where more information can be obtained concerning the
3887 local district's proposed long-range plan or amendments to a long-range plan.

3888 (3) (a) Except as provided in Subsection (3)(d), each local district intending to acquire
3889 real property in a county of the first or second class for the purpose of expanding the district's
3890 infrastructure or other facilities used for providing the services that the district is authorized to
3891 provide shall provide written notice, as provided in this Subsection (3), of its intent to acquire
3892 the property if the intended use of the property is contrary to:

3893 (i) the anticipated use of the property under the county or municipality's general plan;

3894 or

3895 (ii) the property's current zoning designation.

3896 (b) Each notice under Subsection (3)(a) shall:

3897 (i) indicate that the local district intends to acquire real property;

3898 (ii) identify the real property; and

3899 (iii) be sent to:

3900 (A) each county in whose unincorporated area and each municipality in whose

3901 boundaries the property is located; and

3902 (B) each affected entity.

3903 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
3904 [63G-2-305](#)(8).

3905 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the local district
3906 previously provided notice under Subsection (2) identifying the general location within the
3907 municipality or unincorporated part of the county where the property to be acquired is located.

3908 (ii) If a local district is not required to comply with the notice requirement of
3909 Subsection (3)(a) because of application of Subsection (3)(d)(i), the local district shall provide
3910 the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of the real
3911 property.

3912 Section 64. Section **17B-1-211** is amended to read:

3913 **17B-1-211. Notice of public hearings -- Publication of resolution.**

3914 (1) Before holding a public hearing or set of public hearings under Section [17B-1-210](#),
3915 the legislative body of each county or municipality with which a request is filed or that adopts a
3916 resolution under Subsection [17B-1-203](#)(1)(d) and the board of trustees of each local district
3917 that adopts a resolution under Subsection [17B-1-203](#)(1)(e) shall:

3918 (a) (i) (A) except as provided in Subsections (1)(a)(i)(B) and (1)(a)(ii), publish notice
3919 in a newspaper or combination of newspapers of general circulation within the applicable area
3920 in accordance with Subsection (2); or

3921 (B) if there is no newspaper or combination of newspapers of general circulation
3922 within the applicable area, post notice in accordance with Subsection (2) at least one notice per
3923 1,000 population of that area and at places within the area that are most likely to provide actual
3924 notice to residents of the area; and

3925 (ii) publish notice on the Utah Public Notice Website created in Section [~~63F-1-701~~]
3926 [63A-16-601](#), for two weeks before the hearing or the first of the set of hearings; or

3927 (b) mail a notice to each registered voter residing within and each owner of real
3928 property located within the proposed local district.

3929 (2) Each published notice under Subsection (1)(a)(i)(A) shall:

3930 (a) be no less than 1/4 page in size, use type no smaller than 18 point, and be
3931 surrounded by a 1/4-inch border;

- 3932 (b) if possible, appear in a newspaper that is published at least one day per week;
- 3933 (c) if possible, appear in a newspaper of general interest and readership in the area and
- 3934 not of limited subject matter;
- 3935 (d) be placed in a portion of the newspaper other than where legal notices and
- 3936 classified advertisements appear; and
- 3937 (e) be published once each week for four consecutive weeks, with the final publication
- 3938 being no fewer than five and no more than 20 days before the hearing or the first of the set of
- 3939 hearings.

3940 (3) Each notice required under Subsection (1) shall:

3941 (a) if the hearing or set of hearings is concerning a resolution:

3942 (i) contain the entire text or an accurate summary of the resolution; and

3943 (ii) state the deadline for filing a protest against the creation of the proposed local

3944 district;

3945 (b) clearly identify each governing body involved in the hearing or set of hearings;

3946 (c) state the date, time, and place for the hearing or set of hearings and the purposes for

3947 the hearing or set of hearings; and

3948 (d) describe or include a map of the entire proposed local district.

3949 (4) County or municipal legislative bodies may jointly provide the notice required

3950 under this section if all the requirements of this section are met as to each notice.

3951 Section 65. Section **17B-1-303** is amended to read:

3952 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice**

3953 **of board member contact information.**

3954 (1) (a) Except as provided in Subsections (1)(b), (c), (d), and (e), the term of each

3955 member of a board of trustees begins at noon on the January 1 following the member's election

3956 or appointment.

3957 (b) The term of each member of the initial board of trustees of a newly created local

3958 district begins:

3959 (i) upon appointment, for an appointed member; and

3960 (ii) upon the member taking the oath of office after the canvass of the election at which

3961 the member is elected, for an elected member.

3962 (c) The term of each water conservancy district board member whom the governor

3963 appoints in accordance with Subsection 17B-2a-1005(2)(c):

3964 (i) begins on the later of the following:

3965 (A) the date on which the Senate consents to the appointment; or

3966 (B) the expiration date of the prior term; and

3967 (ii) ends on the February 1 that is approximately four years after the date described in
3968 Subsection (1)(c)(i)(A) or (B).

3969 (d) The term of a member of a board of trustees whom an appointing authority appoints
3970 in accordance with Subsection (5)(b) begins upon the member taking the oath of office.

3971 (e) If the member of the board of trustees fails to assume or qualify for office on
3972 January 1 for any reason, the term begins on the date the member assumes or qualifies for
3973 office.

3974 (2) (a) (i) Except as provided in Subsection (8), and subject to Subsections (2)(a)(ii)
3975 and (iii), the term of each member of a board of trustees is four years, except that
3976 approximately half the members of the initial board of trustees, chosen by lot, shall serve a
3977 two-year term so that the term of approximately half the board members expires every two
3978 years.

3979 (ii) If the terms of members of the initial board of trustees of a newly created local
3980 district do not begin on January 1 because of application of Subsection (1)(b), the terms of
3981 those members shall be adjusted as necessary, subject to Subsection (2)(a)(iii), to result in the
3982 terms of their successors complying with:

3983 (A) the requirement under Subsection (1)(a) for a term to begin on January 1 following
3984 a member's election or appointment; and

3985 (B) the requirement under Subsection (2)(a)(i) that terms be four years.

3986 (iii) If the term of a member of a board of trustees does not begin on January 1 because
3987 of the application of Subsection (1)(e), the term is shortened as necessary to result in the term
3988 complying with the requirement under Subsection (1)(a) that the successor member's term,
3989 regardless of whether the ~~incumbant~~ incumbent is the successor, begins at noon on January 1
3990 following the successor member's election or appointment.

3991 (iv) An adjustment under Subsection (2)(a)(ii) may not add more than a year to or
3992 subtract more than a year from a member's term.

3993 (b) Each board of trustees member shall serve until a successor is duly elected or

3994 appointed and qualified, unless the member earlier is removed from office or resigns or
3995 otherwise leaves office.

3996 (c) If a member of a board of trustees no longer meets the qualifications of Subsection
3997 17B-1-302(1), (2), or (3), or if the member's term expires without a duly elected or appointed
3998 successor:

3999 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

4000 (ii) the member may continue to serve until a successor is duly elected or appointed
4001 and qualified.

4002 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees
4003 shall take the oath of office specified in Utah Constitution, Article IV, Section 10.

4004 (ii) A judge, county clerk, notary public, or the local district clerk may administer an
4005 oath of office.

4006 (b) The member of the board of trustees taking the oath of office shall file the oath of
4007 office with the clerk of the local district.

4008 (c) The failure of a board of trustees member to take the oath under Subsection (3)(a)
4009 does not invalidate any official act of that member.

4010 (4) A board of trustees member may serve any number of terms.

4011 (5) (a) Except as provided in Subsection (6), each midterm vacancy in a board of
4012 trustees position is filled in accordance with Section 20A-1-512.

4013 (b) When the number of members of a board of trustees increases in accordance with
4014 Subsection 17B-1-302(6), the appointing authority may appoint an individual to fill a new
4015 board of trustees position in accordance with Section 17B-1-304 or 20A-1-512.

4016 (6) (a) For purposes of this Subsection (6):

4017 (i) "Appointed official" means a person who:

4018 (A) is appointed as a member of a local district board of trustees by a county or
4019 municipality that is entitled to appoint a member to the board; and

4020 (B) holds an elected position with the appointing county or municipality.

4021 (ii) "Appointing entity" means the county or municipality that appointed the appointed
4022 official to the board of trustees.

4023 (b) The board of trustees shall declare a midterm vacancy for the board position held
4024 by an appointed official if:

4025 (i) during the appointed official's term on the board of trustees, the appointed official
4026 ceases to hold the elected position with the appointing entity; and

4027 (ii) the appointing entity submits a written request to the board to declare the vacancy.

4028 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the
4029 appointing entity shall appoint another person to fill the remaining unexpired term on the board
4030 of trustees.

4031 (7) (a) Each member of a board of trustees shall give a bond for the faithful
4032 performance of the member's duties, in the amount and with the sureties that the board of
4033 trustees prescribes.

4034 (b) The local district shall pay the cost of each bond required under Subsection (7)(a).

4035 (8) (a) The lieutenant governor may extend the term of an elected district board
4036 member by one year in order to compensate for a change in the election year under Subsection
4037 [17B-1-306](#)(14).

4038 (b) When the number of members of a board of trustees increases in accordance with
4039 Subsection [17B-1-302](#)(6), to ensure that the term of approximately half of the board members
4040 expires every two years in accordance with Subsection (2)(a):

4041 (i) the board shall set shorter terms for approximately half of the new board members,
4042 chosen by lot; and

4043 (ii) the initial term of a new board member position may be less than two or four years.

4044 (9) (a) A local district shall:

4045 (i) post on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#)
4046 the name, phone number, and email address of each member of the local district's board of
4047 trustees;

4048 (ii) update the information described in Subsection (9)(a)(i) when:

4049 (A) the membership of the board of trustees changes; or

4050 (B) a member of the board of trustees' phone number or email address changes; and

4051 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the date
4052 on which the change requiring the update occurs.

4053 (b) This Subsection (9) applies regardless of whether the county or municipal
4054 legislative body also serves as the board of trustees of the local district.

4055 Section 66. Section **17B-1-306** is amended to read:

4056 **17B-1-306. Local district board -- Election procedures.**

4057 (1) Except as provided in Subsection (12), each elected board member shall be selected
4058 as provided in this section.

4059 (2) (a) Each election of a local district board member shall be held:

4060 (i) at the same time as the municipal general election or the regular general election, as
4061 applicable; and

4062 (ii) at polling places designated by the local district board in consultation with the
4063 county clerk for each county in which the local district is located, which polling places shall
4064 coincide with municipal general election or regular general election polling places, as
4065 applicable, whenever feasible.

4066 (b) The local district board, in consultation with the county clerk, may consolidate two
4067 or more polling places to enable voters from more than one district to vote at one consolidated
4068 polling place.

4069 (c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under
4070 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
4071 polling place per division of the district, designated by the district board.

4072 (ii) Each polling place designated by an irrigation district board under Subsection
4073 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection
4074 (2)(a)(ii).

4075 (3) The clerk of each local district with a board member position to be filled at the next
4076 municipal general election or regular general election, as applicable, shall provide notice of:

4077 (a) each elective position of the local district to be filled at the next municipal general
4078 election or regular general election, as applicable;

4079 (b) the constitutional and statutory qualifications for each position; and

4080 (c) the dates and times for filing a declaration of candidacy.

4081 (4) The clerk of the local district shall publish the notice described in Subsection (3):

4082 (a) by posting the notice on the Utah Public Notice Website created in Section
4083 ~~[63F-1-701]~~ [63A-16-601](#), for 10 days before the first day for filing a declaration of candidacy;
4084 and

4085 (b) (i) by posting the notice in at least five public places within the local district at least
4086 10 days before the first day for filing a declaration of candidacy; or

4087 (ii) publishing the notice:

4088 (A) in a newspaper of general circulation within the local district at least three but no
4089 more than 10 days before the first day for filing a declaration of candidacy;

4090 (B) in accordance with Section 45-1-101, for 10 days before the first day for filing a
4091 declaration of candidacy; and

4092 (c) if the local district has a website, on the local district's website for 10 days before
4093 the first day for filing a declaration of candidacy.

4094 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective
4095 local district board position, an individual shall file a declaration of candidacy in person with
4096 an official designated by the local district, during office hours, within the candidate filing
4097 period for the applicable election year in which the election for the local district board is held.

4098 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the
4099 filing time shall be extended until the close of normal office hours on the following regular
4100 business day.

4101 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a
4102 declaration of candidacy with the official designated by the local district if:

4103 (i) the individual is located outside of the state during the entire filing period;

4104 (ii) the designated agent appears in person before the official designated by the local
4105 district; and

4106 (iii) the individual communicates with the official designated by the local district using
4107 an electronic device that allows the individual and official to see and hear each other.

4108 (d) (i) Before the filing officer may accept any declaration of candidacy from an
4109 individual, the filing officer shall:

4110 (A) read to the individual the constitutional and statutory qualification requirements for
4111 the office that the individual is seeking; and

4112 (B) require the individual to state whether the individual meets those requirements.

4113 (ii) If the individual does not meet the qualification requirements for the office, the
4114 filing officer may not accept the individual's declaration of candidacy.

4115 (iii) If it appears that the individual meets the requirements of candidacy, the filing
4116 officer shall accept the individual's declaration of candidacy.

4117 (e) The declaration of candidacy shall be in substantially the following form:

4118 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
 4119 _____, City of _____, County of _____, state of Utah, (Zip
 4120 Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the
 4121 office of board of trustees member for _____ (state the name of the local
 4122 district); that I am a candidate for that office to be voted upon at the next election; and that, if
 4123 filing via a designated agent, I will be out of the state of Utah during the entire candidate filing
 4124 period, and I hereby request that my name be printed upon the official ballot for that election.

4125 (Signed) _____

4126 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
 4127 of _____, _____.

4128 (Signed) _____

4129 (Clerk or Notary Public)"

4130 (f) An agent designated under Subsection (5)(c) may not sign the form described in
 4131 Subsection (5)(e).

4132 (g) Each individual wishing to become a valid write-in candidate for an elective local
 4133 district board position is governed by Section [20A-9-601](#).

4134 (h) If at least one individual does not file a declaration of candidacy as required by this
 4135 section, an individual shall be appointed to fill that board position in accordance with the
 4136 appointment provisions of Section [20A-1-512](#).

4137 (i) If only one candidate files a declaration of candidacy and there is no write-in
 4138 candidate who complies with Section [20A-9-601](#), the board, in accordance with Section
 4139 [20A-1-206](#), may:

4140 (i) consider the candidate to be elected to the position; and

4141 (ii) cancel the election.

4142 (6) (a) A primary election may be held if:

4143 (i) the election is authorized by the local district board; and

4144 (ii) the number of candidates for a particular local board position or office exceeds
 4145 twice the number of persons needed to fill that position or office.

4146 (b) The primary election shall be conducted:

4147 (i) on the same date as the municipal primary election or the regular primary election,
 4148 as applicable; and

4149 (ii) according to the procedures for primary elections provided under Title 20A,
4150 Election Code.

4151 (7) (a) Except as provided in Subsection (7)(c), within one business day after the
4152 deadline for filing a declaration of candidacy, the local district clerk shall certify the candidate
4153 names to the clerk of each county in which the local district is located.

4154 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section
4155 20A-6-305, the clerk of each county in which the local district is located and the local district
4156 clerk shall coordinate the placement of the name of each candidate for local district office in
4157 the nonpartisan section of the ballot with the appropriate election officer.

4158 (ii) If consolidation of the local district election ballot with the municipal general
4159 election ballot or the regular general election ballot, as applicable, is not feasible, the local
4160 district board of trustees, in consultation with the county clerk, shall provide for a separate
4161 local district election ballot to be administered by poll workers at polling locations designated
4162 under Subsection (2).

4163 (c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board
4164 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

4165 (ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall
4166 prescribe the form of the ballot for each board member election.

4167 (B) Each ballot for an election of an irrigation district board member shall be in a
4168 nonpartisan format.

4169 (C) The name of each candidate shall be placed on the ballot in the order specified
4170 under Section 20A-6-305.

4171 (8) (a) Each voter at an election for a board of trustees member of a local district shall:

4172 (i) be a registered voter within the district, except for an election of:

4173 (A) an irrigation district board of trustees member; or

4174 (B) a basic local district board of trustees member who is elected by property owners;

4175 and

4176 (ii) meet the requirements to vote established by the district.

4177 (b) Each voter may vote for as many candidates as there are offices to be filled.

4178 (c) The candidates who receive the highest number of votes are elected.

4179 (9) Except as otherwise provided by this section, the election of local district board

4180 members is governed by Title 20A, Election Code.

4181 (10) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a
4182 local district board shall serve a four-year term, beginning at noon on the January 1 after the
4183 person's election.

4184 (b) A person elected shall be sworn in as soon as practical after January 1.

4185 (11) (a) Except as provided in Subsection (11)(b), each local district shall reimburse
4186 the county or municipality holding an election under this section for the costs of the election
4187 attributable to that local district.

4188 (b) Each irrigation district shall bear its own costs of each election it holds under this
4189 section.

4190 (12) This section does not apply to an improvement district that provides electric or gas
4191 service.

4192 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,
4193 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.

4194 (14) (a) As used in this Subsection (14), "board" means:

4195 (i) a local district board; or

4196 (ii) the administrative control board of a special service district that has elected
4197 members on the board.

4198 (b) A board may hold elections for membership on the board at a regular general
4199 election instead of a municipal general election if the board submits an application to the
4200 lieutenant governor that:

4201 (i) requests permission to hold elections for membership on the board at a regular
4202 general election instead of a municipal general election; and

4203 (ii) indicates that holding elections at the time of the regular general election is
4204 beneficial, based on potential cost savings, a potential increase in voter turnout, or another
4205 material reason.

4206 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant
4207 governor may approve the application if the lieutenant governor concludes that holding the
4208 elections at the regular general election is beneficial based on the criteria described in
4209 Subsection (14)(b)(ii).

4210 (d) If the lieutenant governor approves a board's application described in this section:

4211 (i) all future elections for membership on the board shall be held at the time of the
4212 regular general election; and

4213 (ii) the board may not hold elections at the time of a municipal general election unless
4214 the board receives permission from the lieutenant governor to hold all future elections for
4215 membership on the board at a municipal general election instead of a regular general election,
4216 under the same procedure, and by applying the same criteria, described in this Subsection (14).

4217 Section 67. Section **17B-1-413** is amended to read:

4218 **17B-1-413. Hearing, notice, and protest provisions do not apply for certain**
4219 **petitions.**

4220 (1) Section **17B-1-412** does not apply, and, except as provided in Subsection (2)(a),
4221 Sections **17B-1-409** and **17B-1-410** do not apply:

4222 (a) if the process to annex an area to a local district was initiated by:

4223 (i) a petition under Subsection **17B-1-403(1)(a)(i)**;

4224 (ii) a petition under Subsection **17B-1-403(1)(a)(ii)(A)** that was signed by the owners
4225 of private real property that:

4226 (A) is located within the area proposed to be annexed;

4227 (B) covers at least 75% of the total private land area within the entire area proposed to
4228 be annexed and within each applicable area; and

4229 (C) is equal in assessed value to at least 75% of the assessed value of all private real
4230 property within the entire area proposed to be annexed and within each applicable area; or

4231 (iii) a petition under Subsection **17B-1-403(1)(a)(ii)(B)** that was signed by registered
4232 voters residing within the entire area proposed to be annexed and within each applicable area
4233 equal in number to at least 75% of the number of votes cast within the entire area proposed to
4234 be annexed and within each applicable area, respectively, for the office of governor at the last
4235 regular general election before the filing of the petition;

4236 (b) to an annexation under Section **17B-1-415**; or

4237 (c) to a boundary adjustment under Section **17B-1-417**.

4238 (2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under
4239 Section **17B-1-405**, the local district board:

4240 (i) shall provide notice of the proposed annexation as provided in Subsection (2)(b);

4241 and

4242 (ii) (A) may, in the board's discretion, hold a public hearing as provided in Section
4243 [17B-1-409](#) after giving notice of the public hearing as provided in Subsection (2)(b); and

4244 (B) shall, after giving notice of the public hearing as provided in Subsection (2)(b),
4245 hold a public hearing as provided in Section [17B-1-409](#) if a written request to do so is
4246 submitted, within 20 days after the local district provides notice under Subsection (2)(a)(i), to
4247 the local district board by an owner of property that is located within or a registered voter
4248 residing within the area proposed to be annexed who did not sign the annexation petition.

4249 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:

4250 (i) be given:

4251 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition
4252 certification; or

4253 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least 10 but not more
4254 than 30 days before the public hearing; and

4255 (B) by:

4256 (I) posting written notice at the local district's principal office and in one or more other
4257 locations within or proximate to the area proposed to be annexed as are reasonable under the
4258 circumstances, considering the number of parcels included in that area, the size of the area, the
4259 population of the area, and the contiguousness of the area; and

4260 (II) providing written notice:

4261 (Aa) to at least one newspaper of general circulation, if there is one, within the area
4262 proposed to be annexed or to a local media correspondent; and

4263 (Bb) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#);
4264 and

4265 (ii) contain a brief explanation of the proposed annexation and include the name of the
4266 local district, the service provided by the local district, a description or map of the area
4267 proposed to be annexed, a local district telephone number where additional information about
4268 the proposed annexation may be obtained, and, for a notice under Subsection (2)(a)(i), an
4269 explanation of the right of a property owner or registered voter to request a public hearing as
4270 provided in Subsection (2)(a)(ii)(B).

4271 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is
4272 required for a public hearing under Subsection (2)(a)(ii)(A).

4273 Section 68. Section **17B-1-417** is amended to read:

4274 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**
4275 **adjusting boundaries -- Filing of notice and plat with the lieutenant governor --**
4276 **Recording requirements -- Effective date.**

4277 (1) As used in this section, "affected area" means the area located within the
4278 boundaries of one local district that will be removed from that local district and included within
4279 the boundaries of another local district because of a boundary adjustment under this section.

4280 (2) The boards of trustees of two or more local districts having a common boundary
4281 and providing the same service on the same wholesale or retail basis may adjust their common
4282 boundary as provided in this section.

4283 (3) (a) The board of trustees of each local district intending to adjust a boundary that is
4284 common with another local district shall:

4285 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

4286 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days
4287 after the adoption of the resolution under Subsection (3)(a)(i); and

4288 (iii) (A) publish notice:

4289 (I) (Aa) once a week for two successive weeks in a newspaper of general circulation
4290 within the local district; or

4291 (Bb) if there is no newspaper of general circulation within the local district, post notice
4292 in at least four conspicuous places within the local district; and

4293 (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
4294 two weeks; or

4295 (B) mail a notice to each owner of property located within the affected area and to each
4296 registered voter residing within the affected area.

4297 (b) The notice required under Subsection (3)(a)(iii) shall:

4298 (i) state that the board of trustees of the local district has adopted a resolution
4299 indicating the board's intent to adjust a boundary that the local district has in common with
4300 another local district that provides the same service as the local district;

4301 (ii) describe the affected area;

4302 (iii) state the date, time, and location of the public hearing required under Subsection
4303 (3)(a)(ii);

4304 (iv) provide a local district telephone number where additional information about the
4305 proposed boundary adjustment may be obtained;

4306 (v) explain the financial and service impacts of the boundary adjustment on property
4307 owners or residents within the affected area; and

4308 (vi) state in conspicuous and plain terms that the board of trustees may approve the
4309 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),
4310 written protests to the adjustment are filed with the board by:

4311 (A) the owners of private real property that:

4312 (I) is located within the affected area;

4313 (II) covers at least 50% of the total private land area within the affected area; and

4314 (III) is equal in assessed value to at least 50% of the assessed value of all private real
4315 property within the affected area; or

4316 (B) registered voters residing within the affected area equal in number to at least 50%
4317 of the votes cast in the affected area for the office of governor at the last regular general
4318 election before the filing of the protests.

4319 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be
4320 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).

4321 (d) The boards of trustees of the local districts whose boundaries are being adjusted
4322 may jointly:

4323 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and

4324 (ii) hold the public hearing required under Subsection (3)(a)(ii).

4325 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees
4326 may adopt a resolution approving the adjustment of the common boundary unless, at or before
4327 the public hearing, written protests to the boundary adjustment have been filed with the board
4328 by:

4329 (a) the owners of private real property that:

4330 (i) is located within the affected area;

4331 (ii) covers at least 50% of the total private land area within the affected area; and

4332 (iii) is equal in assessed value to at least 50% of the assessed value of all private real
4333 property within the affected area; or

4334 (b) registered voters residing within the affected area equal in number to at least 50%

4335 of the votes cast in the affected area for the office of governor at the last regular general
4336 election before the filing of the protests.

4337 (5) A resolution adopted under Subsection (4) does not take effect until the board of
4338 each local district whose boundaries are being adjusted has adopted a resolution under
4339 Subsection (4).

4340 (6) The board of the local district whose boundaries are being adjusted to include the
4341 affected area shall:

4342 (a) within 30 days after the resolutions take effect under Subsection (5), file with the
4343 lieutenant governor:

4344 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
4345 that meets the requirements of Subsection 67-1a-6.5(3); and

4346 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

4347 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment
4348 under Section 67-1a-6.5:

4349 (i) if the affected area is located within the boundary of a single county, submit to the
4350 recorder of that county:

4351 (A) the original:

4352 (I) notice of an impending boundary action;

4353 (II) certificate of boundary adjustment; and

4354 (III) approved final local entity plat; and

4355 (B) a certified copy of each resolution adopted under Subsection (4); or

4356 (ii) if the affected area is located within the boundaries of more than a single county:

4357 (A) submit to the recorder of one of those counties:

4358 (I) the original of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III); and

4359 (II) a certified copy of each resolution adopted under Subsection (4); and

4360 (B) submit to the recorder of each other county:

4361 (I) a certified copy of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III);

4362 and

4363 (II) a certified copy of each resolution adopted under Subsection (4).

4364 (7) (a) Upon the lieutenant governor's issuance of a certificate of boundary adjustment
4365 under Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are

4366 being adjusted to include the affected area, and the affected area is withdrawn from the local
4367 district whose boundaries are being adjusted to exclude the affected area.

4368 (b) (i) The effective date of a boundary adjustment under this section for purposes of
4369 assessing property within the affected area is governed by Section 59-2-305.5.

4370 (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the
4371 recorder of the county in which the property is located, a local district in whose boundary an
4372 affected area is included because of a boundary adjustment under this section may not:

4373 (A) levy or collect a property tax on property within the affected area;

4374 (B) levy or collect an assessment on property within the affected area; or

4375 (C) charge or collect a fee for service provided to property within the affected area.

4376 (iii) Subsection (7)(b)(ii)(C):

4377 (A) may not be construed to limit a local district's ability before a boundary adjustment
4378 to charge and collect a fee for service provided to property that is outside the local district's
4379 boundary; and

4380 (B) does not apply until 60 days after the effective date, under Subsection (7)(a), of the
4381 local district's boundary adjustment, with respect to a fee that the local district was charging for
4382 service provided to property within the area affected by the boundary adjustment immediately
4383 before the boundary adjustment.

4384 Section 69. Section 17B-1-505.5 is amended to read:

4385 **17B-1-505.5. Feasibility study for a municipality's withdrawal from a local**
4386 **district providing fire protection, paramedic, and emergency services or law enforcement**
4387 **service.**

4388 (1) As used in this section:

4389 (a) "Feasibility consultant" means a person with expertise in:

4390 (i) the processes and economics of local government; and

4391 (ii) the economics of providing fire protection, paramedic, and emergency services or
4392 law enforcement service.

4393 (b) "Feasibility study" means a study to determine the functional and financial
4394 feasibility of a municipality's withdrawal from a first responder local district.

4395 (c) "First responder district" means a local district, other than a municipal services
4396 district, that provides:

4397 (i) fire protection, paramedic, and emergency services; or

4398 (ii) law enforcement service.

4399 (d) "Withdrawing municipality" means a municipality whose legislative body has

4400 adopted a resolution under Subsection 17B-1-505(3)(a) to initiate the process of the

4401 municipality's withdrawal from a first responder district.

4402 (2) This section applies and a feasibility study shall be conducted, as provided in this

4403 section, if:

4404 (a) the legislative body of a municipality has adopted a resolution under Subsection

4405 17B-1-505(3)(a) to initiate the process of the municipality's withdrawal from a first responder

4406 district;

4407 (b) the municipality and first responder district have not agreed in writing to the

4408 withdrawal; and

4409 (c) a feasibility study is a condition under Subsection 17B-1-505(6)(a) for an election

4410 to be held approving the withdrawal.

4411 (3) (a) As provided in this Subsection (3), the withdrawing municipality and first

4412 responder district shall choose and engage a feasibility consultant to conduct a feasibility study.

4413 (b) The withdrawing municipality and first responder district shall jointly choose and

4414 engage a feasibility consultant according to applicable municipal or local district procurement

4415 procedures.

4416 (c) (i) If the withdrawing municipality and first responder district cannot agree on and

4417 have not engaged a feasibility consultant under Subsection (3)(b) within 45 days after the

4418 legislative body of the withdrawing municipality submits written notice to the first responder

4419 district under Subsection 17B-1-505(3)(c), the withdrawing municipality and first responder

4420 district shall, as provided in this Subsection (3)(c), choose a feasibility consultant from a list of

4421 at least eight feasibility consultants provided by the Utah Association of Certified Public

4422 Accountants.

4423 (ii) A list of feasibility consultants under Subsection (3)(c)(i) may not include a

4424 feasibility consultant that has had a contract to provide services to the withdrawing

4425 municipality or first responder district at any time during the two-year period immediately

4426 preceding the date the list is provided under Subsection (3)(c)(i).

4427 (iii) (A) Beginning with the first responder district, the first responder district and

4428 withdrawing municipality shall alternately eliminate one feasibility consultant each from the
4429 list of feasibility consultants until one feasibility consultant remains.

4430 (B) Within five days after receiving the list of consultants from the Utah Association of
4431 Certified Public Accountants, the first responder district shall make the first elimination of a
4432 feasibility consultant from the list and notify the withdrawing municipality in writing of the
4433 elimination.

4434 (C) After the first elimination of a feasibility consultant from the list, the withdrawing
4435 municipality and first responder district shall each, within three days after receiving the written
4436 notification of the preceding elimination, notify the other in writing of the elimination of a
4437 feasibility consultant from the list.

4438 (d) If a withdrawing municipality and first responder district do not engage a feasibility
4439 consultant under Subsection (3)(b), the withdrawing municipality and first responder district
4440 shall engage the feasibility consultant that has not been eliminated from the list at the
4441 completion of the process described in Subsection (3)(c).

4442 (4) A feasibility consultant that conducts a feasibility study under this section shall be
4443 independent of and unaffiliated with the withdrawing municipality and first responder district.

4444 (5) In conducting a feasibility study under this section, the feasibility consultant shall
4445 consider:

4446 (a) population and population density within the withdrawing municipality;

4447 (b) current and five-year projections of demographics and economic base in the
4448 withdrawing municipality, including household size and income, commercial and industrial
4449 development, and public facilities;

4450 (c) projected growth in the withdrawing municipality during the next five years;

4451 (d) subject to Subsection (6)(a), the present and five-year projections of the cost,
4452 including overhead, of providing the same service in the withdrawing municipality as is
4453 provided by the first responder district, including:

4454 (i) the estimated cost if the first responder district continues to provide service; and

4455 (ii) the estimated cost if the withdrawing municipality provides service;

4456 (e) subject to Subsection (6)(a), the present and five-year projections of the cost,
4457 including overhead, of the first responder district providing service with:

4458 (i) the municipality included in the first responder district's service area; and

4459 (ii) the withdrawing municipality excluded from the first responder district's service
4460 area;

4461 (f) a projection of any new taxes per household that may be levied within the
4462 withdrawing municipality within five years after the withdrawal;

4463 (g) the fiscal impact that the withdrawing municipality's withdrawal has on other
4464 municipalities and unincorporated areas served by the first responder district, including any rate
4465 increase that may become necessary to maintain required coverage ratios for the first responder
4466 district's debt;

4467 (h) the physical and other assets that will be required by the withdrawing municipality
4468 to provide, without interruption or diminution of service, the same service that is being
4469 provided by the first responder district;

4470 (i) the physical and other assets that will no longer be required by the first responder
4471 district to continue to provide the current level of service to the remainder of the first responder
4472 district, excluding the withdrawing municipality, and could be transferred to the withdrawing
4473 municipality;

4474 (j) subject to Subsection (6)(b), a fair and equitable allocation of the first responder
4475 district's assets between the first responder district and the withdrawing municipality, effective
4476 upon the withdrawal of the withdrawing municipality from the first responder district;

4477 (k) a fair and equitable allocation of the debts, liabilities, and obligations of the first
4478 responder district and any local building authority of the first responder district, between the
4479 withdrawing municipality and the remaining first responder district, taking into consideration:

4480 (i) any requirement to maintain the excludability of interest from the income of the
4481 holder of the debt, liability, or obligation for federal income tax purposes; and

4482 (ii) any first responder district assets that have been purchased with the proceeds of
4483 bonds issued by the first responder district that the first responder district will retain and any of
4484 those assets that will be transferred to the withdrawing municipality;

4485 (l) the number and classification of first responder district employees who will no
4486 longer be required to serve the remaining portions of the first responder district after the
4487 withdrawing municipality withdraws from the first responder district, including the dollar
4488 amount of the wages, salaries, and benefits attributable to the employees and the estimated cost
4489 associated with termination of the employees if the withdrawing municipality does not employ

4490 the employees;

4491 (m) maintaining as a base, for a period of three years after withdrawal, the existing
4492 schedule of pay and benefits for first responder district employees who are transferred to the
4493 employment of the withdrawing municipality; and

4494 (n) any other factor that the feasibility consultant considers relevant to the question of
4495 the withdrawing municipality's withdrawal from the first responder district.

4496 (6) (a) For purposes of Subsections (5)(d) and (e):

4497 (i) the feasibility consultant shall assume a level and quality of service to be provided
4498 in the future to the withdrawing municipality that fairly and reasonably approximates the level
4499 and quality of service that the first responder district provides to the withdrawing municipality
4500 at the time of the feasibility study;

4501 (ii) in determining the present value cost of a service that the first responder district
4502 provides, the feasibility consultant shall consider:

4503 (A) the cost to the withdrawing municipality of providing the service for the first five
4504 years after the withdrawal; and

4505 (B) the first responder district's present and five-year projected cost of providing the
4506 same service within the withdrawing municipality; and

4507 (iii) the feasibility consultant shall consider inflation and anticipated growth in
4508 calculating the cost of providing service.

4509 (b) The feasibility consultant may not consider an allocation of first responder district
4510 assets or a transfer of first responder district employees to the extent that the allocation or
4511 transfer would impair the first responder district's ability to continue to provide the current
4512 level of service to the remainder of the first responder district without the withdrawing
4513 municipality, unless the first responder district consents to the allocation or transfer.

4514 (7) A feasibility consultant may retain an architect, engineer, or other professional, as
4515 the feasibility consultant considers prudent and as provided in the agreement with the
4516 withdrawing municipality and first responder district, to assist the feasibility consultant to
4517 conduct a feasibility study.

4518 (8) The withdrawing municipality and first responder district shall require the
4519 feasibility consultant to:

4520 (a) complete the feasibility study within a time established by the withdrawing

4521 municipality and first responder district;

4522 (b) prepare and submit a written report communicating the results of the feasibility
4523 study, including a one-page summary of the results; and

4524 (c) attend all public hearings relating to the feasibility study under Subsection (14).

4525 (9) A written report of the results of a feasibility study under this section shall:

4526 (a) contain a recommendation concerning whether a withdrawing municipality's
4527 withdrawal from a first responder district is functionally and financially feasible for both the
4528 first responder district and the withdrawing municipality; and

4529 (b) include any conditions the feasibility consultant determines need to be satisfied in
4530 order to make the withdrawal functionally and financially feasible, including:

4531 (i) first responder district assets and liabilities to be allocated to the withdrawing
4532 municipality; and

4533 (ii) (A) first responder district employees to become employees of the withdrawing
4534 municipality; and

4535 (B) sick leave, vacation, and other accrued benefits and obligations relating to the first
4536 responder district employees that the withdrawing municipality needs to assume.

4537 (10) The withdrawing municipality and first responder district shall equally share the
4538 feasibility consultant's fees and costs, as specified in the agreement between the withdrawing
4539 municipality and first responder district and the feasibility consultant.

4540 (11) (a) Upon completion of the feasibility study and preparation of a written report,
4541 the feasibility consultant shall deliver a copy of the report to the withdrawing municipality and
4542 first responder district.

4543 (b) (i) A withdrawing municipality or first responder district that disagrees with any
4544 aspect of a feasibility study report may, within 20 business days after receiving a copy of the
4545 report under Subsection (11)(a), submit to the feasibility consultant a written objection
4546 detailing the disagreement.

4547 (ii) (A) A withdrawing municipality that submits a written objection under Subsection
4548 (11)(b)(i) shall simultaneously deliver a copy of the objection to the first responder district.

4549 (B) A first responder district that submits a written objection under Subsection
4550 (11)(b)(i) shall simultaneously deliver a copy of the objection to the withdrawing municipality.

4551 (iii) A withdrawing municipality or first responder district may, within 10 business

4552 days after receiving an objection under Subsection (11)(b)(ii), submit to the feasibility
4553 consultant a written response to the objection.

4554 (iv) (A) A withdrawing municipality that submits a response under Subsection
4555 (11)(b)(iii) shall simultaneously deliver a copy of the response to the first responder district.

4556 (B) A first responder district that submits a response under Subsection (11)(b)(iii) shall
4557 simultaneously deliver a copy of the response to the withdrawing municipality.

4558 (v) If an objection is filed under Subsection (11)(b)(i), the feasibility consultant shall,
4559 within 20 business days after the expiration of the deadline under Subsection (11)(b)(iii) for
4560 submitting a response to an objection:

4561 (A) modify the feasibility study report or explain in writing why the feasibility
4562 consultant is not modifying the feasibility study report; and

4563 (B) deliver the modified feasibility study report or written explanation to the
4564 withdrawing municipality and first responder local district.

4565 (12) Within seven days after the expiration of the deadline under Subsection (11)(b)(i)
4566 for submitting an objection or, if an objection is submitted, within seven days after receiving a
4567 modified feasibility study report or written explanation under Subsection (11)(b)(v), but at least
4568 30 days before a public hearing under Subsection (14), the withdrawing municipality shall:

4569 (a) make a copy of the report available to the public at the primary office of the
4570 withdrawing municipality; and

4571 (b) if the withdrawing municipality has a website, post a copy of the report on the
4572 municipality's website.

4573 (13) A feasibility study report or, if a feasibility study report is modified under
4574 Subsection (11), a modified feasibility study report may not be challenged unless the basis of
4575 the challenge is that the report results from collusion or fraud.

4576 (14) (a) Following the expiration of the deadline under Subsection (11)(b)(i) for
4577 submitting an objection, or, if an objection is submitted under Subsection (11)(b)(i), following
4578 the withdrawing municipality's receipt of the modified feasibility study report or written
4579 explanation under Subsection (11)(b)(v), the legislative body of the withdrawing municipality
4580 shall, at the legislative body's next regular meeting, schedule at least one public hearing to be
4581 held:

4582 (i) within the following 60 days; and

4583 (ii) for the purpose of allowing:

4584 (A) the feasibility consultant to present the results of the feasibility study; and

4585 (B) the public to become informed about the feasibility study results, to ask the
4586 feasibility consultant questions about the feasibility study, and to express the public's views
4587 about the proposed withdrawal.

4588 (b) At a public hearing under Subsection (14)(a), the legislative body of the
4589 withdrawing municipality shall:

4590 (i) provide a copy of the feasibility study for public review; and

4591 (ii) allow the public to:

4592 (A) ask the feasibility consultant questions about the feasibility study; and

4593 (B) express the public's views about the withdrawing municipality's proposed
4594 withdrawal from the first responder district.

4595 (15) (a) The clerk or recorder of the withdrawing municipality shall publish notice of a
4596 hearing under Subsection (14):

4597 (i) at least once a week for three successive weeks in a newspaper of general
4598 circulation within the withdrawing municipality, with the last publication occurring no less
4599 than three days before the first public hearing held under Subsection (14); and

4600 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
4601 three consecutive weeks immediately before the public hearing.

4602 (b) A notice under Subsection (15)(a) shall state:

4603 (i) the date, time, and location of the public hearing; and

4604 (ii) that a copy of the feasibility study report may be obtained, free of charge, at the
4605 office of the withdrawing municipality or on the withdrawing municipality's website.

4606 (16) Unless the withdrawing municipality and first responder district agree otherwise,
4607 conditions that a feasibility study report indicates are necessary to be met for a withdrawal to
4608 be functionally and financially feasible for the withdrawing municipality and first responder
4609 district are binding on the withdrawing municipality and first responder district if the
4610 withdrawal occurs.

4611 Section 70. Section **17B-1-609** is amended to read:

4612 **17B-1-609. Hearing to consider adoption -- Notice.**

4613 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

- 4614 (a) establish the time and place of a public hearing to consider its adoption; and
4615 (b) except as provided in Subsection (6), order that notice of the hearing:
4616 (i) (A) be published at least seven days before the hearing in at least one issue of a
4617 newspaper of general circulation in the county or counties in which the district is located; or
4618 (B) if no newspaper is circulated generally in the county or counties, be posted in three
4619 public places within the district; and
4620 (ii) be published at least seven days before the hearing on the Utah Public Notice
4621 Website created in Section [~~63F-1-701~~] [63A-16-601](#).
4622 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
4623 required in Subsection (1)(b):
4624 (a) may be combined with the notice required under Section [59-2-919](#); and
4625 (b) shall be published in accordance with the advertisement provisions of Section
4626 [59-2-919](#).
4627 (3) If the budget hearing is to be held in conjunction with a fee increase hearing, the
4628 notice required in Subsection (1)(b):
4629 (a) may be combined with the notice required under Section [17B-1-643](#); and
4630 (b) shall be published or mailed in accordance with the notice provisions of Section
4631 [17B-1-643](#).
4632 (4) Proof that notice was given in accordance with Subsection (1)(b), (2), (3), or (6) is
4633 prima facie evidence that notice was properly given.
4634 (5) If a notice required under Subsection (1)(b), (2), (3), or (6) is not challenged within
4635 30 days after the day on which the hearing is held, the notice is adequate and proper.
4636 (6) A board of trustees of a local district with an annual operating budget of less than
4637 \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:
4638 (a) mailing a written notice, postage prepaid, to each voter in the local district; and
4639 (b) posting the notice in three public places within the district.
4640 Section 71. Section **17B-1-643** is amended to read:
4641 **17B-1-643. Imposing or increasing a fee for service provided by local district.**
4642 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided
4643 by a local district, each local district board of trustees shall first hold a public hearing at which:
4644 (i) the local district shall demonstrate its need to impose or increase the fee; and

4645 (ii) any interested person may speak for or against the proposal to impose a fee or to
4646 increase an existing fee.

4647 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning
4648 no earlier than 6 p.m.

4649 (c) A public hearing required under this Subsection (1) may be combined with a public
4650 hearing on a tentative budget required under Section [17B-1-610](#).

4651 (d) Except to the extent that this section imposes more stringent notice requirements,
4652 the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act,
4653 in holding the public hearing under Subsection (1)(a).

4654 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as
4655 provided in Subsections (2)(b) and (c) or Subsection (2)(d).

4656 (b) The notice required under Subsection (2)(a) shall be published:

4657 (i) on the Utah Public Notice Website established in Section [~~63F-1-701~~] [63A-16-601](#);
4658 and

4659 (ii) (A) in a newspaper or combination of newspapers of general circulation in the local
4660 district, if there is a newspaper or combination of newspapers of general circulation in the local
4661 district; or

4662 (B) if there is no newspaper or combination of newspapers of general circulation in the
4663 local district, the local district board shall post at least one notice per 1,000 population within
4664 the local district, at places within the local district that are most likely to provide actual notice
4665 to residents within the local district.

4666 (c) (i) The notice described in Subsection (2)(b)(ii)(A):

4667 (A) shall be no less than 1/4 page in size and the type used shall be no smaller than 18
4668 point, and surrounded by a 1/4-inch border;

4669 (B) may not be placed in that portion of the newspaper where legal notices and
4670 classified advertisements appear;

4671 (C) whenever possible, shall appear in a newspaper that is published at least one day
4672 per week;

4673 (D) shall be in a newspaper or combination of newspapers of general interest and
4674 readership in the local district, and not of limited subject matter; and

4675 (E) shall be run once each week for the two weeks preceding the hearing.

4676 (ii) The notice described in Subsection (2)(b) shall state that the local district board
4677 intends to impose or increase a fee for a service provided by the local district and will hold a
4678 public hearing on a certain day, time, and place fixed in the notice, which shall be not less than
4679 seven days after the day the first notice is published, for the purpose of hearing comments
4680 regarding the proposed imposition or increase of a fee and to explain the reasons for the
4681 proposed imposition or increase.

4682 (d) (i) In lieu of providing notice under Subsection (2)(b), the local district board of
4683 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those
4684 within the district who:

4685 (A) will be charged the fee for a district service, if the fee is being imposed for the first
4686 time; or

4687 (B) are being charged a fee, if the fee is proposed to be increased.

4688 (ii) Each notice under Subsection (2)(d)(i) shall comply with Subsection (2)(c)(ii).

4689 (iii) A notice under Subsection (2)(d)(i) may accompany a district bill for an existing
4690 fee.

4691 (e) If the hearing required under this section is combined with the public hearing
4692 required under Section 17B-1-610, the notice required under this Subsection (2):

4693 (i) may be combined with the notice required under Section 17B-1-609; and

4694 (ii) shall be published, posted, or mailed in accordance with the notice provisions of
4695 this section.

4696 (f) Proof that notice was given as provided in Subsection (2)(b) or (d) is prima facie
4697 evidence that notice was properly given.

4698 (g) If no challenge is made to the notice given of a hearing required by Subsection (1)
4699 within 30 days after the date of the hearing, the notice is considered adequate and proper.

4700 (3) After holding a public hearing under Subsection (1), a local district board may:

4701 (a) impose the new fee or increase the existing fee as proposed;

4702 (b) adjust the amount of the proposed new fee or the increase of the existing fee and
4703 then impose the new fee or increase the existing fee as adjusted; or

4704 (c) decline to impose the new fee or increase the existing fee.

4705 (4) This section applies to each new fee imposed and each increase of an existing fee
4706 that occurs on or after July 1, 1998.

4707 (5) (a) This section does not apply to an impact fee.

4708 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a,
4709 Impact Fees Act.

4710 Section 72. Section **17B-1-1204** is amended to read:

4711 **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**
4712 **supplemented validation petition.**

4713 (1) Upon the entry of an order under Section [17B-1-1203](#) setting a hearing on a
4714 validation petition, the local district that filed the petition shall:

4715 (a) publish notice:

4716 (i) at least once a week for three consecutive weeks in a newspaper of general
4717 circulation in the county in which the principal office of the district is located; and

4718 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
4719 three weeks immediately before the hearing; and

4720 (b) post notice in its principal office at least 21 days before the date set for the hearing.

4721 (2) Each notice under Subsection (1) shall:

4722 (a) state the date, time, and place of the hearing on the validation petition;

4723 (b) include a general description of the contents of the validation petition; and

4724 (c) if applicable, state the location where a complete copy of a contract that is the
4725 subject of the validation petition may be examined.

4726 (3) If a district amends or supplements a validation petition under Subsection
4727 [17B-1-1202](#)(3) after publishing and posting notice as required under Subsection (1), the district
4728 is not required to publish or post notice again unless required by the court.

4729 Section 73. Section **17B-1-1307** is amended to read:

4730 **17B-1-1307. Notice of public hearing and of dissolution.**

4731 (1) Before holding a public hearing required under Section [17B-1-1306](#), the
4732 administrative body shall:

4733 (a) (i) publish notice of the public hearing and of the proposed dissolution:

4734 (A) in a newspaper of general circulation within the local district proposed to be
4735 dissolved; and

4736 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
4737 30 days before the public hearing; and

4738 (ii) post notice of the public hearing and of the proposed dissolution in at least four
4739 conspicuous places within the local district proposed to be dissolved, no less than five and no
4740 more than 30 days before the public hearing; or

4741 (b) mail a notice to each owner of property located within the local district and to each
4742 registered voter residing within the local district.

4743 (2) Each notice required under Subsection (1) shall:

4744 (a) identify the local district proposed to be dissolved and the service it was created to
4745 provide; and

4746 (b) state the date, time, and location of the public hearing.

4747 Section 74. Section **17B-2a-705** is amended to read:

4748 **17B-2a-705. Taxation -- Additional levy -- Election.**

4749 (1) If a mosquito abatement district board of trustees determines that the funds required
4750 during the next ensuing fiscal year will exceed the maximum amount that the district is
4751 authorized to levy under Subsection [17B-1-103\(2\)\(g\)](#), the board of trustees may call an election
4752 on a date specified in Section [20A-1-204](#) and submit to district voters the question of whether
4753 the district should be authorized to impose an additional tax to raise the necessary additional
4754 funds.

4755 (2) The board shall publish notice of the election:

4756 (a) (i) in a newspaper of general circulation within the district at least once, no later
4757 than four weeks before the day of the election;

4758 (ii) if there is no newspaper of general circulation in the district, at least four weeks
4759 before the day of the election, by posting one notice, and at least one additional notice per
4760 2,000 population of the district, in places within the district that are most likely to give notice
4761 to the voters in the district; or

4762 (iii) at least four weeks before the day of the election, by mailing notice to each
4763 registered voter in the district;

4764 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
4765 four weeks before the day of the election;

4766 (c) in accordance with Section [45-1-101](#), for four weeks before the day of the election;
4767 and

4768 (d) if the district has a website, on the district's website for four weeks before the day

4769 of the election.

4770 (3) No particular form of ballot is required, and no informalities in conducting the
4771 election may invalidate the election, if it is otherwise fairly conducted.

4772 (4) At the election each ballot shall contain the words, "Shall the district be authorized
4773 to impose an additional tax to raise the additional sum of \$ ____?"

4774 (5) The board of trustees shall canvass the votes cast at the election, and, if a majority
4775 of the votes cast are in favor of the imposition of the tax, the district is authorized to impose an
4776 additional levy to raise the additional amount of money required.

4777 Section 75. Section **17B-2a-1110** is amended to read:

4778 **17B-2a-1110. Withdrawal from a municipal services district upon incorporation**
4779 **-- Feasibility study required for city or town withdrawal -- Public hearing -- Revenues**
4780 **transferred to municipal services district.**

4781 (1) (a) A municipality may withdraw from a municipal services district in accordance
4782 with Section [17B-1-502](#) or [17B-1-505](#), as applicable, and the requirements of this section.

4783 (b) If a municipality engages a feasibility consultant to conduct a feasibility study
4784 under Subsection (2)(a), the 180 days described in Subsection [17B-1-502\(3\)\(a\)\(iii\)\(B\)](#) is tolled
4785 from the day that the municipality engages the feasibility consultant to the day on which the
4786 municipality holds the final public hearing under Subsection (5).

4787 (2) (a) If a municipality decides to withdraw from a municipal services district, the
4788 municipal legislative body shall, before adopting a resolution under Section [17B-1-502](#) or
4789 [17B-1-505](#), as applicable, engage a feasibility consultant to conduct a feasibility study.

4790 (b) The feasibility consultant shall be chosen:

4791 (i) by the municipal legislative body; and

4792 (ii) in accordance with applicable municipal procurement procedures.

4793 (3) The municipal legislative body shall require the feasibility consultant to:

4794 (a) complete the feasibility study and submit the written results to the municipal
4795 legislative body before the council adopts a resolution under Section [17B-1-502](#);

4796 (b) submit with the full written results of the feasibility study a summary of the results
4797 no longer than one page in length; and

4798 (c) attend the public hearings under Subsection (5).

