

1 **PUBLIC NOTICE REQUIREMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stephanie Pitcher**

5 House Sponsor: Norman Thurston

7 **LONG TITLE**

8 **Committee Note:**

9 The Government Operations Interim Committee recommended this bill.

10 Legislative Vote: 12 voting for 0 voting against 2 absent

11 **General Description:**

12 This bill amends provisions relating to providing public notices.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ defines terms;
- 16 ▶ creates classifications for types of public notices where each classification requires
17 notice to be provided in specific ways;
- 18 ▶ amends public notice provisions to implement the new classification system; and
- 19 ▶ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **4-17-109**, as renumbered and amended by Laws of Utah 2017, Chapter 345

27 **4-25-201**, as renumbered and amended by Laws of Utah 2017, Chapter 345



- 28 **4-25-401**, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 29 **4-30-106**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 30 **7-1-706**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 31 **7-2-6**, as last amended by Laws of Utah 2015, Chapter 258
- 32 **8-5-6**, as last amended by Laws of Utah 2021, Chapter 355
- 33 **9-8-805**, as last amended by Laws of Utah 2019, Chapter 221
- 34 **10-2-406**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 35 **10-2-407**, as last amended by Laws of Utah 2022, Chapter 355
- 36 **10-2-415**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 37 **10-2-418**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 38 **10-2-419**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 39 **10-2-501**, as last amended by Laws of Utah 2022, Chapter 355
- 40 **10-2-502.5**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 41 **10-2-607**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 42 **10-2-703**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 43 **10-2-708**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 44 **10-2a-207**, as last amended by Laws of Utah 2021, Chapters 84, 112, 345, and 355
- 45 **10-2a-210**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 46 **10-2a-213**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 47 **10-2a-214**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 48 **10-2a-215**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 49 **10-2a-404**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 50 **10-2a-405**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 51 **10-2a-410**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 52 **10-3-301**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 53 **10-3-711**, as last amended by Laws of Utah 2021, Chapter 355
- 54 **10-3-818**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 55 **10-3c-204**, as last amended by Laws of Utah 2021, Chapter 210 and last amended by
- 56 Coordination Clause, Laws of Utah 2021, Chapter 367
- 57 **10-5-107.5**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 58 **10-5-108**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355

- 59 [10-6-113](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 60 [10-6-135.5](#), as last amended by Laws of Utah 2021, Chapters 84, 345
- 61 [10-6-152](#), as last amended by Laws of Utah 2021, Chapter 355
- 62 [10-7-16](#), as last amended by Laws of Utah 2021, Chapter 355
- 63 [10-7-19](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 64 [10-8-2](#), as last amended by Laws of Utah 2022, Chapter 307
- 65 [10-8-15](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 66 [10-9a-203](#), as last amended by Laws of Utah 2021, Chapters 84, 162 and 345
- 67 [10-9a-204](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 68 [10-9a-205](#), as last amended by Laws of Utah 2022, Chapter 355
- 69 [10-9a-208](#), as last amended by Laws of Utah 2021, Chapters 84, 345
- 70 [10-18-203](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 71 [10-18-302](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 72 [10-18-303](#), as last amended by Laws of Utah 2021, Chapter 355
- 73 [11-13-204](#), as last amended by Laws of Utah 2021, Chapters 84, 345
- 74 [11-13-219](#), as last amended by Laws of Utah 2021, Chapter 355
- 75 [11-13-509](#), as last amended by Laws of Utah 2021, Chapters 84, 345
- 76 [11-14-202](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 77 [11-14-315](#), as last amended by Laws of Utah 2021, Chapter 355
- 78 [11-14-316](#), as last amended by Laws of Utah 2013, Chapter 107
- 79 [11-14-318](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 80 [11-14a-1](#), as last amended by Laws of Utah 2021, Chapter 355
- 81 [11-17-16](#), as last amended by Laws of Utah 2011, Chapter 145
- 82 [11-27-4](#), as last amended by Laws of Utah 2011, Chapter 145
- 83 [11-27-5](#), as last amended by Laws of Utah 2010, Chapter 378
- 84 [11-30-5](#), as last amended by Laws of Utah 2021, Chapter 355
- 85 [11-32-10](#), as last amended by Laws of Utah 2009, Chapter 388
- 86 [11-32-11](#), as last amended by Laws of Utah 2009, Chapter 388
- 87 [11-36a-501](#), as last amended by Laws of Utah 2021, Chapters 84, 344
- 88 [11-36a-503](#), as last amended by Laws of Utah 2021, Chapters 84, 345
- 89 [11-36a-504](#), as last amended by Laws of Utah 2021, Chapters 84, 345

- 90 **11-39-103**, as last amended by Laws of Utah 2021, Chapter 355
- 91 **11-42-202**, as last amended by Laws of Utah 2021, Chapters 84, 345, 355, and 415
- 92 **11-42-301**, as last amended by Laws of Utah 2021, Chapter 355
- 93 **11-42-402**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 94 **11-42-404**, as last amended by Laws of Utah 2021, Chapter 355
- 95 **11-42-604**, as last amended by Laws of Utah 2014, Chapter 189
- 96 **11-42a-201**