4799 (4) (a) The feasibility study shall consider:

- 4800 (i) population and population density within the withdrawing municipality;
- 4801 (ii) current and five-year projections of demographics and economic base in the
- 4802 withdrawing municipality, including household size and income, commercial and industrial
- 4803 development, and public facilities;
- 4804 (iii) projected growth in the withdrawing municipality during the next five years;
- 4805 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,
- 4806 including overhead, of municipal services in the withdrawing municipality;
- 4807 (v) assuming the same tax categories and tax rates as currently imposed by the
- 4808 municipal services district and all other current service providers, the present and five-year
- 4809 projected revenue for the withdrawing municipality;
- 4810 (vi) a projection of any new taxes per household that may be levied within the
- 4811 withdrawing municipality within five years of the withdrawal; and
- 4812 (vii) the fiscal impact on other municipalities serviced by the municipal services
- 4813 district.
- 4814 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a
- 4815 level and quality of municipal services to be provided to the withdrawing municipality in the
- 4816 future that fairly and reasonably approximates the level and quality of municipal services being
- 4817 provided to the withdrawing municipality at the time of the feasibility study.
- 4818 (ii) In determining the present cost of a municipal service, the feasibility consultant
- 4819 shall consider:
- 4820 (A) the amount it would cost the withdrawing municipality to provide municipal
- 4821 services for the first five years after withdrawing; and
- 4822 (B) the municipal services district's present and five-year projected cost of providing
- 4823 municipal services.
- 4824 (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation
- 4825 and anticipated growth.
- 4826 (5) If the results of the feasibility study meet the requirements of Subsection (4), the
- 4827 municipal legislative body shall, at its next regular meeting after receipt of the results of the
- 4828 feasibility study, schedule at least one public hearing to be held:
- 4829 (a) within the following 60 days; and
- 4830 (b) for the purpose of allowing:

- 4831 (i) the feasibility consultant to present the results of the study; and
4832 (ii) the public to become informed about the feasibility study results, including the
4833 requirement that if the municipality withdraws from the municipal services district, the
4834 municipality must comply with Subsection (9), and to ask questions about those results of the
4835 feasibility consultant.
- 4836 (6) At a public hearing described in Subsection (5), the municipal legislative body
4837 shall:
- 4838 (a) provide a copy of the feasibility study for public review; and
4839 (b) allow the public to express its views about the proposed withdrawal from the
4840 municipal services district.
- 4841 (7) (a) (i) The municipal clerk or recorder shall publish notice of the public hearings
4842 required under Subsection (5):
- 4843 (A) at least once a week for three successive weeks in a newspaper of general
4844 circulation within the municipality; and
4845 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
4846 three weeks.
- 4847 (ii) The municipal clerk or recorder shall publish the last publication of notice required
4848 under Subsection (7)(a)(i)(A) at least three days before the first public hearing required under
4849 Subsection (5).
- 4850 (b) (i) If, under Subsection (7)(a)(i)(A), there is no newspaper of general circulation
4851 within the proposed municipality, the municipal clerk or recorder shall post at least one notice
4852 of the hearings per 1,000 population in conspicuous places within the municipality that are
4853 most likely to give notice of the hearings to the residents.
- 4854 (ii) The municipal clerk or recorder shall post the notices under Subsection (7)(b)(i) at
4855 least seven days before the first hearing under Subsection (5).
- 4856 (c) The notice under Subsections (7)(a) and (b) shall include the feasibility study
4857 summary and shall indicate that a full copy of the study is available for inspection and copying
4858 at the office of the municipal clerk or recorder.
- 4859 (8) At a public meeting held after the public hearing required under Subsection (5), the
4860 municipal legislative body may adopt a resolution under Section [17B-1-502](#) or [17B-1-505](#), as
4861 applicable, if the municipality is in compliance with the other requirements of that section.

4862 (9) The municipality shall pay revenues in excess of 5% to the municipal services
4863 district for 10 years beginning on the next fiscal year immediately following the municipal
4864 legislative body adoption of a resolution or an ordinance to withdraw under Section 17B-1-502
4865 or 17B-1-505 if the results of the feasibility study show that the average annual amount of
4866 revenue under Subsection (4)(a)(v) exceed the average annual amount of cost under Subsection
4867 (4)(a)(iv) by more than 5%.

4868 Section 76. Section 17C-1-207 is amended to read:

4869 **17C-1-207. Public entities may assist with project area development.**

4870 (1) In order to assist and cooperate in the planning, undertaking, construction, or
4871 operation of project area development within an area in which the public entity is authorized to
4872 act, a public entity may:

4873 (a) (i) provide or cause to be furnished:

4874 (A) parks, playgrounds, or other recreational facilities;

4875 (B) community, educational, water, sewer, or drainage facilities; or

4876 (C) any other works which the public entity is otherwise empowered to undertake;

4877 (ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or

4878 replan streets, roads, roadways, alleys, sidewalks, or other places;

4879 (iii) in any part of the project area:

4880 (A) (I) plan or replan any property within the project area;

4881 (II) plat or replat any property within the project area;

4882 (III) vacate a plat;

4883 (IV) amend a plat; or

4884 (V) zone or rezone any property within the project area; and

4885 (B) make any legal exceptions from building regulations and ordinances;

4886 (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the
4887 rights of any holder of the bonds;

4888 (v) notwithstanding any law to the contrary, enter into an agreement for a period of
4889 time with another public entity concerning action to be taken pursuant to any of the powers
4890 granted in this title;

4891 (vi) do anything necessary to aid or cooperate in the planning or implementation of the
4892 project area development;

4893 (vii) in connection with the project area plan, become obligated to the extent
4894 authorized and funds have been made available to make required improvements or construct
4895 required structures; and

4896 (viii) lend, grant, or contribute funds to an agency for project area development or
4897 proposed project area development, including assigning revenue or taxes in support of an
4898 agency bond or obligation; and

4899 (b) for less than fair market value or for no consideration, and subject to Subsection
4900 (3):

4901 (i) purchase or otherwise acquire property from an agency;

4902 (ii) lease property from an agency;

4903 (iii) sell, grant, convey, donate, or otherwise dispose of the public entity's property to
4904 an agency; or

4905 (iv) lease the public entity's property to an agency.

4906 (2) The following are not subject to Section 10-8-2, 17-50-312, or 17-50-303:

4907 (a) project area development assistance that a public entity provides under this section;

4908 or

4909 (b) a transfer of funds or property from an agency to a public entity.

4910 (3) A public entity may provide assistance described in Subsection (1)(b) no sooner
4911 than 15 days after the day on which the public entity posts notice of the assistance on:

4912 (a) the Utah Public Notice Website described in Section [~~63F-1-701~~] 63A-16-601; and

4913 (b) the public entity's public website.

4914 Section 77. Section 17C-1-601.5 is amended to read:

4915 **17C-1-601.5. Annual agency budget -- Fiscal year -- Public hearing required --**

4916 **Auditor forms -- Requirement to file form.**

4917 (1) Each agency shall prepare an annual budget of the agency's revenues and
4918 expenditures for each fiscal year.

4919 (2) The board shall adopt each agency budget:

4920 (a) for an agency created by a municipality, before June 30; or

4921 (b) for an agency created by a county, before December 15.

4922 (3) The agency's fiscal year shall be the same as the fiscal year of the community that
4923 created the agency.

4924 (4) (a) Before adopting an annual budget, each board shall hold a public hearing on the
4925 annual budget.

4926 (b) Each agency shall provide notice of the public hearing on the annual budget by:

4927 (i) (A) publishing at least one notice in a newspaper of general circulation within the
4928 agency boundaries, one week before the public hearing; or

4929 (B) if there is no newspaper of general circulation within the agency boundaries,
4930 posting a notice of the public hearing in at least three public places within the agency
4931 boundaries; and

4932 (ii) publishing notice on the Utah Public Notice Website created in Section
4933 [~~63F-1-701~~] [63A-16-601](#), at least one week before the public hearing.

4934 (c) Each agency shall make the annual budget available for public inspection at least
4935 three days before the date of the public hearing.

4936 (5) The state auditor shall prescribe the budget forms and the categories to be contained
4937 in each annual budget, including:

4938 (a) revenues and expenditures for the budget year;

4939 (b) legal fees; and

4940 (c) administrative costs, including rent, supplies, and other materials, and salaries of
4941 agency personnel.

4942 (6) (a) Within 90 days after adopting an annual budget, each board shall file a copy of
4943 the annual budget with the auditor of the county in which the agency is located, the State Tax
4944 Commission, the state auditor, the State Board of Education, and each taxing entity from which
4945 the agency receives project area funds.

4946 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
4947 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the
4948 state auditor.

4949 Section 78. Section **17C-1-804** is amended to read:

4950 **17C-1-804. Notice required for continued hearing.**

4951 The board shall give notice of a hearing continued under Section [17C-1-803](#) by
4952 announcing at the hearing:

4953 (1) the date, time, and place the hearing will be resumed; or

4954 (2) (a) that the hearing is being continued to a later time; and

4955 (b) that the board will cause a notice of the continued hearing to be published on the
4956 Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), at least seven days
4957 before the day on which the hearing is scheduled to resume.

4958 Section 79. Section **17C-1-806** is amended to read:

4959 **17C-1-806. Requirements for notice provided by agency.**

4960 (1) The notice required by Section [17C-1-805](#) shall be given by:

4961 (a) (i) publishing one notice, excluding the map referred to in Subsection (3)(b), in a
4962 newspaper of general circulation within the county in which the project area or proposed
4963 project area is located, at least 14 days before the hearing;

4964 (ii) if there is no newspaper of general circulation, posting notice at least 14 days
4965 before the day of the hearing in at least three conspicuous places within the county in which the
4966 project area or proposed project area is located; or

4967 (iii) posting notice, excluding the map described in Subsection (3)(b), at least 14 days
4968 before the day on which the hearing is held on:

4969 (A) the Utah Public Notice Website described in Section [~~63F-1-701~~] [63A-16-601](#); and

4970 (B) the public website of a community located within the boundaries of the project
4971 area; and

4972 (b) at least 30 days before the hearing, mailing notice to:

4973 (i) each record owner of property located within the project area or proposed project
4974 area;

4975 (ii) the State Tax Commission;

4976 (iii) the assessor and auditor of the county in which the project area or proposed project
4977 area is located; and

4978 (iv) (A) if a project area is subject to a taxing entity committee, each member of the
4979 taxing entity committee and the State Board of Education; or

4980 (B) if a project area is not subject to a taxing entity committee, the legislative body or
4981 governing board of each taxing entity within the boundaries of the project area or proposed
4982 project area.

4983 (2) The mailing of the notice to record property owners required under Subsection
4984 (1)(b)(i) shall be conclusively considered to have been properly completed if:

4985 (a) the agency mails the notice to the property owners as shown in the records,

4986 including an electronic database, of the county recorder's office and at the addresses shown in
4987 those records; and

4988 (b) the county recorder's office records used by the agency in identifying owners to
4989 whom the notice is mailed and their addresses were obtained or accessed from the county
4990 recorder's office no earlier than 30 days before the mailing.

4991 (3) The agency shall include in each notice required under Section 17C-1-805:

4992 (a) (i) a boundary description of the project area or proposed project area; or

4993 (ii) (A) a mailing address or telephone number where a person may request that a copy
4994 of the boundary description be sent at no cost to the person by mail, email, or facsimile
4995 transmission; and

4996 (B) if the agency or community has an Internet website, an Internet address where a
4997 person may gain access to an electronic, printable copy of the boundary description and other
4998 related information;

4999 (b) a map of the boundaries of the project area or proposed project area;

5000 (c) an explanation of the purpose of the hearing; and

5001 (d) a statement of the date, time, and location of the hearing.

5002 (4) The agency shall include in each notice under Subsection (1)(b):

5003 (a) a statement that property tax revenue resulting from an increase in valuation of
5004 property within the project area or proposed project area will be paid to the agency for project
5005 area development rather than to the taxing entity to which the tax revenue would otherwise
5006 have been paid if:

5007 (i) (A) the taxing entity committee consents to the project area budget; or

5008 (B) one or more taxing entities agree to share property tax revenue under an interlocal
5009 agreement; and

5010 (ii) the project area plan provides for the agency to receive tax increment; and

5011 (b) an invitation to the recipient of the notice to submit to the agency comments
5012 concerning the subject matter of the hearing before the date of the hearing.

5013 (5) An agency may include in a notice under Subsection (1) any other information the
5014 agency considers necessary or advisable, including the public purpose achieved by the project
5015 area development and any future tax benefits expected to result from the project area
5016 development.

5017 Section 80. Section **17C-2-108** is amended to read:

5018 **17C-2-108. Notice of urban renewal project area plan adoption -- Effective date**
5019 **of plan -- Contesting the formation of the plan.**

5020 (1) (a) Upon the community legislative body's adoption of an urban renewal project
5021 area plan, or an amendment to a project area plan under Section **17C-2-110**, the community
5022 legislative body shall provide notice as provided in Subsection (1)(b) by:

5023 (i) (A) publishing or causing to be published a notice in a newspaper of general
5024 circulation within the agency's boundaries; or

5025 (B) if there is no newspaper of general circulation within the agency's boundaries,
5026 causing a notice to be posted in at least three public places within the agency's boundaries; and

5027 (ii) posting a notice on the Utah Public Notice Website described in Section
5028 ~~[63F-1-701]~~ 63A-16-601.

5029 (b) Each notice under Subsection (1)(a) shall:

5030 (i) set forth the community legislative body's ordinance adopting the project area plan
5031 or a summary of the ordinance; and

5032 (ii) include a statement that the project area plan is available for general public
5033 inspection and the hours for inspection.

5034 (2) The project area plan shall become effective on the date of:

5035 (a) if notice was published under Subsection (1)(a), publication of the notice; or

5036 (b) if notice was posted under Subsection (1)(a), posting of the notice.

5037 (3) (a) For a period of 30 days after the effective date of the project area plan under
5038 Subsection (2), any person may contest the project area plan or the procedure used to adopt the
5039 project area plan if the plan or procedure fails to comply with applicable statutory
5040 requirements.

5041 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest
5042 the project area plan or procedure used to adopt the project area plan for any cause.

5043 (4) Upon adoption of the project area plan by the community legislative body, the
5044 agency may carry out the project area plan.

5045 (5) Each agency shall make the project area plan available to the general public at the
5046 agency's office during normal business hours.

5047 Section 81. Section **17C-2-109** is amended to read:

5048 **17C-2-109. Agency required to transmit and record documents after adoption of**
5049 **an urban renewal project area plan.**

5050 Within 30 days after the community legislative body adopts, under Section [17C-2-107](#),
5051 an urban renewal project area plan, the agency shall:

5052 (1) record with the recorder of the county in which the project area is located a
5053 document containing:

- 5054 (a) a description of the land within the project area;
- 5055 (b) a statement that the project area plan for the project area has been adopted; and
- 5056 (c) the date of adoption;

5057 (2) transmit a copy of the description of the land within the project area and an accurate
5058 map or plat indicating the boundaries of the project area to the Automated Geographic
5059 Reference Center created under Section [~~63F-1-506~~] [63A-16-505](#); and

5060 (3) for a project area plan that provides for the agency to receive tax increment,
5061 transmit a copy of the description of the land within the project area, a copy of the community
5062 legislative body ordinance adopting the project area plan, and a map or plat indicating the
5063 boundaries of the project area to:

- 5064 (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
5065 part of the project area is located;
- 5066 (b) the officer or officers performing the function of auditor or assessor for each taxing
5067 entity that does not use the county assessment roll or collect the taxing entity's taxes through
5068 the county;
- 5069 (c) the legislative body or governing board of each taxing entity;
- 5070 (d) the State Tax Commission; and
- 5071 (e) the State Board of Education.

5072 Section 82. Section **17C-3-107** is amended to read:

5073 **17C-3-107. Notice of economic development project area plan adoption --**
5074 **Effective date of plan -- Contesting the formation of the plan.**

5075 (1) (a) Upon the community legislative body's adoption of an economic development
5076 project area plan, or an amendment to the project area plan under Section [17C-3-109](#) that
5077 requires notice, the legislative body shall provide notice as provided in Subsection (1)(b) by:

- 5078 (i) publishing or causing to be published a notice:

- 5079 (A) in a newspaper of general circulation within the agency's boundaries; or
5080 (B) if there is no newspaper of general circulation within the agency's boundaries,
5081 causing a notice to be posted in at least three public places within the agency's boundaries; and
5082 (ii) on the Utah Public Notice Website described in Section [~~63F-1-701~~] [63A-16-601](#).
5083 (b) Each notice under Subsection (1)(a) shall:
5084 (i) set forth the community legislative body's ordinance adopting the project area plan
5085 or a summary of the ordinance; and
5086 (ii) include a statement that the project area plan is available for public inspection and
5087 the hours for inspection.
5088 (2) The project area plan shall become effective on the date of:
5089 (a) if notice was published under Subsection (1)(a), publication of the notice; or
5090 (b) if notice was posted under Subsection (1)(a), posting of the notice.
5091 (3) (a) For a period of 30 days after the effective date of the project area plan under
5092 Subsection (2), any person may contest the project area plan or the procedure used to adopt the
5093 project area plan if the plan or procedure fails to comply with applicable statutory
5094 requirements.
5095 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest
5096 the project area plan or procedure used to adopt the project area plan for any cause.
5097 (4) Upon adoption of the economic development project area plan by the community
5098 legislative body, the agency may implement the project area plan.
5099 (5) Each agency shall make the economic development project area plan available to
5100 the general public at the agency's office during normal business hours.
5101 Section 83. Section **17C-3-108** is amended to read:
5102 **17C-3-108. Agency required to transmit and record documents after adoption of**
5103 **economic development project area plan.**
5104 Within 30 days after the community legislative body adopts, under Section [17C-3-106](#),
5105 an economic development project area plan, the agency shall:
5106 (1) record with the recorder of the county in which the economic development project
5107 area is located a document containing:
5108 (a) a description of the land within the project area;
5109 (b) a statement that the project area plan for the project area has been adopted; and

- 5110 (c) the date of adoption;
- 5111 (2) transmit a copy of the description of the land within the project area and an accurate
- 5112 map or plat indicating the boundaries of the project area to the Automated Geographic
- 5113 Reference Center created under Section [~~63F-1-506~~] [63A-16-505](#); and
- 5114 (3) for a project area plan that provides for the agency to receive tax increment,
- 5115 transmit a copy of the description of the land within the project area, a copy of the community
- 5116 legislative body ordinance adopting the project area plan, and a map or plat indicating the
- 5117 boundaries of the project area to:
- 5118 (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
- 5119 part of the project area is located;
- 5120 (b) the officer or officers performing the function of auditor or assessor for each taxing
- 5121 entity that does not use the county assessment roll or collect the taxing entity's taxes through
- 5122 the county;
- 5123 (c) the legislative body or governing board of each taxing entity;
- 5124 (d) the State Tax Commission; and
- 5125 (e) the State Board of Education.

5126 Section 84. Section **17C-4-107** is amended to read:

5127 **17C-4-107. Agency required to transmit and record documents after adoption of**
5128 **community development project area plan.**

5129 Within 30 days after the community legislative body adopts, under Section [17C-4-105](#),
5130 a community development project area plan, the agency shall:

- 5131 (1) record with the recorder of the county in which the project area is located a
- 5132 document containing:
 - 5133 (a) a description of the land within the project area;
 - 5134 (b) a statement that the project area plan for the project area has been adopted; and
 - 5135 (c) the date of adoption;
- 5136 (2) transmit a copy of the description of the land within the project area and an accurate
- 5137 map or plat indicating the boundaries of the project area to the Automated Geographic
- 5138 Reference Center created under Section [~~63F-1-506~~] [63A-16-505](#); and
- 5139 (3) for a project area plan that provides for the agency to receive tax increment,
- 5140 transmit a copy of the description of the land within the project area, a copy of the community

5141 legislative body ordinance adopting the project area plan, and a map or plat indicating the
5142 boundaries of the project area to:

5143 (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
5144 part of the project area is located;

5145 (b) the officer or officers performing the function of auditor or assessor for each taxing
5146 entity that does not use the county assessment roll or collect the taxing entity's taxes through
5147 the county;

5148 (c) the legislative body or governing board of each taxing entity;

5149 (d) the State Tax Commission; and

5150 (e) the State Board of Education.

5151 Section 85. Section **17C-4-109** is amended to read:

5152 **17C-4-109. Expedited community development project area plan.**

5153 (1) As used in this section, "tax increment incentive" means the portion of tax
5154 increment awarded to an industry or business.

5155 (2) A community development project area plan may be adopted or amended without
5156 complying with the notice and public hearing requirements of this part and Chapter 1, Part 8,
5157 Hearing and Notice Requirements, if the following requirements are met:

5158 (a) the agency determines by resolution adopted in an open and public meeting the
5159 need to create or amend a project area plan on an expedited basis, which resolution shall
5160 include a description of why expedited action is needed;

5161 (b) a public hearing on the amendment or adoption of the project area plan is held by
5162 the agency;

5163 (c) notice of the public hearing is published at least 14 days before the public hearing
5164 on:

5165 (i) the website of the community that created the agency; and

5166 (ii) the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#);

5167 (d) written consent to the amendment or adoption of the project area plan is given by
5168 all record property owners within the existing or proposed project area;

5169 (e) each taxing entity that will be affected by the tax increment incentive enters into or
5170 amends an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation
5171 Act, and Sections [17C-4-201](#), [17C-4-203](#), and [17C-4-204](#);

5172 (f) the primary market for the goods or services that will be created by the industry or
5173 business entity that will receive a tax increment incentive from the amendment or adoption of
5174 the project area plan is outside of the state;

5175 (g) the industry or business entity that will receive a tax increment incentive from the
5176 amendment or adoption of the project area plan is not primarily engaged in retail trade; and

5177 (h) a tax increment incentive is only provided to an industry or business entity:

5178 (i) on a postperformance basis as described in Subsection (3); and

5179 (ii) on an annual basis after the tax increment is received by the agency.

5180 (3) An industry or business entity may only receive a tax increment incentive under this
5181 section after entering into an agreement with the agency that sets postperformance targets that
5182 shall be met before the industry or business entity may receive the tax increment incentive,
5183 including annual targets for:

5184 (a) capital investment in the project area;

5185 (b) the increase in the taxable value of the project area;

5186 (c) the number of new jobs created in the project area;

5187 (d) the average wages of the jobs created, which shall be at least 110% of the
5188 prevailing wage of the county where the project area is located; and

5189 (e) the amount of local vendor opportunity generated by the industry or business entity.

5190 Section 86. Section **17C-4-202** is amended to read:

5191 **17C-4-202. Resolution or interlocal agreement to provide project area funds for**
5192 **the community development project area plan -- Notice -- Effective date of resolution or**
5193 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**
5194 **of resolution or interlocal agreement.**

5195 (1) The approval and adoption of each resolution or interlocal agreement under
5196 Subsection **17C-4-201**(2) shall be in an open and public meeting.

5197 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section
5198 **17C-4-201**, the agency shall provide notice as provided in Subsection (2)(b) by:

5199 (i) (A) publishing or causing to be published a notice in a newspaper of general
5200 circulation within the agency's boundaries; or

5201 (B) if there is no newspaper of general circulation within the agency's boundaries,
5202 causing a notice to be posted in at least three public places within the agency's boundaries; and

5203 (ii) publishing or causing to be published a notice on the Utah Public Notice Website
 5204 created in Section [~~63F-1-701~~] [63A-16-601](#).

5205 (b) Each notice under Subsection (2)(a) shall:

5206 (i) set forth a summary of the resolution or interlocal agreement; and

5207 (ii) include a statement that the resolution or interlocal agreement is available for
 5208 public inspection and the hours of inspection.

5209 (3) The resolution or interlocal agreement shall become effective on the date of:

5210 (a) if notice was published under Subsection (2)(a)(i)(A) or (2)(a)(ii), publication of the
 5211 notice; or

5212 (b) if notice was posted under Subsection (2)(a)(i)(B), posting of the notice.

5213 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal
 5214 agreement under Subsection (3), any person may contest the resolution or interlocal agreement
 5215 or the procedure used to adopt the resolution or interlocal agreement if the resolution or
 5216 interlocal agreement or procedure fails to comply with applicable statutory requirements.

5217 (b) After the 30-day period under Subsection (4)(a) expires, a person may not contest:

5218 (i) the resolution or interlocal agreement;

5219 (ii) a distribution of tax increment to the agency under the resolution or interlocal
 5220 agreement; or

5221 (iii) the agency's use of project area funds under the resolution or interlocal agreement.

5222 (5) Each agency that is to receive project area funds under a resolution or interlocal
 5223 agreement under Section [17C-4-201](#) and each taxing entity that approves a resolution or enters
 5224 into an interlocal agreement under Section [17C-4-201](#) shall make the resolution or interlocal
 5225 agreement, as the case may be, available at the taxing entity's offices to the public for
 5226 inspection and copying during normal business hours.

5227 Section 87. Section [17C-5-110](#) is amended to read:

5228 **17C-5-110. Notice of community reinvestment project area plan adoption --**

5229 **Effective date of plan -- Contesting the formation of the plan.**

5230 (1) (a) Upon a community legislative body's adoption of a community reinvestment
 5231 project area plan in accordance with Section [17C-5-109](#), or an amendment to a community
 5232 reinvestment project area plan in accordance with Section [17C-5-112](#), the community
 5233 legislative body shall provide notice of the adoption or amendment in accordance with

5234 Subsection (1)(b) by:

5235 (i) (A) causing a notice to be published in a newspaper of general circulation within the
5236 community; or

5237 (B) if there is no newspaper of general circulation within the community, causing a
5238 notice to be posted in at least three public places within the community; and

5239 (ii) posting a notice on the Utah Public Notice Website described in Section
5240 ~~[63F-1-701]~~ [63A-16-601](#).

5241 (b) A notice described in Subsection (1)(a) shall include:

5242 (i) a copy of the community legislative body's ordinance, or a summary of the
5243 ordinance, that adopts the community reinvestment project area plan; and

5244 (ii) a statement that the community reinvestment project area plan is available for
5245 public inspection and the hours for inspection.

5246 (2) A community reinvestment project area plan is effective on the day on which notice
5247 of adoption is published or posted in accordance with Subsection (1)(a).

5248 (3) A community reinvestment project area is considered created the day on which the
5249 community reinvestment project area plan becomes effective as described in Subsection (2).

5250 (4) (a) Within 30 days after the day on which a community reinvestment project area
5251 plan is effective, a person may contest the community reinvestment project area plan or the
5252 procedure used to adopt the community reinvestment project area plan if the community
5253 reinvestment project area plan or the procedure fails to comply with a provision of this title.

5254 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not
5255 contest the community reinvestment project area plan or the procedure used to adopt the
5256 community reinvestment project area plan.

5257 (5) Upon adoption of a community reinvestment project area plan by the community
5258 legislative body, the agency may implement the community reinvestment project area plan.

5259 (6) The agency shall make the community reinvestment project area plan available to
5260 the public at the agency's office during normal business hours.

5261 Section 88. Section **17C-5-111** is amended to read:

5262 **17C-5-111. Agency required to transmit and record documentation after**
5263 **adoption of community reinvestment project area plan.**

5264 Within 30 days after the day on which a community legislative body adopts a

5265 community reinvestment project area plan under Section [17C-5-109](#), the agency shall:

5266 (1) record with the recorder of the county in which the community reinvestment project
5267 area is located a document containing:

5268 (a) the name of the community reinvestment project area;

5269 (b) a boundary description of the community reinvestment project area; and

5270 (c) (i) a statement that the community legislative body adopted the community
5271 reinvestment project area plan; and

5272 (ii) the day on which the community legislative body adopted the community
5273 reinvestment project area plan;

5274 (2) transmit a copy of a description of the land within the community reinvestment
5275 project area and an accurate map or plat indicating the boundaries of the community
5276 reinvestment project area to the Automated Geographic Reference Center created in Section
5277 [~~63F-1-506~~] [63A-16-505](#); and

5278 (3) for a community reinvestment project area plan that provides for the agency to
5279 receive tax increment, transmit a copy of a description of the land within the community
5280 reinvestment project area, a copy of the community legislative body ordinance adopting the
5281 community reinvestment project area plan, and an accurate map or plat indicating the
5282 boundaries of the community reinvestment project area to:

5283 (a) the auditor, recorder, county or district attorney, surveyor, and assessor of each
5284 county in which any part of the community reinvestment project area is located;

5285 (b) the officer or officers performing the function of auditor or assessor for each taxing
5286 entity that does not use the county assessment roll or collect the taxing entity's taxes through
5287 the county;

5288 (c) the legislative body or governing board of each taxing entity;

5289 (d) the State Tax Commission; and

5290 (e) the State Board of Education.

5291 Section 89. Section [17C-5-113](#) is amended to read:

5292 **[17C-5-113](#). Expedited community reinvestment project area plan.**

5293 (1) As used in this section:

5294 (a) "Qualified business entity" means a business entity that:

5295 (i) has a primary market for the qualified business entity's goods or services outside of

5296 the state; and

5297 (ii) is not primarily engaged in retail sales.

5298 (b) "Tax increment incentive" means the portion of an agency's tax increment that is
5299 paid to a qualified business entity for the purpose of implementing a community reinvestment
5300 project area plan.

5301 (2) An agency and a qualified business entity may, in accordance with Subsection (3),
5302 enter into an agreement that allows the qualified business entity to receive a tax increment
5303 incentive.

5304 (3) An agreement described in Subsection (2) shall set annual postperformance targets
5305 for:

5306 (a) capital investment within the community reinvestment project area;

5307 (b) the number of new jobs created within the community reinvestment project area;

5308 (c) the average wage of the jobs described in Subsection (3)(b) that is at least 110% of
5309 the prevailing wage of the county within which the community reinvestment project area is
5310 located; and

5311 (d) the amount of local vendor opportunity generated by the qualified business entity.

5312 (4) A qualified business entity may only receive a tax increment incentive:

5313 (a) if the qualified business entity complies with the agreement described in Subsection
5314 (3);

5315 (b) on a postperformance basis; and

5316 (c) on an annual basis after the agency receives tax increment from a taxing entity.

5317 (5) An agency may create or amend a community reinvestment project area plan for the
5318 purpose of providing a tax increment incentive without complying with the requirements
5319 described in Chapter 1, Part 8, Hearing and Notice Requirements, if:

5320 (a) the agency:

5321 (i) holds a public hearing to consider the need to create or amend a community
5322 reinvestment project area plan on an expedited basis;

5323 (ii) posts notice at least 14 days before the day on which the public hearing described
5324 in Subsection (5)(a)(i) is held on:

5325 (A) the community's website; and

5326 (B) the Utah Public Notice Website as described in Section [~~63F-1-701~~] [63A-16-601](#);

5327 and

5328 (iii) at the hearing described in Subsection (5)(a)(i), adopts a resolution to create or
5329 amend the community reinvestment project area plan on an expedited basis;

5330 (b) all record property owners within the existing or proposed community reinvestment
5331 project area plan give written consent; and

5332 (c) each taxing entity affected by the tax increment incentive consents and enters into
5333 an interlocal agreement with the agency authorizing the agency to pay a tax increment incentive
5334 to the qualified business entity.

5335 Section 90. Section **17C-5-205** is amended to read:

5336 **17C-5-205. Interlocal agreement to provide project area funds for the community**
5337 **reinvestment project area subject to interlocal agreement -- Notice -- Effective date of**
5338 **interlocal agreement -- Time to contest interlocal agreement -- Availability of interlocal**
5339 **agreement.**

5340 (1) An agency shall:

5341 (a) approve and adopt an interlocal agreement described in Section [17C-5-204](#) at an
5342 open and public meeting; and

5343 (b) provide a notice of the meeting titled "Diversion of Property Tax for a Community
5344 Reinvestment Project Area."

5345 (2) (a) Upon the execution of an interlocal agreement described in Section [17C-5-204](#),
5346 the agency shall provide notice of the execution by:

5347 (i) (A) publishing or causing to be published a notice in a newspaper of general
5348 circulation within the agency's boundaries; or

5349 (B) if there is no newspaper of general circulation within the agency's boundaries,
5350 causing the notice to be posted in at least three public places within the agency's boundaries;

5351 and

5352 (ii) publishing or causing the notice to be published on the Utah Public Notice Website
5353 created in Section [~~63F-1-701~~] [63A-16-601](#).

5354 (b) A notice described in Subsection (2)(a) shall include:

5355 (i) a summary of the interlocal agreement; and

5356 (ii) a statement that the interlocal agreement:

5357 (A) is available for public inspection and the hours for inspection; and

5358 (B) authorizes the agency to receive all or a portion of a taxing entity's tax increment or
5359 sales and use tax revenue.

5360 (3) An interlocal agreement described in Section [17C-5-204](#) is effective the day on
5361 which the notice described in Subsection (2) is published or posted in accordance with
5362 Subsection (2)(a).

5363 (4) (a) Within 30 days after the day on which the interlocal agreement is effective, a
5364 person may contest the interlocal agreement or the procedure used to adopt the interlocal
5365 agreement if the interlocal agreement or procedure fails to comply with a provision of this title.

5366 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not
5367 contest:

5368 (i) the interlocal agreement;

5369 (ii) a distribution of tax increment to the agency under the interlocal agreement; or

5370 (iii) the agency's use of project area funds under the interlocal agreement.

5371 (5) A taxing entity that enters into an interlocal agreement under Section [17C-5-204](#)
5372 shall make a copy of the interlocal agreement available to the public at the taxing entity's office
5373 for inspection and copying during normal business hours.

5374 Section 91. Section [17D-3-305](#) is amended to read:

5375 **17D-3-305. Setting the date of nomination of the board of supervisors -- Notice**
5376 **requirements.**

5377 (1) The commission shall set the date of the nomination of members of the board of
5378 supervisors of a conservation district.

5379 (2) The commission shall publish notice of the nomination day described in Subsection
5380 (1):

5381 (a) (i) in a newspaper of general circulation within the conservation district at least
5382 once, no later than four weeks before the day of the nomination; or

5383 (ii) if there is no newspaper of general circulation in the conservation district, at least
5384 four weeks before the nomination day, by posting one notice, and at least one additional notice
5385 per 2,000 population of the conservation district, in places within the conservation district that
5386 are most likely to give notice to the residents in the conservation district;

5387 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
5388 four weeks before the day of the nomination;

5389 (c) in accordance with Section 45-1-101, for four weeks before the day of the
5390 nomination; and

5391 (d) if the conservation district has a website, on the conservation district's website for
5392 four weeks before the day of the nomination.

5393 (3) The commissioner shall appoint the board of members by no later than six weeks
5394 after the date set by the commission for the close of nominations.

5395 (4) The notice required under Subsection (2) shall state:

5396 (a) the nomination date; and

5397 (b) the number of open board member positions for the conservation district.

5398 Section 92. Section 19-1-202 is amended to read:

5399 **19-1-202. Duties and powers of the executive director.**

5400 (1) The executive director shall:

5401 (a) administer and supervise the department;

5402 (b) coordinate policies and program activities conducted through boards, divisions, and
5403 offices of the department;

5404 (c) approve the proposed budget of each board, division, and office within the
5405 department;

5406 (d) approve all applications for federal grants or assistance in support of any
5407 department program;

5408 (e) with the governor's specific, prior approval, expend funds appropriated by the
5409 Legislature necessary for participation by the state in any fund, property, or service provided by
5410 the federal government; and

5411 (f) in accordance with Section 19-1-301, appoint one or more administrative law
5412 judges to hear an adjudicative proceeding within the department.

5413 (2) The executive director may:

5414 (a) issue orders to enforce state laws and rules established by the department except
5415 where the enforcement power is given to a board created under Section 19-1-106, unless the
5416 executive director finds that a condition exists that creates a clear and present hazard to the
5417 public health or the environment and requires immediate action, and if the enforcement power
5418 is vested with a board created under Section 19-1-106, the executive director may with the
5419 concurrence of the governor order any person causing or contributing to the condition to

5420 reduce, mitigate, or eliminate the condition;

5421 (b) with the approval of the governor, participate in the distribution, disbursement, or
5422 administration of any fund or service, advanced, offered, or contributed by the federal
5423 government for purposes consistent with the powers and duties of the department;

5424 (c) accept and receive funds and gifts available from private and public groups for the
5425 purposes of promoting and protecting the public health and the environment and expend the
5426 funds as appropriated by the Legislature;

5427 (d) make policies not inconsistent with law for the internal administration and
5428 government of the department, the conduct of its employees, and the custody, use, and
5429 preservation of the records, papers, books, documents, and property of the department;

5430 (e) create advisory committees as necessary to assist in carrying out the provisions of
5431 this title;

5432 (f) appoint division directors who may be removed at the will of the executive director
5433 and who shall be compensated in an amount fixed by the executive director;

5434 (g) advise, consult, and cooperate with other agencies of the state, the federal
5435 government, other states and interstate agencies, affected groups, political subdivisions, and
5436 industries in carrying out the purposes of this title;

5437 (h) consistent with Title [67] 63A, Chapter [19] 17, Utah State Personnel Management
5438 Act, employ employees necessary to meet the requirements of this title;

5439 (i) authorize any employee or representative of the division to conduct inspections as
5440 permitted in this title;

5441 (j) encourage, participate in, or conduct any studies, investigations, research, and
5442 demonstrations relating to hazardous materials or substances releases necessary to meet the
5443 requirements of this title;

5444 (k) collect and disseminate information about hazardous materials or substances
5445 releases;

5446 (l) review plans, specifications, or other data relating to hazardous substances releases
5447 as provided in this title;

5448 (m) maintain, update not less than annually, and make available to the public a record
5449 of sites, by name and location, at which response actions for the protection of the public health
5450 and environment under Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act, or

5451 under Title 19, Chapter 8, Voluntary Cleanup Program, have been completed in the previous
5452 calendar year, and those that the department plans to address in the upcoming year pursuant to
5453 this title, including if upon completion of the response action the site:

5454 (i) will be suitable for unrestricted use; or

5455 (ii) will be suitable only for restricted use, stating the institutional controls identified in
5456 the remedy to which use of the site is subject; and

5457 (n) for purposes of implementing environmental mitigation and response actions:

5458 (i) accept and receive environmental mitigation and response funds from private and
5459 public groups, including as a condition of a consent decree, settlement agreement, stipulated
5460 agreement, or court order; and

5461 (ii) administer the implementation of environmental mitigation and response actions in
5462 accordance with the terms and conditions in which funds were received, including:

5463 (A) disbursing funds to private or public entities, governmental units, state agencies, or
5464 Native American tribes;

5465 (B) expending funds to implement environmental mitigation and response actions; and

5466 (C) returning unused funds to the original source of the funds as a condition of receipt
5467 of the funds, if applicable.

5468 Section 93. Section **19-1-308** is amended to read:

5469 **19-1-308. Background checks for employees.**

5470 (1) As used in this section, "bureau" means the Bureau of Criminal Identification
5471 created in Section [53-10-201](#).

5472 (2) Beginning July 1, 2018, the department shall require all appointees and applicants
5473 for the following positions to submit to a fingerprint-based local, regional, and national
5474 criminal history background check and ongoing monitoring as a condition of employment:

5475 (a) administrative services managers;

5476 (b) financial analysts;

5477 (c) financial managers; and

5478 (d) schedule AB and AD employees, in accordance with Section [~~67-19-15~~]

5479 [63A-17-301](#), in appointed positions.

5480 (3) Each appointee or applicant for a position listed in Subsection (2) shall provide a
5481 completed fingerprint card to the department upon request.

5482 (4) The department shall require that an individual required to submit to a background
5483 check under Subsection (3) provide a signed waiver on a form provided by the department that
5484 meets the requirements of Subsection [53-10-108](#)(4).

5485 (5) For a noncriminal justice background search and registration in accordance with
5486 Subsection [53-10-108](#)(13), the department shall submit to the bureau:

5487 (a) the applicant's personal identifying information and fingerprints for a criminal
5488 history search of applicable local, regional, and national databases; and

5489 (b) a request for all information received as a result of the local, regional, and
5490 nationwide background check.

5491 (6) The department is responsible for the payment of all fees required by Subsection
5492 [53-10-108](#)(15) and any fees required to be submitted to the Federal Bureau of Investigation by
5493 the bureau.

5494 (7) The department may make rules in accordance with Title 63G, Chapter 3, Utah
5495 Administrative Rulemaking Act, that:

5496 (a) determine how the department will assess the employment status of an individual
5497 upon receipt of background information; and

5498 (b) identify the appropriate privacy risk mitigation strategy to be used in accordance
5499 with Subsection [53-10-108](#)(13)(b).

5500 Section 94. Section **19-2-109** is amended to read:

5501 **19-2-109. Air quality standards -- Hearings on adoption -- Orders of director --**
5502 **Adoption of emission control requirements.**

5503 (1) (a) The board, in adopting standards of quality for ambient air, shall conduct public
5504 hearings.

5505 (b) Notice of any public hearing for the consideration, adoption, or amendment of air
5506 quality standards shall specify the locations to which the proposed standards apply and the
5507 time, date, and place of the hearing.

5508 (c) The notice shall be:

5509 (i) (A) published at least twice in any newspaper of general circulation in the area
5510 affected; and

5511 (B) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
5512 [63A-16-601](#), at least 20 days before the public hearing; and

5513 (ii) mailed at least 20 days before the public hearing to the chief executive of each
5514 political subdivision of the area affected and to other persons the director has reason to believe
5515 will be affected by the standards.

5516 (d) The adoption of air quality standards or any modification or changes to air quality
5517 standards shall be by order of the director following formal action of the board with respect to
5518 the standards.

5519 (e) The order shall be published:

5520 (i) in a newspaper of general circulation in the area affected; and

5521 (ii) as required in Section [45-1-101](#).

5522 (2) (a) The board may establish emission control requirements by rule that in its
5523 judgment may be necessary to prevent, abate, or control air pollution that may be statewide or
5524 may vary from area to area, taking into account varying local conditions.

5525 (b) In adopting these requirements, the board shall give notice and conduct public
5526 hearings in accordance with the requirements in Subsection (1).

5527 Section 95. Section **20A-1-512** is amended to read:

5528 **20A-1-512. Midterm vacancies on local district boards.**

5529 (1) (a) Whenever a vacancy occurs on any local district board for any reason, the
5530 following shall appoint a replacement to serve out the unexpired term in accordance with this
5531 section:

5532 (i) the local district board, if the person vacating the position was elected; or

5533 (ii) the appointing authority, as that term is defined in Section [17B-1-102](#), if the
5534 appointing authority appointed the person vacating the position.

5535 (b) Except as provided in Subsection (1)(c), before acting to fill the vacancy, the local
5536 district board or appointing authority shall:

5537 (i) give public notice of the vacancy at least two weeks before the local district board
5538 or appointing authority meets to fill the vacancy by:

5539 (A) if there is a newspaper of general circulation, as that term is defined in Section
5540 [45-1-201](#), within the district, publishing the notice in the newspaper of general circulation;

5541 (B) posting the notice in three public places within the local district; and

5542 (C) posting on the Utah Public Notice Website created under Section [~~63F-1-701~~]
5543 [63A-16-601](#); and

5544 (ii) identify, in the notice:
5545 (A) the date, time, and place of the meeting where the vacancy will be filled;
5546 (B) the individual to whom an individual who is interested in an appointment to fill the
5547 vacancy may submit the individual's name for consideration; and
5548 (C) any submission deadline.
5549 (c) An appointing authority is not subject to Subsection (1)(b) if:
5550 (i) the appointing authority appoints one of the appointing authority's own members;
5551 and
5552 (ii) that member meets all applicable statutory board member qualifications.
5553 (2) If the local district board fails to appoint an individual to complete an elected board
5554 member's term within 90 days, the legislative body of the county or municipality that created
5555 the local district shall fill the vacancy in accordance with the procedure for a local district
5556 described in Subsection (1)(b).
5557 Section 96. Section **20A-3a-604** is amended to read:
5558 **20A-3a-604. Notice of time and place of early voting.**
5559 (1) Except as provided in Section [20A-1-308](#) or Subsection [20A-3a-603\(2\)](#), the
5560 election officer shall, at least 19 days before the date of the election, publish notice of the dates,
5561 times, and locations of early voting:
5562 (a) (i) in one issue of a newspaper of general circulation in the county;
5563 (ii) if there is no newspaper of general circulation in the county, in addition to posting
5564 the notice described in Subsection (1)(b), by posting one notice, and at least one additional
5565 notice per 2,000 population of the county, in places within the county that are most likely to
5566 give notice to the residents in the county; or
5567 (iii) by mailing notice to each registered voter in the county;
5568 (b) by posting the notice at each early voting polling place;
5569 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
5570 19 days before the day of the election;
5571 (d) in accordance with Section [45-1-101](#), for 19 days before the date of the election;
5572 and
5573 (e) on the county's website for 19 days before the day of the election.
5574 (2) Instead of publishing all dates, times, and locations of early voting under

5575 Subsection (1), the election officer may publish a statement that specifies the following sources
5576 where a voter may view or obtain a copy of all dates, times, and locations of early voting:

5577 (a) the county's website;

5578 (b) the physical address of the county's offices; and

5579 (c) a mailing address and telephone number.

5580 (3) The election officer shall include in the notice described in Subsection (1):

5581 (a) the address of the Statewide Electronic Voter Information Website and, if available,
5582 the address of the election officer's website, with a statement indicating that the election officer
5583 will post on the website the location of each early voting polling place, including any changes
5584 to the location of an early voting polling place and the location of additional early voting
5585 polling places; and

5586 (b) a phone number that a voter may call to obtain information regarding the location
5587 of an early voting polling place.

5588 Section 97. Section **20A-4-104** is amended to read:

5589 **20A-4-104. Counting ballots electronically.**

5590 (1) (a) Before beginning to count ballots using automatic tabulating equipment, the
5591 election officer shall test the automatic tabulating equipment to ensure that it will accurately
5592 count the votes cast for all offices and all measures.

5593 (b) The election officer shall publish public notice of the time and place of the test:

5594 (i) (A) at least 48 hours before the test in one or more daily or weekly newspapers of
5595 general circulation in the county, municipality, or jurisdiction where the equipment is used;

5596 (B) if there is no daily or weekly newspaper of general circulation in the county,
5597 municipality, or jurisdiction where the equipment is used, at least 10 days before the day of the
5598 test, by posting one notice, and at least one additional notice per 2,000 population of the
5599 county, municipality, or jurisdiction, in places within the county, municipality, or jurisdiction
5600 that are most likely to give notice to the voters in the county, municipality, or jurisdiction; or

5601 (C) at least 10 days before the day of the test, by mailing notice to each registered voter
5602 in the county, municipality, or jurisdiction where the equipment is used;

5603 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
5604 four weeks before the day of the test;

5605 (iii) in accordance with Section [45-1-101](#), for at least 10 days before the day of the test;

5606 and

5607 (iv) if the county, municipality, or jurisdiction has a website, on the website for four
5608 weeks before the day of the test.

5609 (c) The election officer shall conduct the test by processing a preaudited group of
5610 ballots.

5611 (d) The election officer shall ensure that:

5612 (i) a predetermined number of valid votes for each candidate and measure are recorded
5613 on the ballots;

5614 (ii) for each office, one or more ballots have votes in excess of the number allowed by
5615 law in order to test the ability of the automatic tabulating equipment to reject those votes; and

5616 (iii) a different number of valid votes are assigned to each candidate for an office, and
5617 for and against each measure.

5618 (e) If any error is detected, the election officer shall determine the cause of the error
5619 and correct it.

5620 (f) The election officer shall ensure that:

5621 (i) the automatic tabulating equipment produces an errorless count before beginning
5622 the actual counting; and

5623 (ii) the automatic tabulating equipment passes the same test at the end of the count
5624 before the election returns are approved as official.

5625 (2) (a) The election officer or the election officer's designee shall supervise and direct
5626 all proceedings at the counting center.

5627 (b) (i) Proceedings at the counting center are public and may be observed by interested
5628 persons.

5629 (ii) Only those persons authorized to participate in the count may touch any ballot or
5630 return.

5631 (c) The election officer shall deputize and administer an oath or affirmation to all
5632 persons who are engaged in processing and counting the ballots that they will faithfully
5633 perform their assigned duties.

5634 (3) If any ballot is damaged or defective so that it cannot properly be counted by the
5635 automatic tabulating equipment, the election officer shall ensure that two counting judges
5636 jointly:

- 5637 (a) make a true replication of the ballot with an identifying serial number;
- 5638 (b) substitute the replicated ballot for the damaged or defective ballot;
- 5639 (c) label the replicated ballot "replicated"; and
- 5640 (d) record the replicated ballot's serial number on the damaged or defective ballot.
- 5641 (4) The election officer may:
- 5642 (a) conduct an unofficial count before conducting the official count in order to provide
- 5643 early unofficial returns to the public;
- 5644 (b) release unofficial returns from time to time after the polls close; and
- 5645 (c) report the progress of the count for each candidate during the actual counting of
- 5646 ballots.
- 5647 (5) The election officer shall review and evaluate the provisional ballot envelopes and
- 5648 prepare any valid provisional ballots for counting as provided in Section [20A-4-107](#).
- 5649 (6) (a) The election officer or the election officer's designee shall:
- 5650 (i) separate, count, and tabulate any ballots containing valid write-in votes; and
- 5651 (ii) complete the standard form provided by the clerk for recording valid write-in votes.
- 5652 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
- 5653 more votes for an office than that voter is entitled to vote for that office, the poll workers shall
- 5654 count the valid write-in vote as being the obvious intent of the voter.
- 5655 (7) (a) The election officer shall certify the return printed by the automatic tabulating
- 5656 equipment, to which have been added write-in and absentee votes, as the official return of each
- 5657 voting precinct.
- 5658 (b) Upon completion of the count, the election officer shall make official returns open
- 5659 to the public.
- 5660 (8) If for any reason it becomes impracticable to count all or a part of the ballots with
- 5661 tabulating equipment, the election officer may direct that they be counted manually according
- 5662 to the procedures and requirements of this part.
- 5663 (9) After the count is completed, the election officer shall seal and retain the programs,
- 5664 test materials, and ballots as provided in Section [20A-4-202](#).
- 5665 Section 98. Section [20A-4-304](#) is amended to read:
- 5666 **20A-4-304. Declaration of results -- Canvassers' report.**
- 5667 (1) Each board of canvassers shall:

5668 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,
5669 declare "elected" or "nominated" those persons who:
5670 (i) had the highest number of votes; and
5671 (ii) sought election or nomination to an office completely within the board's
5672 jurisdiction;
5673 (b) declare:
5674 (i) "approved" those ballot propositions that:
5675 (A) had more "yes" votes than "no" votes; and
5676 (B) were submitted only to the voters within the board's jurisdiction;
5677 (ii) "rejected" those ballot propositions that:
5678 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
5679 votes; and
5680 (B) were submitted only to the voters within the board's jurisdiction;
5681 (c) certify the vote totals for persons and for and against ballot propositions that were
5682 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
5683 the lieutenant governor; and
5684 (d) if applicable, certify the results of each local district election to the local district
5685 clerk.
5686 (2) As soon as the result is declared, the election officer shall prepare a report of the
5687 result, which shall contain:
5688 (a) the total number of votes cast in the board's jurisdiction;
5689 (b) the names of each candidate whose name appeared on the ballot;
5690 (c) the title of each ballot proposition that appeared on the ballot;
5691 (d) each office that appeared on the ballot;
5692 (e) from each voting precinct:
5693 (i) the number of votes for each candidate;
5694 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate
5695 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each
5696 potential ballot-counting phase and the name of the candidate excluded in each canvassing
5697 phase; and
5698 (iii) the number of votes for and against each ballot proposition;

5699 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
5700 and against each ballot proposition;

5701 (g) the number of ballots that were rejected; and

5702 (h) a statement certifying that the information contained in the report is accurate.

5703 (3) The election officer and the board of canvassers shall:

5704 (a) review the report to ensure that it is correct; and

5705 (b) sign the report.

5706 (4) The election officer shall:

5707 (a) record or file the certified report in a book kept for that purpose;

5708 (b) prepare and transmit a certificate of nomination or election under the officer's seal
5709 to each nominated or elected candidate;

5710 (c) publish a copy of the certified report in accordance with Subsection (5); and

5711 (d) file a copy of the certified report with the lieutenant governor.

5712 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
5713 days after the day on which the board of canvassers declares the election results, publish the
5714 certified report described in Subsection (2):

5715 (a) (i) at least once in a newspaper of general circulation within the jurisdiction;

5716 (ii) if there is no newspaper of general circulation within the jurisdiction, by posting
5717 one notice, and at least one additional notice per 2,000 population of the jurisdiction, in places
5718 within the jurisdiction that are most likely to give notice to the residents of the jurisdiction; or

5719 (iii) by mailing notice to each residence within the jurisdiction;

5720 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
5721 one week;

5722 (c) in accordance with Section [45-1-101](#), for one week; and

5723 (d) if the jurisdiction has a website, on the jurisdiction's website for one week.

5724 (6) Instead of publishing the entire certified report under Subsection (5), the election
5725 officer may publish a statement that:

5726 (a) includes the following: "The Board of Canvassers for [indicate name of
5727 jurisdiction] has prepared a report of the election results for the [indicate type and date of
5728 election]."; and

5729 (b) specifies the following sources where an individual may view or obtain a copy of
5730 the entire certified report:

5731 (i) if the jurisdiction has a website, the jurisdiction's website;

5732 (ii) the physical address for the jurisdiction; and

5733 (iii) a mailing address and telephone number.

5734 (7) When there has been a regular general or a statewide special election for statewide
5735 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
5736 or more county ballot proposition, each board of canvassers shall:

5737 (a) prepare a separate report detailing the number of votes for each candidate and the
5738 number of votes for and against each ballot proposition; and

5739 (b) transmit the separate report by registered mail to the lieutenant governor.

5740 (8) In each county election, municipal election, school election, local district election,
5741 and local special election, the election officer shall transmit the reports to the lieutenant
5742 governor within 14 days after the date of the election.

5743 (9) In a regular primary election and in a presidential primary election, the board shall
5744 transmit to the lieutenant governor:

5745 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
5746 governor not later than the second Tuesday after the election; and

5747 (b) a complete tabulation showing voting totals for all primary races, precinct by
5748 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
5749 primary election.

5750 Section 99. Section **20A-5-101** is amended to read:

5751 **20A-5-101. Notice of election.**

5752 (1) On or before November 15 in the year before each regular general election year, the
5753 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

5754 (a) designates the offices to be filled at the next year's regular general election;

5755 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
5756 certifying nomination petition signatures, as applicable, under Sections [20A-9-403](#), [20A-9-407](#),
5757 and [20A-9-408](#) for those offices; and

5758 (c) contains a description of any ballot propositions to be decided by the voters that
5759 have qualified for the ballot as of that date.

5760 (2) No later than seven business days after the day on which the lieutenant governor
5761 transmits the written notice described in Subsection (1), each county clerk shall publish notice,
5762 in accordance with Subsection (3):

5763 (a) (i) in a conspicuous place most likely to give notice of the election to the voters in
5764 each voting precinct within the county; and

5765 (ii) prepare an affidavit of the posting, showing a copy of the notice and the places
5766 where the notice was posted;

5767 (b) (i) in a newspaper of general circulation in the county;

5768 (ii) if there is no newspaper of general circulation within the county, in addition to the
5769 notice described in Subsection (2)(a), by posting one notice, and at least one additional notice
5770 per 2,000 population of the county, in places within the county that are most likely to give
5771 notice of the election to the voters in the county; or

5772 (iii) by mailing notice to each registered voter in the county;

5773 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
5774 seven days before the day of the election;

5775 (d) in accordance with Section [45-1-101](#), for seven days before the day of the election;

5776 and

5777 (e) on the county's website for seven days before the day of the election.

5778 (3) The notice described in Subsection (2) shall:

5779 (a) designate the offices to be voted on in that election; and

5780 (b) identify the dates for filing a declaration of candidacy for those offices.

5781 (4) Except as provided in Subsection (6), before each election, the election officer shall
5782 give printed notice of the following information:

5783 (a) the date of election;

5784 (b) the hours during which the polls will be open;

5785 (c) the polling places for each voting precinct, early voting polling place, and election
5786 day voting center;

5787 (d) the address of the Statewide Electronic Voter Information Website and, if available,
5788 the address of the election officer's website, with a statement indicating that the election officer
5789 will post on the website any changes to the location of a polling place and the location of any
5790 additional polling place;

5791 (e) a phone number that a voter may call to obtain information regarding the location of
5792 a polling place; and

5793 (f) the qualifications for persons to vote in the election.

5794 (5) To provide the printed notice described in Subsection (4), the election officer shall
5795 publish the notice:

5796 (a) (i) in a newspaper of general circulation in the jurisdiction to which the election
5797 pertains at least two days before the day of the election;

5798 (ii) if there is no newspaper of general circulation in the jurisdiction to which the
5799 election pertains, at least two days before the day of the election, by posting one notice, and at
5800 least one additional notice per 2,000 population of the jurisdiction, in places within the
5801 jurisdiction that are most likely to give notice of the election to the voters in the jurisdiction; or

5802 (iii) by mailing the notice to each registered voter who resides in the jurisdiction to
5803 which the election pertains at least five days before the day of the election;

5804 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
5805 two days before the day of the election;

5806 (c) in accordance with Section [45-1-101](#), for two days before the day of the election;
5807 and

5808 (d) if the jurisdiction has a website, on the jurisdiction's website for two days before
5809 the day of the election.

5810 (6) Instead of including the information described in Subsection (4) in the notice, the
5811 election officer may give printed notice that:

5812 (a) is entitled "Notice of Election";

5813 (b) includes the following: "A [indicate election type] will be held in [indicate the
5814 jurisdiction] on [indicate date of election]. Information relating to the election, including
5815 polling places, polling place hours, and qualifications of voters may be obtained from the
5816 following sources:"; and

5817 (c) specifies the following sources where an individual may view or obtain the
5818 information described in Subsection (4):

5819 (i) if the jurisdiction has a website, the jurisdiction's website;

5820 (ii) the physical address of the jurisdiction offices; and

5821 (iii) a mailing address and telephone number.

5822 Section 100. Section **20A-5-303** is amended to read:

5823 **20A-5-303. Establishing, dividing, abolishing, and changing voting precincts --**
5824 **Common polling places -- Combined voting precincts.**

5825 (1) (a) After receiving recommendations from the county clerk, the county legislative
5826 body may establish, divide, abolish, and change voting precincts.

5827 (b) Within 30 days after the establishment, division, abolition, or change of a voting
5828 precinct under this section, the county legislative body shall file with the Automated
5829 Geographic Reference Center, created under Section [~~63F-1-506~~] [63A-16-505](#), a notice
5830 describing the action taken and specifying the resulting boundaries of each voting precinct
5831 affected by the action.

5832 (2) (a) The county legislative body shall alter or divide voting precincts so that each
5833 voting precinct contains not more than 1,250 active voters.

5834 (b) The county legislative body shall:

5835 (i) identify those precincts that may reach the limit of active voters in a precinct under
5836 Subsection (2)(a) or that becomes too large to facilitate the election process; and

5837 (ii) except as provided by Subsection (3), divide those precincts on or before January 1
5838 of a general election year.

5839 (3) A county legislative body shall divide a precinct identified under Subsection
5840 (2)(b)(i) on or before January 31 of a regular general election year that immediately follows the
5841 calendar year in which the Legislature divides the state into districts in accordance with Utah
5842 Constitution, Article IX, Section 1.

5843 (4) Notwithstanding Subsection (2)(a) and except as provided by Subsection (5), the
5844 county legislative body may not:

5845 (a) establish or abolish any voting precinct after January 1 of a regular general election
5846 year;

5847 (b) alter or change the boundaries of any voting precinct after January 1 of a regular
5848 general election year; or

5849 (c) establish, divide, abolish, alter, or change a voting precinct between January 1 of a
5850 year immediately preceding the year in which an enumeration is required by the United States
5851 Constitution and the day on which the Legislature divides the state into districts in accordance
5852 with Utah Constitution, Article IX, Section 1.

5853 (5) A county legislative body may establish, divide, abolish, alter, or change a voting
5854 precinct on or before January 31 of a regular general election year that immediately follows the
5855 calendar year in which the Legislature divides the state into districts in accordance with Utah
5856 Constitution, Article IX, Section 1.

5857 (6) (a) For the purpose of voting in an election, the county legislative body may
5858 establish a common polling place for two or more whole voting precincts.

5859 (b) At least 90 days before the election, the county legislative body shall designate:

5860 (i) the voting precincts that will vote at the common polling place; and

5861 (ii) the location of the common polling place.

5862 (c) A county may use one set of election judges for the common polling place under
5863 this Subsection (6).

5864 (7) Each county shall have at least two polling places open for voting on the date of the
5865 election.

5866 (8) Each common polling place shall have at least one voting device that is accessible
5867 for individuals with disabilities in accordance with Public Law 107-252, the Help America
5868 Vote Act of 2002.

5869 Section 101. Section **20A-5-403.5** is amended to read:

5870 **20A-5-403.5. Ballot drop boxes.**

5871 (1) An election officer:

5872 (a) may designate ballot drop boxes for the election officer's jurisdiction; and

5873 (b) shall clearly mark each ballot drop box as an official ballot drop box for the
5874 election officer's jurisdiction.

5875 (2) Except as provided in Section **20A-1-308** or Subsection (5), the election officer
5876 shall, at least 19 days before the date of the election, publish notice of the location of each
5877 ballot drop box designated under Subsection (1):

5878 (a) (i) in one issue of a newspaper of general circulation in the jurisdiction holding the
5879 election;

5880 (ii) if there is no newspaper of general circulation in the jurisdiction holding the
5881 election, by posting one notice, and at least one additional notice per 2,000 population of the
5882 jurisdiction holding the election, in places within the jurisdiction that are most likely to give
5883 notice to the residents in the jurisdiction; or

- 5884 (iii) by mailing notice to each registered voter in the jurisdiction holding the election;
- 5885 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
- 5886 19 days before the day of the election;
- 5887 (c) in accordance with Section [45-1-101](#), for 19 days before the date of the election;
- 5888 and
- 5889 (d) on the jurisdiction's website for 19 days before the day of the election.
- 5890 (3) Instead of publishing the location of ballot drop boxes under Subsection (2), the
- 5891 election officer may publish a statement that specifies the following sources where a voter may
- 5892 view or obtain a copy of all ballot drop box locations:
- 5893 (a) the jurisdiction's website;
- 5894 (b) the physical address of the jurisdiction's offices; and
- 5895 (c) a mailing address and telephone number.
- 5896 (4) The election officer shall include in the notice described in Subsection (2):
- 5897 (a) the address of the Statewide Electronic Voter Information Website and, if available,
- 5898 the address of the election officer's website, with a statement indicating that the election officer
- 5899 will post on the website the location of each ballot drop box, including any changes to the
- 5900 location of a ballot drop box and the location of additional ballot drop boxes; and
- 5901 (b) a phone number that a voter may call to obtain information regarding the location
- 5902 of a ballot drop box.
- 5903 (5) (a) Except as provided in Section [20A-1-308](#), the election officer may, after the
- 5904 deadline described in Subsection (2):
- 5905 (i) if necessary, change the location of a ballot drop box; or
- 5906 (ii) if the election officer determines that the number of ballot drop boxes is
- 5907 insufficient due to the number of registered voters who are voting, designate additional ballot
- 5908 drop boxes.
- 5909 (b) Except as provided in Section [20A-1-308](#), if an election officer changes the
- 5910 location of a ballot box or designates an additional ballot drop box location, the election officer
- 5911 shall, as soon as is reasonably possible, give notice of the changed ballot drop box location or
- 5912 the additional ballot drop box location:
- 5913 (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;
- 5914 (ii) by posting the information on the website of the election officer, if available; and

5915 (iii) by posting notice:

5916 (A) for a change in the location of a ballot drop box, at the new location and, if
5917 possible, the old location; and

5918 (B) for an additional ballot drop box location, at the additional ballot drop box
5919 location.

5920 (6) An election officer may, at any time, authorize two or more poll workers to remove
5921 a ballot drop box from a location, or to remove ballots from a ballot drop box for processing.

5922 Section 102. Section **20A-5-405** is amended to read:

5923 **20A-5-405. Election officer to provide ballots.**

5924 (1) An election officer shall:

5925 (a) provide ballots for every election of public officers in which the voters, or any of
5926 the voters, within the election officer's jurisdiction participate;

5927 (b) cause the name of every candidate whose nomination has been certified to or filed
5928 with the election officer in the manner provided by law to be included on each ballot;

5929 (c) cause any ballot proposition that has qualified for the ballot as provided by law to
5930 be included on each ballot;

5931 (d) ensure that the ballots are prepared and in the possession of the election officer
5932 before commencement of voting;

5933 (e) allow candidates and their agents and the sponsors of ballot propositions that have
5934 qualified for the official ballot to inspect the ballots;

5935 (f) cause sample ballots to be printed that are in the same form as official ballots and
5936 that contain the same information as official ballots but that are printed on different colored
5937 paper than official ballots or are identified by a watermark;

5938 (g) ensure that the sample ballots are printed and in the possession of the election
5939 officer at least seven days before commencement of voting;

5940 (h) make the sample ballots available for public inspection by:

5941 (i) posting a copy of the sample ballot in the election officer's office at least seven days
5942 before commencement of voting;

5943 (ii) mailing a copy of the sample ballot to:

5944 (A) each candidate listed on the ballot; and

5945 (B) the lieutenant governor;

- 5946 (iii) publishing a copy of the sample ballot:
5947 (A) except as provided in Subsection (2), at least seven days before the day of the
5948 election in a newspaper of general circulation in the jurisdiction holding the election;
5949 (B) if there is no newspaper of general circulation in the jurisdiction holding the
5950 election, at least seven days before the day of the election, by posting one copy of the sample
5951 ballot, and at least one additional copy of the sample ballot per 2,000 population of the
5952 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in
5953 the jurisdiction; or
5954 (C) at least 10 days before the day of the election, by mailing a copy of the sample
5955 ballot to each registered voter who resides in the jurisdiction holding the election;
5956 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created
5957 in Section [~~63F-1-701~~] [63A-16-601](#), for seven days before the day of the election;
5958 (v) in accordance with Section [45-1-101](#), publishing a copy of the sample ballot for at
5959 least seven days before the day of the election; and
5960 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least
5961 seven days before the day of the election;
5962 (i) deliver at least five copies of the sample ballot to poll workers for each polling
5963 place and direct them to post the sample ballots as required by Section [20A-5-102](#); and
5964 (j) print and deliver, at the expense of the jurisdiction conducting the election, enough
5965 ballots, sample ballots, and instructions to meet the voting demands of the qualified voters in
5966 each voting precinct.
5967 (2) Instead of publishing the entire sample ballot under Subsection (1)(h)(iii)(A), the
5968 election officer may publish a statement that:
5969 (a) is entitled, "sample ballot";
5970 (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the
5971 upcoming [indicate type and date of election] may be obtained from the following sources:";
5972 and
5973 (c) specifies the following sources where an individual may view or obtain a copy of
5974 the sample ballot:
5975 (i) if the jurisdiction has a website, the jurisdiction's website;
5976 (ii) the physical address of the jurisdiction's offices; and

5977 (iii) a mailing address and telephone number.

5978 (3) (a) Each election officer shall, without delay, correct any error discovered in any
5979 ballot, if the correction can be made without interfering with the timely distribution of the
5980 ballots.

5981 (b) (i) If the election officer discovers an error or omission in a manual ballot, and it is
5982 not possible to correct the error or omission, the election officer shall direct the poll workers to
5983 make the necessary corrections on the manual ballots before the ballots are distributed.

5984 (ii) If the election officer discovers an error or omission in an electronic ballot and it is
5985 not possible to correct the error or omission by revising the electronic ballot, the election
5986 officer shall direct the poll workers to post notice of each error or omission with instructions on
5987 how to correct each error or omission in a prominent position at each polling booth.

5988 (c) (i) If the election officer refuses or fails to correct an error or omission in a ballot, a
5989 candidate or a candidate's agent may file a verified petition with the district court asserting that:

5990 (A) an error or omission has occurred in:

5991 (I) the publication of the name or description of a candidate;

5992 (II) the preparation or display of an electronic ballot; or

5993 (III) in the printing of sample or official manual ballots; and

5994 (B) the election officer has failed to correct or provide for the correction of the error or
5995 omission.

5996 (ii) The district court shall issue an order requiring correction of any error in a ballot or
5997 an order to show cause why the error should not be corrected if it appears to the court that the
5998 error or omission has occurred and the election officer has failed to correct or provide for the
5999 correction of the error or ~~[ommission]~~ omission.

6000 (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah
6001 Supreme Court within five days after the day on which the district court enters the decision.

6002 Section 103. Section **20A-7-204.1** is amended to read:

6003 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated --**
6004 **Changes to an initiative and initial fiscal impact estimate.**

6005 (1) (a) After issuance of the initial fiscal impact estimate by the Office of the
6006 Legislative Fiscal Analyst and before circulating initiative petitions for signature statewide,
6007 sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as

6008 follows:

6009 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

6010 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington

6011 County;

6012 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

6013 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne

6014 County;

6015 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

6016 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

6017 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber

6018 County.

6019 (b) Of the seven public hearings, the sponsors of the initiative shall hold at least two of
6020 the public hearings in a first or second class county, but not in the same county.

6021 (c) The sponsors may not hold a public hearing described in this section until the later
6022 of:

6023 (i) one day after the day on which a sponsor receives a copy of the initial fiscal impact
6024 estimate under Subsection [20A-7-202.5\(3\)\(b\)](#); or

6025 (ii) if three or more sponsors file a petition challenging the accuracy of the initial fiscal
6026 impact statement under Section [20A-7-202.5](#), the day after the day on which the action is final.

6027 (2) The sponsors shall:

6028 (a) before 5 p.m. at least three calendar days before the date of the public hearing,
6029 provide written notice of the public hearing to:

6030 (i) the lieutenant governor for posting on the state's website; and

6031 (ii) each state senator, state representative, and county commission or county council
6032 member who is elected in whole or in part from the region where the public hearing will be
6033 held; and

6034 (b) publish written notice of the public hearing, including the time, date, and location
6035 of the public hearing, in each county in the region where the public hearing will be held:

6036 (i) (A) at least three calendar days before the day of the public hearing, in a newspaper
6037 of general circulation in the county;

6038 (B) if there is no newspaper of general circulation in the county, at least three calendar

6039 days before the day of the public hearing, by posting one copy of the notice, and at least one
6040 additional copy of the notice per 2,000 population of the county, in places within the county
6041 that are most likely to give notice to the residents of the county; or

6042 (C) at least seven days before the day of the public hearing, by mailing notice to each
6043 residence in the county;

6044 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
6045 at least three calendar days before the day of the public hearing;

6046 (iii) in accordance with Section [45-1-101](#), for at least three calendar days before the
6047 day of the public hearing; and

6048 (iv) on the county's website for at least three calendar days before the day of the public
6049 hearing.

6050 (3) If the initiative petition proposes a tax increase, the written notice described in
6051 Subsection (2) shall include the following statement, in bold, in the same font and point size as
6052 the largest font and point size appearing in the notice:

6053 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
6054 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
6055 percent increase in the current tax rate."

6056 (4) (a) During the public hearing, the sponsors shall either:

6057 (i) video tape or audio tape the public hearing and, when the hearing is complete,
6058 deposit the complete audio or video tape of the meeting with the lieutenant governor; or

6059 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of
6060 each speaker and summarizing each speaker's comments.

6061 (b) The lieutenant governor shall make copies of the tapes or minutes available to the
6062 public.

6063 (c) For each public hearing, the sponsors shall:

6064 (i) during the entire time that the public hearing is held, post a copy of the initial fiscal
6065 impact statement in a conspicuous location at the entrance to the room where the sponsors hold
6066 the public hearing; and

6067 (ii) place at least 50 copies of the initial fiscal impact statement, for distribution to
6068 public hearing attendees, in a conspicuous location at the entrance to the room where the
6069 sponsors hold the public hearing.

6070 (5) (a) Before 5 p.m. within 14 days after the day on which the sponsors conduct the
6071 seventh public hearing described in Subsection (1)(a), and before circulating an initiative
6072 petition for signatures, the sponsors of the initiative petition may change the text of the
6073 proposed law if:

6074 (i) a change to the text is:

6075 (A) germane to the text of the proposed law filed with the lieutenant governor under
6076 Section [20A-7-202](#); and

6077 (B) consistent with the requirements of Subsection [20A-7-202\(5\)](#); and

6078 (ii) each sponsor signs, attested to by a notary public, an application addendum to
6079 change the text of the proposed law.

6080 (b) (i) Within three working days after the day on which the lieutenant governor
6081 receives an application addendum to change the text of the proposed law in an initiative
6082 petition, the lieutenant governor shall submit a copy of the application addendum to the Office
6083 of the Legislative Fiscal Analyst.

6084 (ii) The Office of the Legislative Fiscal Analyst shall update the initial fiscal impact
6085 estimate by following the procedures and requirements of Section [20A-7-202.5](#) to reflect a
6086 change to the text of the proposed law.

6087 Section 104. Section [20A-7-401.5](#) is amended to read:

6088 **[20A-7-401.5. Proposition information pamphlet.](#)**

6089 (1) (a) (i) Within 15 days after the day on which an eligible voter files an application to
6090 circulate an initiative petition under Section [20A-7-502](#) or an application to circulate a
6091 referendum petition under Section [20A-7-602](#):

6092 (A) the sponsors of the proposed initiative or referendum may submit a written
6093 argument in favor of the proposed initiative or referendum to the election officer of the county
6094 or municipality to which the petition relates; and

6095 (B) the county or municipality to which the application relates may submit a written
6096 argument in favor of, or against, the proposed initiative or referendum to the county's or
6097 municipality's election officer.

6098 (ii) If a county or municipality submits more than one written argument under
6099 Subsection (1)(a)(i)(B), the election officer shall select one of the written arguments, giving
6100 preference to a written argument submitted by a member of a local legislative body if a

6101 majority of the local legislative body supports the written argument.

6102 (b) Within one business day after the day on which an election officer receives an
6103 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the
6104 argument to the county or municipality described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as
6105 applicable.

6106 (c) Within one business day after the date on which an election officer receives an
6107 argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the
6108 argument to the first three sponsors of the proposed initiative or referendum described in
6109 Subsection (1)(a)(i)(A).

6110 (d) The sponsors of the proposed initiative or referendum may submit a revised version
6111 of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the
6112 county or municipality to which the petition relates within 20 days after the day on which the
6113 eligible voter files an application to circulate an initiative petition under Section [20A-7-502](#) or
6114 an application to circulate a referendum petition under Section [20A-7-602](#).

6115 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by
6116 a county or municipality may submit a revised version of the written argument to the county's
6117 or municipality's election officer within 20 days after the day on which the eligible voter files
6118 an application to circulate an initiative petition under Section [20A-7-502](#) or an application to
6119 circulate a referendum petition under Section [20A-7-602](#).

6120 (2) (a) A written argument described in Subsection (1) may not exceed 500 words.

6121 (b) Except as provided in Subsection (2)(c), a person may not modify a written
6122 argument described in Subsection (1)(d) or (e) after the written argument is submitted to the
6123 election officer.

6124 (c) The election officer and the person that submits the written argument described in
6125 Subsection (1)(d) or (e) may jointly agree to modify the written argument to:

6126 (i) correct factual, grammatical, or spelling errors; or

6127 (ii) reduce the number of words to come into compliance with Subsection (2)(a).

6128 (d) An election officer shall refuse to include a written argument in the proposition
6129 information pamphlet described in this section if the person who submits the argument:

6130 (i) fails to negotiate, in good faith, to modify the argument in accordance with
6131 Subsection (2)(c); or

- 6132 (ii) does not timely submit the written argument to the election officer.
- 6133 (e) An election officer shall make a good faith effort to negotiate a modification
6134 described in Subsection (2)(c) in an expedited manner.
- 6135 (3) An election officer who receives a written argument described in Subsection (1)
6136 shall prepare a proposition information pamphlet for publication that includes:
- 6137 (a) a copy of the application for the proposed initiative or referendum;
- 6138 (b) except as provided in Subsection (2)(d), immediately after the copy described in
6139 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or
6140 referendum, if any;
- 6141 (c) except as provided in Subsection (2)(d), immediately after the argument described
6142 in Subsection (3)(b), the argument prepared by the county or municipality, if any; and
- 6143 (d) a copy of the initial fiscal impact statement and legal impact statement described in
6144 Section [20A-7-502.5](#) or [20A-7-602.5](#).
- 6145 (4) (a) A proposition information pamphlet is a draft for purposes of Title 63G,
6146 Chapter 2, Government Records Access and Management Act, until the earlier of when the
6147 election officer:
- 6148 (i) complies with Subsection (4)(b); or
- 6149 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).
- 6150 (b) Within 21 days after the day on which the eligible voter files an application to
6151 circulate an initiative petition under Section [20A-7-502](#), or an application to circulate a
6152 referendum petition under Section [20A-7-602](#), the election officer shall provide a copy of the
6153 proposition information pamphlet to the sponsors of the initiative or referendum and each
6154 individual who submitted an argument included in the proposition information pamphlet.
- 6155 (5) An election officer for a municipality shall publish the proposition information
6156 pamphlet as follows:
- 6157 (a) within the later of 10 days after the day on which the municipality or a court
6158 determines that the proposed initiative or referendum is legally referable to voters, or, if the
6159 election officer modifies an argument under Subsection (2)(c), three days after the day on
6160 which the election officer and the person that submitted the argument agree on the
6161 modification:
- 6162 (i) by sending the proposition information pamphlet electronically to each individual in

6163 the municipality for whom the municipality has an email address, unless the individual has
6164 indicated that the municipality is prohibited from using the individual's email address for that
6165 purpose; and

6166 (ii) by posting the proposition information pamphlet on the Utah Public Notice
6167 Website, created in Section [~~63F-1-701~~] [63A-16-601](#), and the home page of the municipality's
6168 website, if the municipality has a website, until:

6169 (A) if the sponsors of the proposed initiative or referendum do not timely deliver any
6170 verified initiative packets under Section [20A-7-506](#) or any verified referendum packets under
6171 Section [20A-7-606](#), the day after the date of the deadline for delivery of the verified initiative
6172 packets or verified referendum packets;

6173 (B) the local clerk determines, under Section [20A-7-507](#) or [20A-7-607](#), that the
6174 number of signatures necessary to qualify the proposed initiative or referendum for placement
6175 on the ballot is insufficient and the determination is not timely appealed or is upheld after
6176 appeal; or

6177 (C) the day after the date of the election at which the proposed initiative or referendum
6178 appears on the ballot; and

6179 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the
6180 municipality's residents, including an Internet address, where a resident may view the
6181 proposition information pamphlet, in the next mailing, for which the municipality has not
6182 begun preparation, that falls on or after the later of:

6183 (i) 10 days after the day on which the municipality or a court determines that the
6184 proposed initiative or referendum is legally referable to voters; or

6185 (ii) if the election officer modifies an argument under Subsection (2)(c), three days
6186 after the day on which the election officer and the person that submitted the argument agree on
6187 the modification.

6188 (6) An election officer for a county shall, within the later of 10 days after the day on
6189 which the county or a court determines that the proposed initiative or referendum is legally
6190 referable to voters, or, if the election officer modifies an argument under Subsection (2)(c),
6191 three days after the day on which the election officer and the person that submitted the
6192 argument agree on the modification, publish the proposition information pamphlet as follows:

6193 (a) by sending the proposition information pamphlet electronically to each individual

6194 in the county for whom the county has an email address obtained via voter registration; and

6195 (b) by posting the proposition information pamphlet on the Utah Public Notice
6196 Website, created in Section [~~63F-1-701~~] [63A-16-601](#), and the home page of the county's
6197 website, until:

6198 (i) if the sponsors of the proposed initiative or referendum do not timely deliver any
6199 verified initiative packets under Section [20A-7-506](#) or any verified referendum packets under
6200 Section [20A-7-606](#), the day after the date of the deadline for delivery of the verified initiative
6201 packets or verified referendum packets;

6202 (ii) the local clerk determines, under Section [20A-7-507](#) or [20A-7-607](#), that the number
6203 of signatures necessary to qualify the proposed initiative or referendum for placement on the
6204 ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

6205 (iii) the day after the date of the election at which the proposed initiative or referendum
6206 appears on the ballot.

6207 Section 105. Section [20A-7-402](#) is amended to read:

6208 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**
6209 **Preparation -- Statement on front cover.**

6210 (1) The county or municipality that is subject to a ballot proposition shall prepare a
6211 local voter information pamphlet that complies with the requirements of this part.

6212 (2) (a) Within the time requirements described in Subsection (2)(c)(i), a municipality
6213 that is subject to a special local ballot proposition shall provide a notice that complies with the
6214 requirements of Subsection (2)(c)(ii) to the municipality's residents by:

6215 (i) if the municipality regularly mails a newsletter, utility bill, or other material to the
6216 municipality's residents, including the notice with a newsletter, utility bill, or other material;

6217 (ii) posting the notice, until after the deadline described in Subsection (2)(d) has
6218 passed, on:

6219 (A) the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#); and

6220 (B) the home page of the municipality's website, if the municipality has a website; and

6221 (iii) sending the notice electronically to each individual in the municipality for whom
6222 the municipality has an email address.

6223 (b) A county that is subject to a special local ballot proposition shall:

6224 (i) send an electronic notice that complies with the requirements of Subsection

6225 (2)(c)(ii) to each individual in the county for whom the county has an email address; or
6226 (ii) until after the deadline described in Subsection (2)(d) has passed, post a notice that
6227 complies with the requirements of Subsection (2)(c)(ii) on:
6228 (A) the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#); and
6229 (B) the home page of the county's website.
6230 (c) A municipality or county that mails, sends, or posts a notice under Subsection (2)(a)
6231 or (b) shall:
6232 (i) mail, send, or post the notice:
6233 (A) not less than 90 days before the date of the election at which a special local ballot
6234 proposition will be voted upon; or
6235 (B) if the requirements of Subsection (2)(c)(i)(A) cannot be met, as soon as practicable
6236 after the special local ballot proposition is approved to be voted upon in an election; and
6237 (ii) ensure that the notice contains:
6238 (A) the ballot title for the special local ballot proposition;
6239 (B) instructions on how to file a request under Subsection (2)(d); and
6240 (C) the deadline described in Subsection (2)(d).
6241 (d) To prepare a written argument for or against a special local ballot proposition, an
6242 eligible voter shall file a request with the election officer before 5 p.m. no later than 64 days
6243 before the day of the election at which the special local ballot proposition is to be voted on.
6244 (e) If more than one eligible voter requests the opportunity to prepare a written
6245 argument for or against a special local ballot proposition, the election officer shall make the
6246 final designation in accordance with the following order of priority:
6247 (i) sponsors have priority in preparing an argument regarding a special local ballot
6248 proposition; and
6249 (ii) members of the local legislative body have priority over others if a majority of the
6250 local legislative body supports the written argument.
6251 (f) The election officer shall grant a request described in Subsection (2)(d) or (e) no
6252 later than 60 days before the day of the election at which the ballot proposition is to be voted
6253 on.
6254 (g) (i) A sponsor of a special local ballot proposition may prepare a written argument in
6255 favor of the special local ballot proposition.

6256 (ii) Subject to Subsection (2)(e), an eligible voter opposed to the special local ballot
6257 proposition who submits a request under Subsection (2)(d) may prepare a written argument
6258 against the special local ballot proposition.

6259 (h) An eligible voter who submits a written argument under this section in relation to a
6260 special local ballot proposition shall:

6261 (i) ensure that the written argument does not exceed 500 words in length, not counting
6262 the information described in Subsection (2)(h)(ii) or (iv);

6263 (ii) list, at the end of the argument, at least one, but no more than five, names as
6264 sponsors;

6265 (iii) submit the written argument to the election officer before 5 p.m. no later than 55
6266 days before the election day on which the ballot proposition will be submitted to the voters;

6267 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's
6268 residential address; and

6269 (v) submit with the written argument the eligible voter's name, residential address,
6270 postal address, email address if available, and phone number.

6271 (i) An election officer shall refuse to accept and publish an argument submitted after
6272 the deadline described in Subsection (2)(h)(iii).

6273 (3) (a) An election officer who timely receives the written arguments in favor of and
6274 against a special local ballot proposition shall, within one business day after the day on which
6275 the election office receives both written arguments, send, via mail or email:

6276 (i) a copy of the written argument in favor of the special local ballot proposition to the
6277 eligible voter who submitted the written argument against the special local ballot proposition;
6278 and

6279 (ii) a copy of the written argument against the special local ballot proposition to the
6280 eligible voter who submitted the written argument in favor of the special local ballot
6281 proposition.

6282 (b) The eligible voter who submitted a timely written argument in favor of the special
6283 local ballot proposition:

6284 (i) may submit to the election officer a written rebuttal argument of the written
6285 argument against the special local ballot proposition;

6286 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,

6287 not counting the information described in Subsection (2)(h)(ii) or (iv); and

6288 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days
6289 before the election day on which the special local ballot proposition will be submitted to the
6290 voters.

6291 (c) The eligible voter who submitted a timely written argument against the special local
6292 ballot proposition:

6293 (i) may submit to the election officer a written rebuttal argument of the written
6294 argument in favor of the special local ballot proposition;

6295 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,
6296 not counting the information described in Subsection (2)(h)(ii) or (iv); and

6297 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days
6298 before the election day on which the special local ballot proposition will be submitted to the
6299 voters.

6300 (d) An election officer shall refuse to accept and publish a written rebuttal argument in
6301 relation to a special local ballot proposition that is submitted after the deadline described in
6302 Subsection (3)(b)(iii) or (3)(c)(iii).

6303 (4) (a) Except as provided in Subsection (4)(b), in relation to a special local ballot
6304 proposition:

6305 (i) an eligible voter may not modify a written argument or a written rebuttal argument
6306 after the eligible voter submits the written argument or written rebuttal argument to the election
6307 officer; and

6308 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not
6309 modify a written argument or a written rebuttal argument.

6310 (b) The election officer, and the eligible voter who submits a written argument or
6311 written rebuttal argument in relation to a special local ballot proposition, may jointly agree to
6312 modify a written argument or written rebuttal argument in order to:

6313 (i) correct factual, grammatical, or spelling errors; and

6314 (ii) reduce the number of words to come into compliance with the requirements of this
6315 section.

6316 (c) An election officer shall refuse to accept and publish a written argument or written
6317 rebuttal argument in relation to a special local ballot proposition if the eligible voter who

6318 submits the written argument or written rebuttal argument fails to negotiate, in good faith, to
6319 modify the written argument or written rebuttal argument in accordance with Subsection (4)(b).

6320 (5) In relation to a special local ballot proposition, an election officer may designate
6321 another eligible voter to take the place of an eligible voter described in this section if the
6322 original eligible voter is, due to injury, illness, death, or another circumstance, unable to
6323 continue to fulfill the duties of an eligible voter described in this section.

6324 (6) Sponsors whose written argument in favor of a standard local ballot proposition is
6325 included in a proposition information pamphlet under Section [20A-7-401.5](#):

6326 (a) may, if a written argument against the standard local ballot proposition is included
6327 in the proposition information pamphlet, submit a written rebuttal argument to the election
6328 officer;

6329 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;
6330 and

6331 (c) shall submit the written rebuttal argument no later than 45 days before the election
6332 day on which the standard local ballot proposition will be submitted to the voters.

6333 (7) (a) A county or municipality that submitted a written argument against a standard
6334 local ballot proposition that is included in a proposition information pamphlet under Section
6335 [20A-7-401.5](#):

6336 (i) may, if a written argument in favor of the standard local ballot proposition is
6337 included in the proposition information pamphlet, submit a written rebuttal argument to the
6338 election officer;

6339 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;
6340 and

6341 (iii) shall submit the written rebuttal argument no later than 45 days before the election
6342 day on which the ballot proposition will be submitted to the voters.

6343 (b) If a county or municipality submits more than one written rebuttal argument under
6344 Subsection (7)(a)(i), the election officer shall select one of the written rebuttal arguments,
6345 giving preference to a written rebuttal argument submitted by a member of a local legislative
6346 body.

6347 (8) (a) An election officer shall refuse to accept and publish a written rebuttal argument
6348 that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).

6349 (b) Before an election officer publishes a local voter information pamphlet under this
6350 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government
6351 Records Access and Management Act.

6352 (c) An election officer who receives a written rebuttal argument described in this
6353 section may not, before publishing the local voter information pamphlet described in this
6354 section, disclose the written rebuttal argument, or any information contained in the written
6355 rebuttal argument, to any person who may in any way be involved in preparing an opposing
6356 rebuttal argument.

6357 (9) (a) Except as provided in Subsection (9)(b), a person may not modify a written
6358 rebuttal argument after the written rebuttal argument is submitted to the election officer.

6359 (b) The election officer, and the person who submits a written rebuttal argument, may
6360 jointly agree to modify a written rebuttal argument in order to:

6361 (i) correct factual, grammatical, or spelling errors; or

6362 (ii) reduce the number of words to come into compliance with the requirements of this
6363 section.

6364 (c) An election officer shall refuse to accept and publish a written rebuttal argument if
6365 the person who submits the written rebuttal argument:

6366 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in
6367 accordance with Subsection (9)(b); or

6368 (ii) does not timely submit the written rebuttal argument to the election officer.

6369 (d) An election officer shall make a good faith effort to negotiate a modification
6370 described in Subsection (9)(b) in an expedited manner.

6371 (10) An election officer may designate another person to take the place of a person who
6372 submits a written rebuttal argument in relation to a standard local ballot proposition if the
6373 person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the
6374 person's duties.

6375 (11) (a) The local voter information pamphlet shall include a copy of the initial fiscal
6376 impact estimate and the legal impact statement prepared for each initiative under Section
6377 [20A-7-502.5](#).

6378 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall
6379 include the following statement in bold type:

6380 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
6381 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
6382 increase in the current tax rate."

6383 (12) (a) In preparing the local voter information pamphlet, the election officer shall:

6384 (i) ensure that the written arguments are printed on the same sheet of paper upon which
6385 the ballot proposition is also printed;

6386 (ii) ensure that the following statement is printed on the front cover or the heading of
6387 the first page of the printed written arguments:

6388 "The arguments for or against a ballot proposition are the opinions of the authors.";

6389 (iii) pay for the printing and binding of the local voter information pamphlet; and

6390 (iv) not less than 15 days before, but not more than 45 days before, the election at
6391 which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered
6392 voter entitled to vote on the ballot proposition:

6393 (A) a voter information pamphlet; or

6394 (B) the notice described in Subsection (12)(c).

6395 (b) (i) If the language of the ballot proposition exceeds 500 words in length, the
6396 election officer may summarize the ballot proposition in 500 words or less.

6397 (ii) The summary shall state where a complete copy of the ballot proposition is
6398 available for public review.

6399 (c) (i) The election officer may distribute a notice printed on a postage prepaid,
6400 preaddressed return form that a person may use to request delivery of a voter information
6401 pamphlet by mail.

6402 (ii) The notice described in Subsection (12)(c)(i) shall include:

6403 (A) the address of the Statewide Electronic Voter Information Website authorized by
6404 Section 20A-7-801; and

6405 (B) the phone number a voter may call to request delivery of a voter information
6406 pamphlet by mail or carrier.

6407 Section 106. Section 20A-9-203 is amended to read:

6408 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

6409 (1) An individual may become a candidate for any municipal office if:

6410 (a) the individual is a registered voter; and

6411 (b) (i) the individual has resided within the municipality in which the individual seeks
6412 to hold elective office for the 12 consecutive months immediately before the date of the
6413 election; or

6414 (ii) the territory in which the individual resides was annexed into the municipality, the
6415 individual has resided within the annexed territory or the municipality the 12 consecutive
6416 months immediately before the date of the election.

6417 (2) (a) For purposes of determining whether an individual meets the residency
6418 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months
6419 before the election, the municipality is considered to have been incorporated 12 months before
6420 the date of the election.

6421 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
6422 council position shall, if elected from a district, be a resident of the council district from which
6423 the candidate is elected.

6424 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
6425 individual, an individual convicted of a felony, or an individual convicted of treason or a crime
6426 against the elective franchise may not hold office in this state until the right to hold elective
6427 office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

6428 (3) (a) An individual seeking to become a candidate for a municipal office shall,
6429 regardless of the nomination method by which the individual is seeking to become a candidate:

6430 (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal
6431 Alternate Voting Methods Pilot Project, and subject to Subsection [20A-9-404\(3\)\(e\)](#), file a
6432 declaration of candidacy, in person with the city recorder or town clerk, during the office hours
6433 described in Section [10-3-301](#) and not later than the close of those office hours, between June 1
6434 and June 7 of any odd-numbered year; and

6435 (ii) pay the filing fee, if one is required by municipal ordinance.

6436 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
6437 declaration of candidacy with the city recorder or town clerk if:

6438 (i) the individual is located outside of the state during the entire filing period;

6439 (ii) the designated agent appears in person before the city recorder or town clerk;

6440 (iii) the individual communicates with the city recorder or town clerk using an

6441 electronic device that allows the individual and city recorder or town clerk to see and hear each

6442 other; and

6443 (iv) the individual provides the city recorder or town clerk with an email address to
6444 which the city recorder or town clerk may send the individual the copies described in
6445 Subsection (4).

6446 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

6447 (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting
6448 Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during
6449 the office hours described in Section 10-3-301 and not later than the close of those office
6450 hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support
6451 of the nomination petition of the lesser of at least:

6452 (A) 25 registered voters who reside in the municipality; or

6453 (B) 20% of the registered voters who reside in the municipality; and

6454 (ii) paying the filing fee, if one is required by municipal ordinance.

6455 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
6456 petition, the filing officer shall:

6457 (i) read to the prospective candidate or individual filing the petition the constitutional
6458 and statutory qualification requirements for the office that the candidate is seeking;

6459 (ii) require the candidate or individual filing the petition to state whether the candidate
6460 meets the requirements described in Subsection (4)(a)(i); and

6461 (iii) inform the candidate or the individual filing the petition that an individual who
6462 holds a municipal elected office may not, at the same time, hold a county elected office.

6463 (b) If the prospective candidate does not meet the qualification requirements for the
6464 office, the filing officer may not accept the declaration of candidacy or nomination petition.

6465 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
6466 filing officer shall:

6467 (i) inform the candidate that the candidate's name will appear on the ballot as it is
6468 written on the declaration of candidacy;

6469 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
6470 for the office the candidate is seeking and inform the candidate that failure to comply will
6471 result in disqualification as a candidate and removal of the candidate's name from the ballot;

6472 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide

6473 Electronic Voter Information Website Program and inform the candidate of the submission
6474 deadline under Subsection 20A-7-801(4)(a);

6475 (iv) provide the candidate with a copy of the pledge of fair campaign practices
6476 described under Section 20A-9-206 and inform the candidate that:

6477 (A) signing the pledge is voluntary; and

6478 (B) signed pledges shall be filed with the filing officer; and

6479 (v) accept the declaration of candidacy or nomination petition.

6480 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
6481 officer shall:

6482 (i) accept the candidate's pledge; and

6483 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
6484 candidate's pledge to the chair of the county or state political party of which the candidate is a
6485 member.

6486 (5) (a) The declaration of candidacy shall be in substantially the following form:

6487 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
6488 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
6489 registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet
6490 the legal qualifications required of candidates for this office. If filing via a designated agent, I
6491 attest that I will be out of the state of Utah during the entire candidate filing period. I will file
6492 all campaign financial disclosure reports as required by law and I understand that failure to do
6493 so will result in my disqualification as a candidate for this office and removal of my name from
6494 the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

6495 _____

6496 Subscribed and sworn to (or affirmed) before me by ____ on this

6497 _____(month\day\year).

6498 (Signed) _____ (Clerk or other officer qualified to administer oath)".

6499 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
6500 not sign the form described in Subsection (5)(a).

6501 (c) (i) A nomination petition shall be in substantially the following form:

6502 "NOMINATION PETITION

6503 The undersigned residents of (name of municipality), being registered voters, nominate

6504 (name of nominee) for the office of (name of office) for the (length of term of office)."

6505 (ii) The remainder of the petition shall contain lines and columns for the signatures of
6506 individuals signing the petition and each individual's address and phone number.

6507 (6) If the declaration of candidacy or nomination petition fails to state whether the
6508 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
6509 for the four-year term.

6510 (7) (a) The clerk shall verify with the county clerk that all candidates are registered
6511 voters.

6512 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
6513 print the candidate's name on the ballot.

6514 (8) Immediately after expiration of the period for filing a declaration of candidacy, the
6515 clerk shall:

6516 (a) publish a list of the names of the candidates as they will appear on the ballot:

6517 (i) (A) in at least two successive publications of a newspaper of general circulation in
6518 the municipality;

6519 (B) if there is no newspaper of general circulation in the municipality, by posting one
6520 copy of the list, and at least one additional copy of the list per 2,000 population of the
6521 municipality, in places within the municipality that are most likely to give notice to the voters
6522 in the municipality; or

6523 (C) by mailing notice to each registered voter in the municipality;

6524 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
6525 seven days;

6526 (iii) in accordance with Section [45-1-101](#), for seven days; and

6527 (iv) if the municipality has a website, on the municipality's website for seven days; and

6528 (b) notify the lieutenant governor of the names of the candidates as they will appear on
6529 the ballot.

6530 (9) Except as provided in Subsection (10)(c), an individual may not amend a
6531 declaration of candidacy or nomination petition filed under this section after the candidate
6532 filing period ends.

6533 (10) (a) A declaration of candidacy or nomination petition that an individual files under
6534 this section is valid unless a person files a written objection with the clerk before 5 p.m. within

6535 five days after the last day for filing.

6536 (b) If a person files an objection, the clerk shall:

6537 (i) mail or personally deliver notice of the objection to the affected candidate
6538 immediately; and

6539 (ii) decide any objection within 48 hours after the objection is filed.

6540 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three
6541 days after the day on which the clerk sustains the objection, correct the problem for which the
6542 objection is sustained by amending the candidate's declaration of candidacy or nomination
6543 petition, or by filing a new declaration of candidacy.

6544 (d) (i) The clerk's decision upon objections to form is final.

6545 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
6546 prompt application is made to the district court.

6547 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
6548 of its discretion, agrees to review the lower court decision.

6549 (11) A candidate who qualifies for the ballot under this section may withdraw as a
6550 candidate by filing a written affidavit with the municipal clerk.

6551 Section 107. Section **20A-13-104** is amended to read:

6552 **20A-13-104. Uncertain boundaries -- How resolved.**

6553 (1) As used in this section, "affected party" means:

6554 (a) a representative whose Congressional district boundary is uncertain because the
6555 boundary in the Congressional shapefile used to establish the district boundary has been
6556 removed, modified, or is unable to be identified or who is uncertain about whether or not the
6557 representative or another person resides in a particular Congressional district;

6558 (b) a candidate for Congressional representative whose Congressional district boundary
6559 is uncertain because the boundary in the Congressional shapefile used to establish the district
6560 boundary has been removed, modified, or is unable to be identified or who is uncertain about
6561 whether or not the candidate or another person resides in a particular Congressional district; or

6562 (c) a person who is uncertain about which Congressional district contains the person's
6563 residence because the boundary in the Congressional shapefile used to establish the district
6564 boundary has been removed, modified, or is unable to be identified.

6565 (2) (a) An affected party may file a written request petitioning the lieutenant governor

6566 to determine:

- 6567 (i) the precise location of the Congressional district boundary;
6568 (ii) the number of the Congressional district in which a person resides; or
6569 (iii) both Subsections (2)(a)(i) and (ii).

6570 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
6571 governor shall review the Congressional shapefile and obtain and review other relevant data
6572 such as aerial photographs, aerial maps, or other data about the area.

6573 (c) Within five days of receipt of the request, the lieutenant governor shall review the
6574 Congressional shapefile, obtain and review any relevant data, and make a determination.

6575 (d) When the lieutenant governor determines the location of the Congressional district
6576 boundary, the lieutenant governor shall:

6577 (i) prepare a certification identifying the appropriate boundary and attaching a map, if
6578 necessary; and

6579 (ii) send a copy of the certification to:

6580 (A) the affected party;

6581 (B) the county clerk of the affected county; and

6582 (C) the Automated Geographic Reference Center created under Section ~~[63F-1-506]~~
6583 [63A-16-505](#).

6584 (e) If the lieutenant governor determines the number of the Congressional district in
6585 which a particular person resides, the lieutenant governor shall send a letter identifying that
6586 district by number to:

6587 (i) the person;

6588 (ii) the affected party who filed the petition, if different than the person whose
6589 Congressional district number was identified; and

6590 (iii) the county clerk of the affected county.

6591 Section 108. Section **20A-14-101.5** is amended to read:

6592 **20A-14-101.5. State Board of Education -- Number of members -- State Board of**
6593 **Education district boundaries.**

6594 (1) As used in this section:

6595 (a) "County boundary" means the county boundary's location in the database as of
6596 January 1, 2010.

6597 (b) "Database" means the State Geographic Information Database created in Section
6598 [~~63F-1-507~~] [63A-16-506](#).

6599 (c) "Local school district boundary" means the local school district boundary's location
6600 in the database as of January 1, 2010.

6601 (d) "Municipal boundary" means the municipal boundary's location in the database as
6602 of January 1, 2010.

6603 (2) The State Board of Education shall consist of 15 members, with one member to be
6604 elected from each State Board of Education district.

6605 (3) The Legislature adopts the official census population figures and maps of the
6606 Bureau of the Census of the United States Department of Commerce developed in connection
6607 with the taking of the 2010 national decennial census as the official data for establishing State
6608 Board of Education district boundaries.

6609 (4) (a) Notwithstanding Subsection (3), the Legislature enacts the district numbers and
6610 boundaries of the State Board of Education districts designated in the Board shapefile that is
6611 the electronic component of the bill that enacts this section.

6612 (b) That Board shapefile, and the State Board of Education district boundaries
6613 generated from that Board shapefile, may be accessed via the Utah Legislature's website.

6614 Section 109. Section ~~20A-14-102.2~~ is amended to read:

6615 **20A-14-102.2. Uncertain boundaries -- How resolved.**

6616 (1) As used in this section:

6617 (a) "Affected party" means:

6618 (i) a state school board member whose State Board of Education district boundary is
6619 uncertain because the feature used to establish the district boundary in the Board shapefile has
6620 been removed, modified, or is unable to be identified or who is uncertain about whether or not
6621 the member or another person resides in a particular State Board of Education district;

6622 (ii) a candidate for state school board whose State Board of Education district
6623 boundary is uncertain because the feature used to establish the district boundary in the Board
6624 shapefile has been removed, modified, or is unable to be identified or who is uncertain about
6625 whether or not the candidate or another person resides in a particular State Board of Education
6626 district; or

6627 (iii) a person who is uncertain about which State Board of Education district contains

6628 the person's residence because the feature used to establish the district boundary in the Board
6629 shapefile has been removed, modified, or is unable to be identified.

6630 (b) "Feature" means a geographic or other tangible or intangible mark such as a road or
6631 political subdivision boundary that is used to establish a State Board of Education district
6632 boundary.

6633 (2) (a) An affected party may file a written request petitioning the lieutenant governor
6634 to determine:

- 6635 (i) the precise location of the State Board of Education district boundary;
- 6636 (ii) the number of the State Board of Education district in which a person resides; or
- 6637 (iii) both Subsections (2)(a)(i) and (ii).

6638 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
6639 governor shall review:

- 6640 (i) the Board shapefile; and
- 6641 (ii) other relevant data such as aerial photographs, aerial maps, or other data about the
6642 area.

6643 (c) Within five days of receipt of the request, the lieutenant governor shall:

- 6644 (i) review the Board block shapefile;
- 6645 (ii) review any relevant data; and
- 6646 (iii) make a determination.

6647 (d) If the lieutenant governor determines the precise location of the State Board of
6648 Education district boundary, the lieutenant governor shall:

6649 (i) prepare a certification identifying the appropriate State Board of Education district
6650 boundary and attaching a map, if necessary; and

6651 (ii) send a copy of the certification to:

- 6652 (A) the affected party;
- 6653 (B) the county clerk of the affected county; and
- 6654 (C) the Automated Geographic Reference Center created under Section [\[63F-1-506\]](#)

6655 [63A-16-505](#).

6656 (e) If the lieutenant governor determines the number of the State Board of Education
6657 district in which a particular person resides, the lieutenant governor shall send a letter
6658 identifying that district by number to:

- 6659 (i) the person;
- 6660 (ii) the affected party who filed the petition, if different than the person whose State
- 6661 Board of Education district number was identified; and
- 6662 (iii) the county clerk of the affected county.

6663 Section 110. Section **20A-14-201** is amended to read:

6664 **20A-14-201. Boards of education -- School board districts -- Creation --**
6665 **Reapportionment.**

6666 (1) (a) The county legislative body, for local school districts whose boundaries
6667 encompass more than a single municipality, and the municipal legislative body, for school
6668 districts contained completely within a municipality, shall divide the local school district into
6669 local school board districts as required under Subsection [20A-14-202\(1\)\(a\)](#).

6670 (b) The county and municipal legislative bodies shall divide the school district so that
6671 the local school board districts are substantially equal in population and are as contiguous and
6672 compact as practicable.

6673 (2) (a) County and municipal legislative bodies shall reapportion district boundaries to
6674 meet the population, compactness, and contiguity requirements of this section:

6675 (i) at least once every 10 years;

6676 (ii) if a new district is created:

6677 (A) within 45 days after the canvass of an election at which voters approve the creation
6678 of a new district; and

6679 (B) at least 60 days before the candidate filing deadline for a school board election;

6680 (iii) whenever districts are consolidated;

6681 (iv) whenever a district loses more than 20% of the population of the entire school
6682 district to another district;

6683 (v) whenever a district loses more than 50% of the population of a local school board
6684 district to another district;

6685 (vi) whenever a district receives new residents equal to at least 20% of the population
6686 of the district at the time of the last reapportionment because of a transfer of territory from
6687 another district; and

6688 (vii) whenever it is necessary to increase the membership of a board from five to seven
6689 members as a result of changes in student membership under Section [20A-14-202](#).

6690 (b) If a school district receives territory containing less than 20% of the population of
6691 the transferee district at the time of the last reapportionment, the local school board may assign
6692 the new territory to one or more existing school board districts.

6693 (3) (a) Reapportionment does not affect the right of any school board member to
6694 complete the term for which the member was elected.

6695 (b) (i) After reapportionment, representation in a local school board district shall be
6696 determined as provided in this Subsection (3).

6697 (ii) If only one board member whose term extends beyond reapportionment lives
6698 within a reapportioned local school board district, that board member shall represent that local
6699 school board district.

6700 (iii) (A) If two or more members whose terms extend beyond reapportionment live
6701 within a reapportioned local school board district, the members involved shall select one
6702 member by lot to represent the local school board district.

6703 (B) The other members shall serve at-large for the remainder of their terms.

6704 (C) The at-large board members shall serve in addition to the designated number of
6705 board members for the board in question for the remainder of their terms.

6706 (iv) If there is no board member living within a local school board district whose term
6707 extends beyond reapportionment, the seat shall be treated as vacant and filled as provided in
6708 this part.

6709 (4) (a) If, before an election affected by reapportionment, the county or municipal
6710 legislative body that conducted the reapportionment determines that one or more members
6711 shall be elected to terms of two years to meet this part's requirements for staggered terms, the
6712 legislative body shall determine by lot which of the reapportioned local school board districts
6713 will elect members to two-year terms and which will elect members to four-year terms.

6714 (b) All subsequent elections are for four-year terms.

6715 (5) Within 10 days after any local school board district boundary change, the county or
6716 municipal legislative body making the change shall send an accurate map or plat of the
6717 boundary change to the Automated Geographic Reference Center created under Section
6718 [\[63F-1-506\] 63A-16-505](#).

6719 Section 111. Section **20A-20-203** is amended to read:

6720 **20A-20-203. Exemptions from and applicability of certain legal requirements --**

6721 **Risk management -- Code of ethics.**

6722 (1) The commission is exempt from:

6723 (a) except as provided in Subsection (3), Title 63A, Utah [~~Administrative Services~~

6724 Government Operations Code;

6725 (b) Title 63G, Chapter 4, Administrative Procedures Act; and

6726 (c) Title [67] 63A, Chapter [19] 17, Utah State Personnel Management Act.

6727 (2) (a) The commission shall adopt budgetary procedures, accounting, and personnel

6728 and human resource policies substantially similar to those from which the commission is

6729 exempt under Subsection (1).

6730 (b) The commission is subject to:

6731 (i) Title 52, Chapter 4, Open and Public Meetings Act;

6732 (ii) Title 63A, Chapter 1, Part 2, Utah Public Finance Website;

6733 (iii) Title 63G, Chapter 2, Government Records Access and Management Act;

6734 (iv) Title 63G, Chapter 6a, Utah Procurement Code; and

6735 (v) Title 63J, Chapter 1, Budgetary Procedures Act.

6736 (3) Subject to the requirements of Subsection [63E-1-304\(2\)](#), the commission may

6737 participate in coverage under the Risk Management Fund created by Section [63A-4-201](#).

6738 (4) (a) The commission may, by majority vote, adopt a code of ethics.

6739 (b) The commission, and the commission's members and employees, shall comply with

6740 a code of ethics adopted under Subsection (4)(a).

6741 (c) The executive director of the commission shall report a commission member's

6742 violation of a code of ethics adopted under Subsection (4)(a) to the appointing authority of the

6743 commission member.

6744 (d) (i) A violation of a code of ethics adopted under Subsection (4)(a) constitutes cause

6745 to remove a member from the commission under Subsection [20A-20-201\(3\)\(b\)](#).

6746 (ii) An act or omission by a member of the commission need not constitute a violation

6747 of a code of ethics adopted under Subsection (4)(a) to be grounds to remove a member of the

6748 commission for cause.

6749 Section 112. Section ~~26-6-27~~ is amended to read:

6750 **26-6-27. Information regarding communicable or reportable diseases**

6751 **confidentiality -- Exceptions.**

6752 (1) Information collected pursuant to this chapter in the possession of the department
6753 or local health departments relating to an individual who has or is suspected of having a disease
6754 designated by the department as a communicable or reportable disease under this chapter shall
6755 be held by the department and local health departments as strictly confidential. The department
6756 and local health departments may not release or make public that information upon subpoena,
6757 search warrant, discovery proceedings, or otherwise, except as provided by this section.

6758 (2) The information described in Subsection (1) may be released by the department or
6759 local health departments only in accordance with the requirements of this chapter and as
6760 follows:

6761 (a) specific medical or epidemiological information may be released with the written
6762 consent of the individual identified in that information or, if that individual is deceased, his
6763 next-of-kin;

6764 (b) specific medical or epidemiological information may be released to medical
6765 personnel or peace officers in a medical emergency, as determined by the department in
6766 accordance with guidelines it has established, only to the extent necessary to protect the health
6767 or life of the individual identified in the information, or of the attending medical personnel or
6768 law enforcement or public safety officers;

6769 (c) specific medical or epidemiological information may be released to authorized
6770 personnel within the department, local health departments, public health authorities, official
6771 health agencies in other states, the United States Public Health Service, the Centers for Disease
6772 Control and Prevention (CDC), or when necessary to continue patient services or to undertake
6773 public health efforts to interrupt the transmission of disease;

6774 (d) if the individual identified in the information is under the age of 18, the information
6775 may be released to the Division of Child and Family Services within the Department of Human
6776 Services in accordance with Section [62A-4a-403](#). If that information is required in a court
6777 proceeding involving child abuse or sexual abuse under Title 76, Chapter 5, Offenses Against
6778 the Person, the information shall be disclosed in camera and sealed by the court upon
6779 conclusion of the proceedings;

6780 (e) specific medical or epidemiological information may be released to authorized
6781 personnel in the department or in local health departments, and to the courts, to carry out the
6782 provisions of this title, and rules adopted by the department in accordance with this title;

6783 (f) specific medical or epidemiological information may be released to blood banks,
6784 organ and tissue banks, and similar institutions for the purpose of identifying individuals with
6785 communicable diseases. The department may, by rule, designate the diseases about which
6786 information may be disclosed under this subsection, and may choose to release the name of an
6787 infected individual to those organizations without disclosing the specific disease;

6788 (g) specific medical or epidemiological information may be released in such a way that
6789 no individual is identifiable;

6790 (h) specific medical or epidemiological information may be released to a "health care
6791 provider" as defined in Section [78B-3-403](#), health care personnel, and public health personnel
6792 who have a legitimate need to have access to the information in order to assist the patient, or to
6793 protect the health of others closely associated with the patient;

6794 (i) specific medical or epidemiological information regarding a health care provider, as
6795 defined in Section [78B-3-403](#), may be released to the department, the appropriate local health
6796 department, and the Division of Occupational and Professional Licensing within the
6797 Department of Commerce, if the identified health care provider is endangering the safety or life
6798 of any individual by his continued practice of health care;

6799 (j) specific medical or epidemiological information may be released in accordance with
6800 Section [26-6-31](#) if an individual is not identifiable; and

6801 (k) specific medical or epidemiological information may be released to a state agency
6802 as defined in Section [~~67-25-102~~] [63A-17-901](#), to perform the analysis described in Subsection
6803 [26-6-32\(4\)](#) if the state agency agrees to act in accordance with the requirements in this chapter.

6804 (3) The provisions of Subsection (2)(h) do not create a duty to warn third parties, but is
6805 intended only to aid health care providers in their treatment and containment of infectious
6806 disease.

6807 Section 113. Section **26-6-32** is amended to read:

6808 **26-6-32. Testing for COVID-19 for high-risk individuals at care facilities --**
6809 **Collection and release of information regarding risk factors and comorbidities for**
6810 **COVID-19.**

6811 (1) As used in this section:

6812 (a) "Care facility" means a facility described in Subsections [26-6-6\(2\)](#) through (6).

6813 (b) "COVID-19" means the same as that term is defined in Section [78B-4-517](#).

6814 (2) (a) At the request of the department or a local health department, an individual who
6815 meets the criteria established by the department under Subsection (2)(b) shall submit to testing
6816 for COVID-19.

6817 (b) The department:

6818 (i) shall establish protocols to identify and test individuals who are present at a care
6819 facility and are at high risk for contracting COVID-19;

6820 (ii) may establish criteria to identify care facilities where individuals are at high risk for
6821 COVID-19; and

6822 (iii) may establish who is responsible for the costs of the testing.

6823 (c) (i) The protocols described in Subsection (2)(b)(i) shall:

6824 (A) notwithstanding Subsection (2)(a), permit an individual who is a resident of a care
6825 facility to refuse testing; and

6826 (B) specify criteria for when an individual's refusal to submit to testing under
6827 Subsection (2)(c)(i)(A) endangers the health or safety of other individuals at the care facility.

6828 (ii) Notwithstanding any other provision of state law, a care facility may discharge a
6829 resident who declines testing requested by the department under Subsection (2)(a) if:

6830 (A) under the criteria specified by the department under Subsection (2)(c)(i)(B), the
6831 resident's refusal to submit to testing endangers the health or safety of other individuals at the
6832 care facility; and

6833 (B) discharging the resident does not violate federal law.

6834 (3) The department may establish protocols to collect information regarding the
6835 individual's age and relevant comorbidities from an individual who receives a positive test
6836 result for COVID-19.

6837 (4) (a) The department shall publish deidentified information regarding comorbidities
6838 and other risk factors for COVID-19 in a manner that is accessible to the public.

6839 (b) The department may work with a state agency as defined in Section [~~67-25-102~~]
6840 [63A-17-901](#), to perform the analysis or publish the information described in Subsection (4)(a).

6841 Section 114. Section **26-61a-303** is amended to read:

6842 **26-61a-303. Renewal.**

6843 (1) The department shall renew a license under this part every year if, at the time of
6844 renewal:

6845 (a) the licensee meets the requirements of Section 26-61a-301;
6846 (b) the licensee pays the department a license renewal fee in an amount that, subject to
6847 Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504; and
6848 (c) if the medical cannabis pharmacy changes the operating plan described in Section
6849 26-61a-304 that the department approved under Subsection 26-61a-301(2)(b)(iv), the
6850 department approves the new operating plan.

6851 (2) (a) If a licensed medical cannabis pharmacy abandons the medical cannabis
6852 pharmacy's license, the department shall publish notice of an available license:
6853 (i) in a newspaper of general circulation for the geographic area in which the medical
6854 cannabis pharmacy license is available; or

6855 (ii) on the Utah Public Notice Website established in Section [~~63F-1-701~~] 63A-16-601.

6856 (b) The department may establish criteria, in collaboration with the Division of
6857 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with
6858 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to identify the medical cannabis
6859 pharmacy actions that constitute abandonment of a medical cannabis pharmacy license.

6860 Section 115. Section 31A-2-103 is amended to read:

6861 **31A-2-103. Commissioner's appointees.**

6862 (1) The commissioner may appoint up to three persons to assist the commissioner. The
6863 commissioner may designate a person appointed under this section as a "deputy,"
6864 "administrative assistant," "secretary," or any other title chosen by the commissioner.

6865 (2) Persons appointed under this section are exempt from career service status under
6866 Section [~~67-19-15~~] 63A-17-301 and serve at the pleasure of the commissioner.

6867 Section 116. Section 32B-1-303 is amended to read:

6868 **32B-1-303. Qualifications related to employment with the department.**

6869 (1) The department may not employ a person if that person has been convicted of:

6870 (a) within seven years before the day on which the department employs the person, a
6871 felony under a federal law or state law;

6872 (b) within four years before the day on which the department employs the person:

6873 (i) a violation of a federal law, state law, or local ordinance concerning the sale, offer
6874 for sale, warehousing, manufacture, distribution, transportation, or adulteration of an alcoholic
6875 product; or

6876 (ii) a crime involving moral turpitude; or
6877 (c) on two or more occasions within the five years before the day on which the
6878 department employs the person, driving under the influence of alcohol, drugs, or the combined
6879 influence of alcohol and drugs.

6880 (2) The director may terminate a department employee or take other disciplinary action
6881 consistent with Title [67] 63A, Chapter [+9] 17, Utah State Personnel Management Act, if:

6882 (a) after the day on which the department employs the department employee, the
6883 department employee is found to have been convicted of an offense described in Subsection (1)
6884 before being employed by the department; or

6885 (b) on or after the day on which the department employs the department employee, the
6886 department employee:

6887 (i) is convicted of an offense described in Subsection (1)(a) or (b); or
6888 (ii) (A) is convicted of driving under the influence of alcohol, drugs, or the combined
6889 influence of alcohol and drugs; and

6890 (B) was convicted of driving under the influence of alcohol, drugs, or the combined
6891 influence of alcohol and drugs within five years before the day on which the person is
6892 convicted of the offense described in Subsection (2)(b)(ii)(A).

6893 (3) The director may immediately suspend a department employee for the period
6894 during which a criminal matter is being adjudicated if the department employee:

6895 (a) is arrested on a charge for an offense described in Subsection (1)(a) or (b); or
6896 (b) (i) is arrested on a charge for the offense of driving under the influence of alcohol,
6897 drugs, or the combined influence of alcohol and drugs; and
6898 (ii) was convicted of driving under the influence of alcohol, drugs, or the combined
6899 influence of alcohol and drugs within five years before the day on which the person is arrested
6900 on a charge described in Subsection (3)(b)(i).

6901 Section 117. Section **32B-2-206** is amended to read:
6902 **32B-2-206. Powers and duties of the director.**
6903 Subject to the powers and responsibilities of the commission under this title, the
6904 director:
6905 (1) (a) shall prepare and propose to the commission general policies, rules, and
6906 procedures governing the administrative activities of the department; and

6907 (b) may submit other recommendations to the commission as the director considers in
6908 the interest of the commission's or the department's business;

6909 (2) within the general policies, rules, and procedures of the commission, shall:

6910 (a) provide day-to-day direction, coordination, and delegation of responsibilities in the
6911 administrative activities of the department's business; and

6912 (b) make internal department policies and procedures relating to:

6913 (i) department personnel matters; and

6914 (ii) the day-to-day operation of the department;

6915 (3) subject to Section [32B-2-207](#), shall appoint or employ personnel as considered
6916 necessary in the administration of this title, and with regard to the personnel shall:

6917 (a) prescribe the conditions of employment;

6918 (b) define the respective duties and powers; and

6919 (c) fix the remuneration in accordance with Title ~~[67]~~ [63A](#), Chapter ~~[19]~~ [17](#), Utah State
6920 Personnel Management Act;

6921 (4) shall establish and secure adherence to a system of reports, controls, and
6922 performance in matters relating to personnel, security, department property management, and
6923 operation of:

6924 (a) a department office;

6925 (b) a warehouse;

6926 (c) a state store; and

6927 (d) a package agency;

6928 (5) within the policies, rules, and procedures approved by the commission and
6929 provisions of law, shall purchase, store, keep for sale, sell, import, and control the storage, sale,
6930 furnishing, transportation, or delivery of an alcoholic product;

6931 (6) shall prepare for commission approval:

6932 (a) recommendations regarding the location, establishment, relocation, and closure of a
6933 state store or package agency;

6934 (b) recommendations regarding the issuance, denial, nonrenewal, suspension, or
6935 revocation of a license, permit, or certificate of approval;

6936 (c) an annual budget, proposed legislation, and reports as required by law and sound
6937 business principles;

- 6938 (d) plans for reorganizing divisions of the department and the functions of the
6939 divisions;
- 6940 (e) manuals containing commission and department policies, rules, and procedures;
- 6941 (f) an inventory control system;
- 6942 (g) any other report or recommendation requested by the commission;
- 6943 (h) rules described in Subsection 32B-2-202(1)(o) governing the credit terms of the
6944 sale of beer;
- 6945 (i) rules governing the calibration, maintenance, and regulation of a calibrated metered
6946 dispensing system;
- 6947 (j) rules governing the display of a list of types and brand names of liquor furnished
6948 through a calibrated metered dispensing system;
- 6949 (k) price lists issued and distributed showing the price to be paid for each class, variety,
6950 or brand of liquor kept for sale at a state store, package agency, or retail licensee;
- 6951 (l) policies or rules prescribing the books of account maintained by the department and
6952 by a state store, package agency, or retail licensee; and
- 6953 (m) a policy prescribing the manner of giving and serving a notice required by this title
6954 or rules made under this title;
- 6955 (7) shall make available through the department to any person, upon request, a copy of
6956 a policy made by the director;
- 6957 (8) shall make and maintain a current copy of a manual that contains the rules and
6958 policies of the commission and department available for public inspection;
- 6959 (9) (a) after consultation with the governor, shall determine whether an alcoholic
6960 product should not be sold, offered for sale, or otherwise furnished in an area of the state
6961 during a period of emergency that is proclaimed by the governor to exist in that area; and
- 6962 (b) shall issue a necessary public announcement or policy with respect to the
6963 determination described in Subsection (9)(a);
- 6964 (10) issue event permits in accordance with Chapter 9, Event Permit Act; and
- 6965 (11) shall perform any other duty required by the commission or by law.
- 6966 Section 118. Section 32B-2-207 is amended to read:
- 6967 **32B-2-207. Department employees -- Requirements.**
- 6968 (1) "Upper management" means the director, a deputy director, or other Schedule AD,

6969 AR, or AS employee of the department, as defined in Section ~~[67-19-15]~~ [63A-17-301](#), except
6970 for the director of internal audits and auditors hired by the director of internal audits under
6971 Section [32B-2-302.5](#).

6972 (2) (a) Subject to this title, including the requirements of Chapter 1, Part 3,
6973 Qualifications and Background, the director may prescribe the qualifications of a department
6974 employee.

6975 (b) The director may hire an employee who is upper management only with the
6976 approval of four commissioners voting in an open meeting.

6977 (c) Except as provided in Section [32B-1-303](#), the executive director may dismiss an
6978 employee who is upper management after consultation with the chair of the commission.

6979 (3) (a) A person who seeks employment with the department shall file with the
6980 department an application under oath or affirmation in a form prescribed by the commission.

6981 (b) Upon receiving an application, the department shall determine whether the
6982 individual is:

6983 (i) of good moral character; and

6984 (ii) qualified for the position sought.

6985 (c) The department shall select an individual for employment or advancement with the
6986 department in accordance with Title ~~[67]~~ [63A](#), Chapter ~~[19]~~ [17](#), Utah State Personnel
6987 Management Act.

6988 (4) The following are not considered a department employee:

6989 (a) a package agent;

6990 (b) a licensee;

6991 (c) a staff member of a package agent; or

6992 (d) staff of a licensee.

6993 (5) The department may not employ a minor to:

6994 (a) work in:

6995 (i) a state store; or

6996 (ii) a department warehouse; or

6997 (b) engage in an activity involving the handling of an alcoholic product.

6998 (6) The department shall ensure that any training or certification required of a public
6999 official or public employee, as those terms are defined in Section [63G-22-102](#), complies with

7000 Title 63G, Chapter 22, State Training and Certification Requirements, if the training or
7001 certification is required:

- 7002 (a) under this title;
- 7003 (b) by the department; or
- 7004 (c) by an agency or division within the department.

7005 Section 119. Section **32B-3-204** is amended to read:

7006 **32B-3-204. Disciplinary proceeding procedure.**

7007 (1) (a) Subject to Section [32B-3-202](#), the following may conduct an adjudicative
7008 proceeding to inquire into a matter necessary and proper for the administration of this title and
7009 rules adopted under this title:

- 7010 (i) the commission;
- 7011 (ii) a hearing examiner appointed by the commission to conduct a suspension,
7012 non-renewal, or revocation hearing required by law;
- 7013 (iii) the director; and
- 7014 (iv) the department.

7015 (b) Except as provided in this section or Section [32B-2-605](#), a person described in
7016 Subsection (1)(a) shall comply with Title 63G, Chapter 4, Administrative Procedures Act, in an
7017 adjudicative proceeding.

7018 (c) Except when otherwise provided by law, an adjudicative proceeding before the
7019 commission or a hearing examiner appointed by the commission shall be:

- 7020 (i) video or audio recorded; and
- 7021 (ii) subject to Subsection (3)(b), conducted in accordance with Title 52, Chapter 4,
7022 Open and Public Meetings Act.

7023 (d) A person listed in Subsection (1)(a) shall conduct an adjudicative proceeding
7024 concerning departmental personnel in accordance with Title ~~[67]~~ [63A](#), Chapter ~~[19]~~ [17](#), Utah
7025 State Personnel Management Act.

7026 (e) A hearing that is informational, fact gathering, and nonadversarial in nature shall be
7027 conducted in accordance with rules, policies, and procedures made by the commission,
7028 director, or department.

7029 (2) (a) Subject to Section [32B-3-202](#), a disciplinary proceeding shall be conducted
7030 under the authority of the commission, which is responsible for rendering a final decision and

7031 order on a disciplinary matter.

7032 (b) (i) The commission may appoint a necessary officer, including a hearing examiner,
7033 from within or without the department, to administer the disciplinary proceeding process.

7034 (ii) A hearing examiner appointed by the commission:

7035 (A) may conduct a disciplinary proceeding hearing on behalf of the commission; and

7036 (B) shall submit to the commission a report including:

7037 (I) findings of fact determined on the basis of a preponderance of the evidence
7038 presented at the hearing;

7039 (II) conclusions of law; and

7040 (III) recommendations.

7041 (iii) A report of a hearing examiner under this Subsection (2)(b) may not recommend a
7042 penalty more severe than that initially sought by the department in the notice of agency action.

7043 (iv) A copy of a hearing examiner report under this Subsection (2)(b) shall be served
7044 upon the respective parties.

7045 (v) Before final commission action, the commission shall give a respondent and the
7046 department reasonable opportunity to file a written objection to a hearing examiner report.

7047 (3) (a) The commission or an appointed hearing examiner shall preside over a
7048 disciplinary proceeding hearing.

7049 (b) A disciplinary proceeding hearing may be closed only after the commission or
7050 hearing examiner makes a written finding that the public interest in an open hearing is clearly
7051 outweighed by factors enumerated in the closure order.

7052 (c) (i) The commission or an appointed hearing examiner as part of a disciplinary
7053 proceeding hearing may:

7054 (A) administer an oath or affirmation;

7055 (B) take evidence, including evidence provided in relation to an order to show cause
7056 the department issued in accordance with Section [32B-3-202](#);

7057 (C) take a deposition within or without this state; and

7058 (D) require by subpoena from a place within this state:

7059 (I) the testimony of a person at a hearing; and

7060 (II) the production of a record or other evidence considered relevant to the inquiry.

7061 (ii) A person subpoenaed in accordance with this Subsection (3)(c) shall testify and

7062 produce a record or tangible thing as required in the subpoena.

7063 (iii) A witness subpoenaed, called to testify, or called to produce evidence who claims
7064 a privilege against self-incrimination may not be compelled to testify, but the commission or
7065 the hearing examiner shall file a written report with the county attorney or district attorney in
7066 the jurisdiction where the privilege is claimed or where the witness resides setting forth the
7067 circumstance of the claimed privilege.

7068 (iv) (A) A person is not excused from obeying a subpoena without just cause.

7069 (B) A district court within the judicial district in which a person alleged to be guilty of
7070 willful contempt of court or refusal to obey a subpoena is found or resides, upon application by
7071 the party issuing the subpoena, may issue an order requiring the person to:

7072 (I) appear before the issuing party; and

7073 (II) (Aa) produce documentary evidence if so ordered; or

7074 (Bb) give evidence regarding the matter in question.

7075 (C) Failure to obey an order of the court may be punished by the court as contempt.

7076 (d) In a case heard by the commission, the commission shall issue its final decision and
7077 order in accordance with Subsection (2).

7078 (4) (a) The commission shall:

7079 (i) render a final decision and order on a disciplinary action; and

7080 (ii) cause its final order to be prepared in writing, issued, and served on all parties.

7081 (b) An order of the commission is final on the date the order is issued.

7082 (c) The commission, after the commission renders its final decision and order, may
7083 require the director to prepare, issue, and cause to be served on the parties the final written
7084 order on behalf of the commission.

7085 (5) (a) If a respondent requests a disciplinary proceeding hearing, the hearing held by
7086 the commission or a hearing examiner appointed by the commission shall proceed formally in
7087 accordance with Sections [63G-4-204](#) through [63G-4-209](#) if:

7088 (i) the alleged violation poses, or potentially poses, a grave risk to public safety, health,
7089 and welfare;

7090 (ii) the alleged violation involves:

7091 (A) selling or furnishing an alcoholic product to a minor;

7092 (B) attire, conduct, or entertainment prohibited by Chapter 1, Part 5, Attire, Conduct,

7093 and Entertainment Act;

7094 (C) fraud, deceit, willful concealment, or misrepresentation of the facts by or on behalf
7095 of the respondent;

7096 (D) interfering or refusing to cooperate with:

7097 (I) an authorized official of the department or the state in the discharge of the official's
7098 duties in relation to the enforcement of this title; or

7099 (II) a peace officer in the discharge of the peace officer's duties in relation to the
7100 enforcement of this title;

7101 (E) an unlawful trade practice under Chapter 4, Part 7, Trade Practices Act;

7102 (F) unlawful importation of an alcoholic product; or

7103 (G) unlawful supply of liquor by a liquor industry member, as defined in Section
7104 [32B-4-702](#), to a person other than the department or a military installation, except to the extent
7105 permitted by this title; or

7106 (iii) the department determines to seek in a disciplinary proceeding hearing:

7107 (A) an administrative fine exceeding \$3,000;

7108 (B) a suspension of a license, permit, or certificate of approval of more than 10 days; or

7109 (C) a revocation of a license, permit, or certificate of approval.

7110 (b) If a respondent does not request a disciplinary proceeding hearing, a hearing shall
7111 proceed informally unless it is designated as a formal proceeding pursuant to rules adopted by
7112 the commission in accordance with Subsection (5)(c).

7113 (c) The commission shall make rules to provide a procedure to implement this
7114 Subsection (5).

7115 (6) (a) If the department recommends nonrenewal of a license, the department shall
7116 notify the licensee of the recommendation at least 15 days before the commission takes action
7117 on the nonrenewal.

7118 (b) Notwithstanding Subsection (2), the commission shall appoint a hearing examiner
7119 to conduct an adjudicative hearing in accordance with this section if the licensee files a request
7120 for a hearing within 10 days of receipt of the notice under Subsection (6)(a).

7121 Section 120. Section **32B-8a-302** is amended to read:

7122 **32B-8a-302. Application -- Approval process.**

7123 (1) To obtain the transfer of an alcohol license from an alcohol licensee, the transferee

7124 shall file a transfer application with the department that includes:

7125 (a) an application in the form provided by the department;

7126 (b) a statement as to whether the consideration, if any, to be paid to the transferor

7127 includes payment for transfer of the alcohol license;

7128 (c) a statement executed under penalty of perjury that the consideration as set forth in

7129 the escrow agreement required by Section [32B-8a-401](#) is deposited with the escrow holder; and

7130 (d) (i) an application fee of \$300; and

7131 (ii) a transfer fee determined in accordance with Section [32B-8a-303](#).

7132 (2) If the intended transfer of an alcohol license involves consideration, at least 10 days

7133 before the commission may approve the transfer, the department shall post a notice of the

7134 intended transfer on the Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#) that

7135 states the following:

7136 (a) the name of the transferor;

7137 (b) the name and address of the business currently associated with the alcohol license;

7138 (c) instructions for filing a claim with the escrow holder; and

7139 (d) the projected date that the commission may consider the transfer application.

7140 (3) (a) (i) Before the commission may approve the transfer of an alcohol license, the

7141 department shall conduct an investigation and may hold public hearings to gather information

7142 and make recommendations to the commission as to whether the transfer of the alcohol license

7143 should be approved.

7144 (ii) The department shall forward the information and recommendations described in

7145 this Subsection (3)(a) to the commission to aid in the commission's determination.

7146 (b) Before approving a transfer, the commission shall:

7147 (i) determine that the transferee filed a complete application;

7148 (ii) determine that the transferee is eligible to hold the type of alcohol license that is to

7149 be transferred at the premises to which the alcohol license would be transferred;

7150 (iii) determine that the transferee is not delinquent in the payment of an amount

7151 described in Subsection [32B-8a-201](#)(3);

7152 (iv) determine that the transferee is not disqualified under Section [32B-1-304](#);

7153 (v) consider the locality within which the proposed licensed premises is located,

7154 including:

- 7155 (A) the factors listed in Section 32B-5-203 for the issuance of a retail license;
- 7156 (B) the factors listed in Section 32B-7-404 for the issuance of an off-premise beer
7157 retailer state license;
- 7158 (C) the factors listed in Section 32B-11-206 for the issuance of a manufacturing
7159 license; and
- 7160 (D) the factors listed in Section 32B-10-204 for the issuance of a special use permit
7161 that is an industrial and manufacturing use permit;
- 7162 (vi) consider the transferee's ability to manage and operate the retail license to be
7163 transferred, including:
- 7164 (A) the factors listed in Section 32B-5-203 for the issuance of a retail license;
- 7165 (B) the factors listed in Section 32B-7-404 for the issuance of an off-premise beer
7166 retailer state license;
- 7167 (C) the factors listed in Section 32B-11-206 for the issuance of a manufacturing
7168 license; and
- 7169 (D) the factors listed in Section 32B-10-204 for the issuance of a special use permit
7170 that is an industrial and manufacturing use permit;
- 7171 (vii) consider the nature or type of alcohol licensee operation of the transferee,
7172 including:
- 7173 (A) the factors listed in Section 32B-5-203 for the issuance of a retail license;
- 7174 (B) the factors listed in Section 32B-7-404 for the issuance of an off-premise beer
7175 retailer state license;
- 7176 (C) the factors listed in Section 32B-11-206 for the issuance of a manufacturing
7177 license; and
- 7178 (D) the factors listed in Section 32B-10-204 for the issuance of a special use permit
7179 that is an industrial and manufacturing use permit;
- 7180 (viii) if the transfer involves consideration, determine that the transferee and transferor
7181 have complied with Part 4, Protection of Creditors; and
- 7182 (ix) consider any other factor the commission considers necessary.
- 7183 (4) Except as otherwise provided in Section 32B-1-202, the commission may not
7184 approve the transfer of an alcohol license to premises that do not meet the proximity
7185 requirements of Subsection 32B-1-202(2), Section 32B-7-201, or Section 32B-11-210, as

7186 applicable.

7187 Section 121. Section **34-41-101** is amended to read:

7188 **34-41-101. Definitions.**

7189 As used in this chapter:

7190 (1) "Drug" means any substance recognized as a drug in the United States
7191 Pharmacopeia, the National Formulary, the Homeopathic Pharmacopeia, or other drug
7192 compendia, including Title 58, Chapter 37, Utah Controlled Substances Act, or supplement to
7193 any of those compendia.

7194 (2) "Drug testing" means the scientific analysis for the presence of drugs or their
7195 metabolites in the human body in accordance with the definitions and terms of this chapter.

7196 (3) "Local governmental employee" means any person or officer in the service of a
7197 local governmental entity or state institution of higher education for compensation.

7198 (4) (a) "Local governmental entity" means any political subdivision of Utah including
7199 any county, municipality, local school district, local district, special service district, or any
7200 administrative subdivision of those entities.

7201 (b) "Local governmental entity" does not mean Utah state government or its
7202 administrative subdivisions provided for in Sections [~~67-19-33~~] [63A-17-1001](#) through
7203 [~~67-19-38~~] [63A-17-1006](#).

7204 (5) "Periodic testing" means preselected and preannounced drug testing of employees
7205 or volunteers conducted on a regular schedule.

7206 (6) "Prospective employee" means any person who has made a written or oral
7207 application to become an employee of a local governmental entity or a state institution of
7208 higher education.

7209 (7) "Random testing" means the unannounced drug testing of an employee or volunteer
7210 who was selected for testing by using a method uninfluenced by any personal characteristics
7211 other than job category.

7212 (8) "Reasonable suspicion for drug testing" means an articulated belief based on the
7213 recorded specific facts and reasonable inferences drawn from those facts that a local
7214 government employee or volunteer is in violation of the drug-free workplace policy.

7215 (9) "Rehabilitation testing" means unannounced but preselected drug testing done as
7216 part of a program of counseling, education, and treatment of an employee or volunteer in

7217 conjunction with the drug-free workplace policy.

7218 (10) "Safety sensitive position" means any local governmental or state institution of
7219 higher education position involving duties which directly affects the safety of governmental
7220 employees, the general public, or positions where there is access to controlled substances, as
7221 defined in Title 58, Chapter 37, Utah Controlled Substances Act, during the course of
7222 performing job duties.

7223 (11) "Sample" means urine, blood, breath, saliva, or hair.

7224 (12) "State institution of higher education" means the institution as defined in Section
7225 [53B-3-102](#).

7226 (13) "Volunteer" means any person who donates services as authorized by the local
7227 governmental entity or state institution of higher education without pay or other compensation
7228 except expenses actually and reasonably incurred.

7229 Section 122. Section **34A-1-201** is amended to read:

7230 **34A-1-201. Commissioner -- Appointment -- Removal -- Compensation --**
7231 **Qualifications -- Responsibilities -- Reports.**

7232 (1) (a) The chief administrative officer of the commission is the commissioner, who
7233 shall be appointed by the governor with the advice and consent of the Senate.

7234 (b) The commissioner shall serve at the pleasure of the governor.

7235 (c) The commissioner shall receive a salary established by the governor within the
7236 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

7237 (d) The commissioner shall be experienced in administration, management, and
7238 coordination of complex organizations.

7239 (2) (a) The commissioner shall serve full-time.

7240 (b) (i) Except as provided in Subsection (2)(b)(ii), the commissioner may not:

7241 (A) hold any other office of this state, another state, or the federal government except
7242 in an ex officio capacity; or

7243 (B) serve on any committee of any political party.

7244 (ii) Notwithstanding Subsection (2)(b)(i), the commissioner may:

7245 (A) hold a nominal position or title if it is required by law as a condition for the state
7246 participating in an appropriation or allotment of any money, property, or service that may be
7247 made or allotted for the commission; or

7248 (B) serve as the chief administrative officer of any division, office, or bureau that is
7249 established within the commission.

7250 (iii) If the commissioner holds a position as permitted under Subsection (2)(b)(ii), the
7251 commissioner may not be paid any additional compensation for holding the position.

7252 (3) Before beginning the duties as a commissioner, an appointed commissioner shall
7253 take and subscribe the constitutional oath of office and file the oath with the Division of
7254 Archives.

7255 (4) The commissioner shall:

7256 (a) administer and supervise the commission in compliance with Title [67] 63A,
7257 Chapter [19] 17, Utah State Personnel Management Act;

7258 (b) approve the proposed budget of each division and the Appeals Board;

7259 (c) approve all applications for federal grants or assistance in support of any
7260 commission program; and

7261 (d) fulfill such other duties as assigned by the Legislature or as assigned by the
7262 governor that are not inconsistent with this title or Title 34, Labor in General.

7263 (5) (a) The commissioner shall report annually to the Legislature and the governor
7264 concerning the operations of the commission and the programs that the commission
7265 administers.

7266 (b) If federal law requires that a report to the governor or Legislature be given
7267 concerning the commission or a program administered by the commission, the commissioner or
7268 the commissioner's designee shall make that report.

7269 Section 123. Section **34A-1-204** is amended to read:

7270 **34A-1-204. Division directors -- Appointment -- Compensation -- Qualifications.**

7271 (1) The chief officer of each division within the commission shall be a director, who
7272 shall serve as the executive and administrative head of the division.

7273 (2) A director shall be appointed by the commissioner with the concurrence of the
7274 governor and may be removed from that position at the will of the commissioner.

7275 (3) A director of a division shall receive compensation as provided by Title [67] 63A,
7276 Chapter [19] 17, Utah State Personnel Management Act.

7277 (4) (a) A director of a division shall be experienced in administration and possess such
7278 additional qualifications as determined by the commissioner.

7279 (b) In addition to the requirements imposed under Subsection (4)(a), the director of the
7280 Division of Adjudication shall be admitted to the practice of law in this state.

7281 Section 124. Section **34A-1-205** is amended to read:

7282 **34A-1-205. Appeals Board -- Chair -- Appointment -- Compensation --**
7283 **Qualifications.**

7284 (1) (a) There is created the Appeals Board within the commission consisting of three
7285 members.

7286 (b) The board may call and preside at adjudicative proceedings to review an order or
7287 decision that is subject to review by the Appeals Board under this title.

7288 (2) (a) With the advice and consent of the Senate and in accordance with this section,
7289 the governor shall appoint:

7290 (i) one member of the board to represent employers; and

7291 (ii) one member of the board to represent employees.

7292 (b) With the advice and consent of the Senate and in accordance with this section, the
7293 governor may appoint:

7294 (i) one alternate member of the board to represent employers in the event that the
7295 member representing employers is unavailable; or

7296 (ii) one alternate member of the board to represent employees in the event that the
7297 member representing employees is unavailable.

7298 (c) In making the appointments described in this subsection, the governor shall:

7299 (i) when appointing a member or alternate member to represent employers, consider
7300 nominations from employer organizations;

7301 (ii) when appointing a member or alternate member to represent employees, consider
7302 nominations from employee organizations;

7303 (iii) ensure that no more than two members belong to the same political party; and

7304 (iv) ensure that an alternate member belongs to the same political party as the member
7305 for whom the alternate stands in.

7306 (d) The governor shall, at the time of appointment or reappointment, make
7307 appointments to the board so that at least two of the members of the board are members of the
7308 Utah State Bar in good standing or resigned from the Utah State Bar in good standing.

7309 (3) (a) The term of a member and an alternate member shall be six years beginning on

7310 March 1 of the year the member or alternate member is appointed, except that the governor
7311 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
7312 terms of members and alternate members are staggered so that one member and alternate
7313 member is appointed every two years.

7314 (b) The governor may remove a member or alternate member only for inefficiency,
7315 neglect of duty, malfeasance or misfeasance in office, or other good and sufficient cause.

7316 (c) A member or alternate member shall hold office until a successor is appointed and
7317 has qualified.

7318 (4) A member and alternate member shall be part-time and receive compensation as
7319 provided by Title [67] 63A, Chapter [19] 17, Utah State Personnel Management Act.

7320 (5) (a) The chief officer of the board shall be the chair, who shall serve as the executive
7321 and administrative head of the board.

7322 (b) The governor shall appoint and may remove at will the chair from the position of
7323 chair.

7324 (6) A majority of the board shall constitute a quorum to transact business.

7325 (7) (a) The commission shall provide the Appeals Board necessary staff support,
7326 except as provided in Subsection (7)(b).

7327 (b) At the request of the Appeals Board, the attorney general shall act as an impartial
7328 aid to the Appeals Board in outlining the facts and the issues.

7329 Section 125. Section **35A-1-201** is amended to read:

7330 **35A-1-201. Executive director -- Appointment -- Removal -- Compensation --**
7331 **Qualifications -- Responsibilities -- Deputy directors.**

7332 (1) (a) The chief administrative officer of the department is the executive director, who
7333 is appointed by the governor with the advice and consent of the Senate.

7334 (b) The executive director serves at the pleasure of the governor.

7335 (c) The executive director shall receive a salary established by the governor within the
7336 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

7337 (d) The executive director shall be experienced in administration, management, and
7338 coordination of complex organizations.

7339 (2) The executive director shall:

7340 (a) administer and supervise the department in compliance with Title [67] 63A,

7341 Chapter [19] 17, Utah State Personnel Management Act;

7342 (b) supervise and coordinate between the economic service areas and directors created
7343 under Chapter 2, Economic Service Areas;

7344 (c) coordinate policies and program activities conducted through the divisions and
7345 economic service areas of the department;

7346 (d) approve the proposed budget of each division, the Workforce Appeals Board, and
7347 each economic service area within the department;

7348 (e) approve all applications for federal grants or assistance in support of any
7349 department program;

7350 (f) coordinate with the executive directors of the Governor's Office of Economic
7351 Development and the Governor's Office of Management and Budget to review data and metrics
7352 to be reported to the Legislature as described in Subsection [35A-1-109\(2\)\(b\)](#); and

7353 (g) fulfill such other duties as assigned by the Legislature or as assigned by the
7354 governor that are not inconsistent with this title.

7355 (3) The executive director may appoint deputy or assistant directors to assist the
7356 executive director in carrying out the department's responsibilities.

7357 (4) The executive director shall at least annually provide for the sharing of information
7358 between the advisory councils established under this title.

7359 Section 126. Section **35A-1-204** is amended to read:

7360 **35A-1-204. Division directors -- Appointment -- Compensation -- Qualifications.**

7361 (1) The chief officer of each division within the department shall be a director, who
7362 shall serve as the executive and administrative head of the division.

7363 (2) A director shall be appointed by the executive director with the concurrence of the
7364 governor and may be removed from that position at the will of the executive director.

7365 (3) A director of a division shall receive compensation as provided by Title [~~67~~] 63A,
7366 Chapter [19] 17, Utah State Personnel Management Act.

7367 (4) (a) A director of a division shall be experienced in administration and possess such
7368 additional qualifications as determined by the executive director.

7369 (b) In addition to the requirements of Subsection (4)(a), the director of the Division of
7370 Adjudication shall be admitted to the practice of law in Utah.

7371 Section 127. Section **36-1-101.5** is amended to read:

7372 **36-1-101.5. Utah State Senate -- District boundaries.**

7373 (1) As used in this section:

7374 (a) "County boundary" means the county boundary's location in the database as of
7375 January 1, 2010.

7376 (b) "Database" means the State Geographic Information Database created in Section
7377 [~~63F-1-507~~] [63A-16-506](#).

7378 (c) "Local school district boundary" means the local school district boundary's location
7379 in the database as of January 1, 2010.

7380 (d) "Municipal boundary" means the municipal boundary's location in the database as
7381 of January 1, 2010.

7382 (2) The Utah State Senate shall consist of 29 members, with one member to be elected
7383 from each Utah State Senate district.

7384 (3) The Legislature adopts the official census population figures and maps of the
7385 Bureau of the Census of the United States Department of Commerce developed in connection
7386 with the taking of the 2010 national decennial census as the official data for establishing Senate
7387 district boundaries.

7388 (4) (a) Notwithstanding Subsection (3), the Legislature enacts the district numbers and
7389 boundaries of the Senate districts designated in the Senate shapefile that is the electronic
7390 component of the bill that enacts this section.

7391 (b) That Senate shapefile, and the Senate district boundaries generated from that Senate
7392 shapefile, may be accessed via the Utah Legislature's website.

7393 Section 128. Section **36-1-105** is amended to read:

7394 **36-1-105. Uncertain boundaries -- How resolved.**

7395 (1) As used in this section:

7396 (a) "Affected party" means:

7397 (i) a senator whose Utah State Senate district boundary is uncertain because the feature
7398 used to establish the district boundary in the Senate shapefile has been removed, modified, or is
7399 unable to be identified or who is uncertain about whether or not the senator or another person
7400 resides in a particular Senate district;

7401 (ii) a candidate for senator whose Senate district boundary is uncertain because the
7402 feature used to establish the district boundary in the Senate shapefile has been removed,

7403 modified, or is unable to be identified or who is uncertain about whether or not the candidate or
7404 another person resides in a particular Senate district; or

7405 (iii) a person who is uncertain about which Senate district contains the person's
7406 residence because the feature used to establish the district boundary in the Senate shapefile has
7407 been removed, modified, or is unable to be identified.

7408 (b) "Feature" means a geographic or other tangible or intangible mark such as a road or
7409 political subdivision boundary that is used to establish a Senate district boundary.

7410 (2) (a) An affected party may file a written request petitioning the lieutenant governor
7411 to determine:

- 7412 (i) the precise location of the Senate district boundary;
- 7413 (ii) the number of the Senate district in which a person resides; or
- 7414 (iii) both Subsections (2)(a)(i) and (ii).

7415 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
7416 governor shall review:

- 7417 (i) the Senate shapefile; and
- 7418 (ii) other relevant data such as aerial photographs, aerial maps, or other data about the
7419 area.

7420 (c) Within five days of receipt of the request, the lieutenant governor shall:

- 7421 (i) review the Senate shapefile;
- 7422 (ii) review any relevant data; and
- 7423 (iii) make a determination.

7424 (d) When the lieutenant governor determines the location of the Senate district
7425 boundary, the lieutenant governor shall:

7426 (i) prepare a certification identifying the appropriate Senate district boundary and
7427 attaching a map, if necessary; and

7428 (ii) send a copy of the certification to:

7429 (A) the affected party;

7430 (B) the county clerk of the affected county; and

7431 (C) the Automated Geographic Reference Center created under Section [[63F-1-506](#)]
7432 [63A-16-505](#).

7433 (e) If the lieutenant governor determines the number of the Senate district in which a

7434 particular person resides, the lieutenant governor shall send a letter identifying that district by
7435 number to:

7436 (i) the person;

7437 (ii) the affected party who filed the petition, if different than the person whose Senate
7438 district number was identified; and

7439 (iii) the county clerk of the affected county.

7440 Section 129. Section **36-1-201.5** is amended to read:

7441 **36-1-201.5. Utah House of Representatives -- House district boundaries.**

7442 (1) As used in this section:

7443 (a) "County boundary" means the county boundary's location in the database as of
7444 January 1, 2017.

7445 (b) "Database" means the State Geographic Information Database created in Section
7446 [~~63F-1-507~~] [63A-16-506](#).

7447 (c) "Local school district boundary" means the local school district boundary's location
7448 in the database as of January 1, 2010.

7449 (d) "Municipal boundary" means the municipal boundary's location in the database as
7450 of January 1, 2010.

7451 (2) The Utah House of Representatives shall consist of 75 members, with one member
7452 to be elected from each Utah House of Representative district.

7453 (3) The Legislature adopts the official census population figures and maps of the
7454 Bureau of the Census of the United States Department of Commerce developed in connection
7455 with the taking of the 2010 national decennial census as the official data for establishing House
7456 district boundaries.

7457 (4) (a) Notwithstanding Subsection (3), and except as modified by Subsection (4)(b),
7458 the Legislature enacts the district numbers and boundaries of the House districts designated by
7459 the House shapefile that is the electronic component of 2013 General Session H.B. 366, State
7460 House Boundary Amendments.

7461 (b) The boundary between House District 1 and House District 5 in the shapefile
7462 described in Subsection (4)(a) is changed to follow the county boundary of Box Elder County
7463 and Cache County from the intersection of Cache, Box Elder, and Weber counties, north to the
7464 intersection of House District 1, House District 3, and House District 5.

7465 (c) That House shapefile, and the legislative boundaries generated from that shapefile,
7466 may be accessed via the Utah Legislature's website.

7467 Section 130. Section **36-1-204** is amended to read:

7468 **36-1-204. Uncertain boundaries -- How resolved.**

7469 (1) As used in this section:

7470 (a) "Affected party" means:

7471 (i) a representative whose Utah House of Representatives district boundary is uncertain
7472 because the feature used to establish the district boundary in the House shapefile has been
7473 removed, modified, or is unable to be identified or who is uncertain about whether or not the
7474 representative or another person resides in a particular House district;

7475 (ii) a candidate for representative whose House district boundary is uncertain because
7476 the feature used to establish the district boundary in the House shapefile has been removed,
7477 modified, or is unable to be identified or who is uncertain about whether or not the candidate or
7478 another person resides in a particular House district; or

7479 (iii) a person who is uncertain about which House district contains the person's
7480 residence because the feature used to establish the district boundary in the House shapefile has
7481 been removed, modified, or is unable to be identified.

7482 (b) "Feature" means a geographic or other identifiable tangible or intangible object
7483 such as a road or political subdivision boundary that is used to establish a House district
7484 boundary.

7485 (2) (a) An affected party may file a written request petitioning the lieutenant governor
7486 to determine:

7487 (i) the precise location of the House district boundary;

7488 (ii) the number of the House district in which a person resides; or

7489 (iii) both Subsections (2)(a)(i) and (ii).

7490 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
7491 governor shall review:

7492 (i) the House shapefile; and

7493 (ii) other relevant data such as aerial photographs, aerial maps, or other data about the
7494 area.

7495 (c) Within five days of receipt of the request, the lieutenant governor shall:

- 7496 (i) review the House shapefile;
- 7497 (ii) review any relevant data; and
- 7498 (iii) make a determination.
- 7499 (d) When the lieutenant governor determines the location of the House district
- 7500 boundary, the lieutenant governor shall:
- 7501 (i) prepare a certification identifying the appropriate House district boundary and
- 7502 attaching a map, if necessary; and
- 7503 (ii) send a copy of the certification to:
- 7504 (A) the affected party;
- 7505 (B) the county clerk of the affected county; and
- 7506 (C) the Automated Geographic Reference Center created under Section ~~[63F-1-506]~~
- 7507 63A-16-505.
- 7508 (e) If the lieutenant governor determines the number of the House district in which a
- 7509 particular person resides, the lieutenant governor shall send a letter identifying that district by
- 7510 number to:
- 7511 (i) the person;
- 7512 (ii) the affected party who filed the petition, if different than the person whose House
- 7513 district number was identified; and
- 7514 (iii) the county clerk of the affected county.
- 7515 Section 131. Section **40-2-202** is amended to read:
- 7516 **40-2-202. Appointment of director.**
- 7517 (1) The director is the chief officer of the office and serves as the executive and
- 7518 administrative head of the office.
- 7519 (2) (a) The commissioner shall appoint the director.
- 7520 (b) The director may be removed from that position at the will of the commissioner.
- 7521 (3) The director shall receive compensation as provided by Title ~~[67]~~ 63A, Chapter
- 7522 ~~[+9]~~ 17, Utah State Personnel Management Act.
- 7523 (4) The director shall be experienced in administration and possess such additional
- 7524 qualifications as determined by the commissioner.
- 7525 Section 132. Section **45-1-101** is amended to read:
- 7526 **45-1-101. Legal notice publication requirements.**

- 7527 (1) As used in this section:
- 7528 (a) "Average advertisement rate" means:
- 7529 (i) in determining a rate for publication on the public legal notice website or in a
- 7530 newspaper that primarily distributes publications in a county of the third, fourth, fifth, or sixth
- 7531 class, a newspaper's gross advertising revenue for the preceding calendar quarter divided by the
- 7532 gross column-inch space used in the newspaper for advertising for the previous calendar
- 7533 quarter; or
- 7534 (ii) in determining a rate for publication in a newspaper that primarily distributes
- 7535 publications in a county of the first or second class, a newspaper's average rate for all
- 7536 qualifying advertising segments for the preceding calendar quarter for an advertisement:
- 7537 (A) published in the same section of the newspaper as the legal notice; and
- 7538 (B) of the same column-inch space as the legal notice.
- 7539 (b) "Column-inch space" means a unit of space that is one standard column wide by
- 7540 one inch high.
- 7541 (c) "Gross advertising revenue" means the total revenue obtained by a newspaper from
- 7542 all of its qualifying advertising segments.
- 7543 (d) (i) "Legal notice" means:
- 7544 (A) a communication required to be made public by a state statute or state agency rule;
- 7545 or
- 7546 (B) a notice required for judicial proceedings or by judicial decision.
- 7547 (ii) "Legal notice" does not include:
- 7548 (A) a public notice published by a public body in accordance with the provisions of
- 7549 Sections [52-4-202](#) and [~~63F-1-701~~] [63A-16-601](#); or
- 7550 (B) a notice of delinquency in the payment of property taxes described in Section
- 7551 [59-2-1332.5](#).
- 7552 (e) "Local district" is as defined in Section [17B-1-102](#).
- 7553 (f) "Public legal notice website" means the website described in Subsection (2)(b) for
- 7554 the purpose of publishing a legal notice online.
- 7555 (g) (i) "Qualifying advertising segment" means, except as provided in Subsection
- 7556 (1)(g)(ii), a category of print advertising sold by a newspaper, including classified advertising,
- 7557 line advertising, and display advertising.

- 7558 (ii) "Qualifying advertising segment" does not include legal notice advertising.
- 7559 (h) "Special service district" is as defined in Section [17D-1-102](#).
- 7560 (2) Except as provided in Subsections (8) and (9), notwithstanding any other legal
- 7561 notice provision established by law, a person required by law to publish legal notice shall
- 7562 publish the notice:
- 7563 (a) (i) as required by the statute establishing the legal notice requirement; or
- 7564 (ii) by serving legal notice, by certified mail or in person, directly on all parties for
- 7565 whom the statute establishing the legal notice requirement requires legal notice, if:
- 7566 (A) the direct service of legal notice does not replace publication in a newspaper that
- 7567 primarily distributes publications in a county of the third, fourth, fifth, or sixth class;
- 7568 (B) the statute clearly identifies the parties;
- 7569 (C) the person can prove that the person has identified all parties for whom notice is
- 7570 required; and
- 7571 (D) the person keeps a record of the service for at least two years; and
- 7572 (b) on a public legal notice website established by the combined efforts of Utah's
- 7573 newspapers that collectively distribute newspapers to the majority of newspaper subscribers in
- 7574 the state.
- 7575 (3) The public legal notice website shall:
- 7576 (a) be available for viewing and searching by the general public, free of charge; and
- 7577 (b) accept legal notice posting from any newspaper in the state.
- 7578 (4) A person that publishes legal notice as required under Subsection (2) is not relieved
- 7579 from complying with an otherwise applicable requirement under Title 52, Chapter 4, Open and
- 7580 Public Meetings Act.
- 7581 (5) If legal notice is required by law and one option for complying with the
- 7582 requirement is publication in a newspaper, or if a local district or a special service district
- 7583 publishes legal notice in a newspaper, the newspaper:
- 7584 (a) may not charge more for publication than the newspaper's average advertisement
- 7585 rate; and
- 7586 (b) shall publish the legal notice on the public legal notice website at no additional
- 7587 cost.
- 7588 (6) If legal notice is not required by law, if legal notice is required by law and the

7589 person providing legal notice, in accordance with the requirements of law, chooses not to
7590 publish the legal notice in a newspaper, or if a local district or a special service district with an
7591 annual operating budget of less than \$250,000 chooses to publish a legal notice on the public
7592 notice website without publishing the complete notice in the newspaper, a newspaper:

7593 (a) may not charge more than an amount equal to 15% of the newspaper's average
7594 advertisement rate for publishing five column lines in the newspaper to publish legal notice on
7595 the public legal notice website;

7596 (b) may not require that the legal notice be published in the newspaper; and

7597 (c) at the request of the person publishing on the legal notice website, shall publish in
7598 the newspaper up to five column lines, at no additional charge, that briefly describe the legal
7599 notice and provide the web address where the full public legal notice can be found.

7600 (7) If a newspaper offers to publish the type of legal notice described in Subsection (5),
7601 it may not refuse to publish the type of legal notice described in Subsection (6).

7602 (8) Notwithstanding the requirements of a statute that requires the publication of legal
7603 notice, if legal notice is required by law to be published by a local district or a special service
7604 district with an annual operating budget of \$250,000 or more, the local district or special
7605 service district shall satisfy its legal notice publishing requirements by:

7606 (a) mailing a written notice, postage prepaid:

7607 (i) to each voter in the local district or special service district; and

7608 (ii) that contains the information required by the statute that requires the publication of
7609 legal notice; or

7610 (b) publishing the legal notice in a newspaper and on the legal public notice website as
7611 described in Subsection (5).

7612 (9) Notwithstanding the requirements of a statute that requires the publication of legal
7613 notice, if legal notice is required by law to be published by a local district or a special service
7614 district with an annual operating budget of less than \$250,000, the local district or special
7615 service district shall satisfy its legal notice publishing requirements by:

7616 (a) mailing a written notice, postage prepaid:

7617 (i) to each voter in the local district or special service district; and

7618 (ii) that contains the information required by the statute that requires the publication of
7619 legal notice; or

7620 (b) publishing the legal notice in a newspaper and on the public legal notice website as
7621 described in Subsection (5); or

7622 (c) publishing the legal notice on the public legal notice website as described in
7623 Subsection (6).

7624 Section 133. Section **46-4-501** is amended to read:

7625 **46-4-501. Creation and retention of electronic records and conversion of written**
7626 **records by governmental agencies.**

7627 (1) A state governmental agency may, by following the procedures and requirements of
7628 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules that:

7629 (a) identify specific transactions that the agency is willing to conduct by electronic
7630 means;

7631 (b) identify specific transactions that the agency will never conduct by electronic
7632 means;

7633 (c) specify the manner and format in which electronic records must be created,
7634 generated, sent, communicated, received, and stored, and the systems established for those
7635 purposes;

7636 (d) if law or rule requires that the electronic records must be signed by electronic
7637 means, specify the type of electronic signature required, the manner and format in which the
7638 electronic signature must be affixed to the electronic record, and the identity of, or criteria that
7639 must be met, by any third party used by a person filing a document to facilitate the process;

7640 (e) specify control processes and procedures as appropriate to ensure adequate
7641 preservation, disposition, integrity, security, confidentiality, and auditability of electronic
7642 records; and

7643 (f) identify any other required attributes for electronic records that are specified for
7644 corresponding nonelectronic records or that are reasonably necessary under the circumstances.

7645 (2) A state governmental agency that makes rules under this section shall submit copies
7646 of those rules, and any amendments to those rules, to the chief information officer established
7647 by Section [~~63F-1-201~~] [63A-16-201](#).

7648 (3) (a) The chief information officer may prepare model rules and standards relating to
7649 electronic transactions that encourage and promote consistency and interoperability with
7650 similar requirements adopted by other Utah government agencies, other states, the federal

7651 government, and nongovernmental persons interacting with Utah governmental agencies.

7652 (b) In preparing those model rules and standards, the chief information officer may
7653 specify different levels of standards from which governmental agencies may choose in order to
7654 implement the most appropriate standard for a particular application.

7655 (c) Nothing in this Subsection (3) requires a state agency to use the model rules and
7656 standards prepared by the chief information officer when making rules under this section.

7657 (4) Except as provided in Subsection [46-4-301\(6\)](#), nothing in this chapter requires any
7658 state governmental agency to:

7659 (a) conduct transactions by electronic means; or

7660 (b) use or permit the use of electronic records or electronic signatures.

7661 (5) Each state governmental agency shall:

7662 (a) establish record retention schedules for any electronic records created or received in
7663 an electronic transaction according to the standards developed by the Division of Archives
7664 under Subsection [63A-12-101\(2\)\(e\)](#); and

7665 (b) obtain approval of those schedules from the Records Management Committee as
7666 required by Subsection [63A-12-113\(1\)\(b\)](#).

7667 Section 134. Section [49-11-1102](#) is amended to read:

7668 **49-11-1102. Public notice of administrative board meetings -- Posting on Utah**
7669 **Public Notice Website.**

7670 (1) The office shall provide advance public notice of meetings and agendas on the Utah
7671 Public Notice Website established in Section [~~63F-1-701~~] [63A-16-601](#) for administrative board
7672 meetings.

7673 (2) The office may post other public materials, as directed by the board, on the Utah
7674 Public Notice Website.

7675 Section 135. Section [49-22-403](#) is amended to read:

7676 **49-22-403. Eligibility to receive a retirement allowance for a benefit tied to a**
7677 **retirement date for defined contribution members.**

7678 (1) As used in this section, "eligible to receive a retirement allowance" means the date
7679 selected by the member who is a participant under this part on which the member has ceased
7680 employment and would be qualified to receive an allowance under Section [49-22-304](#) if the
7681 member had been under the Tier II Hybrid Retirement System for the same period of

7682 employment.

7683 (2) The office and a participating employer shall make an accounting of years of
7684 service credit accrued for a member who is a participant under this part in order to calculate
7685 when a member would be eligible to receive a retirement allowance for purposes of
7686 establishing when a member may be eligible for a benefit tied to a retirement date that may be
7687 provided under Section [~~67-19-14.4~~] [63A-17-508](#), this title, another state statute, or by a
7688 participating employer.

7689 Section 136. Section **49-23-403** is amended to read:

7690 **49-23-403. Eligibility to receive a retirement allowance for a benefit tied to a**
7691 **retirement date for defined contribution members.**

7692 (1) As used in this section, "eligible to receive a retirement allowance" means the date
7693 selected by the member who is a participant under this part on which the member has ceased
7694 employment and would be qualified to receive an allowance under Section [49-23-303](#) if the
7695 member had been under the Tier II Hybrid Retirement System for the same period of
7696 employment.

7697 (2) The office and a participating employer shall make an accounting of years of
7698 service credit accrued for a member who is a participant under this part in order to calculate
7699 when a member would be eligible to receive a retirement allowance for purposes of
7700 establishing when a member may be eligible for a benefit tied to a retirement date that may be
7701 provided under Section [~~67-19-14.4~~] [63A-17-508](#), this title, another state statute, or by a
7702 participating employer.

7703 Section 137. Section **51-5-3** is amended to read:

7704 **51-5-3. Definitions.**

7705 As used in this chapter:

7706 (1) "Account groups" means a self-balancing set of accounts used to establish
7707 accounting control and accountability for the state's general fixed assets and general long-term
7708 obligations.

7709 (2) "Accrual basis" means the basis of accounting under which revenues are recorded
7710 when earned and expenditures are recorded when they result in liabilities for benefits received,
7711 even though the receipt of the revenue or payment of the expenditures may take place, in whole
7712 or in part, in another accounting period.

7713 (3) "Activity" means a specific and distinguishable line of work performed by one or
7714 more organizational components of a governmental unit to accomplish a function for which the
7715 governmental unit is responsible.

7716 (4) "Appropriation" means a legislative authorization to make expenditures and to
7717 incur obligations for specific purposes.

7718 (5) "Budgetary accounts" means those accounts necessary to reflect budgetary
7719 operations and conditions, such as estimated revenues, appropriations, and encumbrances.

7720 (6) "Cash basis" means the basis of accounting under which revenues are recorded
7721 when received in cash and expenditures are recorded when paid.

7722 (7) "Dedicated credit" means:

7723 (a) revenue that is required by law or by the contractual terms under which the revenue
7724 is accepted, to be expended for specified activities; and

7725 (b) revenue that is appropriated by provisions of law to the department, institution, or
7726 agency that assessed the revenue, to be expended for the specified activities.

7727 (8) "Encumbrances" means obligations in the form of purchase orders, contracts, or
7728 salary commitments that are chargeable to an appropriation and for which a part of the
7729 appropriation is reserved. Encumbrances cease when paid or when the actual liability is set up.

7730 (9) (a) "Expenditures" means decreases in net financial resources from other than
7731 interfund transfers, refundings of general long-term capital debt, and other items indicated by
7732 GASB.

7733 (b) "Expenditures" may include current operating expenses, debt service, capital
7734 outlays, employee benefits, earned entitlements, and shared revenues.

7735 (10) (a) "Financial resources" means assets that are obtained or controlled as a result of
7736 past transactions or events that in the normal course of operations will become cash.

7737 (b) "Financial resources" includes cash, claims to cash such as taxes receivable, and
7738 claims to goods or services such as prepaids.

7739 (11) "Fiscal period" means any period at the end of which a governmental unit
7740 determines its financial position and the results of its operations.

7741 (12) "Function" means a group of related activities aimed at accomplishing a major
7742 service or regulatory program for which a governmental unit is responsible.

7743 (13) "Fund" means an independent fiscal and accounting entity with a self-balancing

7744 set of accounts, composed of financial resources and other assets, all related liabilities and
7745 residual equities or balances and changes in those resources, assets, liabilities, and equities that,
7746 when recorded, are segregated for the purpose of carrying on specific activities or attaining
7747 certain objectives, according to special regulations, restrictions, or limitations.

7748 (14) "Fund accounts" means all accounts necessary to set forth the financial operations
7749 and financial position of a fund.

7750 (15) "GASB" means the Governmental Accounting Standards Board that is responsible
7751 for accounting standards used by public entities.

7752 (16) (a) "Governmental fund" means funds used to account for the acquisition, use, and
7753 balances of expendable financial resources and related liabilities using a measurement focus
7754 that emphasizes the flow of financial resources.

7755 (b) "Governmental fund" includes the following types: General Fund, special revenue
7756 funds, debt service funds, capital projects funds, and permanent funds.

7757 (17) "Lapse," as applied to appropriations, means the automatic termination of an
7758 unexpended appropriation.

7759 (18) "Liabilities" are the probable future sacrifices of economic benefits, arising from
7760 present obligations of a particular entity to transfer assets or provide services to other entities in
7761 the future.

7762 (19) "Net financial resources" means:

7763 (a) the difference between the amount of a governmental fund's financial resources and
7764 liabilities; and

7765 (b) the fund balance of a governmental fund.

7766 (20) "Postemployment" means that period of time following:

7767 (a) the last day worked by an employee as a result of his long-term disability; or

7768 (b) the date that an employee identifies as the date on which the employee intends to
7769 retire or terminate from state employment.

7770 (21) "Postemployment benefits" means benefits earned by employees that will not be
7771 paid until postemployment, including unused vacation leave, unused converted sick leave, sick
7772 leave payments, and health and life insurance benefits as provided in Section ~~[67-19-14]~~
7773 [63A-17-501](#).

7774 (22) "Proprietary funds" means those funds or subfunds that show actual financial

7775 position and the results of operations, such as actual assets, liabilities, reserves, fund balances,
7776 revenues, and expenses.

7777 (23) "Restricted revenue" means revenue that is required by law to be expended only:

7778 (a) for specified activities; and

7779 (b) to the amount of the legislative appropriation.

7780 (24) "Revenue" means the increase in ownership equity during a designated period of
7781 time that is recognized as earned.

7782 (25) "Subfund" means a restricted account, established within an independent fund,
7783 that has a self-balancing set of accounts to restrict revenues, expenditures, or the fund balance.

7784 (26) "Surplus" means the excess of the assets of a fund over its liabilities and restricted
7785 fund equity.

7786 (27) "Unappropriated surplus" means that portion of the surplus of a given fund that is
7787 not segregated for specific purposes.

7788 (28) "Unrestricted revenue" means revenue of a fund that may be expended by
7789 legislative appropriation for functions authorized in the provisions of law that establish each
7790 fund.

7791 Section 138. Section **52-4-202** is amended to read:

7792 **52-4-202. Public notice of meetings -- Emergency meetings.**

7793 (1) (a) (i) A public body shall give not less than 24 hours' public notice of each
7794 meeting.

7795 (ii) A specified body shall give not less than 24 hours' public notice of each meeting
7796 that the specified body holds on the capitol hill complex.

7797 (b) The public notice required under Subsection (1)(a) shall include the meeting:

7798 (i) agenda;

7799 (ii) date;

7800 (iii) time; and

7801 (iv) place.

7802 (2) (a) In addition to the requirements under Subsection (1), a public body which holds
7803 regular meetings that are scheduled in advance over the course of a year shall give public
7804 notice at least once each year of its annual meeting schedule as provided in this section.

7805 (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of

7806 the scheduled meetings.

7807 (3) (a) A public body or specified body satisfies a requirement for public notice by:

7808 (i) posting written notice:

7809 (A) except for an electronic meeting held without an anchor location under Subsection

7810 [52-4-207](#)(4), at the principal office of the public body or specified body, or if no principal

7811 office exists, at the building where the meeting is to be held; and

7812 (B) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-16-601](#);

7813 and

7814 (ii) providing notice to:

7815 (A) at least one newspaper of general circulation within the geographic jurisdiction of

7816 the public body; or

7817 (B) a local media correspondent.

7818 (b) A public body or specified body is in compliance with the provisions of Subsection

7819 (3)(a)(ii) by providing notice to a newspaper or local media correspondent under the provisions

7820 of Subsection [~~63F-1-701~~] [63A-16-601](#)(4)(d).

7821 (c) A public body whose limited resources make compliance with Subsection

7822 (3)(a)(i)(B) difficult may request the Division of Archives and Records Service, created in

7823 Section [63A-12-101](#), to provide technical assistance to help the public body in its effort to

7824 comply.

7825 (4) A public body and a specified body are encouraged to develop and use additional

7826 electronic means to provide notice of their meetings under Subsection (3).

7827 (5) (a) The notice requirement of Subsection (1) may be disregarded if:

7828 (i) because of unforeseen circumstances it is necessary for a public body or specified

7829 body to hold an emergency meeting to consider matters of an emergency or urgent nature; and

7830 (ii) the public body or specified body gives the best notice practicable of:

7831 (A) the time and place of the emergency meeting; and

7832 (B) the topics to be considered at the emergency meeting.

7833 (b) An emergency meeting of a public body may not be held unless:

7834 (i) an attempt has been made to notify all the members of the public body; and

7835 (ii) a majority of the members of the public body approve the meeting.

7836 (6) (a) A public notice that is required to include an agenda under Subsection (1) shall

7837 provide reasonable specificity to notify the public as to the topics to be considered at the
7838 meeting. Each topic shall be listed under an agenda item on the meeting agenda.

7839 (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding
7840 member of the public body, a topic raised by the public may be discussed during an open
7841 meeting, even if the topic raised by the public was not included in the agenda or advance public
7842 notice for the meeting.

7843 (c) Except as provided in Subsection (5), relating to emergency meetings, a public
7844 body may not take final action on a topic in an open meeting unless the topic is:

- 7845 (i) listed under an agenda item as required by Subsection (6)(a); and
- 7846 (ii) included with the advance public notice required by this section.

7847 (7) Except as provided in this section, this chapter does not apply to a specified body.
7848 Section 139. Section **52-4-203** is amended to read:

7849 **52-4-203. Written minutes of open meetings -- Public records -- Recording of**
7850 **meetings.**

7851 (1) Except as provided under Subsection (7), written minutes and a recording shall be
7852 kept of all open meetings.

7853 (2) (a) Written minutes of an open meeting shall include:

- 7854 (i) the date, time, and place of the meeting;
- 7855 (ii) the names of members present and absent;
- 7856 (iii) the substance of all matters proposed, discussed, or decided by the public body
7857 which may include a summary of comments made by members of the public body;
- 7858 (iv) a record, by individual member, of each vote taken by the public body;
- 7859 (v) the name of each person who:

7860 (A) is not a member of the public body; and

7861 (B) after being recognized by the presiding member of the public body, provided
7862 testimony or comments to the public body;

7863 (vi) the substance, in brief, of the testimony or comments provided by the public under
7864 Subsection (2)(a)(v); and

7865 (vii) any other information that is a record of the proceedings of the meeting that any
7866 member requests be entered in the minutes or recording.

7867 (b) A public body may satisfy the requirement under Subsection (2)(a)(iii) or (vi) that

7868 minutes include the substance of matters proposed, discussed, or decided or the substance of
7869 testimony or comments by maintaining a publicly available online version of the minutes that
7870 provides a link to the meeting recording at the place in the recording where the matter is
7871 proposed, discussed, or decided or the testimony or comments provided.

7872 (3) A recording of an open meeting shall:

7873 (a) be a complete and unedited record of all open portions of the meeting from the
7874 commencement of the meeting through adjournment of the meeting; and

7875 (b) be properly labeled or identified with the date, time, and place of the meeting.

7876 (4) (a) As used in this Subsection (4):

7877 (i) "Approved minutes" means written minutes:

7878 (A) of an open meeting; and

7879 (B) that have been approved by the public body that held the open meeting.

7880 (ii) "Electronic information" means information presented or provided in an electronic
7881 format.

7882 (iii) "Pending minutes" means written minutes:

7883 (A) of an open meeting; and

7884 (B) that have been prepared in draft form and are subject to change before being
7885 approved by the public body that held the open meeting.

7886 (iv) "Specified local public body" means a legislative body of a county, city, town, or
7887 metro township.

7888 (v) "State public body" means a public body that is an administrative, advisory,
7889 executive, or legislative body of the state.

7890 (vi) "State website" means the Utah Public Notice Website created under Section
7891 ~~[63F-1-701]~~ [63A-16-601](#).

7892 (b) Pending minutes, approved minutes, and a recording of a public meeting are public
7893 records under Title 63G, Chapter 2, Government Records Access and Management Act.

7894 (c) Pending minutes shall contain a clear indication that the public body has not yet
7895 approved the minutes or that the minutes are subject to change until the public body approves
7896 them.

7897 (d) A state public body and a specified local public body shall require an individual
7898 who, at an open meeting of the public body, publicly presents or provides electronic

7899 information, relating to an item on the public body's meeting agenda, to provide the public
7900 body, at the time of the meeting, an electronic or hard copy of the electronic information for
7901 inclusion in the public record.

7902 (e) A state public body shall:

7903 (i) make pending minutes available to the public within 30 days after holding the open
7904 meeting that is the subject of the pending minutes;

7905 (ii) within three business days after approving written minutes of an open meeting:

7906 (A) post to the state website a copy of the approved minutes and any public materials
7907 distributed at the meeting;

7908 (B) make the approved minutes and public materials available to the public at the
7909 public body's primary office; and

7910 (C) if the public body provides online minutes under Subsection (2)(b), post approved
7911 minutes that comply with Subsection (2)(b) and the public materials on the public body's
7912 website; and

7913 (iii) within three business days after holding an open meeting, post on the state website
7914 an audio recording of the open meeting, or a link to the recording.

7915 (f) A specified local public body shall:

7916 (i) make pending minutes available to the public within 30 days after holding the open
7917 meeting that is the subject of the pending minutes;

7918 (ii) within three business days after approving written minutes of an open meeting, post
7919 and make available a copy of the approved minutes and any public materials distributed at the
7920 meeting, as provided in Subsection (4)(e)(ii); and

7921 (iii) within three business days after holding an open meeting, make an audio recording
7922 of the open meeting available to the public for listening.

7923 (g) A public body that is not a state public body or a specified local public body shall:

7924 (i) make pending minutes available to the public within a reasonable time after holding
7925 the open meeting that is the subject of the pending minutes;

7926 (ii) within three business days after approving written minutes, make the approved
7927 minutes available to the public; and

7928 (iii) within three business days after holding an open meeting, make an audio recording
7929 of the open meeting available to the public for listening.

7930 (h) A public body shall establish and implement procedures for the public body's
7931 approval of the written minutes of each meeting.

7932 (i) Approved minutes of an open meeting are the official record of the meeting.

7933 (5) All or any part of an open meeting may be independently recorded by any person in
7934 attendance if the recording does not interfere with the conduct of the meeting.

7935 (6) The written minutes or recording of an open meeting that are required to be
7936 retained permanently shall be maintained in or converted to a format that meets long-term
7937 records storage requirements.

7938 (7) Notwithstanding Subsection (1), a recording is not required to be kept of:

7939 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken
7940 by the public body; or

7941 (b) an open meeting of a local district under Title 17B, Limited Purpose Local
7942 Government Entities - Local Districts, or special service district under Title 17D, Chapter 1,
7943 Special Service District Act, if the district's annual budgeted expenditures for all funds,
7944 excluding capital expenditures and debt service, are \$50,000 or less.

7945 Section 140. Section **53-1-203** is amended to read:

7946 **53-1-203. Creation of Administrative Services Division -- Appointment of**
7947 **director -- Qualifications -- Term -- Compensation.**

7948 (1) There is created within the department the Administrative Services Division.

7949 (2) The division shall be administered by a director appointed by the commissioner
7950 with the approval of the governor.

7951 (3) The director is the executive and administrative head of the division and shall be
7952 experienced in administration and possess additional qualifications as determined by the
7953 commissioner and as provided by law.

7954 (4) The director acts under the supervision and control of the commissioner and may be
7955 removed from his position at the will of the commissioner.

7956 (5) The director shall receive compensation as provided by Title [67] 63A, Chapter
7957 [19] 17, Utah State Personnel Management Act.

7958 Section 141. Section **53-1-303** is amended to read:

7959 **53-1-303. Creation of Management Information Services Division -- Appointment**
7960 **of director -- Qualifications -- Term -- Compensation.**

7961 (1) There is created within the department the Management Information Services
7962 Division.

7963 (2) The division shall be administered by a director appointed by the commissioner
7964 with the approval of the governor.

7965 (3) The director is the executive and administrative head of the division and shall be
7966 experienced in administration and possess additional qualifications as determined by the
7967 commissioner and as provided by law.

7968 (4) The director acts under the supervision and control of the commissioner and may be
7969 removed from his position at the will of the commissioner.

7970 (5) The director shall receive compensation as provided by Title [67] 63A, Chapter
7971 [+9] 17, Utah State Personnel Management Act.

7972 Section 142. Section **53-2a-103** is amended to read:

7973 **53-2a-103. Division of Emergency Management -- Creation -- Director --**
7974 **Appointment -- Term -- Compensation.**

7975 (1) There is created within the Department of Public Safety the Division of Emergency
7976 Management.

7977 (2) The division shall be administered by a director appointed by the commissioner
7978 with the approval of the governor.

7979 (3) The director is the executive and administrative head of the division and shall be
7980 experienced in administration and possess additional qualifications as determined by the
7981 commissioner and as provided by law.

7982 (4) The director acts under the supervision and control of the commissioner and may be
7983 removed from the position at the will of the commissioner.

7984 (5) The director shall receive compensation as provided by Title [67] 63A, Chapter
7985 [+9] 17, Utah State Personnel Management Act.

7986 Section 143. Section **53-3-103** is amended to read:

7987 **53-3-103. Driver License Division -- Creation -- Director -- Appointment -- Term**
7988 **-- Compensation.**

7989 (1) There is created within the department the Driver License Division.

7990 (2) The division shall be administered by a director appointed by the commissioner
7991 with the approval of the governor.

7992 (3) The director is the executive and administrative head of the division and shall be
7993 experienced in administration and possess additional qualifications as determined by the
7994 commissioner and as provided by law.

7995 (4) The director acts under the supervision and control of the commissioner and may be
7996 removed from his position at the will of the commissioner.

7997 (5) The director shall receive compensation as provided by Title [67] 63A, Chapter
7998 [+9] 17, Utah State Personnel Management Act.

7999 Section 144. Section **53-7-103** is amended to read:

8000 **53-7-103. State Fire Marshal Division -- Creation -- State fire marshal --**
8001 **Appointment, qualifications, duties, and compensation.**

8002 (1) There is created within the department the State Fire Marshal Division.

8003 (2) (a) The director of the division is the state fire marshal, who shall be appointed by
8004 the commissioner upon the recommendation of the Utah Fire Prevention Board created in
8005 Section 53-7-203 and with the approval of the governor.

8006 (b) The state fire marshal is the executive and administrative head of the division, and
8007 shall be qualified by experience and education to:

8008 (i) enforce the state fire code;

8009 (ii) enforce rules made under this chapter; and

8010 (iii) perform the duties prescribed by the commissioner.

8011 (3) The state fire marshal acts under the supervision and control of the commissioner
8012 and may be removed from the position at the will of the commissioner.

8013 (4) The state fire marshal shall:

8014 (a) enforce the state fire code and rules made under this chapter in accordance with
8015 Section 53-7-104;

8016 (b) complete the duties assigned by the commissioner;

8017 (c) examine plans and specifications for school buildings, as required by Section
8018 53E-3-706;

8019 (d) approve criteria established by the state superintendent for building inspectors;

8020 (e) promote and support injury prevention public education programs; and

8021 (f) perform all other duties provided in this chapter.

8022 (5) The state fire marshal shall receive compensation as provided by Title [67] 63A,

8023 Chapter [19] 17, Utah State Personnel Management Act.

8024 Section 145. Section **53-8-103** is amended to read:

8025 **53-8-103. Utah Highway Patrol Division -- Creation -- Appointment of**
8026 **superintendent -- Powers -- Qualifications -- Term -- Compensation.**

8027 (1) There is created the Utah Highway Patrol Division.

8028 (2) The director of the division shall be the superintendent appointed by the
8029 commissioner with the approval of the governor.

8030 (3) The superintendent is the executive and administrative head of the division and
8031 shall be experienced in administration and possess additional qualifications as determined by
8032 the commissioner.

8033 (4) The superintendent acts under the supervision and control of the commissioner and
8034 may be removed from his position at the will of the commissioner.

8035 (5) The superintendent shall receive compensation as provided by Title [67] 63A,
8036 Chapter [19] 17, Utah State Personnel Management Act.

8037 Section 146. Section **53-10-103** is amended to read:

8038 **53-10-103. Division -- Creation -- Director appointment and qualifications.**

8039 (1) There is created within the department the Criminal Investigations and Technical
8040 Services Division.

8041 (2) The division shall be administered by a director appointed by the commissioner
8042 with the approval of the governor.

8043 (3) The director is the executive and administrative head of the division and shall be
8044 experienced in administration and possess additional qualifications as determined by the
8045 commissioner and as provided by law.

8046 (4) The director acts under the supervision and control of the commissioner and may be
8047 removed from his position at the will of the commissioner.

8048 (5) The director shall receive compensation as provided by Title [67] 63A, Chapter
8049 [19] 17, Utah State Personnel Management Act.

8050 Section 147. Section **53-10-201** is amended to read:

8051 **53-10-201. Bureau of Criminal Identification -- Creation -- Bureau Chief**
8052 **appointment, qualifications, and compensation.**

8053 (1) There is created within the division the Bureau of Criminal Identification.

8054 (2) The bureau shall be administered by a bureau chief appointed by the division
8055 director with the approval of the commissioner.

8056 (3) The bureau chief shall be experienced in administration and possess additional
8057 qualifications as determined by the commissioner or division director and as provided by law.

8058 (4) The bureau chief acts under the supervision and control of the division director and
8059 may be removed from his position at the will of the commissioner.

8060 (5) The bureau chief shall receive compensation as provided by Title [67] 63A,
8061 Chapter [19] 17, Utah State Personnel Management Act.

8062 Section 148. Section **53-10-301** is amended to read:

8063 **53-10-301. State Bureau of Investigation -- Creation -- Bureau chief appointment,**
8064 **qualifications, and compensation.**

8065 (1) There is created within the division the State Bureau of Investigation.

8066 (2) The bureau shall be administered by a bureau chief appointed by the division
8067 director with the approval of the commissioner.

8068 (3) The bureau chief shall be experienced in administration and possess additional
8069 qualifications as determined by the division director and as provided by law.

8070 (4) The bureau chief acts under the supervision and control of the division director and
8071 may be removed from his position at the will of the commissioner.

8072 (5) The bureau chief shall receive compensation as provided by Title [67] 63A,
8073 Chapter [19] 17, Utah State Personnel Management Act.

8074 Section 149. Section **53-10-401** is amended to read:

8075 **53-10-401. Bureau of Forensic Services -- Creation -- Bureau Chief appointment,**
8076 **qualifications, and compensation.**

8077 (1) There is created within the division the Bureau of Forensic Services.

8078 (2) The bureau shall be administered by a bureau chief appointed by the division
8079 director with the approval of the commissioner.

8080 (3) The bureau chief shall be experienced in administration of criminal justice and
8081 possess additional qualifications as determined by the commissioner or division director and as
8082 provided by law.

8083 (4) The bureau chief acts under the supervision and control of the division director and
8084 may be removed from his position at the will of the commissioner.

8085 (5) The bureau chief shall receive compensation as provided by [~~Title 67, Chapter 19~~]
8086 Title 63A, Chapter 17, Utah State Personnel Management Act.

8087 Section 150. Section **53-13-114** is amended to read:

8088 **53-13-114. Off-duty peace officer working as a security officer.**

8089 A peace officer may engage in off-duty employment as a security officer under Section
8090 58-63-304 only if:

8091 (1) the law enforcement agency employing the peace officer:

8092 (a) has a written policy regarding peace officer employees working while off-duty as
8093 security officers; and

8094 (b) the policy under Subsection (1)(a) is:

8095 (i) posted and publicly available on the appropriate city, county, or state website; or

8096 (ii) posted on the Utah Public Notice Website created in Section [~~63F-1-701~~]

8097 63A-16-601 if the law enforcement agency does not have access to a website under Subsection
8098 (1)(b)(i).

8099 (2) the agency's chief administrative officer, or that officer's designee, provides written
8100 authorization for an off-duty peace officer to work as a security officer; and

8101 (3) the business or entity employing the off-duty peace officer to work as a security
8102 officer complies with state and federal income reporting and withholding requirements
8103 regarding the off-duty officer's wages.

8104 Section 151. Section **53B-7-101.5** is amended to read:

8105 **53B-7-101.5. Proposed tuition increases -- Notice -- Hearings.**

8106 (1) If an institution within the State System of Higher Education listed in Section
8107 53B-1-102 considers increasing tuition rates for undergraduate students in the process of
8108 preparing or implementing its budget, it shall hold a meeting to receive public input and
8109 response on the issue.

8110 (2) The institution shall advertise the hearing required under Subsection (1) using the
8111 following procedure:

8112 (a) The institution shall advertise its intent to consider an increase in student tuition
8113 rates:

8114 (i) in the institution's student newspaper twice during a period of 10 days prior to the
8115 meeting; and

8116 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
8117 10 days immediately before the meeting.

8118 (b) The advertisement shall state that the institution will meet on a certain day, time,
8119 and place fixed in the advertisement, which shall not be less than seven days after the day the
8120 second advertisement is published, for the purpose of hearing comments regarding the
8121 proposed increase and to explain the reasons for the proposed increase.

8122 (3) The form and content of the notice shall be substantially as follows:

8123 "NOTICE OF PROPOSED TUITION INCREASE

8124 The (name of the higher education institution) is proposing to increase student tuition
8125 rates. This would be an increase of _____ %, which is an increase of \$_____ per semester
8126 for a full-time resident undergraduate student. All concerned students and citizens are invited
8127 to a public hearing on the proposed increase to be held at (meeting place) on (date) at (time)."

8128 (4) (a) The institution shall provide the following information to those in attendance at
8129 the meeting required under Subsection (1):

8130 (i) the current year's student enrollment for:

8131 (A) the State System of Higher Education, if a systemwide increase is being
8132 considered; or

8133 (B) the institution, if an increase is being considered for just a single institution;

8134 (ii) total tuition revenues for the current school year;

8135 (iii) projected student enrollment growth for the next school year and projected tuition
8136 revenue increases from that anticipated growth; and

8137 (iv) a detailed accounting of how and where the increased tuition revenues would be
8138 spent.

8139 (b) The enrollment and revenue data required under Subsection (4)(a) shall be broken
8140 down into majors or departments if the proposed tuition increases are department or major
8141 specific.

8142 (5) If the institution does not make a final decision on the proposed tuition increase at
8143 the meeting, it shall announce the date, time, and place of the meeting where that determination
8144 shall be made.

8145 Section 152. Section **53E-4-202** is amended to read:

8146 **53E-4-202. Core standards for Utah public schools.**

8147 (1) (a) In establishing minimum standards related to curriculum and instruction
8148 requirements under Section [53E-3-501](#), the state board shall, in consultation with local school
8149 boards, school superintendents, teachers, employers, and parents implement core standards for
8150 Utah public schools that will enable students to, among other objectives:

- 8151 (i) communicate effectively, both verbally and through written communication;
- 8152 (ii) apply mathematics; and
- 8153 (iii) access, analyze, and apply information.

8154 (b) Except as provided in this public education code, the state board may recommend
8155 but may not require a local school board or charter school governing board to use:

- 8156 (i) a particular curriculum or instructional material; or
- 8157 (ii) a model curriculum or instructional material.

8158 (2) The state board shall, in establishing the core standards for Utah public schools:

8159 (a) identify the basic knowledge, skills, and competencies each student is expected to
8160 acquire or master as the student advances through the public education system; and

8161 (b) align with each other the core standards for Utah public schools and the
8162 assessments described in Section [53E-4-303](#).

8163 (3) The basic knowledge, skills, and competencies identified pursuant to Subsection
8164 (2)(a) shall increase in depth and complexity from year to year and focus on consistent and
8165 continual progress within and between grade levels and courses in the basic academic areas of:

- 8166 (a) English, including explicit phonics, spelling, grammar, reading, writing,
8167 vocabulary, speech, and listening; and
- 8168 (b) mathematics, including basic computational skills.

8169 (4) Before adopting core standards for Utah public schools, the state board shall:

8170 (a) publicize draft core standards for Utah public schools on the state board's website
8171 and the Utah Public Notice website created under Section [~~63F-1-701~~] [63A-16-601](#);

8172 (b) invite public comment on the draft core standards for Utah public schools for a
8173 period of not less than 90 days; and

8174 (c) conduct three public hearings that are held in different regions of the state on the
8175 draft core standards for Utah public schools.

8176 (5) LEA governing boards shall design their school programs, that are supported by
8177 generally accepted scientific standards of evidence, to focus on the core standards for Utah

8178 public schools with the expectation that each program will enhance or help achieve mastery of
8179 the core standards for Utah public schools.

8180 (6) Except as provided in Section [53G-10-402](#), each school may select instructional
8181 materials and methods of teaching, that are supported by generally accepted scientific standards
8182 of evidence, that the school considers most appropriate to meet the core standards for Utah
8183 public schools.

8184 (7) The state may exit any agreement, contract, memorandum of understanding, or
8185 consortium that cedes control of the core standards for Utah public schools to any other entity,
8186 including a federal agency or consortium, for any reason, including:

8187 (a) the cost of developing or implementing the core standards for Utah public schools;

8188 (b) the proposed core standards for Utah public schools are inconsistent with
8189 community values; or

8190 (c) the agreement, contract, memorandum of understanding, or consortium:

8191 (i) was entered into in violation of Chapter 3, Part 8, Implementing Federal or National
8192 Education Programs, or Title 63J, Chapter 5, Federal Funds Procedures Act;

8193 (ii) conflicts with Utah law;

8194 (iii) requires Utah student data to be included in a national or multi-state database;

8195 (iv) requires records of teacher performance to be included in a national or multi-state
8196 database; or

8197 (v) imposes curriculum, assessment, or data tracking requirements on home school or
8198 private school students.

8199 (8) The state board shall submit a report in accordance with Section [53E-1-203](#) on the
8200 development and implementation of the core standards for Utah public schools, including the
8201 time line established for the review of the core standards for Utah public schools by a standards
8202 review committee and the recommendations of a standards review committee established under
8203 Section [53E-4-203](#).

8204 Section 153. Section [53E-8-203](#) is amended to read:

8205 **53E-8-203. Applicability of statutes to the Utah Schools for the Deaf and the**
8206 **Blind.**

8207 (1) The Utah Schools for the Deaf and the Blind is subject to this public education
8208 code and other state laws applicable to public schools, except as otherwise provided by this

8209 chapter.

8210 (2) The following provisions of this public education code do not apply to the Utah
8211 Schools for the Deaf and the Blind:

8212 (a) provisions governing the budgets, funding, or finances of school districts or charter
8213 schools; and

8214 (b) provisions governing school construction.

8215 (3) Except as provided in this chapter, the Utah Schools for the Deaf and the Blind is
8216 subject to state laws governing state agencies, including:

8217 (a) Title 51, Chapter 5, Funds Consolidation Act;

8218 (b) Title 51, Chapter 7, State Money Management Act;

8219 (c) Title 52, Chapter 4, Open and Public Meetings Act;

8220 (d) Title 63A, Utah [~~Administrative Services~~] Government Operations Code;

8221 (e) Title 63G, Chapter 2, Government Records Access and Management Act;

8222 (f) Title 63G, Chapter 4, Administrative Procedures Act;

8223 (g) Title 63G, Chapter 6a, Utah Procurement Code;

8224 (h) Title 63J, Chapter 1, Budgetary Procedures Act;

8225 (i) Title 63J, Chapter 2, Revenue Procedures and Control Act; and

8226 (j) Title [67] 63A, Chapter [19] 17, Utah State Personnel Management Act.

8227 Section 154. Section **53G-3-204** is amended to read:

8228 **53G-3-204. Notice before preparing or amending a long-range plan or acquiring**
8229 **certain property.**

8230 (1) As used in this section:

8231 (a) "Affected entity" means each county, municipality, local district under Title 17B,
8232 Limited Purpose Local Government Entities - Local Districts, special service district under
8233 Title 17D, Chapter 1, Special Service District Act, interlocal cooperation entity established
8234 under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

8235 (i) whose services or facilities are likely to require expansion or significant
8236 modification because of an intended use of land; or

8237 (ii) that has filed with the school district a copy of the general or long-range plan of the
8238 county, municipality, local district, special service district, school district, interlocal
8239 cooperation entity, or specified public utility.

8240 (b) "Specified public utility" means an electrical corporation, gas corporation, or
8241 telephone corporation, as those terms are defined in Section [54-2-1](#).

8242 (2) (a) If a school district located in a county of the first or second class prepares a
8243 long-range plan regarding its facilities proposed for the future or amends an already existing
8244 long-range plan, the school district shall, before preparing a long-range plan or amendments to
8245 an existing long-range plan, provide written notice, as provided in this section, of its intent to
8246 prepare a long-range plan or to amend an existing long-range plan.

8247 (b) Each notice under Subsection (2)(a) shall:

8248 (i) indicate that the school district intends to prepare a long-range plan or to amend a
8249 long-range plan, as the case may be;

8250 (ii) describe or provide a map of the geographic area that will be affected by the
8251 long-range plan or amendments to a long-range plan;

8252 (iii) be:

8253 (A) sent to each county in whose unincorporated area and each municipality in whose
8254 boundaries is located the land on which the proposed long-range plan or amendments to a
8255 long-range plan are expected to indicate that the proposed facilities will be located;

8256 (B) sent to each affected entity;

8257 (C) sent to the Automated Geographic Reference Center created in Section
8258 [~~63F-1-506~~] [63A-16-505](#);

8259 (D) sent to each association of governments, established pursuant to an interlocal
8260 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or
8261 municipality described in Subsection (2)(b)(iii)(A) is a member; and

8262 (E) placed on the Utah Public Notice Website created under Section [~~63F-1-701~~]
8263 [63A-16-601](#);

8264 (iv) with respect to the notice to counties and municipalities described in Subsection
8265 (2)(b)(iii)(A) and affected entities, invite them to provide information for the school district to
8266 consider in the process of preparing, adopting, and implementing the long-range plan or
8267 amendments to a long-range plan concerning:

8268 (A) impacts that the use of land proposed in the proposed long-range plan or
8269 amendments to a long-range plan may have on the county, municipality, or affected entity; and

8270 (B) uses of land that the county, municipality, or affected entity is planning or

8271 considering that may conflict with the proposed long-range plan or amendments to a long-range
8272 plan; and

8273 (v) include the address of an Internet website, if the school district has one, and the
8274 name and telephone number of a person where more information can be obtained concerning
8275 the school district's proposed long-range plan or amendments to a long-range plan.

8276 (3) (a) Except as provided in Subsection (3)(d), each school district intending to
8277 acquire real property in a county of the first or second class for the purpose of expanding the
8278 district's infrastructure or other facilities shall provide written notice, as provided in this
8279 Subsection (3), of its intent to acquire the property if the intended use of the property is
8280 contrary to:

8281 (i) the anticipated use of the property under the county or municipality's general plan;
8282 or

8283 (ii) the property's current zoning designation.

8284 (b) Each notice under Subsection (3)(a) shall:

8285 (i) indicate that the school district intends to acquire real property;

8286 (ii) identify the real property; and

8287 (iii) be sent to:

8288 (A) each county in whose unincorporated area and each municipality in whose
8289 boundaries the property is located; and

8290 (B) each affected entity.

8291 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
8292 [63G-2-305\(8\)](#).

8293 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the school district
8294 previously provided notice under Subsection (2) identifying the general location within the
8295 municipality or unincorporated part of the county where the property to be acquired is located.

8296 (ii) If a school district is not required to comply with the notice requirement of
8297 Subsection (3)(a) because of application of Subsection (3)(d)(i), the school district shall
8298 provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of
8299 the real property.

8300 Section 155. Section **53G-4-204** is amended to read:

8301 **53G-4-204. Compensation for services -- Additional per diem -- Approval of**

8302 **expenses.**

8303 (1) Each member of a local school board, except the student member, shall receive
8304 compensation for services and for necessary expenses in accordance with compensation
8305 schedules adopted by the local school board in accordance with the provisions of this section.

8306 (2) Beginning on July 1, 2007, if a local school board decides to adopt or amend its
8307 compensation schedules, the local school board shall set a time and place for a public hearing
8308 at which all interested persons shall be given an opportunity to be heard.

8309 (3) Notice of the time, place, and purpose of the meeting shall be provided at least
8310 seven days prior to the meeting by:

8311 (a) (i) publication at least once in a newspaper published in the county where the
8312 school district is situated and generally circulated within the school district; and

8313 (ii) publication on the Utah Public Notice Website created in Section [~~63F-1-701~~]
8314 [63A-16-601](#); and

8315 (b) posting a notice:

8316 (i) at each school within the school district;

8317 (ii) in at least three other public places within the school district; and

8318 (iii) on the Internet in a manner that is easily accessible to citizens that use the Internet.

8319 (4) After the conclusion of the public hearing, the local school board may adopt or
8320 amend its compensation schedules.

8321 (5) Each member shall submit an itemized account of necessary travel expenses for
8322 local school board approval.

8323 (6) A local school board may, without following the procedures described in
8324 Subsections (2) and (3), continue to use the compensation schedule that was in effect prior to
8325 July 1, 2007, until, at the discretion of the local school board, the compensation schedule is
8326 amended or a new compensation schedule is adopted.

8327 Section 156. Section **53G-4-402** is amended to read:

8328 **53G-4-402. Powers and duties generally.**

8329 (1) A local school board shall:

8330 (a) implement the core standards for Utah public schools using instructional materials
8331 that best correlate to the core standards for Utah public schools and graduation requirements;

8332 (b) administer tests, required by the state board, which measure the progress of each

8333 student, and coordinate with the state superintendent and state board to assess results and create
8334 plans to improve the student's progress, which shall be submitted to the state board for
8335 approval;

8336 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
8337 students that need remediation and determine the type and amount of federal, state, and local
8338 resources to implement remediation;

8339 (d) develop early warning systems for students or classes failing to make progress;

8340 (e) work with the state board to establish a library of documented best practices,
8341 consistent with state and federal regulations, for use by the local districts;

8342 (f) implement training programs for school administrators, including basic
8343 management training, best practices in instructional methods, budget training, staff
8344 management, managing for learning results and continuous improvement, and how to help
8345 every child achieve optimal learning in basic academic subjects; and

8346 (g) ensure that the local school board meets the data collection and reporting standards
8347 described in Section [53E-3-501](#).

8348 (2) Local school boards shall spend Minimum School Program funds for programs and
8349 activities for which the state board has established minimum standards or rules under Section
8350 [53E-3-501](#).

8351 (3) (a) A local school board may purchase, sell, and make improvements on school
8352 sites, buildings, and equipment and construct, erect, and furnish school buildings.

8353 (b) School sites or buildings may only be conveyed or sold on local school board
8354 resolution affirmed by at least two-thirds of the members.

8355 (4) (a) A local school board may participate in the joint construction or operation of a
8356 school attended by children residing within the district and children residing in other districts
8357 either within or outside the state.

8358 (b) Any agreement for the joint operation or construction of a school shall:

8359 (i) be signed by the president of the local school board of each participating district;

8360 (ii) include a mutually agreed upon pro rata cost; and

8361 (iii) be filed with the state board.

8362 (5) A local school board may establish, locate, and maintain elementary, secondary,
8363 and applied technology schools.

8364 (6) Except as provided in Section 53E-3-905, a local school board may enroll children
8365 in school who are at least five years of age before September 2 of the year in which admission
8366 is sought.

8367 (7) A local school board may establish and support school libraries.

8368 (8) A local school board may collect damages for the loss, injury, or destruction of
8369 school property.

8370 (9) A local school board may authorize guidance and counseling services for children
8371 and their parents before, during, or following enrollment of the children in schools.

8372 (10) (a) A local school board shall administer and implement federal educational
8373 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National
8374 Education Programs.

8375 (b) Federal funds are not considered funds within the school district budget under
8376 Chapter 7, Part 3, Budgets.

8377 (11) (a) A local school board may organize school safety patrols and adopt policies
8378 under which the patrols promote student safety.

8379 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
8380 parental consent for the appointment.

8381 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
8382 of a highway intended for vehicular traffic use.

8383 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
8384 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
8385 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

8386 (12) (a) A local school board may on its own behalf, or on behalf of an educational
8387 institution for which the local school board is the direct governing body, accept private grants,
8388 loans, gifts, endowments, devises, or bequests that are made for educational purposes.

8389 (b) These contributions are not subject to appropriation by the Legislature.

8390 (13) (a) A local school board may appoint and fix the compensation of a compliance
8391 officer to issue citations for violations of Subsection 76-10-105(2)(b).

8392 (b) A person may not be appointed to serve as a compliance officer without the
8393 person's consent.

8394 (c) A teacher or student may not be appointed as a compliance officer.

8395 (14) A local school board shall adopt bylaws and policies for the local school board's
8396 own procedures.

8397 (15) (a) A local school board shall make and enforce policies necessary for the control
8398 and management of the district schools.

8399 (b) Local school board policies shall be in writing, filed, and referenced for public
8400 access.

8401 (16) A local school board may hold school on legal holidays other than Sundays.

8402 (17) (a) A local school board shall establish for each school year a school traffic safety
8403 committee to implement this Subsection (17).

8404 (b) The committee shall be composed of one representative of:

8405 (i) the schools within the district;

8406 (ii) the Parent Teachers' Association of the schools within the district;

8407 (iii) the municipality or county;

8408 (iv) state or local law enforcement; and

8409 (v) state or local traffic safety engineering.

8410 (c) The committee shall:

8411 (i) receive suggestions from school community councils, parents, teachers, and others
8412 and recommend school traffic safety improvements, boundary changes to enhance safety, and
8413 school traffic safety program measures;

8414 (ii) review and submit annually to the Department of Transportation and affected
8415 municipalities and counties a child access routing plan for each elementary, middle, and junior
8416 high school within the district;

8417 (iii) consult the Utah Safety Council and the Division of Family Health Services and
8418 provide training to all school children in kindergarten through grade 6, within the district, on
8419 school crossing safety and use; and

8420 (iv) help ensure the district's compliance with rules made by the Department of
8421 Transportation under Section [41-6a-303](#).

8422 (d) The committee may establish subcommittees as needed to assist in accomplishing
8423 its duties under Subsection (17)(c).

8424 (18) (a) A local school board shall adopt and implement a comprehensive emergency
8425 response plan to prevent and combat violence in the local school board's public schools, on

8426 school grounds, on its school vehicles, and in connection with school-related activities or
8427 events.

8428 (b) The plan shall:

8429 (i) include prevention, intervention, and response components;

8430 (ii) be consistent with the student conduct and discipline policies required for school
8431 districts under Chapter 11, Part 2, Miscellaneous Requirements;

8432 (iii) require professional learning for all district and school building staff on what their
8433 roles are in the emergency response plan;

8434 (iv) provide for coordination with local law enforcement and other public safety
8435 representatives in preventing, intervening, and responding to violence in the areas and activities
8436 referred to in Subsection (18)(a); and

8437 (v) include procedures to notify a student, to the extent practicable, who is off campus
8438 at the time of a school violence emergency because the student is:

8439 (A) participating in a school-related activity; or

8440 (B) excused from school for a period of time during the regular school day to
8441 participate in religious instruction at the request of the student's parent.

8442 (c) The state board, through the state superintendent, shall develop comprehensive
8443 emergency response plan models that local school boards may use, where appropriate, to
8444 comply with Subsection (18)(a).

8445 (d) A local school board shall, by July 1 of each year, certify to the state board that its
8446 plan has been practiced at the school level and presented to and reviewed by its teachers,
8447 administrators, students, and their parents and local law enforcement and public safety
8448 representatives.

8449 (19) (a) A local school board may adopt an emergency response plan for the treatment
8450 of sports-related injuries that occur during school sports practices and events.

8451 (b) The plan may be implemented by each secondary school in the district that has a
8452 sports program for students.

8453 (c) The plan may:

8454 (i) include emergency personnel, emergency communication, and emergency
8455 equipment components;

8456 (ii) require professional learning on the emergency response plan for school personnel

8457 who are involved in sports programs in the district's secondary schools; and

8458 (iii) provide for coordination with individuals and agency representatives who:

8459 (A) are not employees of the school district; and

8460 (B) would be involved in providing emergency services to students injured while

8461 participating in sports events.

8462 (d) The local school board, in collaboration with the schools referred to in Subsection

8463 (19)(b), may review the plan each year and make revisions when required to improve or

8464 enhance the plan.

8465 (e) The state board, through the state superintendent, shall provide local school boards

8466 with an emergency plan response model that local school boards may use to comply with the

8467 requirements of this Subsection (19).

8468 (20) A local school board shall do all other things necessary for the maintenance,

8469 prosperity, and success of the schools and the promotion of education.

8470 (21) (a) Before closing a school or changing the boundaries of a school, a local school

8471 board shall:

8472 (i) at least 120 days before approving the school closure or school boundary change,

8473 provide notice to the following that the local school board is considering the closure or

8474 boundary change:

8475 (A) parents of students enrolled in the school, using the same form of communication

8476 the local school board regularly uses to communicate with parents;

8477 (B) parents of students enrolled in other schools within the school district that may be

8478 affected by the closure or boundary change, using the same form of communication the local

8479 school board regularly uses to communicate with parents; and

8480 (C) the governing council and the mayor of the municipality in which the school is

8481 located;

8482 (ii) provide an opportunity for public comment on the proposed school closure or

8483 school boundary change during at least two public local school board meetings; and

8484 (iii) hold a public hearing as defined in Section [10-9a-103](#) and provide public notice of

8485 the public hearing as described in Subsection (21)(b).

8486 (b) The notice of a public hearing required under Subsection (21)(a)(iii) shall:

8487 (i) indicate the:

- 8488 (A) school or schools under consideration for closure or boundary change; and
- 8489 (B) the date, time, and location of the public hearing;
- 8490 (ii) at least 10 days before the public hearing, be:
- 8491 (A) published:
- 8492 (I) in a newspaper of general circulation in the area; and
- 8493 (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-16-601; and
- 8494 (B) posted in at least three public locations within the municipality in which the school
- 8495 is located on the school district's official website, and prominently at the school; and
- 8496 (iii) at least 30 days before the public hearing described in Subsection (21)(a)(iii), be
- 8497 provided as described in Subsections (21)(a)(i)(A), (B), and (C).

8498 (22) A local school board may implement a facility energy efficiency program
8499 established under Title 11, Chapter 44, Performance Efficiency Act.

8500 (23) A local school board may establish or partner with a certified youth court
8501 program, in accordance with Section 78A-6-1203, or establish or partner with a comparable
8502 restorative justice program, in coordination with schools in that district. A school may refer a
8503 student to youth court or a comparable restorative justice program in accordance with Section
8504 53G-8-211.

8505 Section 157. Section **53G-5-203** is amended to read:

8506 **53G-5-203. State Charter School Board -- Staff director -- Facilities.**

8507 (1) (a) The State Charter School Board, with the consent of the state superintendent,
8508 shall appoint a staff director for the State Charter School Board.

8509 (b) The State Charter School Board shall have authority to remove the staff director
8510 with the consent of the state superintendent.

8511 (c) The position of staff director is exempt from the career service provisions of Title
8512 [~~67~~] 63A, Chapter [~~19~~] 17, Utah State Personnel Management Act.

8513 (2) The state superintendent shall provide space for staff of the State Charter School
8514 Board in facilities occupied by the state board or the state board's employees, with costs
8515 charged for the facilities equal to those charged other sections and divisions under the state
8516 board.

8517 Section 158. Section **53G-5-504** is amended to read:

8518 **53G-5-504. Charter school closure.**

8519 (1) As used in this section, "receiving charter school" means a charter school that an
8520 authorizer permits under Subsection (13)(a), to accept enrollment applications from students of
8521 a closing charter school.

8522 (2) If a charter school is closed for any reason, including the termination of a charter
8523 agreement in accordance with Section [53G-5-503](#) or the conversion of a charter school to a
8524 private school, the provisions of this section apply.

8525 (3) A decision to close a charter school is made:

8526 (a) when a charter school authorizer approves a motion to terminate described in
8527 Subsection [53G-5-503\(2\)\(c\)](#);

8528 (b) when the state board takes final action described in Subsection [53G-5-503\(2\)\(d\)\(ii\)](#);

8529 or

8530 (c) when a charter school provides notice to the charter school's authorizer that the
8531 charter school is relinquishing the charter school's charter.

8532 (4) (a) No later than 10 days after the day on which a decision to close a charter school
8533 is made, the charter school shall:

8534 (i) provide notice to the following, in writing, of the decision:

8535 (A) if the charter school made the decision to close, the charter school's authorizer;

8536 (B) the State Charter School Board;

8537 (C) if the state board did not make the decision to close, the state board;

8538 (D) parents of students enrolled at the charter school;

8539 (E) the charter school's creditors;

8540 (F) the charter school's lease holders;

8541 (G) the charter school's bond issuers;

8542 (H) other entities that may have a claim to the charter school's assets;

8543 (I) the school district in which the charter school is located and other charter schools
8544 located in that school district; and

8545 (J) any other person that the charter school determines to be appropriate; and

8546 (ii) post notice of the decision on the Utah Public Notice Website, created in Section
8547 [~~63F-1-701~~] [63A-16-601](#).

8548 (b) The notice described in Subsection (4)(a) shall include:

8549 (i) the proposed date of the charter school closure;

8550 (ii) the charter school's plans to help students identify and transition into a new school;
8551 and

8552 (iii) contact information for the charter school during the transition.

8553 (5) No later than 10 days after the day on which a decision to close a charter school is
8554 made, the closing charter school shall:

8555 (a) designate a custodian for the protection of student files and school business records;

8556 (b) designate a base of operation that will be maintained throughout the charter school
8557 closing, including:

8558 (i) an office;

8559 (ii) hours of operation;

8560 (iii) operational telephone service with voice messaging stating the hours of operation;

8561 and

8562 (iv) a designated individual to respond to questions or requests during the hours of
8563 operation;

8564 (c) assure that the charter school will maintain private insurance coverage or risk
8565 management coverage for covered claims that arise before closure, throughout the transition to
8566 closure and for a period following closure of the charter school as specified by the charter
8567 school's authorizer;

8568 (d) assure that the charter school will complete by the set deadlines for all fiscal years
8569 in which funds are received or expended by the charter school a financial audit and any other
8570 procedure required by state board rule;

8571 (e) inventory all assets of the charter school; and

8572 (f) list all creditors of the charter school and specifically identify secured creditors and
8573 assets that are security interests.

8574 (6) The closing charter school's authorizer shall oversee the closing charter school's
8575 compliance with Subsection (5).

8576 (7) (a) A closing charter school shall return any assets remaining, after all liabilities
8577 and obligations of the closing charter school are paid or discharged, to the closing charter
8578 school's authorizer.

8579 (b) The closing charter school's authorizer shall liquidate assets at fair market value or
8580 assign the assets to another public school.

8581 (8) The closing charter school's authorizer shall oversee liquidation of assets and
8582 payment of debt in accordance with state board rule.

8583 (9) The closing charter school shall:

8584 (a) comply with all state and federal reporting requirements; and

8585 (b) submit all documentation and complete all state and federal reports required by the
8586 closing charter school's authorizer or the state board, including documents to verify the closing
8587 charter school's compliance with procedural requirements and satisfaction of all financial
8588 issues.

8589 (10) When the closing charter school's financial affairs are closed out and dissolution is
8590 complete, the authorizer shall ensure that a final audit of the charter school is completed.

8591 (11) On or before January 1, 2017, the state board shall, in accordance with Title 63G,
8592 Chapter 3, Utah Administrative Rulemaking Act, and after considering suggestions from
8593 charter school authorizers, make rules that:

8594 (a) provide additional closure procedures for charter schools; and

8595 (b) establish a charter school closure process.

8596 (12) (a) Upon termination of the charter school's charter agreement:

8597 (i) notwithstanding provisions to the contrary in Title 16, Chapter 6a, Part 14,
8598 Dissolution, the nonprofit corporation under which the charter school is organized and
8599 managed may be unilaterally dissolved by the authorizer; and

8600 (ii) the net assets of the charter school shall revert to the authorizer as described in
8601 Subsection (7).

8602 (b) The charter school and the authorizer shall mutually agree in writing on the
8603 effective date and time of the dissolution described in Subsection (12)(a).

8604 (c) The effective date and time of dissolution described in Subsection (12)(b) may not
8605 exceed five years after the date of the termination of the charter agreement.

8606 (13) Notwithstanding the provisions of Chapter 6, Part 5, Charter School Enrollment:

8607 (a) an authorizer may permit a specified number of students from a closing charter
8608 school to be enrolled in another charter school, if the receiving charter school:

8609 (i) (A) is authorized by the same authorizer as the closing charter school; or

8610 (B) is authorized by a different authorizer and the authorizer of the receiving charter
8611 school approves the increase in enrollment; and

8612 (ii) agrees to accept enrollment applications from students of the closing charter
8613 school;

8614 (b) a receiving charter school shall give new enrollment preference to applications
8615 from students of the closing charter school in the first school year in which the closing charter
8616 school is not operational; and

8617 (c) a receiving charter school's enrollment capacity is increased by the number of
8618 students enrolled in the receiving charter school from the closing charter school under this
8619 Subsection (13).

8620 (14) A member of the governing board or staff of the receiving charter school that is
8621 also a member of the governing board of the receiving charter school's authorizer, shall recuse
8622 himself or herself from a decision regarding the enrollment of students from a closing charter
8623 school as described in Subsection (13).

8624 Section 159. Section **53G-7-1105** is amended to read:

8625 **53G-7-1105. Association budgets.**

8626 (1) An association shall:

8627 (a) adopt a budget in accordance with this section; and

8628 (b) use uniform budgeting, accounting, and auditing procedures and forms, which shall
8629 be in accordance with generally accepted accounting principles or auditing standards.

8630 (2) An association budget officer or executive director shall annually prepare a
8631 tentative budget, with supporting documentation, to be submitted to the governing body.

8632 (3) The tentative budget and supporting documents shall include the following items:

8633 (a) the revenues and expenditures of the preceding fiscal year;

8634 (b) the estimated revenues and expenditures of the current fiscal year;

8635 (c) a detailed estimate of the essential expenditures for all purposes for the next
8636 succeeding fiscal year; and

8637 (d) the estimated financial condition of the association by funds at the close of the
8638 current fiscal year.

8639 (4) The tentative budget shall be filed with the governing body 15 days, or earlier,
8640 before the date of the tentative budget's proposed adoption by the governing body.

8641 (5) The governing body shall adopt a budget.

8642 (6) Before the adoption or amendment of a budget, the governing body shall hold a

8643 public hearing on the proposed budget or budget amendment.

8644 (7) (a) In addition to complying with Title 52, Chapter 4, Open and Public Meetings
8645 Act, in regards to the public hearing described in Subsection (6), at least 10 days before the
8646 public hearing, a governing body shall:

8647 (i) publish a notice of the public hearing electronically in accordance with Section
8648 [~~63F-1-701~~] [63A-16-601](#); and

8649 (ii) post the proposed budget on the association's Internet website.

8650 (b) A notice of a public hearing on an association's proposed budget shall include
8651 information on how the public may access the proposed budget as provided in Subsection
8652 (7)(a).

8653 (8) No later than September 30 of each year, the governing body shall file a copy of the
8654 adopted budget with the state auditor and the state board.

8655 Section 160. Section **54-3-28** is amended to read:

8656 **54-3-28. Notice required of certain public utilities before preparing or amending**
8657 **a long-range plan or acquiring certain property.**

8658 (1) As used in this section:

8659 (a) (i) "Affected entity" means each county, municipality, local district under Title 17B,
8660 Limited Purpose Local Government Entities - Local Districts, special service district, school
8661 district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal
8662 Cooperation Act, and specified public utility:

8663 (A) whose services or facilities are likely to require expansion or significant
8664 modification because of expected uses of land under a proposed long-range plan or under
8665 proposed amendments to a long-range plan; or

8666 (B) that has filed with the specified public utility a copy of the general or long-range
8667 plan of the county, municipality, local district, special service district, school district, interlocal
8668 cooperation entity, or specified public utility.

8669 (ii) "Affected entity" does not include the specified public utility that is required under
8670 Subsection (2) to provide notice.

8671 (b) "Specified public utility" means an electrical corporation, gas corporation, or
8672 telephone corporation, as those terms are defined in Section [54-2-1](#).

8673 (2) (a) If a specified public utility prepares a long-range plan regarding its facilities

8674 proposed for the future in a county of the first or second class or amends an already existing
8675 long-range plan, the specified public utility shall, before preparing a long-range plan or
8676 amendments to an existing long-range plan, provide written notice, as provided in this section,
8677 of its intent to prepare a long-range plan or to amend an existing long-range plan.

8678 (b) Each notice under Subsection (2) shall:

8679 (i) indicate that the specified public utility intends to prepare a long-range plan or to
8680 amend a long-range plan, as the case may be;

8681 (ii) describe or provide a map of the geographic area that will be affected by the
8682 long-range plan or amendments to a long-range plan;

8683 (iii) be sent to:

8684 (A) each county in whose unincorporated area and each municipality in whose
8685 boundaries is located the land on which the proposed long-range plan or amendments to a
8686 long-range plan are expected to indicate that the proposed facilities will be located;

8687 (B) each affected entity;

8688 (C) the Automated Geographic Reference Center created in Section [\[63F-1-506\]](#)
8689 [63A-16-505](#);

8690 (D) each association of governments, established pursuant to an interlocal agreement
8691 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality
8692 described in Subsection (2)(b)(iii)(A) is a member; and

8693 (E) the state planning coordinator appointed under Section [63J-4-202](#);

8694 (iv) with respect to the notice to counties and municipalities described in Subsection
8695 (2)(b)(iii)(A) and affected entities, invite them to provide information for the specified public
8696 utility to consider in the process of preparing, adopting, and implementing the long-range plan
8697 or amendments to a long-range plan concerning:

8698 (A) impacts that the use of land proposed in the proposed long-range plan or
8699 amendments to a long-range plan may have on the county, municipality, or affected entity; and

8700 (B) uses of land that the county, municipality, or affected entity is planning or
8701 considering that may conflict with the proposed long-range plan or amendments to a long-range
8702 plan; and

8703 (v) include the address of an Internet website, if the specified public utility has one, and
8704 the name and telephone number of a person where more information can be obtained

8705 concerning the specified public utility's proposed long-range plan or amendments to a
8706 long-range plan.

8707 (3) (a) Except as provided in Subsection (3)(d), each specified public utility intending
8708 to acquire real property in a county of the first or second class for the purpose of expanding its
8709 infrastructure or other facilities used for providing the services that the specified public utility
8710 is authorized to provide shall provide written notice, as provided in this Subsection (3), of its
8711 intent to acquire the property if the intended use of the property is contrary to:

8712 (i) the anticipated use of the property under the county or municipality's general plan;

8713 or

8714 (ii) the property's current zoning designation.

8715 (b) Each notice under Subsection (3)(a) shall:

8716 (i) indicate that the specified public utility intends to acquire real property;

8717 (ii) identify the real property; and

8718 (iii) be sent to:

8719 (A) each county in whose unincorporated area and each municipality in whose
8720 boundaries the property is located; and

8721 (B) each affected entity.

8722 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
8723 [63G-2-305\(8\)](#).

8724 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the specified
8725 public utility previously provided notice under Subsection (2) identifying the general location
8726 within the municipality or unincorporated part of the county where the property to be acquired
8727 is located.

8728 (ii) If a specified public utility is not required to comply with the notice requirement of
8729 Subsection (3)(a) because of application of Subsection (3)(d)(i), the specified public utility
8730 shall provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition
8731 of the real property.

8732 Section 161. Section **54-8-10** is amended to read:

8733 **54-8-10. Public hearing -- Notice -- Publication.**

8734 (1) Such notice shall be:

8735 (a) (i) published:

- 8736 (A) in full one time in a newspaper of general circulation in the district; or
8737 (B) if there be no such newspaper, in a newspaper of general circulation in the county,
8738 city, or town in which the district is located; and
8739 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
8740 [63A-16-601](#); and
8741 (b) posted in not less than three public places in the district.
8742 (2) A copy of the notice shall be mailed by certified mail to the last known address of
8743 each owner of land within the proposed district whose property will be assessed for the cost of
8744 the improvement.
8745 (3) The address to be used for that purpose shall be that last appearing on the real
8746 property assessment rolls of the county in which the property is located.
8747 (4) In addition, a copy of the notice shall be addressed to "Owner" and shall be so
8748 mailed addressed to the street number of each piece of improved property to be affected by the
8749 assessment.
8750 (5) Mailed notices and the published notice shall state where a copy of the resolution
8751 creating the district will be available for inspection by any interested parties.
8752 Section 162. Section **54-8-16** is amended to read:
8753 **54-8-16. Notice of assessment -- Publication.**
8754 (1) After the preparation of a resolution under Section [54-8-14](#), notice of a public
8755 hearing on the proposed assessments shall be given.
8756 (2) The notice described in Subsection (1) shall be:
8757 (a) published:
8758 (i) one time in a newspaper in which the first notice of hearing was published at least
8759 20 days before the date fixed for the hearing; and
8760 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
8761 at least 20 days before the date fixed for the hearing; and
8762 (b) mailed by certified mail not less than 15 days prior to the date fixed for such
8763 hearing to each owner of real property whose property will be assessed for part of the cost of
8764 the improvement at the last known address of such owner using for such purpose the names
8765 and addresses appearing on the last completed real property assessment rolls of the county
8766 wherein said affected property is located.

8767 (3) In addition, a copy of such notice shall be addressed to "Owner" and shall be so
8768 mailed addressed to the street number of each piece of improved property to be affected by
8769 such assessment.

8770 (4) Each notice shall state that at the specified time and place, the governing body will
8771 hold a public hearing upon the proposed assessments and shall state that any owner of any
8772 property to be assessed pursuant to the resolution will be heard on the question of whether his
8773 property will be benefited by the proposed improvement to the amount of the proposed
8774 assessment against his property and whether the amount assessed against his property
8775 constitutes more than his proper proportional share of the total cost of the improvement.

8776 (5) The notice shall further state where a copy of the resolution proposed to be adopted
8777 levying the assessments against all real property in the district will be on file for public
8778 inspection, and that subject to such changes and corrections therein as may be made by the
8779 governing body, it is proposed to adopt the resolution at the conclusion of the hearing.

8780 (6) A published notice shall describe the boundaries or area of the district with
8781 sufficient particularity to permit each owner of real property therein to ascertain that his
8782 property lies in the district.

8783 (7) The mailed notice may refer to the district by name and date of creation and shall
8784 state the amount of the assessment proposed to be levied against the real property of the person
8785 to whom the notice is mailed.

8786 Section 163. Section **57-11-11** is amended to read:

8787 **57-11-11. Rules of division -- Filing advertising material -- Injunctions --**
8788 **Intervention by division in suits -- General powers of division.**

8789 (1) (a) The division shall prescribe reasonable rules which shall be adopted, amended,
8790 or repealed only after a public hearing.

8791 (b) The division shall:

8792 (i) publish notice of the public hearing described in Subsection (1)(a):

8793 (A) once in a newspaper or newspapers with statewide circulation and at least 20 days
8794 before the hearing; and

8795 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
8796 at least 20 days before the hearing; and

8797 (ii) send a notice to a nonprofit organization which files a written request for notice

8798 with the division at least 20 days prior to the hearing.

8799 (2) The rules shall include but need not be limited to:

8800 (a) provisions for advertising standards to assure full and fair disclosure; and

8801 (b) provisions for escrow or trust agreements, performance bonds, or other means

8802 reasonably necessary to assure that all improvements referred to in the application for

8803 registration and advertising will be completed and that purchasers will receive the interest in

8804 land contracted for.

8805 (3) These provisions, however, shall not be required if the city or county in which the

8806 subdivision is located requires similar means of assurance of a nature and in an amount no less

8807 adequate than is required under said rules:

8808 (a) provisions for operating procedures;

8809 (b) provisions for a shortened form of registration in cases where the division

8810 determines that the purposes of this act do not require a subdivision to be registered pursuant to

8811 an application containing all the information required by Section 57-11-6 or do not require that

8812 the public offering statement contain all the information required by Section 57-11-7; and

8813 (c) other rules necessary and proper to accomplish the purpose of this chapter.

8814 (4) The division by rule or order, after reasonable notice, may require the filing of

8815 advertising material relating to subdivided lands prior to its distribution, provided that the

8816 division must approve or reject any advertising material within 15 days from the receipt thereof

8817 or the material shall be considered approved.

8818 (5) If it appears that a person has engaged or is about to engage in an act or practice

8819 constituting a violation of a provision of this chapter or a rule or order hereunder, the agency,

8820 with or without prior administrative proceedings, may bring an action in the district court of the

8821 district where said person maintains his residence or a place of business or where said act or

8822 practice has occurred or is about to occur, to enjoin the acts or practices and to enforce

8823 compliance with this chapter or any rule or order hereunder. Upon proper showing, injunctive

8824 relief or temporary restraining orders shall be granted, and a receiver or conservator may be

8825 appointed. The division shall not be required to post a bond in any court proceedings.

8826 (6) The division shall be allowed to intervene in a suit involving subdivided lands,

8827 either as a party or as an amicus curiae, where it appears that the interpretation or

8828 constitutionality of any provision of law will be called into question. In any suit by or against a

8829 subdivider involving subdivided lands, the subdivider promptly shall furnish the agency notice
8830 of the suit and copies of all pleadings. Failure to do so may, in the discretion of the division,
8831 constitute grounds for the division withholding any approval required by this chapter.

8832 (7) The division may:

8833 (a) accept registrations filed in other states or with the federal government;

8834 (b) contract with public agencies or qualified private persons in this state or other
8835 jurisdictions to perform investigative functions; and

8836 (c) accept grants-in-aid from any source.

8837 (8) The division shall cooperate with similar agencies in other jurisdictions to establish
8838 uniform filing procedures and forms, uniform public offering statements, advertising standards,
8839 rules, and common administrative practices.

8840 Section 164. Section **59-1-206** is amended to read:

8841 **59-1-206. Appointment of staff -- Executive director -- Compensation --**

8842 **Administrative secretary -- Internal audit unit -- Appeals office staff -- Division directors**
8843 **-- Criminal tax investigators.**

8844 (1) The commission shall appoint the following persons who are qualified,
8845 knowledgeable, and experienced in matters relating to their respective positions, exempt under
8846 Title [67] 63A, Chapter [19] 17, Utah State Personnel Management Act, to serve at the
8847 pleasure of, and who are directly accountable to, the commission:

8848 (a) in consultation with the governor and with the advice and consent of the Senate, an
8849 executive director;

8850 (b) an administrative secretary;

8851 (c) an internal audit unit; and

8852 (d) an appeals staff.

8853 (2) The governor shall establish the executive director's salary within the salary range
8854 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

8855 (3) Division directors shall be appointed by the executive director subject to the
8856 approval of the commission. The division directors are exempt employees under Title [67]
8857 63A, Chapter [19] 17, Utah State Personnel Management Act.

8858 (4) (a) The executive director may with the approval of the commission employ
8859 additional staff necessary to perform the duties and responsibilities of the commission. These

8860 employees are subject to Title [67] 63A, Chapter [49] 17, Utah State Personnel Management
8861 Act.

8862 (b) (i) The executive director may under Subsection (4)(a) employ criminal tax
8863 investigators to help the commission carry out its duties and responsibilities regarding criminal
8864 provisions of the state tax laws. The executive director may not employ more than eight
8865 criminal tax investigators at one time.

8866 (ii) The executive director may designate investigators hired under this Subsection
8867 (4)(b) as special function officers, as defined in Section 53-13-105, to enforce the criminal
8868 provisions of the state tax laws.

8869 (iii) Notwithstanding Section 49-15-201, any special function officer designated under
8870 this Subsection (4)(b) may not become or be designated as a member of the Public Safety
8871 Retirement Systems.

8872 (5) The internal audit unit shall provide the following:

8873 (a) an examination to determine the honesty and integrity of fiscal affairs, the accuracy
8874 and reliability of financial statements and reports, and the adequacy and effectiveness of
8875 financial controls to properly record and safeguard the acquisition, custody, and use of public
8876 funds;

8877 (b) an examination to determine whether commission administrators have faithfully
8878 adhered to commission policies and legislative intent;

8879 (c) an examination to determine whether the operations of the divisions and other units
8880 of the commission have been conducted in an efficient and effective manner;

8881 (d) an examination to determine whether the programs administered by the divisions
8882 and other units of the commission have been effective in accomplishing intended objectives;
8883 and

8884 (e) an examination to determine whether management control and information systems
8885 are adequate and effective in assuring that commission programs are administered faithfully,
8886 efficiently, and effectively.

8887 (6) The appeals office shall receive and hear appeals to the commission and shall
8888 conduct the hearings in compliance with formal written rules approved by the commission.
8889 The commission has final review authority over the appeals.

8890 Section 165. Section 59-2-919 is amended to read:

8891 **59-2-919. Notice and public hearing requirements for certain tax increases --**

8892 **Exceptions.**

8893 (1) As used in this section:

8894 (a) "Additional ad valorem tax revenue" means ad valorem property tax revenue

8895 generated by the portion of the tax rate that exceeds the taxing entity's certified tax rate.

8896 (b) "Ad valorem tax revenue" means ad valorem property tax revenue not including

8897 revenue from:

8898 (i) eligible new growth as defined in Section 59-2-924; or

8899 (ii) personal property that is:

8900 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and

8901 (B) semiconductor manufacturing equipment.

8902 (c) "Calendar year taxing entity" means a taxing entity that operates under a fiscal year

8903 that begins on January 1 and ends on December 31.

8904 (d) "County executive calendar year taxing entity" means a calendar year taxing entity

8905 that operates under the county executive-council form of government described in Section

8906 17-52a-203.

8907 (e) "Current calendar year" means the calendar year immediately preceding the

8908 calendar year for which a calendar year taxing entity seeks to levy a tax rate that exceeds the

8909 calendar year taxing entity's certified tax rate.

8910 (f) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year that

8911 begins on July 1 and ends on June 30.

8912 (g) "Last year's property tax budgeted revenue" does not include revenue received by a

8913 taxing entity from a debt service levy voted on by the public.

8914 (2) A taxing entity may not levy a tax rate that exceeds the taxing entity's certified tax

8915 rate unless the taxing entity meets:

8916 (a) the requirements of this section that apply to the taxing entity; and

8917 (b) all other requirements as may be required by law.

8918 (3) (a) Subject to Subsection (3)(b) and except as provided in Subsection (5), a calendar

8919 year taxing entity may levy a tax rate that exceeds the calendar year taxing entity's certified tax

8920 rate if the calendar year taxing entity:

8921 (i) 14 or more days before the date of the regular general election or municipal general

8922 election held in the current calendar year, states at a public meeting:

8923 (A) that the calendar year taxing entity intends to levy a tax rate that exceeds the
8924 calendar year taxing entity's certified tax rate;

8925 (B) the dollar amount of and purpose for additional ad valorem tax revenue that would
8926 be generated by the proposed increase in the certified tax rate; and

8927 (C) the approximate percentage increase in ad valorem tax revenue for the taxing entity
8928 based on the proposed increase described in Subsection (3)(a)(i)(B);

8929 (ii) provides notice for the public meeting described in Subsection (3)(a)(i) in
8930 accordance with Title 52, Chapter 4, Open and Public Meetings Act, including providing a
8931 separate item on the meeting agenda that notifies the public that the calendar year taxing entity
8932 intends to make the statement described in Subsection (3)(a)(i);

8933 (iii) meets the advertisement requirements of Subsections (6) and (7) before the
8934 calendar year taxing entity conducts the public hearing required by Subsection (3)(a)(v);

8935 (iv) provides notice by mail:

8936 (A) seven or more days before the regular general election or municipal general
8937 election held in the current calendar year; and

8938 (B) as provided in Subsection (3)(c); and

8939 (v) conducts a public hearing that is held:

8940 (A) in accordance with Subsections (8) and (9); and

8941 (B) in conjunction with the public hearing required by Section [17-36-13](#) or [17B-1-610](#).

8942 (b) (i) For a county executive calendar year taxing entity, the statement described in
8943 Subsection (3)(a)(i) shall be made by the:

8944 (A) county council;

8945 (B) county executive; or

8946 (C) both the county council and county executive.

8947 (ii) If the county council makes the statement described in Subsection (3)(a)(i) or the
8948 county council states a dollar amount of additional ad valorem tax revenue that is greater than
8949 the amount of additional ad valorem tax revenue previously stated by the county executive in
8950 accordance with Subsection (3)(a)(i), the county executive calendar year taxing entity shall:

8951 (A) make the statement described in Subsection (3)(a)(i) 14 or more days before the
8952 county executive calendar year taxing entity conducts the public hearing under Subsection

8953 (3)(a)(v); and
8954 (B) provide the notice required by Subsection (3)(a)(iv) 14 or more days before the
8955 county executive calendar year taxing entity conducts the public hearing required by
8956 Subsection (3)(a)(v).
8957 (c) The notice described in Subsection (3)(a)(iv):
8958 (i) shall be mailed to each owner of property:
8959 (A) within the calendar year taxing entity; and
8960 (B) listed on the assessment roll;
8961 (ii) shall be printed on a separate form that:
8962 (A) is developed by the commission;
8963 (B) states at the top of the form, in bold upper-case type no smaller than 18 point
8964 "NOTICE OF PROPOSED TAX INCREASE"; and
8965 (C) may be mailed with the notice required by Section [59-2-1317](#);
8966 (iii) shall contain for each property described in Subsection (3)(c)(i):
8967 (A) the value of the property for the current calendar year;
8968 (B) the tax on the property for the current calendar year; and
8969 (C) subject to Subsection (3)(d), for the calendar year for which the calendar year
8970 taxing entity seeks to levy a tax rate that exceeds the calendar year taxing entity's certified tax
8971 rate, the estimated tax on the property;
8972 (iv) shall contain the following statement:
8973 "[Insert name of taxing entity] is proposing a tax increase for [insert applicable calendar
8974 year]. This notice contains estimates of the tax on your property and the proposed tax increase
8975 on your property as a result of this tax increase. These estimates are calculated on the basis of
8976 [insert previous applicable calendar year] data. The actual tax on your property and proposed
8977 tax increase on your property may vary from this estimate.";
8978 (v) shall state the date, time, and place of the public hearing described in Subsection
8979 (3)(a)(v); and
8980 (vi) may contain other property tax information approved by the commission.
8981 (d) For purposes of Subsection (3)(c)(iii)(C), a calendar year taxing entity shall
8982 calculate the estimated tax on property on the basis of:
8983 (i) data for the current calendar year; and

8984 (ii) the amount of additional ad valorem tax revenue stated in accordance with this
8985 section.

8986 (4) Except as provided in Subsection (5), a fiscal year taxing entity may levy a tax rate
8987 that exceeds the fiscal year taxing entity's certified tax rate if the fiscal year taxing entity:

8988 (a) provides notice by meeting the advertisement requirements of Subsections (6) and
8989 (7) before the fiscal year taxing entity conducts the public meeting at which the fiscal year
8990 taxing entity's annual budget is adopted; and

8991 (b) conducts a public hearing in accordance with Subsections (8) and (9) before the
8992 fiscal year taxing entity's annual budget is adopted.

8993 (5) (a) A taxing entity is not required to meet the notice or public hearing requirements
8994 of Subsection (3) or (4) if the taxing entity is expressly exempted by law from complying with
8995 the requirements of this section.

8996 (b) A taxing entity is not required to meet the notice requirements of Subsection (3) or
8997 (4) if:

8998 (i) Section [53F-8-301](#) allows the taxing entity to levy a tax rate that exceeds that
8999 certified tax rate without having to comply with the notice provisions of this section; or

9000 (ii) the taxing entity:

9001 (A) budgeted less than \$20,000 in ad valorem tax revenue for the previous fiscal year;

9002 and

9003 (B) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax
9004 revenue.

9005 (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this
9006 section shall be published:

9007 (i) subject to Section [45-1-101](#), in a newspaper or combination of newspapers of
9008 general circulation in the taxing entity;

9009 (ii) electronically in accordance with Section [45-1-101](#); and

9010 (iii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#).

9011 (b) The advertisement described in Subsection (6)(a)(i) shall:

9012 (i) be no less than 1/4 page in size;

9013 (ii) use type no smaller than 18 point; and

9014 (iii) be surrounded by a 1/4-inch border.

9015 (c) The advertisement described in Subsection (6)(a)(i) may not be placed in that
9016 portion of the newspaper where legal notices and classified advertisements appear.

9017 (d) It is the intent of the Legislature that:

9018 (i) whenever possible, the advertisement described in Subsection (6)(a)(i) appear in a
9019 newspaper that is published at least one day per week; and

9020 (ii) the newspaper or combination of newspapers selected:

9021 (A) be of general interest and readership in the taxing entity; and

9022 (B) not be of limited subject matter.

9023 (e) (i) The advertisement described in Subsection (6)(a)(i) shall:

9024 (A) except as provided in Subsection (6)(f), be run once each week for the two weeks
9025 before a taxing entity conducts a public hearing described under Subsection (3)(a)(v) or (4)(b);
9026 and

9027 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the
9028 advertisement, which shall be seven or more days after the day the first advertisement is
9029 published, for the purpose of hearing comments regarding any proposed increase and to explain
9030 the reasons for the proposed increase.

9031 (ii) The advertisement described in Subsection (6)(a)(ii) shall:

9032 (A) be published two weeks before a taxing entity conducts a public hearing described
9033 in Subsection (3)(a)(v) or (4)(b); and

9034 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the
9035 advertisement, which shall be seven or more days after the day the first advertisement is
9036 published, for the purpose of hearing comments regarding any proposed increase and to explain
9037 the reasons for the proposed increase.

9038 (f) If a fiscal year taxing entity's public hearing information is published by the county
9039 auditor in accordance with Section [59-2-919.2](#), the fiscal year taxing entity is not subject to the
9040 requirement to run the advertisement twice, as required by Subsection (6)(e)(i), but shall run
9041 the advertisement once during the week before the fiscal year taxing entity conducts a public
9042 hearing at which the taxing entity's annual budget is discussed.

9043 (g) For purposes of Subsection (3)(a)(iii) or (4)(a), the form and content of an
9044 advertisement shall be substantially as follows:

9045 "NOTICE OF PROPOSED TAX INCREASE

9046 (NAME OF TAXING ENTITY)

9047 The (name of the taxing entity) is proposing to increase its property tax revenue.

9048 • The (name of the taxing entity) tax on a (insert the average value of a residence
9049 in the taxing entity rounded to the nearest thousand dollars) residence would
9050 increase from \$ _____ to \$ _____, which is \$ _____ per year.

9051 • The (name of the taxing entity) tax on a (insert the value of a business having
9052 the same value as the average value of a residence in the taxing entity) business
9053 would increase from \$ _____ to \$ _____, which is \$ _____ per year.

9054 • If the proposed budget is approved, (name of the taxing entity) would increase
9055 its property tax budgeted revenue by ___% above last year's property tax
9056 budgeted revenue excluding eligible new growth.

9057 All concerned citizens are invited to a public hearing on the tax increase.

9058 PUBLIC HEARING

9059 Date/Time: (date) (time)

9060 Location: (name of meeting place and address of meeting place)

9061 To obtain more information regarding the tax increase, citizens may contact the (name
9062 of the taxing entity) at (phone number of taxing entity)."

9063 (7) The commission:

9064 (a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
9065 Rulemaking Act, governing the joint use of one advertisement described in Subsection (6) by
9066 two or more taxing entities; and

9067 (b) subject to Section 45-1-101, may authorize:

9068 (i) the use of a weekly newspaper:

9069 (A) in a county having both daily and weekly newspapers if the weekly newspaper
9070 would provide equal or greater notice to the taxpayer; and

9071 (B) if the county petitions the commission for the use of the weekly newspaper; or

9072 (ii) the use by a taxing entity of a commission approved direct notice to each taxpayer

9073 if:

9074 (A) the cost of the advertisement would cause undue hardship;

9075 (B) the direct notice is different and separate from that provided for in Section

9076 59-2-919.1; and

9077 (C) the taxing entity petitions the commission for the use of a commission approved
9078 direct notice.

9079 (8) (a) (i) (A) A fiscal year taxing entity shall, on or before March 1, notify the county
9080 legislative body in which the fiscal year taxing entity is located of the date, time, and place of
9081 the first public hearing at which the fiscal year taxing entity's annual budget will be discussed.

9082 (B) A county that receives notice from a fiscal year taxing entity under Subsection
9083 (8)(a)(i)(A) shall include on the notice required by Section 59-2-919.1 the date, time, and place
9084 of the public hearing described in Subsection (8)(a)(i)(A).

9085 (ii) A calendar year taxing entity shall, on or before October 1 of the current calendar
9086 year, notify the county legislative body in which the calendar year taxing entity is located of the
9087 date, time, and place of the first public hearing at which the calendar year taxing entity's annual
9088 budget will be discussed.

9089 (b) (i) A public hearing described in Subsection (3)(a)(v) or (4)(b) shall be:

9090 (A) open to the public; and

9091 (B) held at a meeting of the taxing entity with no items on the agenda other than
9092 discussion and action on the taxing entity's intent to levy a tax rate that exceeds the taxing
9093 entity's certified tax rate, the taxing entity's budget, a local district's or special service district's
9094 fee implementation or increase, or a combination of these items.

9095 (ii) The governing body of a taxing entity conducting a public hearing described in
9096 Subsection (3)(a)(v) or (4)(b) shall provide an interested party desiring to be heard an
9097 opportunity to present oral testimony:

9098 (A) within reasonable time limits; and

9099 (B) without unreasonable restriction on the number of individuals allowed to make
9100 public comment.

9101 (c) (i) Except as provided in Subsection (8)(c)(ii), a taxing entity may not schedule a
9102 public hearing described in Subsection (3)(a)(v) or (4)(b) at the same time as the public hearing
9103 of another overlapping taxing entity in the same county.

9104 (ii) The taxing entities in which the power to set tax levies is vested in the same
9105 governing board or authority may consolidate the public hearings described in Subsection
9106 (3)(a)(v) or (4)(b) into one public hearing.

9107 (d) A county legislative body shall resolve any conflict in public hearing dates and

9108 times after consultation with each affected taxing entity.

9109 (e) (i) A taxing entity shall hold a public hearing described in Subsection (3)(a)(v) or
9110 (4)(b) beginning at or after 6 p.m.

9111 (ii) If a taxing entity holds a public meeting for the purpose of addressing general
9112 business of the taxing entity on the same date as a public hearing described in Subsection
9113 (3)(a)(v) or (4)(b), the public meeting addressing general business items shall conclude before
9114 the beginning of the public hearing described in Subsection (3)(a)(v) or (4)(b).

9115 (f) (i) Except as provided in Subsection (8)(f)(ii), a taxing entity may not hold the
9116 public hearing described in Subsection (3)(a)(v) or (4)(b) on the same date as another public
9117 hearing of the taxing entity.

9118 (ii) A taxing entity may hold the following hearings on the same date as a public
9119 hearing described in Subsection (3)(a)(v) or (4)(b):

9120 (A) a budget hearing;

9121 (B) if the taxing entity is a local district or a special service district, a fee hearing
9122 described in Section [17B-1-643](#);

9123 (C) if the taxing entity is a town, an enterprise fund hearing described in Section
9124 [10-5-107.5](#); or

9125 (D) if the taxing entity is a city, an enterprise fund hearing described in Section
9126 [10-6-135.5](#).

9127 (9) (a) If a taxing entity does not make a final decision on budgeting additional ad
9128 valorem tax revenue at a public hearing described in Subsection (3)(a)(v) or (4)(b), the taxing
9129 entity shall:

9130 (i) announce at that public hearing the scheduled time and place of the next public
9131 meeting at which the taxing entity will consider budgeting the additional ad valorem tax
9132 revenue; and

9133 (ii) if the taxing entity is a fiscal year taxing entity, hold the public meeting described
9134 in Subsection (9)(a)(i) before September 1.

9135 (b) A calendar year taxing entity may not adopt a final budget that budgets an amount
9136 of additional ad valorem tax revenue that exceeds the largest amount of additional ad valorem
9137 tax revenue stated at a public meeting under Subsection (3)(a)(i).

9138 (c) A public hearing on levying a tax rate that exceeds a fiscal year taxing entity's

9139 certified tax rate may coincide with a public hearing on the fiscal year taxing entity's proposed
9140 annual budget.

9141 Section 166. Section **59-2-919.2** is amended to read:

9142 **59-2-919.2. Consolidated advertisement of public hearings.**

9143 (1) (a) Except as provided in Subsection (1)(b), on the same day on which a taxing
9144 entity provides the notice to the county required under Subsection **59-2-919(8)(a)(i)**, the taxing
9145 entity shall provide to the county auditor the information required by Subsection
9146 **59-2-919(8)(a)(i)**.

9147 (b) A taxing entity is not required to notify the county auditor of the taxing entity's
9148 public hearing in accordance with Subsection (1)(a) if the taxing entity is exempt from the
9149 notice requirements of Section **59-2-919**.

9150 (2) If as of July 22, two or more taxing entities notify the county auditor under
9151 Subsection (1), the county auditor shall by no later than July 22 of each year:

9152 (a) compile a list of the taxing entities that notify the county auditor under Subsection
9153 (1);

9154 (b) include on the list described in Subsection (2)(a), the following information for
9155 each taxing entity on the list:

9156 (i) the name of the taxing entity;

9157 (ii) the date, time, and location of the public hearing described in Subsection
9158 **59-2-919(8)(a)(i)**;

9159 (iii) the average dollar increase on a residence in the taxing entity that the proposed tax
9160 increase would generate; and

9161 (iv) the average dollar increase on a business in the taxing entity that the proposed tax
9162 increase would generate;

9163 (c) provide a copy of the list described in Subsection (2)(a) to each taxing entity that
9164 notifies the county auditor under Subsection (1); and

9165 (d) in addition to the requirements of Subsection (3), if the county has a webpage,
9166 publish a copy of the list described in Subsection (2)(a) on the county's webpage until
9167 December 31.

9168 (3) (a) At least two weeks before any public hearing included in the list under
9169 Subsection (2) is held, the county auditor shall publish:

- 9170 (i) the list compiled under Subsection (2); and
- 9171 (ii) a statement that:
- 9172 (A) the list is for informational purposes only;
- 9173 (B) the list should not be relied on to determine a person's tax liability under this
- 9174 chapter; and
- 9175 (C) for specific information related to the tax liability of a taxpayer, the taxpayer
- 9176 should review the taxpayer's tax notice received under Section [59-2-919.1](#).
- 9177 (b) Except as provided in Subsection (3)(d)(ii), the information described in Subsection
- 9178 (3)(a) shall be published:
- 9179 (i) in no less than 1/4 page in size;
- 9180 (ii) in type no smaller than 18 point; and
- 9181 (iii) surrounded by a 1/4-inch border.
- 9182 (c) The published information described in Subsection (3)(a) and published in
- 9183 accordance with Subsection (3)(d)(i) may not be placed in the portion of a newspaper where a
- 9184 legal notice or classified advertisement appears.
- 9185 (d) A county auditor shall publish the information described in Subsection (3)(a):
- 9186 (i) (A) in a newspaper or combination of newspapers that are:
- 9187 (I) published at least one day per week;
- 9188 (II) of general interest and readership in the county; and
- 9189 (III) not of limited subject matter; and
- 9190 (B) once each week for the two weeks preceding the first hearing included in the list
- 9191 compiled under Subsection (2); and
- 9192 (ii) for two weeks preceding the first hearing included in the list compiled under
- 9193 Subsection (2):
- 9194 (A) as required in Section [45-1-101](#); and
- 9195 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#).
- 9196 (4) A taxing entity that notifies the county auditor under Subsection (1) shall provide
- 9197 the list described in Subsection (2)(c) to a person:
- 9198 (a) who attends the public hearing described in Subsection [59-2-919\(8\)\(a\)\(i\)](#) of the
- 9199 taxing entity; or
- 9200 (b) who requests a copy of the list.

9201 (5) (a) A county auditor shall by no later than 30 days from the day on which the last
9202 publication of the information required by Subsection (3)(a) is made:

9203 (i) determine the costs of compiling and publishing the list; and

9204 (ii) charge each taxing entity included on the list an amount calculated by dividing the
9205 amount determined under Subsection (5)(a) by the number of taxing entities on the list.

9206 (b) A taxing entity shall pay the county auditor the amount charged under Subsection
9207 (5)(a).

9208 (6) The publication of the list under this section does not remove or change the notice
9209 requirements of Section 59-2-919 for a taxing entity.

9210 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
9211 commission may make rules:

9212 (a) relating to the publication of a consolidated advertisement which includes the
9213 information described in Subsection (2) for a taxing entity that overlaps two or more counties;

9214 (b) relating to the payment required in Subsection (5)(b); and

9215 (c) to oversee the administration of this section and provide for uniform
9216 implementation.

9217 Section 167. Section 59-12-1102 is amended to read:

9218 **59-12-1102. Base -- Rate -- Imposition of tax -- Distribution of revenue --**
9219 **Administration -- Administrative charge -- Commission requirement to retain an amount**
9220 **to be deposited into the Qualified Emergency Food Agencies Fund -- Enactment or repeal**
9221 **of tax -- Effective date -- Notice requirements.**

9222 (1) (a) (i) Subject to Subsections (2) through (6), and in addition to any other tax
9223 authorized by this chapter, a county may impose by ordinance a county option sales and use tax
9224 of .25% upon the transactions described in Subsection 59-12-103(1).

9225 (ii) Notwithstanding Subsection (1)(a)(i), a county may not impose a tax under this
9226 section on the sales and uses described in Section 59-12-104 to the extent the sales and uses are
9227 exempt from taxation under Section 59-12-104.

9228 (b) For purposes of this Subsection (1), the location of a transaction shall be
9229 determined in accordance with Sections 59-12-211 through 59-12-215.

9230 (c) The county option sales and use tax under this section shall be imposed:

9231 (i) upon transactions that are located within the county, including transactions that are

9232 located within municipalities in the county; and

9233 (ii) except as provided in Subsection (1)(d) or (5), beginning on the first day of

9234 January:

9235 (A) of the next calendar year after adoption of the ordinance imposing the tax if the

9236 ordinance is adopted on or before May 25; or

9237 (B) of the second calendar year after adoption of the ordinance imposing the tax if the

9238 ordinance is adopted after May 25.

9239 (d) The county option sales and use tax under this section shall be imposed:

9240 (i) beginning January 1, 1998, if an ordinance adopting the tax imposed on or before

9241 September 4, 1997; or

9242 (ii) beginning January 1, 1999, if an ordinance adopting the tax is imposed during 1997

9243 but after September 4, 1997.

9244 (2) (a) Before imposing a county option sales and use tax under Subsection (1), a

9245 county shall hold two public hearings on separate days in geographically diverse locations in

9246 the county.

9247 (b) (i) At least one of the hearings required by Subsection (2)(a) shall have a starting

9248 time of no earlier than 6 p.m.

9249 (ii) The earlier of the hearings required by Subsection (2)(a) shall be no less than seven

9250 days after the day the first advertisement required by Subsection (2)(c) is published.

9251 (c) (i) Before holding the public hearings required by Subsection (2)(a), the county

9252 shall advertise:

9253 (A) its intent to adopt a county option sales and use tax;

9254 (B) the date, time, and location of each public hearing; and

9255 (C) a statement that the purpose of each public hearing is to obtain public comments

9256 regarding the proposed tax.

9257 (ii) The advertisement shall be published:

9258 (A) in a newspaper of general circulation in the county once each week for the two

9259 weeks preceding the earlier of the two public hearings; and

9260 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for

9261 two weeks preceding the earlier of the two public hearings.

9262 (iii) The advertisement described in Subsection (2)(c)(ii)(A) shall be no less than 1/8

9263 page in size, and the type used shall be no smaller than 18 point and surrounded by a 1/4-inch
9264 border.

9265 (iv) The advertisement described in Subsection (2)(c)(ii)(A) may not be placed in that
9266 portion of the newspaper where legal notices and classified advertisements appear.

9267 (v) In accordance with Subsection (2)(c)(ii)(A), whenever possible:

9268 (A) the advertisement shall appear in a newspaper that is published at least five days a
9269 week, unless the only newspaper in the county is published less than five days a week; and

9270 (B) the newspaper selected shall be one of general interest and readership in the
9271 community, and not one of limited subject matter.

9272 (d) The adoption of an ordinance imposing a county option sales and use tax is subject
9273 to a local referendum election and shall be conducted as provided in Title 20A, Chapter 7, Part
9274 6, Local Referenda - Procedures.

9275 (3) (a) Subject to Subsection (5), if the aggregate population of the counties imposing a
9276 county option sales and use tax under Subsection (1) is less than 75% of the state population,
9277 the tax levied under Subsection (1) shall be distributed to the county in which the tax was
9278 collected.

9279 (b) Subject to Subsection (5), if the aggregate population of the counties imposing a
9280 county option sales and use tax under Subsection (1) is greater than or equal to 75% of the state
9281 population:

9282 (i) 50% of the tax collected under Subsection (1) in each county shall be distributed to
9283 the county in which the tax was collected; and

9284 (ii) except as provided in Subsection (3)(c), 50% of the tax collected under Subsection
9285 (1) in each county shall be distributed proportionately among all counties imposing the tax,
9286 based on the total population of each county.

9287 (c) Except as provided in Subsection (5), the amount to be distributed annually to a
9288 county under Subsection (3)(b)(ii), when combined with the amount distributed to the county
9289 under Subsection (3)(b)(i), does not equal at least \$75,000, then:

9290 (i) the amount to be distributed annually to that county under Subsection (3)(b)(ii) shall
9291 be increased so that, when combined with the amount distributed to the county under
9292 Subsection (3)(b)(i), the amount distributed annually to the county is \$75,000; and

9293 (ii) the amount to be distributed annually to all other counties under Subsection

9294 (3)(b)(ii) shall be reduced proportionately to offset the additional amount distributed under
9295 Subsection (3)(c)(i).

9296 (d) The commission shall establish rules to implement the distribution of the tax under
9297 Subsections (3)(a), (b), and (c).

9298 (4) (a) Except as provided in Subsection (4)(b) or (c), a tax authorized under this part
9299 shall be administered, collected, and enforced in accordance with:

9300 (i) the same procedures used to administer, collect, and enforce the tax under:

9301 (A) Part 1, Tax Collection; or

9302 (B) Part 2, Local Sales and Use Tax Act; and

9303 (ii) Chapter 1, General Taxation Policies.

9304 (b) A tax under this part is not subject to Subsections 59-12-205(2) through (6).

9305 (c) (i) Subject to Subsection (4)(c)(ii), the commission shall retain and deposit an
9306 administrative charge in accordance with Section 59-1-306 from the revenue the commission
9307 collects from a tax under this part.

9308 (ii) Notwithstanding Section 59-1-306, the administrative charge described in
9309 Subsection (4)(c)(i) shall be calculated by taking a percentage described in Section 59-1-306 of
9310 the distribution amounts resulting after:

9311 (A) the applicable distribution calculations under Subsection (3) have been made; and

9312 (B) the commission retains the amount required by Subsection (5).

9313 (5) (a) Beginning on July 1, 2009, the commission shall calculate and retain a portion
9314 of the sales and use tax collected under this part as provided in this Subsection (5).

9315 (b) For a county that imposes a tax under this part, the commission shall calculate a
9316 percentage each month by dividing the sales and use tax collected under this part for that
9317 month within the boundaries of that county by the total sales and use tax collected under this
9318 part for that month within the boundaries of all of the counties that impose a tax under this part.

9319 (c) For a county that imposes a tax under this part, the commission shall retain each
9320 month an amount equal to the product of:

9321 (i) the percentage the commission determines for the month under Subsection (5)(b)
9322 for the county; and

9323 (ii) \$6,354.

9324 (d) The commission shall deposit an amount the commission retains in accordance

9325 with this Subsection (5) into the Qualified Emergency Food Agencies Fund created by Section
9326 35A-8-1009.

9327 (e) An amount the commission deposits into the Qualified Emergency Food Agencies
9328 Fund shall be expended as provided in Section 35A-8-1009.

9329 (6) (a) For purposes of this Subsection (6):

9330 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2, County
9331 Consolidations and Annexations.

9332 (ii) "Annexing area" means an area that is annexed into a county.

9333 (b) (i) Except as provided in Subsection (6)(c) or (d), if, on or after July 1, 2004, a
9334 county enacts or repeals a tax under this part:

9335 (A) (I) the enactment shall take effect as provided in Subsection (1)(c); or

9336 (II) the repeal shall take effect on the first day of a calendar quarter; and

9337 (B) after a 90-day period beginning on the date the commission receives notice meeting
9338 the requirements of Subsection (6)(b)(ii) from the county.

9339 (ii) The notice described in Subsection (6)(b)(i)(B) shall state:

9340 (A) that the county will enact or repeal a tax under this part;

9341 (B) the statutory authority for the tax described in Subsection (6)(b)(ii)(A);

9342 (C) the effective date of the tax described in Subsection (6)(b)(ii)(A); and

9343 (D) if the county enacts the tax described in Subsection (6)(b)(ii)(A), the rate of the
9344 tax.

9345 (c) (i) If the billing period for a transaction begins before the effective date of the
9346 enactment of the tax under Subsection (1), the enactment of the tax takes effect on the first day
9347 of the first billing period that begins on or after the effective date of the enactment of the tax.

9348 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing
9349 period is produced on or after the effective date of the repeal of the tax imposed under
9350 Subsection (1).

9351 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
9352 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
9353 Subsection (6)(b)(i) takes effect:

9354 (A) on the first day of a calendar quarter; and

9355 (B) beginning 60 days after the effective date of the enactment or repeal under

9356 Subsection (6)(b)(i).

9357 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
9358 commission may by rule define the term "catalogue sale."

9359 (e) (i) Except as provided in Subsection (6)(f) or (g), if, for an annexation that occurs
9360 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this
9361 part for an annexing area, the enactment or repeal shall take effect:

9362 (A) on the first day of a calendar quarter; and

9363 (B) after a 90-day period beginning on the date the commission receives notice meeting
9364 the requirements of Subsection (6)(e)(ii) from the county that annexes the annexing area.

9365 (ii) The notice described in Subsection (6)(e)(i)(B) shall state:

9366 (A) that the annexation described in Subsection (6)(e)(i) will result in an enactment or
9367 repeal of a tax under this part for the annexing area;

9368 (B) the statutory authority for the tax described in Subsection (6)(e)(ii)(A);

9369 (C) the effective date of the tax described in Subsection (6)(e)(ii)(A); and

9370 (D) the rate of the tax described in Subsection (6)(e)(ii)(A).

9371 (f) (i) If the billing period for a transaction begins before the effective date of the
9372 enactment of the tax under Subsection (1), the enactment of the tax takes effect on the first day
9373 of the first billing period that begins on or after the effective date of the enactment of the tax.

9374 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing
9375 period is produced on or after the effective date of the repeal of the tax imposed under
9376 Subsection (1).

9377 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
9378 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
9379 Subsection (6)(e)(i) takes effect:

9380 (A) on the first day of a calendar quarter; and

9381 (B) beginning 60 days after the effective date of the enactment or repeal under
9382 Subsection (6)(e)(i).

9383 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
9384 commission may by rule define the term "catalogue sale."

9385 Section 168. Section **62A-1-109** is amended to read:

9386 **62A-1-109. Division directors -- Appointment -- Compensation -- Qualifications.**

9387 (1) The chief officer of each division and office enumerated in Section [62A-1-105](#) shall
9388 be a director who shall serve as the executive and administrative head of the division or office.

9389 (2) Each division director shall be appointed by the executive director with the
9390 concurrence of the division's board, if the division has a board.

9391 (3) The director of any division may be removed from that position at the will of the
9392 executive director after consultation with that division's board, if the division has a board.

9393 (4) Each office director shall be appointed by the executive director.

9394 (5) Directors of divisions and offices shall receive compensation as provided by Title
9395 [\[67\] 63A](#), Chapter [\[19\] 17](#), Utah State Personnel Management Act.

9396 (6) The director of each division and office shall be experienced in administration and
9397 possess such additional qualifications as determined by the executive director, and as provided
9398 by law.

9399 Section 169. Section **63A-5b-905** is amended to read:

9400 **63A-5b-905. Notice required before division may convey division-owned**
9401 **property.**

9402 (1) Before the division may convey vacant division-owned property, the division shall
9403 give notice as provided in Subsection (2).

9404 (2) A notice required under Subsection (1) shall:

9405 (a) identify and describe the vacant division-owned property;

9406 (b) indicate the availability of the vacant division-owned property;

9407 (c) invite persons interested in the vacant division-owned property to submit a written
9408 proposal to the division;

9409 (d) indicate the deadline for submitting a written proposal;

9410 (e) be posted on the division's website for at least 60 consecutive days before the
9411 deadline for submitting a written proposal, in a location specifically designated for notices
9412 dealing with vacant division-owned property;

9413 (f) be posted on the Utah Public Notice Website created in Section [\[63F-1-701\]](#)
9414 [63A-16-601](#) for at least 60 consecutive days before the deadline for submitting a written
9415 proposal; and

9416 (g) be sent by email to each person who has previously submitted to the division a
9417 written request to receive notices under this section.

9418 Section 170. Section **63D-2-102** is amended to read:

9419 **63D-2-102. Definitions.**

9420 As used in this chapter:

9421 (1) (a) "Collect" means the gathering of personally identifiable information:

9422 (i) from a user of a governmental website; or

9423 (ii) about a user of the governmental website.

9424 (b) "Collect" includes use of any identifying code linked to a user of a governmental
9425 website.

9426 (2) "Court website" means a website on the Internet that is operated by or on behalf of
9427 any court created in Title 78A, Chapter 1, Judiciary.

9428 (3) "Governmental entity" means:

9429 (a) an executive branch agency as defined in Section [~~63F-1-102~~] 63A-16-102;

9430 (b) the legislative branch;

9431 (c) the judicial branch;

9432 (d) the State Board of Education;

9433 (e) the Utah Board of Higher Education;

9434 (f) an institution of higher education; and

9435 (g) a political subdivision of the state:

9436 (i) as defined in Section 17B-1-102; and

9437 (ii) including a school district.

9438 (4) (a) "Governmental website" means a website on the Internet that is operated by or
9439 on behalf of a governmental entity.

9440 (b) "Governmental website" includes a court website.

9441 (5) "Governmental website operator" means a governmental entity or person acting on
9442 behalf of the governmental entity that:

9443 (a) operates a governmental website; and

9444 (b) collects or maintains personally identifiable information from or about a user of
9445 that website.

9446 (6) "Personally identifiable information" means information that identifies:

9447 (a) a user by:

9448 (i) name;

- 9449 (ii) account number;
- 9450 (iii) physical address;
- 9451 (iv) email address;
- 9452 (v) telephone number;
- 9453 (vi) Social Security number;
- 9454 (vii) credit card information; or
- 9455 (viii) bank account information;
- 9456 (b) a user as having requested or obtained specific materials or services from a
- 9457 governmental website;
- 9458 (c) Internet sites visited by a user; or
- 9459 (d) any of the contents of a user's data-storage device.
- 9460 (7) "User" means a person who accesses a governmental website.
- 9461 Section 171. Section **63E-2-109** is amended to read:
- 9462 **63E-2-109. State statutes.**
- 9463 (1) Except as specifically modified in its authorizing statute, each independent
- 9464 corporation shall be exempt from the statutes governing state agencies, including:
- 9465 (a) Title 51, Chapter 5, Funds Consolidation Act;
- 9466 (b) Title 51, Chapter 7, State Money Management Act;
- 9467 (c) except as provided in Subsection (2), Title 63A, Utah [~~Administrative Services~~]
- 9468 Government Operations Code;
- 9469 (d) Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 9470 (e) Title 63G, Chapter 4, Administrative Procedures Act;
- 9471 (f) Title 63G, Chapter 6a, Utah Procurement Code;
- 9472 (g) Title 63J, Chapter 1, Budgetary Procedures Act;
- 9473 (h) Title 63J, Chapter 2, Revenue Procedures and Control Act; and
- 9474 (i) Title [~~67~~] 63A, Chapter [~~19~~] 17, Utah State Personnel Management Act.
- 9475 (2) Except as specifically modified in its authorizing statute, each independent
- 9476 corporation shall be subject to:
- 9477 (a) Title 52, Chapter 4, Open and Public Meetings Act;
- 9478 (b) Title 63A, Chapter 1, Part 2, Utah Public Finance Website; and
- 9479 (c) Title 63G, Chapter 2, Government Records Access and Management Act.

9480 (3) Each independent corporation board may adopt its own policies and procedures
9481 governing its:

9482 (a) funds management;

9483 (b) audits; and

9484 (c) personnel.

9485 Section 172. Section **63G-6a-103** is amended to read:

9486 **63G-6a-103. Definitions.**

9487 As used in this chapter:

9488 (1) "Approved vendor" means a person who has been approved for inclusion on an
9489 approved vendor list through the approved vendor list process.

9490 (2) "Approved vendor list" means a list of approved vendors established under Section
9491 [63G-6a-507](#).

9492 (3) "Approved vendor list process" means the procurement process described in
9493 Section [63G-6a-507](#).

9494 (4) "Bidder" means a person who submits a bid or price quote in response to an
9495 invitation for bids.

9496 (5) "Bidding process" means the procurement process described in Part 6, Bidding.

9497 (6) "Board" means the Utah State Procurement Policy Board, created in Section
9498 [63G-6a-202](#).

9499 (7) "Building board" means the State Building Board, created in Section [63A-5b-201](#).

9500 (8) "Change directive" means a written order signed by the procurement officer that
9501 directs the contractor to suspend work or make changes, as authorized by contract, without the
9502 consent of the contractor.

9503 (9) "Change order" means a written alteration in specifications, delivery point, rate of
9504 delivery, period of performance, price, quantity, or other provisions of a contract, upon mutual
9505 agreement of the parties to the contract.

9506 (10) "Chief procurement officer" means the individual appointed under Subsection
9507 [63G-6a-302](#)(1).

9508 (11) "Conducting procurement unit" means a procurement unit that conducts all
9509 aspects of a procurement:

9510 (a) except:

- 9511 (i) reviewing a solicitation to verify that it is in proper form; and
9512 (ii) causing the publication of a notice of a solicitation; and
9513 (b) including:
9514 (i) preparing any solicitation document;
9515 (ii) appointing an evaluation committee;
9516 (iii) conducting the evaluation process, except the process relating to scores calculated
9517 for costs of proposals;
9518 (iv) selecting and recommending the person to be awarded a contract;
9519 (v) negotiating the terms and conditions of a contract, subject to the issuing
9520 procurement unit's approval; and
9521 (vi) contract administration.
9522 (12) "Conservation district" means the same as that term is defined in Section
9523 [17D-3-102](#).
9524 (13) "Construction project":
9525 (a) means a project for the construction, renovation, alteration, improvement, or repair
9526 of a public facility on real property, including all services, labor, supplies, and materials for the
9527 project; and
9528 (b) does not include services and supplies for the routine, day-to-day operation, repair,
9529 or maintenance of an existing public facility.
9530 (14) "Construction manager/general contractor":
9531 (a) means a contractor who enters into a contract:
9532 (i) for the management of a construction project; and
9533 (ii) that allows the contractor to subcontract for additional labor and materials that are
9534 not included in the contractor's cost proposal submitted at the time of the procurement of the
9535 contractor's services; and
9536 (b) does not include a contractor whose only subcontract work not included in the
9537 contractor's cost proposal submitted as part of the procurement of the contractor's services is to
9538 meet subcontracted portions of change orders approved within the scope of the project.
9539 (15) "Construction subcontractor":
9540 (a) means a person under contract with a contractor or another subcontractor to provide
9541 services or labor for the design or construction of a construction project;

9542 (b) includes a general contractor or specialty contractor licensed or exempt from
9543 licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and

9544 (c) does not include a supplier who provides only materials, equipment, or supplies to a
9545 contractor or subcontractor for a construction project.

9546 (16) "Contract" means an agreement for a procurement.

9547 (17) "Contract administration" means all functions, duties, and responsibilities
9548 associated with managing, overseeing, and carrying out a contract between a procurement unit
9549 and a contractor, including:

9550 (a) implementing the contract;

9551 (b) ensuring compliance with the contract terms and conditions by the conducting
9552 procurement unit and the contractor;

9553 (c) executing change orders;

9554 (d) processing contract amendments;

9555 (e) resolving, to the extent practicable, contract disputes;

9556 (f) curing contract errors and deficiencies;

9557 (g) terminating a contract;

9558 (h) measuring or evaluating completed work and contractor performance;

9559 (i) computing payments under the contract; and

9560 (j) closing out a contract.

9561 (18) "Contractor" means a person who is awarded a contract with a procurement unit.

9562 (19) "Cooperative procurement" means procurement conducted by, or on behalf of:

9563 (a) more than one procurement unit; or

9564 (b) a procurement unit and a cooperative purchasing organization.

9565 (20) "Cooperative purchasing organization" means an organization, association, or
9566 alliance of purchasers established to combine purchasing power in order to obtain the best
9567 value for the purchasers by engaging in procurements in accordance with Section [63G-6a-2105](#).

9568 (21) "Cost-plus-a-percentage-of-cost contract" means a contract under which the
9569 contractor is paid a percentage of the total actual expenses or costs in addition to the
9570 contractor's actual expenses or costs.

9571 (22) "Cost-reimbursement contract" means a contract under which a contractor is
9572 reimbursed for costs which are allowed and allocated in accordance with the contract terms and

9573 the provisions of this chapter, and a fee, if any.

9574 (23) "Days" means calendar days, unless expressly provided otherwise.

9575 (24) "Definite quantity contract" means a fixed price contract that provides for a
9576 specified amount of supplies over a specified period, with deliveries scheduled according to a
9577 specified schedule.

9578 (25) "Design professional" means:

9579 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects
9580 Licensing Act;

9581 (b) an individual licensed as a professional engineer or professional land surveyor
9582 under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing
9583 Act; or

9584 (c) an individual certified as a commercial interior designer under Title 58, Chapter 86,
9585 State Certification of Commercial Interior Designers Act.

9586 (26) "Design professional procurement process" means the procurement process
9587 described in Part 15, Design Professional Services.

9588 (27) "Design professional services" means:

9589 (a) professional services within the scope of the practice of architecture as defined in
9590 Section [58-3a-102](#);

9591 (b) professional engineering as defined in Section [58-22-102](#);

9592 (c) master planning and programming services; or

9593 (d) services within the scope of the practice of commercial interior design, as defined
9594 in Section [58-86-102](#).

9595 (28) "Design-build" means the procurement of design professional services and
9596 construction by the use of a single contract.

9597 (29) "Division" means the Division of Purchasing and General Services, created in
9598 Section [63A-2-101](#).

9599 (30) "Educational procurement unit" means:

9600 (a) a school district;

9601 (b) a public school, including a local school board or a charter school;

9602 (c) the Utah Schools for the Deaf and the Blind;

9603 (d) the Utah Education and Telehealth Network;

9604 (e) an institution of higher education of the state described in Section [53B-1-102](#); or
9605 (f) the State Board of Education.

9606 (31) "Established catalogue price" means the price included in a catalogue, price list,
9607 schedule, or other form that:

9608 (a) is regularly maintained by a manufacturer or contractor;

9609 (b) is published or otherwise available for inspection by customers; and

9610 (c) states prices at which sales are currently or were last made to a significant number
9611 of any category of buyers or buyers constituting the general buying public for the supplies or
9612 services involved.

9613 (32) "Executive branch procurement unit" means a department, division, office,
9614 bureau, agency, or other organization within the state executive branch.

9615 (33) "Facilities division" means the Division of Facilities Construction and
9616 Management, created in Section [63A-5b-301](#).

9617 (34) "Fixed price contract" means a contract that provides a price, for each
9618 procurement item obtained under the contract, that is not subject to adjustment except to the
9619 extent that:

9620 (a) the contract provides, under circumstances specified in the contract, for an
9621 adjustment in price that is not based on cost to the contractor; or

9622 (b) an adjustment is required by law.

9623 (35) "Fixed price contract with price adjustment" means a fixed price contract that
9624 provides for an upward or downward revision of price, precisely described in the contract, that:

9625 (a) is based on the consumer price index or another commercially acceptable index,
9626 source, or formula; and

9627 (b) is not based on a percentage of the cost to the contractor.

9628 (36) "Grant" means an expenditure of public funds or other assistance, or an agreement
9629 to expend public funds or other assistance, for a public purpose authorized by law, without
9630 acquiring a procurement item in exchange.

9631 (37) "Immaterial error":

9632 (a) means an irregularity or abnormality that is:

9633 (i) a matter of form that does not affect substance; or

9634 (ii) an inconsequential variation from a requirement of a solicitation that has no, little,

9635 or a trivial effect on the procurement process and that is not prejudicial to other vendors; and

9636 (b) includes:

9637 (i) a missing signature, missing acknowledgment of an addendum, or missing copy of a
9638 professional license, bond, or insurance certificate;

9639 (ii) a typographical error;

9640 (iii) an error resulting from an inaccuracy or omission in the solicitation; and

9641 (iv) any other error that the procurement official reasonably considers to be immaterial.

9642 (38) "Indefinite quantity contract" means a fixed price contract that:

9643 (a) is for an indefinite amount of procurement items to be supplied as ordered by a
9644 procurement unit; and

9645 (b) (i) does not require a minimum purchase amount; or

9646 (ii) provides a maximum purchase limit.

9647 (39) "Independent procurement unit" means:

9648 (a) (i) a legislative procurement unit;

9649 (ii) a judicial branch procurement unit;

9650 (iii) an educational procurement unit;

9651 (iv) a local government procurement unit;

9652 (v) a conservation district;

9653 (vi) a local building authority;

9654 (vii) a local district;

9655 (viii) a public corporation;

9656 (ix) a special service district; or

9657 (x) the Utah Communications Authority, established in Section [63H-7a-201](#);

9658 (b) the building board or the facilities division, but only to the extent of the
9659 procurement authority provided under Title 63A, Chapter 5b, Administration of State
9660 Facilities;

9661 (c) the attorney general, but only to the extent of the procurement authority provided
9662 under Title 67, Chapter 5, Attorney General;

9663 (d) the Department of Transportation, but only to the extent of the procurement
9664 authority provided under Title 72, Transportation Code; or

9665 (e) any other executive branch department, division, office, or entity that has statutory

9666 procurement authority outside this chapter, but only to the extent of that statutory procurement
9667 authority.

9668 (40) "Invitation for bids":

9669 (a) means a document used to solicit:

9670 (i) bids to provide a procurement item to a procurement unit; or

9671 (ii) quotes for a price of a procurement item to be provided to a procurement unit; and

9672 (b) includes all documents attached to or incorporated by reference in a document

9673 described in Subsection (40)(a).

9674 (41) "Issuing procurement unit" means a procurement unit that:

9675 (a) reviews a solicitation to verify that it is in proper form;

9676 (b) causes the notice of a solicitation to be published; and

9677 (c) negotiates and approves the terms and conditions of a contract.

9678 (42) "Judicial procurement unit" means:

9679 (a) the Utah Supreme Court;

9680 (b) the Utah Court of Appeals;

9681 (c) the Judicial Council;

9682 (d) a state judicial district; or

9683 (e) an office, committee, subcommittee, or other organization within the state judicial

9684 branch.

9685 (43) "Labor hour contract" is a contract under which:

9686 (a) the supplies and materials are not provided by, or through, the contractor; and

9687 (b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and

9688 profit for a specified number of labor hours or days.

9689 (44) "Legislative procurement unit" means:

9690 (a) the Legislature;

9691 (b) the Senate;

9692 (c) the House of Representatives;

9693 (d) a staff office of the Legislature, the Senate, or the House of Representatives; or

9694 (e) a committee, subcommittee, commission, or other organization:

9695 (i) within the state legislative branch; or

9696 (ii) (A) that is created by statute to advise or make recommendations to the Legislature;

- 9697 (B) the membership of which includes legislators; and
9698 (C) for which the Office of Legislative Research and General Counsel provides staff
9699 support.
- 9700 (45) "Local building authority" means the same as that term is defined in Section
9701 17D-2-102.
- 9702 (46) "Local district" means the same as that term is defined in Section 17B-1-102.
- 9703 (47) "Local government procurement unit" means:
- 9704 (a) a county or municipality, and each office or agency of the county or municipality,
9705 unless the county or municipality adopts its own procurement code by ordinance;
- 9706 (b) a county or municipality that has adopted this entire chapter by ordinance, and each
9707 office or agency of that county or municipality; or
- 9708 (c) a county or municipality that has adopted a portion of this chapter by ordinance, to
9709 the extent that a term in the ordinance is used in the adopted portion of this chapter, and each
9710 office or agency of that county or municipality.
- 9711 (48) "Multiple award contracts" means the award of a contract for an indefinite
9712 quantity of a procurement item to more than one person.
- 9713 (49) "Multiyear contract" means a contract that extends beyond a one-year period,
9714 including a contract that permits renewal of the contract, without competition, beyond the first
9715 year of the contract.
- 9716 (50) "Municipality" means a city, town, or metro township.
- 9717 (51) "Nonadopting local government procurement unit" means:
- 9718 (a) a county or municipality that has not adopted Part 16, Protests, Part 17,
9719 Procurement Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19,
9720 General Provisions Related to Protest or Appeal; and
- 9721 (b) each office or agency of a county or municipality described in Subsection (51)(a).
- 9722 (52) "Offeror" means a person who submits a proposal in response to a request for
9723 proposals.
- 9724 (53) "Preferred bidder" means a bidder that is entitled to receive a reciprocal preference
9725 under the requirements of this chapter.
- 9726 (54) "Procure" means to acquire a procurement item through a procurement.
- 9727 (55) "Procurement" means the acquisition of a procurement item through an

9728 expenditure of public funds, or an agreement to expend public funds, including an acquisition
9729 through a public-private partnership.

9730 (56) "Procurement item" means an item of personal property, a technology, a service,
9731 or a construction project.

9732 (57) "Procurement official" means:

9733 (a) for a procurement unit other than an independent procurement unit, the chief
9734 procurement officer;

9735 (b) for a legislative procurement unit, the individual, individuals, or body designated in
9736 a policy adopted by the Legislative Management Committee;

9737 (c) for a judicial procurement unit, the Judicial Council or an individual or body
9738 designated by the Judicial Council by rule;

9739 (d) for a local government procurement unit:

9740 (i) the legislative body of the local government procurement unit; or

9741 (ii) an individual or body designated by the local government procurement unit;

9742 (e) for a local district, the board of trustees of the local district or the board of trustees'
9743 designee;

9744 (f) for a special service district, the governing body of the special service district or the
9745 governing body's designee;

9746 (g) for a local building authority, the board of directors of the local building authority
9747 or the board of directors' designee;

9748 (h) for a conservation district, the board of supervisors of the conservation district or
9749 the board of supervisors' designee;

9750 (i) for a public corporation, the board of directors of the public corporation or the board
9751 of directors' designee;

9752 (j) for a school district or any school or entity within a school district, the board of the
9753 school district or the board's designee;

9754 (k) for a charter school, the individual or body with executive authority over the charter
9755 school or the designee of the individual or body;

9756 (l) for an institution of higher education described in Section [53B-2-101](#), the president
9757 of the institution of higher education or the president's designee;

9758 (m) for the State Board of Education, the State Board of Education or the State Board

9759 of Education's designee;

9760 (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or
9761 the designee of the Commissioner of Higher Education;

9762 (o) for the Utah Communications Authority, established in Section [63H-7a-201](#), the
9763 executive director of the Utah Communications Authority or the executive director's designee;
9764 or

9765 (p) (i) for the building board, and only to the extent of procurement activities of the
9766 building board as an independent procurement unit under the procurement authority provided
9767 under Title 63A, Chapter 5b, Administration of State Facilities, the director of the building
9768 board or the director's designee;

9769 (ii) for the facilities division, and only to the extent of procurement activities of the
9770 facilities division as an independent procurement unit under the procurement authority
9771 provided under Title 63A, Chapter 5b, Administration of State Facilities, the director of the
9772 facilities division or the director's designee;

9773 (iii) for the attorney general, and only to the extent of procurement activities of the
9774 attorney general as an independent procurement unit under the procurement authority provided
9775 under Title 67, Chapter 5, Attorney General, the attorney general or the attorney general's
9776 designee;

9777 (iv) for the Department of Transportation created in Section [72-1-201](#), and only to the
9778 extent of procurement activities of the Department of Transportation as an independent
9779 procurement unit under the procurement authority provided under Title 72, Transportation
9780 Code, the executive director of the Department of Transportation or the executive director's
9781 designee; or

9782 (v) for any other executive branch department, division, office, or entity that has
9783 statutory procurement authority outside this chapter, and only to the extent of the procurement
9784 activities of the department, division, office, or entity as an independent procurement unit
9785 under the procurement authority provided outside this chapter for the department, division,
9786 office, or entity, the chief executive officer of the department, division, office, or entity or the
9787 chief executive officer's designee.

9788 (58) "Procurement unit":

9789 (a) means:

- 9790 (i) a legislative procurement unit;
- 9791 (ii) an executive branch procurement unit;
- 9792 (iii) a judicial procurement unit;
- 9793 (iv) an educational procurement unit;
- 9794 (v) the Utah Communications Authority, established in Section [63H-7a-201](#);
- 9795 (vi) a local government procurement unit;
- 9796 (vii) a local district;
- 9797 (viii) a special service district;
- 9798 (ix) a local building authority;
- 9799 (x) a conservation district;
- 9800 (xi) a public corporation; and
- 9801 (b) does not include a political subdivision created under Title 11, Chapter 13,
- 9802 Interlocal Cooperation Act.
- 9803 (59) "Professional service" means labor, effort, or work that requires specialized
- 9804 knowledge, expertise, and discretion, including labor, effort, or work in the field of:
- 9805 (a) accounting;
- 9806 (b) administrative law judge service;
- 9807 (c) architecture;
- 9808 (d) construction design and management;
- 9809 (e) engineering;
- 9810 (f) financial services;
- 9811 (g) information technology;
- 9812 (h) the law;
- 9813 (i) medicine;
- 9814 (j) psychiatry; or
- 9815 (k) underwriting.
- 9816 (60) "Protest officer" means:
- 9817 (a) for the division or an independent procurement unit:
- 9818 (i) the procurement official;
- 9819 (ii) the procurement official's designee who is an employee of the procurement unit; or
- 9820 (iii) a person designated by rule made by the rulemaking authority; or

9821 (b) for a procurement unit other than an independent procurement unit, the chief
9822 procurement officer or the chief procurement officer's designee who is an employee of the
9823 division.

9824 (61) "Public corporation" means the same as that term is defined in Section [63E-1-102](#).

9825 (62) "Public entity" means the state or any other government entity within the state that
9826 expends public funds.

9827 (63) "Public facility" means a building, structure, infrastructure, improvement, or other
9828 facility of a public entity.

9829 (64) "Public funds" means money, regardless of its source, including from the federal
9830 government, that is owned or held by a procurement unit.

9831 (65) "Public transit district" means a public transit district organized under Title 17B,
9832 Chapter 2a, Part 8, Public Transit District Act.

9833 (66) "Public-private partnership" means an arrangement or agreement, occurring on or
9834 after January 1, 2017, between a procurement unit and one or more contractors to provide for a
9835 public need through the development or operation of a project in which the contractor or
9836 contractors share with the procurement unit the responsibility or risk of developing, owning,
9837 maintaining, financing, or operating the project.

9838 (67) "Qualified vendor" means a vendor who:

9839 (a) is responsible; and

9840 (b) submits a responsive statement of qualifications under Section [63G-6a-410](#) that
9841 meets the minimum mandatory requirements, evaluation criteria, and any applicable score
9842 thresholds set forth in the request for statement of qualifications.

9843 (68) "Real property" means land and any building, fixture, improvement, appurtenance,
9844 structure, or other development that is permanently affixed to land.

9845 (69) "Request for information" means a nonbinding process through which a
9846 procurement unit requests information relating to a procurement item.

9847 (70) "Request for proposals" means a document used to solicit proposals to provide a
9848 procurement item to a procurement unit, including all other documents that are attached to that
9849 document or incorporated in that document by reference.

9850 (71) "Request for proposals process" means the procurement process described in Part
9851 7, Request for Proposals.

9852 (72) "Request for statement of qualifications" means a document used to solicit
9853 information about the qualifications of a person interested in responding to a potential
9854 procurement, including all other documents attached to that document or incorporated in that
9855 document by reference.

9856 (73) "Requirements contract" means a contract:

9857 (a) under which a contractor agrees to provide a procurement unit's entire requirements
9858 for certain procurement items at prices specified in the contract during the contract period; and

9859 (b) that:

9860 (i) does not require a minimum purchase amount; or

9861 (ii) provides a maximum purchase limit.

9862 (74) "Responsible" means being capable, in all respects, of:

9863 (a) meeting all the requirements of a solicitation; and

9864 (b) fully performing all the requirements of the contract resulting from the solicitation,
9865 including being financially solvent with sufficient financial resources to perform the contract.

9866 (75) "Responsive" means conforming in all material respects to the requirements of a
9867 solicitation.

9868 (76) "Rule" includes a policy or regulation adopted by the rulemaking authority, if
9869 adopting a policy or regulation is the method the rulemaking authority uses to adopt provisions
9870 that govern the applicable procurement unit.

9871 (77) "Rulemaking authority" means:

9872 (a) for a legislative procurement unit, the Legislative Management Committee;

9873 (b) for a judicial procurement unit, the Judicial Council;

9874 (c) (i) only to the extent of the procurement authority expressly granted to the
9875 procurement unit by statute:

9876 (A) for the building board or the facilities division, the building board;

9877 (B) for the Office of the Attorney General, the attorney general;

9878 (C) for the Department of Transportation created in Section [72-1-201](#), the executive
9879 director of the Department of Transportation; and

9880 (D) for any other executive branch department, division, office, or entity that has
9881 statutory procurement authority outside this chapter, the governing authority of the department,
9882 division, office, or entity; and

- 9883 (ii) for each other executive branch procurement unit, the board;
- 9884 (d) for a local government procurement unit:
- 9885 (i) the governing body of the local government unit; or
- 9886 (ii) an individual or body designated by the local government procurement unit;
- 9887 (e) for a school district or a public school, the board, except to the extent of a school
- 9888 district's own nonadministrative rules that do not conflict with the provisions of this chapter;
- 9889 (f) for a state institution of higher education, the Utah Board of Higher Education;
- 9890 (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the
- 9891 State Board of Education;
- 9892 (h) for a public transit district, the chief executive of the public transit district;
- 9893 (i) for a local district other than a public transit district or for a special service district,
- 9894 the board, except to the extent that the board of trustees of the local district or the governing
- 9895 body of the special service district makes its own rules:
- 9896 (i) with respect to a subject addressed by board rules; or
- 9897 (ii) that are in addition to board rules;
- 9898 (j) for the Utah Educational Savings Plan, created in Section [53B-8a-103](#), the Utah
- 9899 Board of Higher Education;
- 9900 (k) for the School and Institutional Trust Lands Administration, created in Section
- 9901 [53C-1-201](#), the School and Institutional Trust Lands Board of Trustees;
- 9902 (l) for the School and Institutional Trust Fund Office, created in Section [53D-1-201](#),
- 9903 the School and Institutional Trust Fund Board of Trustees;
- 9904 (m) for the Utah Communications Authority, established in Section [63H-7a-201](#), the
- 9905 Utah Communications Authority board, created in Section [63H-7a-203](#); or
- 9906 (n) for any other procurement unit, the board.
- 9907 (78) "Service":
- 9908 (a) means labor, effort, or work to produce a result that is beneficial to a procurement
- 9909 unit;
- 9910 (b) includes a professional service; and
- 9911 (c) does not include labor, effort, or work provided under an employment agreement or
- 9912 a collective bargaining agreement.
- 9913 (79) "Small purchase process" means the procurement process described in Section

9914 63G-6a-506.

9915 (80) "Sole source contract" means a contract resulting from a sole source procurement.

9916 (81) "Sole source procurement" means a procurement without competition pursuant to

9917 a determination under Subsection 63G-6a-802(1)(a) that there is only one source for the

9918 procurement item.

9919 (82) "Solicitation" means an invitation for bids, request for proposals, or request for

9920 statement of qualifications.

9921 (83) "Solicitation response" means:

9922 (a) a bid submitted in response to an invitation for bids;

9923 (b) a proposal submitted in response to a request for proposals; or

9924 (c) a statement of qualifications submitted in response to a request for statement of

9925 qualifications.

9926 (84) "Special service district" means the same as that term is defined in Section

9927 17D-1-102.

9928 (85) "Specification" means any description of the physical or functional characteristics

9929 or of the nature of a procurement item included in an invitation for bids or a request for

9930 proposals, or otherwise specified or agreed to by a procurement unit, including a description of:

9931 (a) a requirement for inspecting or testing a procurement item; or

9932 (b) preparing a procurement item for delivery.

9933 (86) "Standard procurement process" means:

9934 (a) the bidding process;

9935 (b) the request for proposals process;

9936 (c) the approved vendor list process;

9937 (d) the small purchase process; or

9938 (e) the design professional procurement process.

9939 (87) "State cooperative contract" means a contract awarded by the division for and in

9940 behalf of all public entities.

9941 (88) "Statement of qualifications" means a written statement submitted to a

9942 procurement unit in response to a request for statement of qualifications.

9943 (89) "Subcontractor":

9944 (a) means a person under contract to perform part of a contractual obligation under the

9945 control of the contractor, whether the person's contract is with the contractor directly or with
9946 another person who is under contract to perform part of a contractual obligation under the
9947 control of the contractor; and

9948 (b) includes a supplier, distributor, or other vendor that furnishes supplies or services
9949 to a contractor.

9950 (90) "Technology" means the same as "information technology," as defined in Section
9951 ~~[63F-1-102]~~ [63A-16-102](#).

9952 (91) "Tie bid" means that the lowest responsive bids of responsible bidders are
9953 identical in price.

9954 (92) "Time and materials contract" means a contract under which the contractor is paid:

9955 (a) the actual cost of direct labor at specified hourly rates;

9956 (b) the actual cost of materials and equipment usage; and

9957 (c) an additional amount, expressly described in the contract, to cover overhead and
9958 profit, that is not based on a percentage of the cost to the contractor.

9959 (93) "Transitional costs":

9960 (a) means the costs of changing:

9961 (i) from an existing provider of a procurement item to another provider of that
9962 procurement item; or

9963 (ii) from an existing type of procurement item to another type;

9964 (b) includes:

9965 (i) training costs;

9966 (ii) conversion costs;

9967 (iii) compatibility costs;

9968 (iv) costs associated with system downtime;

9969 (v) disruption of service costs;

9970 (vi) staff time necessary to implement the change;

9971 (vii) installation costs; and

9972 (viii) ancillary software, hardware, equipment, or construction costs; and

9973 (c) does not include:

9974 (i) the costs of preparing for or engaging in a procurement process; or

9975 (ii) contract negotiation or drafting costs.

- 9976 (94) "Vendor":
- 9977 (a) means a person who is seeking to enter into a contract with a procurement unit to
- 9978 provide a procurement item; and
- 9979 (b) includes:
- 9980 (i) a bidder;
- 9981 (ii) an offeror;
- 9982 (iii) an approved vendor;
- 9983 (iv) a design professional; and
- 9984 (v) a person who submits an unsolicited proposal under Section [63G-6a-712](#).
- 9985 Section 173. Section **63G-22-102** is amended to read:
- 9986 **63G-22-102. Definitions.**
- 9987 As used in this chapter:
- 9988 (1) "Political subdivision" means:
- 9989 (a) a county;
- 9990 (b) a municipality, as defined in Section [10-1-104](#);
- 9991 (c) a local district;
- 9992 (d) a special service district;
- 9993 (e) an interlocal entity, as defined in Section [11-13-103](#);
- 9994 (f) a community reinvestment agency;
- 9995 (g) a local building authority; or
- 9996 (h) a conservation district.
- 9997 (2) (a) "Public employee" means any individual employed by or volunteering for a state
- 9998 agency or a political subdivision who is not a public official.
- 9999 (b) "Public employee" does not include an individual employed by or volunteering for
- 10000 a taxed interlocal entity.
- 10001 (3) (a) "Public official" means:
- 10002 (i) an appointed official or an elected official as those terms are defined in Section
- 10003 [\[67-19-6.7\] 63A-17-502](#); or
- 10004 (ii) an individual elected or appointed to a county office, municipal office, school
- 10005 board or school district office, local district office, or special service district office.
- 10006 (b) "Public official" does not include an appointed or elected official of a taxed

10007 interlocal entity.

10008 (4) "State agency" means a department, division, board, council, committee, institution,
10009 office, bureau, or other similar administrative unit of the executive branch of state government.

10010 (5) "Taxed interlocal entity" means the same as that term is defined in Section
10011 [11-13-602](#).

10012 Section 174. Section **63H-1-403** is amended to read:

10013 **63H-1-403. Notice of project area plan adoption -- Effective date of plan --**
10014 **Contesting the formation of the plan.**

10015 (1) Upon the board's adoption of a project area plan, the board shall provide notice as
10016 provided in Subsection (1)(b) by publishing or causing to be published legal notice:

10017 (a) in a newspaper of general circulation within or near the project area; and

10018 (b) as required by Section [45-1-101](#).

10019 (2) (a) Each notice under Subsection (1) shall include:

10020 (i) the board resolution adopting the project area plan or a summary of the resolution;

10021 and

10022 (ii) a statement that the project area plan is available for general public inspection and
10023 the hours for inspection.

10024 (b) The statement required under Subsection (2)(a)(ii) may be included in the board
10025 resolution or summary described in Subsection (2)(a)(i).

10026 (3) The project area plan becomes effective on the date designated in the board
10027 resolution adopting the project area plan.

10028 (4) The authority shall make the adopted project area plan available to the general
10029 public at its offices during normal business hours.

10030 (5) Within 10 days after the day on which a project area plan is adopted that establishes
10031 a project area, or after an amendment to a project area plan is adopted under which the
10032 boundary of a project area is modified, the authority shall send notice of the establishment or
10033 modification of the project area and an accurate map or plat of the project area to:

10034 (a) the State Tax Commission;

10035 (b) the Automated Geographic Reference Center created in Section [[63F-1-506](#)]
10036 [63A-16-505](#); and

10037 (c) the assessor and recorder of each county where the project area is located.

10038 (6) (a) A legal action or other challenge to a project area plan or a project area
10039 described in a project area plan is barred unless brought within 30 days after the effective date
10040 of the project area plan.

10041 (b) For a project area created before December 1, 2018, a legal action or other
10042 challenge is barred.

10043 (c) For a project area created after December 1, 2018, and before May 14, 2019, a legal
10044 action or other challenge is barred after July 1, 2019.

10045 Section 175. Section **63H-1-701** is amended to read:

10046 **63H-1-701. Annual authority budget -- Fiscal year -- Public hearing required --**
10047 **Auditor forms -- Requirement to file form.**

10048 (1) The authority shall prepare and its board adopt an annual budget of revenues and
10049 expenditures for the authority for each fiscal year.

10050 (2) Each annual authority budget shall be adopted before June 30.

10051 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

10052 (4) (a) Before adopting an annual budget, the authority board shall hold a public
10053 hearing on the annual budget.

10054 (b) The authority shall provide notice of the public hearing on the annual budget by
10055 publishing notice:

10056 (i) at least once in a newspaper of general circulation within the state, one week before
10057 the public hearing; and

10058 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
10059 at least one week immediately before the public hearing.

10060 (c) The authority shall make the annual budget available for public inspection at least
10061 three days before the date of the public hearing.

10062 (5) The state auditor shall prescribe the budget forms and the categories to be contained
10063 in each authority budget, including:

10064 (a) revenues and expenditures for the budget year;

10065 (b) legal fees; and

10066 (c) administrative costs, including rent, supplies, and other materials, and salaries of
10067 authority personnel.

10068 (6) (a) Within 30 days after adopting an annual budget, the authority board shall file a

10069 copy of the annual budget with the auditor of each county in which a project area of the
10070 authority is located, the State Tax Commission, the state auditor, the State Board of Education,
10071 and each taxing entity that levies a tax on property from which the authority collects property
10072 tax allocation.

10073 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
10074 state as a taxing entity is met if the authority files a copy with the State Tax Commission and
10075 the state auditor.

10076 Section 176. Section **63H-2-502** is amended to read:

10077 **63H-2-502. Annual authority budget -- Auditor forms -- Requirement to file**
10078 **form.**

10079 (1) (a) The authority shall prepare an annual budget of revenues and expenditures for
10080 the authority for each fiscal year.

10081 (b) Before June 30 of each year and subject to the other provisions of this section, the
10082 board shall adopt an annual budget of revenues and expenditures of the authority for the
10083 immediately following fiscal year.

10084 (2) (a) Before adopting an annual budget, the board shall hold a public hearing on the
10085 annual budget.

10086 (b) Before holding the public hearing required by this Subsection (2), the board shall
10087 post notice of the public hearing on the Utah Public Notice Website created under Section
10088 [~~63F-1-701~~] [63A-16-601](#) no less than 14 days before the day on which the public hearing is to
10089 be held.

10090 (3) The state auditor shall prescribe the budget forms and the categories to be contained
10091 in each annual budget of the authority, including:

10092 (a) revenues and expenditures for the budget year;

10093 (b) the outstanding bonds and related expenses;

10094 (c) legal fees; and

10095 (d) administrative costs, including:

10096 (i) rent;

10097 (ii) supplies;

10098 (iii) other materials; and

10099 (iv) salaries of authority personnel.

10100 (4) Within 30 days after adopting an annual budget, the board shall file a copy of the
10101 annual budget with:

10102 (a) the State Tax Commission; and

10103 (b) the state auditor.

10104 (5) (a) Subject to Subsection (5)(b), the board may by resolution amend an annual
10105 budget of the authority.

10106 (b) The board may make an amendment of an annual budget that would increase total
10107 expenditures of the authority only after:

10108 (i) holding a public hearing; and

10109 (ii) before holding the public hearing required by this Subsection (5)(b), posting notice
10110 of the public hearing on the Utah Public Notice Website created under Section [~~63F-1-701~~]
10111 [63A-16-601](#) no less than 14 days before the day on which the public hearing is to be held.

10112 (6) The authority may not make expenditures in excess of the total expenditures
10113 established in the annual budget as it is adopted or amended.

10114 Section 177. Section **63H-2-504** is amended to read:

10115 **63H-2-504. Relation to other state statutes.**

10116 (1) The authority is subject to review by the Retirement and Independent Entities
10117 Committee in accordance with Title 63E, Chapter 1, Independent Entities Act.

10118 (2) The authority is subject to:

10119 (a) Title 51, Chapter 5, Funds Consolidation Act;

10120 (b) Title 51, Chapter 7, State Money Management Act;

10121 (c) Title 52, Chapter 4, Open and Public Meetings Act;

10122 (d) Title 63A, Utah [~~Administrative Services~~] Government Operations Code;

10123 (e) Title 63G, Chapter 2, Government Records Access and Management Act;

10124 (f) Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

10125 (g) Title 63G, Chapter 4, Administrative Procedures Act;

10126 (h) Title 63G, Chapter 6a, Utah Procurement Code;

10127 (i) Title 63J, Chapter 1, Budgetary Procedures Act;

10128 (j) Title 63J, Chapter 2, Revenue Procedures and Control Act; and

10129 (k) Title [~~67~~] 63A, Chapter [~~19~~] 17, Utah State Personnel Management Act.

10130 Section 178. Section **63H-4-108** is amended to read:

10131 **63H-4-108. Relation to certain acts -- Participation in Risk Management Fund.**

10132 (1) The authority is exempt from:

10133 (a) Title 51, Chapter 5, Funds Consolidation Act;

10134 (b) except as provided in Subsection (2)(b), Title 63A, Utah [~~Administrative Services~~

10135 Government Operations Code;

10136 (c) Title 63J, Chapter 1, Budgetary Procedures Act; and

10137 (d) Title [~~67~~] 63A, Chapter [~~19~~] 17, Utah State Personnel Management Act.

10138 (2) The authority is subject to:

10139 (a) Title 52, Chapter 4, Open and Public Meetings Act;

10140 (b) Title 63A, Chapter 1, Part 2, Utah Public Finance Website;

10141 (c) Title 63G, Chapter 2, Government Records Access and Management Act; and

10142 (d) Title 63G, Chapter 6a, Utah Procurement Code.

10143 (3) The authority is subject to audit by the state auditor pursuant to Title 67, Chapter 3,

10144 Auditor, and by the legislative auditor general pursuant to Section [36-12-15](#).

10145 (4) Subject to the requirements of Subsection [63E-1-304\(2\)](#), the authority may

10146 participate in coverage under the Risk Management Fund created by Section [63A-4-201](#).

10147 Section 179. Section **63H-5-108** is amended to read:

10148 **63H-5-108. Relation to certain acts.**

10149 (1) The authority is exempt from:

10150 (a) Title 51, Chapter 5, Funds Consolidation Act;

10151 (b) except as provided in Subsection (2)(b), Title 63A, Utah [~~Administrative Services~~

10152 Government Operations Code;

10153 (c) Title 63J, Chapter 1, Budgetary Procedures Act; and

10154 (d) Title [~~67~~] 63A, Chapter [~~19~~] 17, Utah State Personnel Management Act.

10155 (2) The authority is subject to:

10156 (a) Title 52, Chapter 4, Open and Public Meetings Act;

10157 (b) Title 63A, Chapter 1, Part 2, Utah Public Finance Website;

10158 (c) Title 63G, Chapter 2, Government Records Access and Management Act;

10159 (d) Title 63G, Chapter 6a, Utah Procurement Code; and

10160 (e) audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the

10161 legislative auditor general pursuant to Section [36-12-15](#).

10162 Section 180. Section **63H-6-103** is amended to read:

10163 **63H-6-103. Utah State Fair Corporation -- Legal status -- Powers.**

10164 (1) There is created an independent public nonprofit corporation known as the "Utah
10165 State Fair Corporation."

10166 (2) The board shall file articles of incorporation for the corporation with the Division
10167 of Corporations and Commercial Code.

10168 (3) The corporation, subject to this chapter, has all powers and authority permitted
10169 nonprofit corporations by law.

10170 (4) The corporation shall:

10171 (a) manage, supervise, and control:

10172 (i) all activities relating to the annual exhibition described in Subsection (4)(j); and

10173 (ii) except as otherwise provided by statute, all state expositions, including setting the
10174 time, place, and purpose of any state exposition;

10175 (b) for public entertainment, displays, and exhibits or similar events:

10176 (i) provide, sponsor, or arrange the events;

10177 (ii) publicize and promote the events; and

10178 (iii) secure funds to cover the cost of the exhibits from:

10179 (A) private contributions;

10180 (B) public appropriations;

10181 (C) admission charges; and

10182 (D) other lawful means;

10183 (c) acquire and designate exposition sites;

10184 (d) use generally accepted accounting principles in accounting for the corporation's
10185 assets, liabilities, and operations;

10186 (e) seek corporate sponsorships for the state fair park or for individual buildings or
10187 facilities within the fair park;

10188 (f) work with county and municipal governments, the Salt Lake Convention and
10189 Visitor's Bureau, the Utah Travel Council, and other entities to develop and promote
10190 expositions and the use of the state fair park;

10191 (g) develop and maintain a marketing program to promote expositions and the use of
10192 the state fair park;

- 10193 (h) in accordance with provisions of this part, operate and maintain the state fair park,
10194 including the physical appearance and structural integrity of the state fair park and the
10195 buildings located at the state fair park;
- 10196 (i) prepare an economic development plan for the state fair park;
- 10197 (j) hold an annual exhibition that:
- 10198 (i) is called the state fair or a similar name;
- 10199 (ii) promotes and highlights agriculture throughout the state;
- 10200 (iii) includes expositions of livestock, poultry, agricultural, domestic science,
10201 horticultural, floricultural, mineral and industrial products, manufactured articles, and domestic
10202 animals that, in the corporation's opinion will best stimulate agricultural, industrial, artistic, and
10203 educational pursuits and the sharing of talents among the people of Utah;
- 10204 (iv) includes the award of premiums for the best specimens of the exhibited articles
10205 and animals;
- 10206 (v) permits competition by livestock exhibited by citizens of other states and territories
10207 of the United States; and
- 10208 (vi) is arranged according to plans approved by the board;
- 10209 (k) fix the conditions of entry to the annual exhibition described in Subsection (4)(j);
10210 and
- 10211 (l) publish a list of premiums that will be awarded at the annual exhibition described in
10212 Subsection (4)(j) for the best specimens of exhibited articles and animals.
- 10213 (5) In addition to the annual exhibition described in Subsection (4)(j), the corporation
10214 may hold other exhibitions of livestock, poultry, agricultural, domestic science, horticultural,
10215 floricultural, mineral and industrial products, manufactured articles, and domestic animals that,
10216 in the corporation's opinion, will best stimulate agricultural, industrial, artistic, and educational
10217 pursuits and the sharing of talents among the people of Utah.
- 10218 (6) The corporation may:
- 10219 (a) employ advisers, consultants, and agents, including financial experts and
10220 independent legal counsel, and fix their compensation;
- 10221 (b) (i) participate in the state's Risk Management Fund created under Section
10222 [63A-4-201](#); or
- 10223 (ii) procure insurance against any loss in connection with the corporation's property

10224 and other assets, including mortgage loans;

10225 (c) receive and accept aid or contributions of money, property, labor, or other things of
10226 value from any source, including any grants or appropriations from any department, agency, or
10227 instrumentality of the United States or Utah;

10228 (d) hold, use, loan, grant, and apply that aid and those contributions to carry out the
10229 purposes of the corporation, subject to the conditions, if any, upon which the aid and
10230 contributions were made;

10231 (e) enter into management agreements with any person or entity for the performance of
10232 the corporation's functions or powers;

10233 (f) establish whatever accounts and procedures as necessary to budget, receive, and
10234 disburse, account for, and audit all funds received, appropriated, or generated;

10235 (g) subject to Subsection (8), lease any of the facilities at the state fair park;

10236 (h) sponsor events as approved by the board; and

10237 (i) enter into one or more agreements to develop the state fair park.

10238 (7) (a) Except as provided in Subsection (7)(c), as an independent agency of Utah, the
10239 corporation is exempt from:

10240 (i) Title 51, Chapter 5, Funds Consolidation Act;

10241 (ii) Title 51, Chapter 7, State Money Management Act;

10242 (iii) Title 63A, Utah [~~Administrative Services~~] Government Operations Code;

10243 (iv) Title 63J, Chapter 1, Budgetary Procedures Act; and

10244 (v) Title [67] 63A, Chapter [19] 17, Utah State Personnel Management Act.

10245 (b) The board shall adopt policies parallel to and consistent with:

10246 (i) Title 51, Chapter 5, Funds Consolidation Act;

10247 (ii) Title 51, Chapter 7, State Money Management Act;

10248 (iii) Title 63A, Utah [~~Administrative Services~~] Government Operations Code; and

10249 (iv) Title 63J, Chapter 1, Budgetary Procedures Act.

10250 (c) The corporation shall comply with:

10251 (i) Title 52, Chapter 4, Open and Public Meetings Act;

10252 (ii) Title 63G, Chapter 2, Government Records Access and Management Act;

10253 (iii) the provisions of Title 63A, Chapter 1, Part 2, Utah Public Finance Website;

10254 (iv) Title 63G, Chapter 6a, Utah Procurement Code, except for a procurement for:

- 10255 (A) entertainment provided at the state fair park;
- 10256 (B) judges for competitive exhibits; or
- 10257 (C) sponsorship of an event at the state fair park; and
- 10258 (v) the legislative approval requirements for new facilities established in Section
- 10259 [63A-5b-404](#).
- 10260 (8) (a) Before the corporation executes a lease described in Subsection (6)(g) with a
- 10261 term of 10 or more years, the corporation shall:
- 10262 (i) submit the proposed lease to the State Building Board for the State Building Board's
- 10263 approval or rejection; and
- 10264 (ii) if the State Building Board approves the proposed lease, submit the proposed lease
- 10265 to the Executive Appropriations Committee for the Executive Appropriation Committee's
- 10266 review and recommendation in accordance with Subsection (8)(b).
- 10267 (b) The Executive Appropriations Committee shall review a proposed lease submitted
- 10268 in accordance with Subsection (8)(a) and recommend to the corporation that the corporation:
- 10269 (i) execute the proposed sublease; or
- 10270 (ii) reject the proposed sublease.
- 10271 Section 181. Section **63H-7a-104** is amended to read:
- 10272 **63H-7a-104. Relation to certain acts.**
- 10273 (1) The authority is exempt from:
- 10274 (a) Title 51, Chapter 5, Funds Consolidation Act;
- 10275 (b) except as provided in Subsection (2)(b), Title 63A, Utah [~~Administrative Services~~]
- 10276 Government Operations Code;
- 10277 (c) Title 63J, Chapter 1, Budgetary Procedures Act; and
- 10278 (d) Title [~~67~~] 63A, Chapter [~~19~~] 17, Utah State Personnel Management Act.
- 10279 (2) The authority is subject to:
- 10280 (a) Title 52, Chapter 4, Open and Public Meetings Act;
- 10281 (b) Title 63A, Chapter 1, Part 2, Utah Public Finance Website;
- 10282 (c) Title 63G, Chapter 2, Government Records Access and Management Act; and
- 10283 (d) Title 63G, Chapter 6a, Utah Procurement Code.
- 10284 Section 182. Section **63H-7a-304** is amended to read:
- 10285 **63H-7a-304. Unified Statewide 911 Emergency Service Account -- Creation --**

10286 **Administration -- Permitted uses.**

10287 (1) There is created a restricted account within the General Fund known as the "Unified
10288 Statewide 911 Emergency Service Account," consisting of:

- 10289 (a) proceeds from the fee imposed in Section 69-2-403;
- 10290 (b) money appropriated or otherwise made available by the Legislature; and
- 10291 (c) contributions of money, property, or equipment from federal agencies, political
10292 subdivisions of the state, persons, or corporations.

10293 (2) (a) Except as provided in Subsection (4) and subject to Subsection (3) and
10294 appropriations by the Legislature, the authority shall disburse funds in the 911 account for the
10295 purpose of enhancing and maintaining the statewide public safety communications network and
10296 911 call processing equipment in order to rapidly, efficiently, effectively, and with greater
10297 interoperability deliver 911 services in the state.

10298 (b) In expending funds in the 911 account, the authority shall give a higher priority to
10299 an expenditure that:

- 10300 (i) best promotes statewide public safety;
- 10301 (ii) best promotes interoperability;
- 10302 (iii) impacts the largest service territory;
- 10303 (iv) impacts a densely populated area; or
- 10304 (v) impacts an underserved area.

10305 (c) The authority shall expend funds in the 911 account in accordance with the
10306 authority strategic plan described in Section 63H-7a-206.

10307 (d) The authority may not expend funds from the 911 account collected through the
10308 911 emergency service charge imposed in Section 69-2-403 on behalf of a PSAP that chooses
10309 not to participate in the:

- 10310 (i) public safety communications network; and
- 10311 (ii) the 911 emergency service defined in Section 69-2-102.

10312 (e) The authority may not expend funds from the 911 account collected through the
10313 prepaid wireless 911 service charge revenue distributed in Subsection 69-2-405(9)(c) on behalf
10314 of a PSAP that chooses not to participate in the:

- 10315 (i) public safety communications network; and
- 10316 (ii) 911 emergency service defined in Section 69-2-102.

10317 (f) The executive director shall recommend to the board expenditures for the authority
10318 to make from the 911 account in accordance with this Subsection (2).

10319 (3) Subject to an appropriation by the Legislature and approval by the board, the
10320 Administrative Services Division may use funds in the 911 account to cover the Administrative
10321 Services Division's administrative costs related to the 911 account.

10322 (4) (a) The authority shall reimburse from the 911 account to the Automated
10323 Geographic Reference Center created in Section [63F-1-506] [63A-16-505](#) an amount equal to
10324 up to 1 cent of each unified statewide 911 emergency service charge deposited into the 911
10325 account under Section [69-2-403](#).

10326 (b) The Automated Geographic Reference Center shall use the funds reimbursed to the
10327 Automated Geographic Reference Center under Subsection (4)(a) to:

10328 (i) enhance and upgrade digital mapping standards; and

10329 (ii) maintain a statewide geospatial database for unified statewide 911 emergency
10330 service.

10331 Section 183. Section **63H-7a-803** is amended to read:

10332 **63H-7a-803. Relation to certain acts -- Participation in Risk Management Fund.**

10333 (1) The Utah Communications Authority is exempt from:

10334 (a) except as provided in Subsection (3), Title 63A, Utah [~~Administrative Services~~]
10335 Government Operations Code;

10336 (b) Title 63G, Chapter 4, Administrative Procedures Act; and

10337 (c) Title [67] [63A](#), Chapter [19] [17](#), Utah State Personnel Management Act.

10338 (2) (a) The board shall adopt budgetary procedures, accounting, and personnel and
10339 human resource policies substantially similar to those from which they have been exempted in
10340 Subsection (1).

10341 (b) The authority, the board, and the committee members are subject to Title 67,
10342 Chapter 16, Utah Public Officers' and Employees' Ethics Act.

10343 (c) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act.

10344 (d) The authority is subject to Title 63G, Chapter 6a, Utah Procurement Code.

10345 (e) The authority is subject to Title 63J, Chapter 1, Budgetary Procedures Act, only
10346 with respect to money appropriated to the authority by the Legislature.

10347 (3) (a) Subject to the requirements of Subsection [63E-1-304](#)(2), the administration may

10348 participate in coverage under the Risk Management Fund created by Section 63A-4-201.

10349 (b) The authority is subject to Title 63A, Chapter 1, Part 2, Utah Public Finance
10350 Website.

10351 Section 184. Section **63H-8-204** is amended to read:

10352 **63H-8-204. Relation to certain acts.**

10353 (1) The corporation is exempt from:

10354 (a) Title 51, Chapter 5, Funds Consolidation Act;

10355 (b) Title 51, Chapter 7, State Money Management Act;

10356 (c) except as provided in Subsection (2), Title 63A, Utah [~~Administrative Services~~]

10357 Government Operations Code;

10358 (d) Title 63G, Chapter 6a, Utah Procurement Code;

10359 (e) Title 63J, Chapter 1, Budgetary Procedures Act;

10360 (f) Title 63J, Chapter 2, Revenue Procedures and Control Act; and

10361 (g) Title [67] 63A, Chapter [19] 17, Utah State Personnel Management Act.

10362 (2) The corporation shall comply with:

10363 (a) Title 52, Chapter 4, Open and Public Meetings Act;

10364 (b) Title 63A, Chapter 1, Part 2, Utah Public Finance Website; and

10365 (c) Title 63G, Chapter 2, Government Records Access and Management Act.

10366 Section 185. Section **63I-1-263** is amended to read:

10367 **63I-1-263. Repeal dates, Titles 63A to 63N.**

10368 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

10369 (a) Subsection 63A-1-201(1) is repealed;

10370 (b) Subsection 63A-1-202(2)(c), the language "using criteria established by the board"
10371 is repealed;

10372 (c) Section 63A-1-203 is repealed;

10373 (d) Subsections 63A-1-204(1) and (2), the language "After consultation with the board,
10374 and" is repealed; and

10375 (e) Subsection 63A-1-204(1)(b), the language "using the standards provided in
10376 Subsection 63A-1-203(3)(c)" is repealed.

10377 (2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital
10378 improvement funding, is repealed July 1, 2024.

- 10379 (3) Section [63A-5b-1003](#), State Facility Energy Efficiency Fund, is repealed July 1,
10380 2023.
- 10381 (4) Sections [63A-9-301](#) and [63A-9-302](#), related to the Motor Vehicle Review
10382 Committee, are repealed July 1, 2023.
- 10383 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
10384 1, 2028.
- 10385 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
10386 2025.
- 10387 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
10388 2024.
- 10389 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
10390 repealed July 1, 2021.
- 10391 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
10392 July 1, 2023.
- 10393 (10) Title 63C, Chapter 21, Outdoor Adventure Commission, is repealed July 1, 2025.
- 10394 (11) Title [~~63F, Chapter 2~~] [63A, Chapter 16, Part 7](#), Data Security Management
10395 Council, is repealed July 1, 2025.
- 10396 (12) Section [63G-6a-805](#), which creates the Purchasing from Persons with Disabilities
10397 Advisory Board, is repealed July 1, 2026.
- 10398 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
10399 2025.
- 10400 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
10401 2024.
- 10402 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 10403 (16) Subsection [63J-1-602.1\(14\)](#), Nurse Home Visiting Restricted Account is repealed
10404 July 1, 2026.
- 10405 (17) (a) Subsection [63J-1-602.1\(58\)](#), relating to the Utah Statewide Radio System
10406 Restricted Account, is repealed July 1, 2022.
- 10407 (b) When repealing Subsection [63J-1-602.1\(58\)](#), the Office of Legislative Research and
10408 General Counsel shall, in addition to the office's authority under Subsection [36-12-12\(3\)](#), make
10409 necessary changes to subsection numbering and cross references.

10410 (18) Subsection [63J-1-602.2\[\(4\)\]\(5\)](#), referring to dedicated credits to the Utah Marriage
10411 Commission, is repealed July 1, 2023.

10412 (19) Subsection [63J-1-602.2\[\(5\)\]\(6\)](#), referring to the Trip Reduction Program, is
10413 repealed July 1, 2022.

10414 (20) Subsection [63J-1-602.2\(25\)](#), related to the Utah Seismic Safety Commission, is
10415 repealed January 1, 2025.

10416 (21) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is
10417 repealed July 1, 2027.

10418 (22) Subsection [63J-4-608\(3\)](#), which creates the Federal Land Application Advisory
10419 Committee, is repealed on July 1, 2021.

10420 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on
10421 January 1, 2023:

10422 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are
10423 repealed;

10424 (b) Section [63M-7-305](#), the language that states "council" is replaced with
10425 "commission";

10426 (c) Subsection [63M-7-305\(1\)](#) is repealed and replaced with:

10427 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

10428 (d) Subsection [63M-7-305\(2\)](#) is repealed and replaced with:

10429 "(2) The commission shall:

10430 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
10431 Drug-Related Offenses Reform Act; and

10432 (b) coordinate the implementation of Section [77-18-1.1](#) and related provisions in
10433 Subsections [77-18-1\(5\)\(b\)\(iii\)](#) and (iv).".

10434 (24) The Crime Victim Reparations and Assistance Board, created in Section
10435 [63M-7-504](#), is repealed July 1, 2027.

10436 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July
10437 1, 2022.

10438 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.

10439 (27) Subsection [63N-1-301\(4\)\(c\)](#), related to the Talent Ready Utah Board, is repealed
10440 January 1, 2023.

- 10441 (28) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating
10442 Council, is repealed July 1, 2024.
- 10443 (29) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 10444 (30) Section [63N-2-512](#) is repealed July 1, 2021.
- 10445 (31) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
10446 January 1, 2021.
- 10447 (b) Section [59-9-107](#) regarding tax credits against premium taxes is repealed for
10448 calendar years beginning on or after January 1, 2021.
- 10449 (c) Notwithstanding Subsection (31)(b), an entity may carry forward a tax credit in
10450 accordance with Section [59-9-107](#) if:
- 10451 (i) the person is entitled to a tax credit under Section [59-9-107](#) on or before December
10452 31, 2020; and
- 10453 (ii) the qualified equity investment that is the basis of the tax credit is certified under
10454 Section [63N-2-603](#) on or before December 31, 2023.
- 10455 (32) Subsections [63N-3-109\(2\)\(e\)](#) and [63N-3-109\(2\)\(f\)\(i\)](#) are repealed July 1, 2023.
- 10456 (33) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed
10457 July 1, 2023.
- 10458 (34) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1,
10459 2025.
- 10460 (35) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,
10461 is repealed January 1, 2023.
- 10462 (36) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1,
10463 2023.
- 10464 Section 186. Section **63I-2-267** is amended to read:
10465 **63I-2-267. Repeal dates -- Title 67.**
10466 Section [~~67-19-45~~] [63A-17-806](#) is repealed June 30, 2023.
- 10467 Section 187. Section **63J-4-602** is amended to read:
10468 **63J-4-602. Public Lands Policy Coordinating Office -- Coordinator --**
10469 **Appointment -- Qualifications -- Compensation.**
- 10470 (1) There is created within state government the Public Lands Policy Coordinating
10471 Office. The office shall be administered by a public lands policy coordinator.

10472 (2) The coordinator shall be appointed by the governor with the advice and consent of
10473 the Senate and shall serve at the pleasure of the governor.

10474 (3) The coordinator shall have demonstrated the necessary administrative and
10475 professional ability through education and experience to efficiently and effectively manage the
10476 office's affairs.

10477 (4) The coordinator and employees of the office shall receive compensation as
10478 provided in Title [67] 63A, Chapter [19] 17, Utah State Personnel Management Act.

10479 Section 188. Section **63J-4-603** is amended to read:

10480 **63J-4-603. Powers and duties of coordinator and office.**

10481 (1) The coordinator and the office shall:

10482 (a) make a report to the Constitutional Defense Council created under Section
10483 63C-4a-202 concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter
10484 4a, Constitutional and Federalism Defense Act;

10485 (b) provide staff assistance to the Constitutional Defense Council created under Section
10486 63C-4a-202 for meetings of the council;

10487 (c) (i) prepare and submit a constitutional defense plan under Section 63C-4a-403; and

10488 (ii) execute any action assigned in a constitutional defense plan;

10489 (d) under the direction of the state planning coordinator, assist in fulfilling the state
10490 planning coordinator's duties outlined in Section 63J-4-401 as those duties relate to the
10491 development of public lands policies by:

10492 (i) developing cooperative contracts and agreements between the state, political
10493 subdivisions, and agencies of the federal government for involvement in the development of
10494 public lands policies;

10495 (ii) producing research, documents, maps, studies, analysis, or other information that
10496 supports the state's participation in the development of public lands policy;

10497 (iii) preparing comments to ensure that the positions of the state and political
10498 subdivisions are considered in the development of public lands policy;

10499 (iv) partnering with state agencies and political subdivisions in an effort to:

10500 (A) prepare coordinated public lands policies;

10501 (B) develop consistency reviews and responses to public lands policies;

10502 (C) develop management plans that relate to public lands policies; and

10503 (D) develop and maintain a statewide land use plan that is based on cooperation and in
10504 conjunction with political subdivisions; and
10505 (v) providing other information or services related to public lands policies as requested
10506 by the state planning coordinator;
10507 (e) facilitate and coordinate the exchange of information, comments, and
10508 recommendations on public lands policies between and among:
10509 (i) state agencies;
10510 (ii) political subdivisions;
10511 (iii) the Office of Rural Development created under Section [63N-4-102](#);
10512 (iv) the Resource Development Coordinating Committee created under Section
10513 [63J-4-501](#);
10514 (v) School and Institutional Trust Lands Administration created under Section
10515 [53C-1-201](#);
10516 (vi) the committee created under Section [[63F-1-508](#)] [63A-16-507](#) to award grants to
10517 counties to inventory and map R.S. 2477 rights-of-way, associated structures, and other
10518 features; and
10519 (vii) the Constitutional Defense Council created under Section [63C-4a-202](#);
10520 (f) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9,
10521 Chapter 8, Part 4, Historic Sites;
10522 (g) consistent with other statutory duties, encourage agencies to responsibly preserve
10523 archaeological resources;
10524 (h) maintain information concerning grants made under Subsection (1)(j), if available;
10525 (i) report annually, or more often if necessary or requested, concerning the office's
10526 activities and expenditures to:
10527 (i) the Constitutional Defense Council; and
10528 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim
10529 Committee jointly with the Constitutional Defense Council;
10530 (j) make grants of up to 16% of the office's total annual appropriations from the
10531 Constitutional Defense Restricted Account to a county or statewide association of counties to
10532 be used by the county or association of counties for public lands matters if the coordinator,
10533 with the advice of the Constitutional Defense Council, determines that the action provides a

10534 state benefit;

10535 (k) provide staff services to the Snake Valley Aquifer Advisory Council created in
10536 Section [63C-12-103](#);

10537 (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section
10538 [63C-12-107](#);

10539 (m) conduct the public lands transfer study and economic analysis required by Section
10540 [63J-4-606](#); and

10541 (n) fulfill the duties described in Section [63L-10-103](#).

10542 (2) The coordinator and office shall comply with Subsection [63C-4a-203](#)(8) before
10543 submitting a comment to a federal agency, if the governor would be subject to Subsection
10544 [63C-4a-203](#)(8) if the governor were submitting the material.

10545 (3) The office may enter into a contract or other agreement with another state agency to
10546 provide information and services related to:

10547 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and
10548 Classification Act;

10549 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and
10550 Classification Act, or R.S. 2477 matters; or

10551 (c) any other matter within the office's responsibility.

10552 Section 189. Section **63M-4-402** is amended to read:

10553 **63M-4-402. In-state generator need -- Merchant electric transmission line.**

10554 (1) As used in this section:

10555 (a) "Capacity allocation process" means the process outlined by the Federal Energy
10556 Regulatory Commission in its final policy statement dated January 17, 2013, "Allocation of
10557 Capacity on New Merchant Transmission Projects and New Cost-Based, Participant-Funded
10558 Transmission Projects, Priority Rights to New Participant-Funded Transmission," 142 F.E.R.C.
10559 P61,038 (2013).

10560 (b) "Certificate of in-state need" means a certificate issued by the office in accordance
10561 with this section identifying an in-state generator that meets the requirements and qualifications
10562 of this section.

10563 (c) "Expression of need" means a document prepared and submitted to the office by an
10564 in-state merchant generator that describes or otherwise documents the transmission needs of

10565 the in-state merchant generator in conformance with the requirements of this section.

10566 (d) "In-state merchant generator" means an electric power provider that generates
10567 power in Utah and does not provide service to retail customers within the boundaries of Utah.

10568 (e) "Merchant electric transmission line" means a transmission line that does not
10569 provide electricity to retail customers within the boundaries of Utah.

10570 (f) "Office" means the Office of Energy Development established in Section
10571 [63M-4-401](#).

10572 (g) "Open solicitation notice" means a document prepared and submitted to the office
10573 by a merchant electric transmission line regarding the commencement of the line's open
10574 solicitation in compliance with 142 F.E.R.C. P61,038 (2013).

10575 (2) As part of the capacity allocation process, a merchant electric transmission line
10576 shall file an open solicitation notice with the office containing a description of the merchant
10577 electric transmission line, including:

10578 (a) the proposed capacity;

10579 (b) the location of potential interconnection for in-state merchant generators;

10580 (c) the planned date for commencement of construction; and

10581 (d) the planned commercial operations date.

10582 (3) Upon receipt of the open solicitation notice, the office shall:

10583 (a) publish the notice on the Utah Public Notice Website created under Section
10584 [~~63F-1-701~~] [63A-16-601](#);

10585 (b) include in the notice contact information; and

10586 (c) provide the deadline date for submission of an expression of need.

10587 (4) (a) In response to the open solicitation notice published by the office, and no later
10588 than 30 days after publication of the notice, an in-state merchant generator may submit an
10589 expression of need to the office.

10590 (b) An expression of need submitted under Subsection (4)(a) shall include:

10591 (i) a description of the in-state merchant generator; and

10592 (ii) a schedule of transmission capacity requirement provided in megawatts, by point of
10593 receipt and point of delivery and by operating year.

10594 (5) No later than 60 days after notice is published under Subsection (3), the office shall
10595 prepare a certificate of in-state need identifying the in-state merchant generators.

- 10596 (6) Within five days of preparing the certificate of in-state need, the office shall:
- 10597 (a) publish the certificate on the Utah Public Notice Website created under Section
- 10598 [~~63F-1-701~~] [63A-16-601](#); and
- 10599 (b) provide the certificate to the merchant electric transmission line for consideration in
- 10600 the capacity allocation process.
- 10601 (7) The merchant electric transmission line shall:
- 10602 (a) provide the Federal Energy Regulatory Commission with a copy of the certificate of
- 10603 in-state need; and
- 10604 (b) certify that the certificate is being provided to the Federal Energy Regulatory
- 10605 Commission in accordance with the requirements of this section, including a citation to this
- 10606 section.
- 10607 (8) At the conclusion of the capacity allocation process, and unless prohibited by a
- 10608 contractual obligation of confidentiality, the merchant electric transmission line shall report to
- 10609 the office whether a merchant in-state generator reflected on the certificate of in-state need has
- 10610 entered into a transmission service agreement with the merchant electric transmission line.
- 10611 (9) This section may not be interpreted to:
- 10612 (a) create an obligation of a merchant electric transmission line to pay for, or construct
- 10613 any portion of, the transmission line on behalf of an in-state merchant generator; or
- 10614 (b) preempt, supersede, or otherwise conflict with Federal Energy Regulatory
- 10615 Commission rules and regulations applicable to a commercial transmission agreement,
- 10616 including agreements, or terms of agreements, as to cost, terms, transmission capacity, or key
- 10617 rates.
- 10618 (10) Subsections (2) through (9) do not apply to a project entity as defined in Section
- 10619 [11-13-103](#).
- 10620 Section 190. Section **63N-3-501** is amended to read:
- 10621 **63N-3-501. Infrastructure and broadband coordination.**
- 10622 (1) The office shall partner with the Automated Geographic Reference Center created
- 10623 in Section [~~63F-1-506~~] [63A-16-505](#) to collect and maintain a database and interactive map that
- 10624 displays economic development data statewide, including:
- 10625 (a) voluntarily submitted broadband availability, speeds, and other broadband data;
- 10626 (b) voluntarily submitted public utility data;

- 10627 (c) workforce data, including information regarding:
- 10628 (i) enterprise zones designated under Section 63N-2-206;
- 10629 (ii) business resource centers;
- 10630 (iii) public institutions of higher education; and
- 10631 (iv) procurement technical assistance centers;
- 10632 (d) transportation data, which may include information regarding railway routes,
- 10633 commuter rail routes, airport locations, and major highways;
- 10634 (e) lifestyle data, which may include information regarding state parks, national parks
- 10635 and monuments, United States Forest Service boundaries, ski areas, golf courses, and hospitals;
- 10636 and
- 10637 (f) other relevant economic development data as determined by the office, including
- 10638 data provided by partner organizations.
- 10639 (2) The office may:
- 10640 (a) make recommendations to state and federal agencies, local governments, the
- 10641 governor, and the Legislature regarding policies and initiatives that promote the development
- 10642 of broadband-related infrastructure in the state and help implement those policies and
- 10643 initiatives;
- 10644 (b) facilitate coordination between broadband providers and public and private entities;
- 10645 (c) collect and analyze data on broadband availability and usage in the state, including
- 10646 Internet speed, capacity, the number of unique visitors, and the availability of broadband
- 10647 infrastructure throughout the state;
- 10648 (d) create a voluntary broadband advisory committee, which shall include broadband
- 10649 providers and other public and private stakeholders, to solicit input on broadband-related policy
- 10650 guidance, best practices, and adoption strategies;
- 10651 (e) work with broadband providers, state and local governments, and other public and
- 10652 private stakeholders to facilitate and encourage the expansion and maintenance of broadband
- 10653 infrastructure throughout the state; and
- 10654 (f) in accordance with the requirements of Title 63J, Chapter 5, Federal Funds
- 10655 Procedures Act, and in accordance with federal requirements:
- 10656 (i) apply for federal grants;
- 10657 (ii) participate in federal programs; and

10658 (iii) administer federally funded broadband-related programs.

10659 Section 191. Section **67-1-2.5** is amended to read:

10660 **67-1-2.5. Executive boards -- Database -- Governor's review of new boards.**

10661 (1) As used in this section:

10662 (a) "Administrator" means the boards and commissions administrator designated under
10663 Subsection (3).

10664 (b) "Executive board" means an executive branch board, commission, council,
10665 committee, working group, task force, study group, advisory group, or other body:

10666 (i) with a defined limited membership;

10667 (ii) that is created by the constitution, by statute, by executive order, by the governor,
10668 lieutenant governor, attorney general, state auditor, or state treasurer or by the head of a
10669 department, division, or other administrative subunit of the executive branch of state
10670 government; and

10671 (iii) that is created to operate for more than six months.

10672 (2) (a) Except as provided in Subsection (2)(c), before August 1 of the calendar year
10673 following the year in which a new executive board is created in statute, the governor shall:

10674 (i) review the executive board to evaluate:

10675 (A) whether the executive board accomplishes a substantial governmental interest; and

10676 (B) whether it is necessary for the executive board to remain in statute;

10677 (ii) in the governor's review described in Subsection (2)(a)(i), consider:

10678 (A) the funding required for the executive board;

10679 (B) the staffing resources required for the executive board;

10680 (C) the time members of the executive board are required to commit to serve on the
10681 executive board; and

10682 (D) whether the responsibilities of the executive board could reasonably be
10683 accomplished through an existing entity or without statutory direction; and

10684 (iii) submit a report to the Government Operations Interim Committee recommending
10685 that the Legislature:

10686 (A) repeal the executive board;

10687 (B) add a sunset provision or future repeal date to the executive board;

10688 (C) make other changes to make the executive board more efficient; or

- 10689 (D) make no changes to the executive board.
- 10690 (b) In conducting the evaluation described in Subsection (2)(a), the governor shall give
- 10691 deference to:
- 10692 (i) reducing the size of government; and
- 10693 (ii) making governmental programs more efficient and effective.
- 10694 (c) The governor is not required to conduct the review or submit the report described in
- 10695 Subsection (2)(a) for an executive board that is scheduled for repeal under Title 63I, Chapter 1,
- 10696 Legislative Oversight and Sunset Act, or Title 63I, Chapter 2, Repeal Dates by Title Act.
- 10697 (3) (a) The governor shall designate a board and commissions administrator from the
- 10698 governor's staff to maintain a computerized database containing information about all
- 10699 executive boards.
- 10700 (b) The administrator shall ensure that the database contains:
- 10701 (i) the name of each executive board;
- 10702 (ii) the current statutory or constitutional authority for the creation of the executive
- 10703 board;
- 10704 (iii) the sunset date on which each executive board's statutory authority expires;
- 10705 (iv) the state officer or department and division of state government under whose
- 10706 jurisdiction the executive board operates or with which the executive board is affiliated, if any;
- 10707 (v) the name, address, gender, telephone number, and county of each individual
- 10708 currently serving on the executive board, along with a notation of all vacant or unfilled
- 10709 positions;
- 10710 (vi) the title of the position held by the person who appointed each member of the
- 10711 executive board;
- 10712 (vii) the length of the term to which each member of the executive board was
- 10713 appointed and the month and year that each executive board member's term expires;
- 10714 (viii) whether members appointed to the executive board require the advice and
- 10715 consent of the Senate;
- 10716 (ix) the organization, interest group, profession, local government entity, or geographic
- 10717 area that an individual appointed to an executive board represents, if any;
- 10718 (x) the party affiliation of an individual appointed to an executive board, if the statute
- 10719 or executive order creating the position requires representation from political parties;

- 10720 (xi) whether each executive board is a policy board or an advisory board;
- 10721 (xii) whether the executive board has or exercises rulemaking authority, or is a
- 10722 rulemaking board as defined in Section 63G-24-102; and
- 10723 (xiii) any compensation and expense reimbursement that members of the executive
- 10724 board are authorized to receive.
- 10725 (4) The administrator shall ensure the governor's website includes:
- 10726 (a) the information contained in the database, except for an individual's:
- 10727 (i) physical address;
- 10728 (ii) email address; and
- 10729 (iii) telephone number;
- 10730 (b) a portal, accessible on each executive board's web page within the governor's
- 10731 website, through which a member of the public may provide input on:
- 10732 (i) an individual appointed to serve on the executive board; or
- 10733 (ii) a sitting member of the executive board;
- 10734 (c) each report the administrator receives under Subsection (5); and
- 10735 (d) the summary report described in Subsection (6).
- 10736 (5) (a) Before August 1, once every five years, beginning in calendar year 2024, each
- 10737 executive board shall prepare and submit to the administrator a report that includes:
- 10738 (i) the name of the executive board;
- 10739 (ii) a description of the executive board's official function and purpose;
- 10740 (iii) a description of the actions taken by the executive board since the last report the
- 10741 executive board submitted to the administrator under this Subsection (5);
- 10742 (iv) recommendations on whether any statutory, rule, or other changes are needed to
- 10743 make the executive board more effective; and
- 10744 (v) an indication of whether the executive board should continue to exist.
- 10745 (b) The administrator shall compile and post the reports described in Subsection (5)(a)
- 10746 to the governor's website before September 1 of a calendar year in which the administrator
- 10747 receives a report described in Subsection (5)(a).
- 10748 (6) (a) Before September 1 of a calendar year in which the administrator receives a
- 10749 report described in Subsection (5)(a), the administrator shall prepare a report that includes:
- 10750 (i) as of July 1 of that year, the total number of executive boards that exist;

10751 (ii) a summary of the reports submitted to the administrator under Subsection (5),
10752 including:

- 10753 (A) a list of each executive board that submitted a report under Subsection (5);
- 10754 (B) a list of each executive board that did not submit a report under Subsection (5);
- 10755 (C) an indication of any recommendations made under Subsection (5)(a)(iv); and
- 10756 (D) a list of any executive boards that indicated under Subsection (5)(a)(v) that the
10757 executive board should no longer exist; and

10758 (iii) a list of each executive board, identified and reported by the Division of Archives
10759 and Record Services under Section [~~63F-1-701~~] [63A-16-601](#), that did not post a notice of a
10760 public meeting on the public notice website during the previous fiscal year.

10761 (b) On or before September 1 of a calendar year in which the administrator prepares a
10762 report described in Subsection (6)(a), in accordance with Section [68-3-14](#), the administrator
10763 shall submit the report to:

- 10764 (i) the president of the Senate;
- 10765 (ii) the speaker of the House of Representatives; and
- 10766 (iii) the Government Operations Interim Committee.

10767 Section 192. Section ~~67-1-14~~ is amended to read:

10768 **67-1-14. Information technology.**

10769 The governor shall review the executive branch strategic plan submitted to the governor
10770 by the chief information officer in accordance with Section [~~63F-1-203~~] [63A-16-202](#).

10771 Section 193. Section ~~67-1a-2.2~~ is amended to read:

10772 **67-1a-2.2. Residences in more than one district -- Lieutenant governor to resolve.**

10773 (1) If, in reviewing a map generated from a redistricting block assignment file, the
10774 lieutenant governor determines that a single-family or multi-family residence is within more
10775 than one Congressional, Senate, House, or State Board of Education district, the lieutenant
10776 governor may, by January 31, 2012, and in consultation with the Automated Geographic
10777 Reference Center, determine the district to which the residence is assigned.

10778 (2) In order to make the determination required by Subsection (1), the lieutenant
10779 governor shall review the block assignment file and other Bureau of the Census data and obtain
10780 and review other relevant data such as aerial photography or other data about the area.

10781 (3) Upon making the determination authorized by this section, the lieutenant governor

10782 shall notify county clerks affected by the determination and the Automated Geographic
10783 Reference Center created under Section [~~63F-1-506~~] [63A-16-505](#).

10784 Section 194. Section **67-1a-6.5** is amended to read:

10785 **67-1a-6.5. Certification of local entity boundary actions -- Definitions -- Notice**
10786 **requirements -- Electronic copies -- Filing.**

10787 (1) As used in this section:

10788 (a) "Applicable certificate" means:

10789 (i) for the impending incorporation of a city, town, local district, conservation district,
10790 or incorporation of a local district from a reorganized special service district, a certificate of
10791 incorporation;

10792 (ii) for the impending creation of a county, school district, special service district,
10793 community reinvestment agency, or interlocal entity, a certificate of creation;

10794 (iii) for the impending annexation of territory to an existing local entity, a certificate of
10795 annexation;

10796 (iv) for the impending withdrawal or disconnection of territory from an existing local
10797 entity, a certificate of withdrawal or disconnection, respectively;

10798 (v) for the impending consolidation of multiple local entities, a certificate of
10799 consolidation;

10800 (vi) for the impending division of a local entity into multiple local entities, a certificate
10801 of division;

10802 (vii) for the impending adjustment of a common boundary between local entities, a
10803 certificate of boundary adjustment; and

10804 (viii) for the impending dissolution of a local entity, a certificate of dissolution.

10805 (b) "Approved final local entity plat" means a final local entity plat, as defined in
10806 Section [17-23-20](#), that has been approved under Section [17-23-20](#) as a final local entity plat by
10807 the county surveyor.

10808 (c) "Approving authority" has the same meaning as defined in Section [17-23-20](#).

10809 (d) "Boundary action" has the same meaning as defined in Section [17-23-20](#).

10810 (e) "Center" means the Automated Geographic Reference Center created under Section
10811 [~~63F-1-506~~] [63A-16-505](#).

10812 (f) "Community reinvestment agency" has the same meaning as defined in Section

10813 17C-1-102.

10814 (g) "Conservation district" has the same meaning as defined in Section 17D-3-102.

10815 (h) "Interlocal entity" has the same meaning as defined in Section 11-13-103.

10816 (i) "Local district" has the same meaning as defined in Section 17B-1-102.

10817 (j) "Local entity" means a county, city, town, school district, local district, community
10818 reinvestment agency, special service district, conservation district, or interlocal entity.

10819 (k) "Notice of an impending boundary action" means a written notice, as described in
10820 Subsection (3), that provides notice of an impending boundary action.

10821 (l) "Special service district" has the same meaning as defined in Section 17D-1-102.

10822 (2) Within 10 days after receiving a notice of an impending boundary action, the
10823 lieutenant governor shall:

10824 (a) (i) issue the applicable certificate, if:

10825 (A) the lieutenant governor determines that the notice of an impending boundary action
10826 meets the requirements of Subsection (3); and

10827 (B) except in the case of an impending local entity dissolution, the notice of an
10828 impending boundary action is accompanied by an approved final local entity plat;

10829 (ii) send the applicable certificate to the local entity's approving authority;

10830 (iii) return the original of the approved final local entity plat to the local entity's
10831 approving authority;

10832 (iv) send a copy of the applicable certificate and approved final local entity plat to:

10833 (A) the State Tax Commission;

10834 (B) the center; and

10835 (C) the county assessor, county surveyor, county auditor, and county attorney of each
10836 county in which the property depicted on the approved final local entity plat is located; and

10837 (v) send a copy of the applicable certificate to the state auditor, if the boundary action
10838 that is the subject of the applicable certificate is:

10839 (A) the incorporation or creation of a new local entity;

10840 (B) the consolidation of multiple local entities;

10841 (C) the division of a local entity into multiple local entities; or

10842 (D) the dissolution of a local entity; or

10843 (b) (i) send written notification to the approving authority that the lieutenant governor

10844 is unable to issue the applicable certificate, if:

10845 (A) the lieutenant governor determines that the notice of an impending boundary action
10846 does not meet the requirements of Subsection (3); or

10847 (B) the notice of an impending boundary action is:

10848 (I) not accompanied by an approved final local entity plat; or

10849 (II) accompanied by a plat or final local entity plat that has not been approved as a final
10850 local entity plat by the county surveyor under Section 17-23-20; and

10851 (ii) explain in the notification under Subsection (2)(b)(i) why the lieutenant governor is
10852 unable to issue the applicable certificate.

10853 (3) Each notice of an impending boundary action shall:

10854 (a) be directed to the lieutenant governor;

10855 (b) contain the name of the local entity or, in the case of an incorporation or creation,
10856 future local entity, whose boundary is affected or established by the boundary action;

10857 (c) describe the type of boundary action for which an applicable certificate is sought;

10858 (d) be accompanied by a letter from the Utah State Retirement Office, created under

10859 Section 49-11-201, to the approving authority that identifies the potential provisions under

10860 Title 49, Utah State Retirement and Insurance Benefit Act, that the local entity shall comply

10861 with, related to the boundary action, if the boundary action is an impending incorporation or

10862 creation of a local entity that may result in the employment of personnel; and

10863 (e) (i) contain a statement, signed and verified by the approving authority, certifying

10864 that all requirements applicable to the boundary action have been met; or

10865 (ii) in the case of the dissolution of a municipality, be accompanied by a certified copy

10866 of the court order approving the dissolution of the municipality.

10867 (4) The lieutenant governor may require the approving authority to submit a paper or

10868 electronic copy of a notice of an impending boundary action and approved final local entity plat

10869 in conjunction with the filing of the original of those documents.

10870 (5) (a) The lieutenant governor shall:

10871 (i) keep, index, maintain, and make available to the public each notice of an impending

10872 boundary action, approved final local entity plat, applicable certificate, and other document that

10873 the lieutenant governor receives or generates under this section;

10874 (ii) make a copy of each document listed in Subsection (5)(a)(i) available on the

10875 Internet for 12 months after the lieutenant governor receives or generates the document;
10876 (iii) furnish a paper copy of any of the documents listed in Subsection (5)(a)(i) to any
10877 person who requests a paper copy; and

10878 (iv) furnish a certified copy of any of the documents listed in Subsection (5)(a)(i) to
10879 any person who requests a certified copy.

10880 (b) The lieutenant governor may charge a reasonable fee for a paper copy or certified
10881 copy of a document that the lieutenant governor provides under this Subsection (5).

10882 Section 195. Section **67-5-11** is amended to read:

10883 **67-5-11. Employee accepting appointment to state position exempt from merit**
10884 **provisions -- Reinstatement in career status.**

10885 (1) An employee in a career status accepting appointment to a position in state
10886 government which is exempt from the merit provisions of Title [67] 63A, Chapter [49] 17,
10887 Utah State Personnel Management Act, shall notify the attorney general in writing. Upon
10888 termination of the appointment, unless discharged for cause, the employee, through written
10889 request of reinstatement made to the attorney general within 30 days from the effective date of
10890 termination from the appointment, shall be reinstated in a career status in the attorney general's
10891 office at a salary not less than that which he was receiving at the time of his appointment, and
10892 the time spent in the other position shall be credited toward seniority in the career service.
10893 Reinstatement shall be made no later than 60 days after the written notification required by this
10894 Subsection (1) or 60 days after the effective date of termination from the employee's appointive
10895 position, whichever is later. The position and assignment to which the employee shall return
10896 shall be determined by the attorney general.

10897 (2) (a) The Office of the Attorney General shall establish and maintain a separate
10898 seniority list for each employee category, which categories may include attorneys,
10899 investigators, paralegals, secretaries, and others.

10900 (b) An employee of the Office of the Attorney General with less seniority than an
10901 employee in the same category entitled to be reinstated under this section holds his position
10902 subject to any reinstatement provided by Subsection (1).

10903 Section 196. Section **72-3-108** is amended to read:

10904 **72-3-108. County roads -- Vacation and narrowing.**

10905 (1) A county may, by ordinance, vacate, narrow, or change the name of a county road

10906 without petition or after petition by a property owner.

10907 (2) A county may not vacate a county road unless notice of the hearing is:

10908 (a) published:

10909 (i) in a newspaper of general circulation in the county once a week for four consecutive
10910 weeks before the hearing; and

10911 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
10912 four weeks before the hearing; and

10913 (b) posted in three public places for four consecutive weeks prior to the hearing; and

10914 (c) mailed to the department and all owners of property abutting the county road.

10915 (3) The right-of-way and easements, if any, of a property owner and the franchise rights
10916 of any public utility may not be impaired by vacating or narrowing a county road.

10917 (4) Except as provided in Section [72-5-305](#), if a county vacates a county road, the
10918 state's right-of-way interest in the county road is also vacated.

10919 Section 197. Section **72-5-105** is amended to read:

10920 **72-5-105. Highways, streets, or roads once established continue until abandoned**
10921 **-- Temporary closure.**

10922 (1) Except as provided in Subsections (3) and (7), all public highways, streets, or roads
10923 once established shall continue to be highways, streets, or roads until formally abandoned or
10924 vacated by written order, resolution, or ordinance resolution of a highway authority having
10925 jurisdiction or by court decree, and the written order, resolution, ordinance, or court decree has
10926 been duly recorded in the office of the recorder of the county or counties where the highway,
10927 street, or road is located.

10928 (2) (a) For purposes of assessment, upon the recordation of an order executed by the
10929 proper authority with the county recorder's office, title to the vacated or abandoned highway,
10930 street, or road shall vest to the adjoining record owners, with one-half of the width of the
10931 highway, street, or road assessed to each of the adjoining owners.

10932 (b) Provided, however, that should a description of an owner of record extend into the
10933 vacated or abandoned highway, street, or road that portion of the vacated or abandoned
10934 highway, street, or road shall vest in the record owner, with the remainder of the highway,
10935 street, or road vested as otherwise provided in this Subsection (2).

10936 (c) Title to a highway, street, or road that a local highway authority closes to vehicular

10937 traffic under Subsection (3) or (7) remains vested in the city.

10938 (3) (a) In accordance with this section, a state or local highway authority may
10939 temporarily close a class B, C, or D road, an R.S. 2477 right-of-way, or a portion of a class B,
10940 C, or D road or R.S. 2477 right-of-way.

10941 (b) (i) A temporary closure authorized under this section is not an abandonment.

10942 (ii) The erection of a barrier or sign on a highway, street, or road once established is
10943 not an abandonment.

10944 (iii) An interruption of the public's continuous use of a highway, street, or road once
10945 established is not an abandonment even if the interruption is allowed to continue unabated.

10946 (c) A temporary closure under Subsection (3)(a) may be authorized only under the
10947 following circumstances:

10948 (i) when a federal authority, or other person, provides an alternate route to an R.S.
10949 2477 right-of-way or portion of an R.S. 2477 right-of-way if the alternate route is:

10950 (A) accepted by the highway authority; and

10951 (B) formalized by a federal permit or a written agreement between the federal authority
10952 or other person and the highway authority;

10953 (ii) when a state or local highway authority determines that correction or mitigation of
10954 injury to private or public land resources is necessary on or near a class B or D road or portion
10955 of a class B or D road; or

10956 (iii) when a local highway authority makes a finding that temporary closure of all or
10957 part of a class C road is necessary to mitigate unsafe conditions.

10958 (d) (i) If a local highway authority temporarily closes all or part of a class C road under
10959 Subsection (3)(c)(iii), the local highway authority may convert the closed portion of the road to
10960 another public use or purpose related to the mitigation of the unsafe condition.

10961 (ii) If a local highway authority temporarily closes all or part of a class C road under
10962 Subsection (3)(c)(iii), and the closed portion of road is the subject of a lease agreement
10963 between the local highway authority and another entity, the local highway authority may not
10964 reopen the closed portion of the road until the lease agreement terminates.

10965 (e) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S.
10966 2477 right-of-way temporarily closed under this section if the alternate route is closed for any
10967 reason.

- 10968 (f) A temporary closure authorized under Subsection (3)(c)(ii) shall:
- 10969 (i) be authorized annually; and
- 10970 (ii) not exceed two years or the time it takes to complete the correction or mitigation,
- 10971 whichever is less.
- 10972 (4) To authorize a closure of a road under Subsection (3) or (7), a local highway
- 10973 authority shall pass an ordinance to temporarily or indefinitely close the road.
- 10974 (5) Before authorizing a temporary or indefinite closure as described in Subsection (4),
- 10975 a highway authority shall:
- 10976 (a) hold a hearing on the proposed temporary or indefinite closure;
- 10977 (b) provide notice of the hearing by mailing a notice to the Department of
- 10978 Transportation and all owners of property abutting the highway; and
- 10979 (c) except for a closure under Subsection (3)(c)(iii):
- 10980 (i) publishing the notice:
- 10981 (A) in a newspaper of general circulation in the county at least once a week for four
- 10982 consecutive weeks before the hearing; and
- 10983 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
- 10984 four weeks before the hearing; or
- 10985 (ii) posting the notice in three public places for at least four consecutive weeks before
- 10986 the hearing.
- 10987 (6) The right-of-way and easements, if any, of a property owner and the franchise rights
- 10988 of any public utility may not be impaired by a temporary or indefinite closure authorized under
- 10989 this section.
- 10990 (7) (a) A local highway authority may close to vehicular travel and convert to another
- 10991 public use or purpose a highway, road, or street over which the local highway authority has
- 10992 jurisdiction, for an indefinite period of time, if the local highway authority makes a finding
- 10993 that:
- 10994 (i) the closed highway, road, or street is not necessary for vehicular travel;
- 10995 (ii) the closure of the highway, road, or street is necessary to correct or mitigate injury
- 10996 to private or public land resources on or near the highway, road, or street; or
- 10997 (iii) the closure of the highway, road, or street is necessary to mitigate unsafe
- 10998 conditions.

10999 (b) If a local highway authority indefinitely closes all or part of a highway, road, or
11000 street under Subsection (7)(a)(iii), and the closed portion of road is the subject of a lease
11001 agreement between the local highway authority and another entity, the local highway authority
11002 may not reopen the closed portion of the road until the lease agreement terminates.

11003 (c) An indefinite closure authorized under this Subsection (7) is not an abandonment.
11004 Section 198. Section **72-5-304** is amended to read:

11005 **72-5-304. Mapping and survey requirements.**

11006 (1) The Department of Transportation, counties, and cities are not required to possess
11007 centerline surveys for R.S. 2477 rights-of-ways.

11008 (2) To be accepted, highways within R.S. 2477 rights-of-way do not need to be
11009 included in the plats, descriptions, and maps of county roads required by Sections [72-3-105](#) and
11010 [72-3-107](#) or on the State Geographic Information Database, created in Section [[63F-1-507](#)]
11011 [63A-16-506](#), required to be maintained by Subsection (3).

11012 (3) (a) The Automated Geographic Reference Center, created in Section [[63F-1-506](#)]
11013 [63A-16-505](#), shall create and maintain a record of R.S. 2477 rights-of-way on the Geographic
11014 Information Database.

11015 (b) The record of R.S. 2477 rights-of-way shall be based on information maintained by
11016 the Department of Transportation and cartographic, topographic, photographic, historical, and
11017 other data available to or maintained by the Automated Geographic Reference Center.

11018 (c) Agencies and political subdivisions of the state may provide additional information
11019 regarding R.S. 2477 rights-of-way when information is available.

11020 Section 199. Section **72-16-202** is amended to read:

11021 **72-16-202. Hiring of director.**

11022 (1) (a) The executive director, subject to approval by the committee, shall hire a
11023 director.

11024 (b) The executive director may remove the director at the executive director's will.

11025 (2) The director shall:

11026 (a) be experienced in administration and possess additional qualifications as
11027 determined by the committee and the executive director; and

11028 (b) receive compensation in accordance with Title [~~67~~] [63A](#), Chapter [~~19~~] [17](#), Utah
11029 State Personnel Management Act.

11030 Section 200. Section 73-1-16 is amended to read:

11031 **73-1-16. Petition for hearing to determine validity -- Notice -- Service -- Pleading**
11032 **-- Costs -- Review.**

11033 Where any water users' association, irrigation company, canal company, ditch company,
11034 reservoir company, or other corporation of like character or purpose, organized under the laws
11035 of this state has entered into or proposes to enter into a contract with the United States for the
11036 payment by such association or company of the construction and other charges of a federal
11037 reclamation project constructed, under construction, or to be constructed within this state, and
11038 where funds for the payment of such charges are to be obtained from assessments levied upon
11039 the stock of such association or company, or where a lien is created or will be created against
11040 any of the land, property, canals, water rights or other assets of such association or company or
11041 against the land, property, canals, water rights or other assets of any stockholder of such
11042 association or company to secure the payment of construction or other charges of a reclamation
11043 project, the water users' association, irrigation company, canal company, ditch company,
11044 reservoir company or other corporation of like character or purpose may file in the district court
11045 of the county wherein is situated the office of such association or company a petition entitled
11046 "..... Water Users' Association" or "..... Company," as the case may be, "against the
11047 stockholders of said association or company and the owners and mortgagees of land within the
11048 Federal Reclamation Project." No other or more specific description of the defendants
11049 shall be required. In the petition it may be stated that the water users' association, irrigation
11050 company, canal company, ditch company, reservoir company or other corporation of like
11051 character and purpose has entered into or proposes to enter into a contract with the United
11052 States, to be set out in full in said petition, with a prayer that the court find said contract to be
11053 valid, and a modification of any individual contracts between the United States and the
11054 stockholders of such association or company, or between the association or company, and its
11055 stockholders, so far as such individual contracts are at variance with the contract or proposed
11056 contract between the association or company and the United States.

11057 Thereupon a notice in the nature of a summons shall issue under the hand and seal of
11058 the clerk of said court, stating in brief outline the contents of said petition, and showing where
11059 a full copy of said contract or proposed contract may be examined, such notice to be directed to
11060 the said defendants under the same general designations, which shall be considered sufficient

11061 to give the court jurisdiction of all matters involved and parties interested. Service shall be
11062 obtained (a) by publication of such notice once a week for three consecutive weeks (three
11063 times) in a newspaper published in each county where the irrigable land of such federal
11064 reclamation project is situated, (b) as required in Section [45-1-101](#) for three weeks, (c) by
11065 publishing the notice on the Utah Public Notice Website created in Section [~~63F-1-701~~]
11066 [63A-16-601](#), for three weeks prior to the date of the hearing, and (d) by the posting at least
11067 three weeks prior to the date of the hearing on said petition of the notice and a complete copy
11068 of the said contract or proposed contract in the office of the plaintiff association or company,
11069 and at three other public places within the boundaries of such federal reclamation project. Any
11070 stockholder in the plaintiff association or company, or owner, or mortgagee of land within said
11071 federal reclamation project affected by the contract proposed to be made by such association or
11072 company, may demur to or answer said petition before the date set for such hearing or within
11073 such further time as may be allowed therefor by the court. The failure of any persons affected
11074 by the said contract to answer or demur shall be construed, so far as such persons are concerned
11075 as an acknowledgment of the validity of said contract and as a consent to the modification of
11076 said individual contracts if any with such association or company or with the United States, to
11077 the extent that such modification is required to cause the said individual contracts if any to
11078 conform to the terms of the contract or proposed contract between the plaintiff and the United
11079 States. All persons filing demurrers or answers shall be entered as defendants in said cause and
11080 their defense consolidated for hearing or trial. Upon hearing the court shall examine all matters
11081 and things in controversy and shall enter judgment and decree as the case warrants, showing
11082 how and to what extent, if any, the said individual contracts of the defendants or under which
11083 they claim are modified by the plaintiff's contract or proposed contract with the United States.
11084 In reaching his conclusion in such causes, the court shall follow a liberal interpretation of the
11085 laws, and shall disregard informalities or omissions not affecting the substantial rights of the
11086 parties, unless it is affirmatively shown that such informalities or omissions led to a different
11087 result than would have been obtained otherwise. The Code of Civil Procedure shall govern
11088 matters of pleading and practice as nearly as may be. Costs may be assessed or apportioned
11089 among contesting parties in the discretion of the trial court. Review of the judgment of the
11090 district court by the Supreme Court may be had as in other civil causes.

11091 Section 201. Section **73-5-1** is amended to read:

11092 **73-5-1. Appointment of water commissioners -- Procedure.**

11093 (1) (a) If, in the judgment of the state engineer or the district court, it is necessary to
11094 appoint a water commissioner for the distribution of water from any river system or water
11095 source, the commissioner shall be appointed for a four-year term by the state engineer.

11096 (b) The state engineer shall determine whether all or a part of a river system or other
11097 water source shall be served by a commissioner, and if only a part is to be served, the state
11098 engineer shall determine the boundaries of that part.

11099 (c) The state engineer may appoint:

11100 (i) more than one commissioner to distribute water from all or a part of a water source;

11101 or

11102 (ii) a single commissioner to distribute water from several separate and distinct water
11103 sources.

11104 (d) A water commissioner appointed by the state engineer under this section is:

11105 (i) an employee of the Division of Water Rights;

11106 (ii) career service exempt under Subsection [~~67-19-15~~] [63A-17-301](#)(1)(k); and

11107 (iii) exempt under Subsection [~~67-19-12~~] [63A-17-307](#)(2)(f) from the classified service
11108 provisions of Section [~~67-19-12~~] [63A-17-307](#).

11109 (2) (a) The state engineer shall consult with the water users before appointing a
11110 commissioner. The form of consultation and notice to be given shall be determined by the state
11111 engineer so as to best suit local conditions, while providing for full expression of majority
11112 opinion.

11113 (b) The state engineer shall act in accordance with the recommendation of a majority of
11114 the water users, if the majority of the water users:

11115 (i) agree upon:

11116 (A) a qualified individual to be appointed as a water commissioner;

11117 (B) the duties the individual shall perform; and

11118 (C) subject to the requirements of Title 49, Utah State Retirement and Insurance
11119 Benefit Act, the compensation the individual shall receive; and

11120 (ii) submit a recommendation to the state engineer on the items described in
11121 Subsection (2)(b)(i).

11122 (c) If a majority of water users do not agree on the appointment, duties, or

11123 compensation, the state engineer shall make a determination for them.

11124 (3) (a) (i) The salary and expenses of the commissioner and all other expenses of
11125 distribution, including printing, postage, equipment, water users' expenses, and any other
11126 expenses considered necessary by the state engineer, shall be borne pro rata by the users of
11127 water from the river system or water source in accordance with a schedule to be fixed by the
11128 state engineer.

11129 (ii) The schedule shall be based on the established rights of each water user, and the
11130 pro rata share shall be paid by each water user to the state engineer on or before May 1 of each
11131 year.

11132 (b) The payments shall be deposited in the Water Commissioner Fund created in
11133 Section 73-5-1.5.

11134 (c) If a water user fails to pay the assessment as provided by Subsection (3)(a), the state
11135 engineer may do any or all of the following:

11136 (i) create a lien upon the water right affected by filing a notice of lien in the office of
11137 the county recorder in the county where the water is diverted and bring an action to enforce the
11138 lien;

11139 (ii) forbid the use of water by the delinquent water user or the delinquent water user's
11140 successors or assignees, while the default continues; or

11141 (iii) bring an action in the district court for the unpaid expense and salary.

11142 (d) In any action brought to collect any unpaid assessment or to enforce any lien under
11143 this section, the delinquent water user shall be liable for the amount of the assessment, interest,
11144 any penalty, and for all costs of collection, including all court costs and a reasonable attorney
11145 fee.

11146 (4) (a) A commissioner may be removed by the state engineer for cause.

11147 (b) The users of water from any river system or water source may petition the district
11148 court for the removal of a commissioner and after notice and hearing, the court may order the
11149 removal of the commissioner and direct the state engineer to appoint a successor.

11150 Section 202. Section 73-5-14 is amended to read:

11151 **73-5-14. Determination by the state engineer of watershed to which particular**
11152 **source is tributary -- Publications of notice and result -- Hearing -- Judicial review.**

11153 (1) The state engineer may determine for administrative and distribution purposes the

11154 watershed to which any particular stream or source of water is tributary.

11155 (2) A determination under Subsection (1) may be made only after publication of notice
11156 to the water users.

11157 (3) Publication of notice under Subsection (2) shall be made:

11158 (a) in a newspaper or newspapers having general circulation in every county in the state
11159 in which any rights might be affected, once each week for five consecutive weeks;

11160 (b) in accordance with Section [45-1-101](#) for five weeks; and

11161 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
11162 five weeks.

11163 (4) The state engineer shall fix the date and place of hearing and at the hearing any
11164 water user shall be given an opportunity to appear and adduce evidence material to the
11165 determination of the question involved.

11166 (5) (a) The state engineer shall publish the result of the determination as provided in
11167 Subsections (3)(a) and (b), and the notice of the decision of the state engineer shall notify the
11168 public that any person aggrieved by the decision may appeal the decision as provided by
11169 Section [73-3-14](#).

11170 (b) The notice under Subsection (5)(a) shall be considered to have been given so as to
11171 start the time for appeal upon completion of the publication of notice.

11172 Section 203. Section **75-1-401** is amended to read:

11173 **75-1-401. Notice -- Method and time of giving.**

11174 (1) If notice of a hearing on any petition is required and except for specific notice
11175 requirements as otherwise provided, the petitioner shall cause notice of the time and place of
11176 hearing of any petition to be given to any interested person or the person's attorney if the person
11177 has appeared by attorney or requested that notice be sent to the person's attorney. Notice shall
11178 be given by the clerk posting a copy of the notice for the 10 consecutive days immediately
11179 preceding the time set for the hearing in at least three public places in the county, one of which
11180 must be at the courthouse of the county and:

11181 (a) (i) by the clerk mailing a copy thereof at least 10 days before the time set for the
11182 hearing by certified, registered, or ordinary first class mail addressed to the person being
11183 notified at the post-office address given in the demand for notice, if any, or at the person's
11184 office or place of residence, if known; or

11185 (ii) by delivering a copy thereof to the person being notified personally at least 10 days
11186 before the time set for the hearing; and

11187 (b) if the address, or identity of any person is not known and cannot be ascertained with
11188 reasonable diligence, by publishing:

11189 (i) at least once a week for three consecutive weeks a copy thereof in a newspaper
11190 having general circulation in the county where the hearing is to be held, the last publication of
11191 which is to be at least 10 days before the time set for the hearing; and

11192 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
11193 three weeks.

11194 (2) The court for good cause shown may provide for a different method or time of
11195 giving notice for any hearing.

11196 (3) Proof of the giving of notice shall be made on or before the hearing and filed in the
11197 proceeding.

11198 Section 204. **Effective date.**

11199 This bill takes effect on July 1, 2021.

11200 Section 205. **Revisor instructions.**

11201 The Legislature intends that the Office of Legislative Research and General Counsel, in
11202 preparing the Utah Code database for publication, not enroll this bill if S.B. 181, Department of
11203 Government Operations, does not pass.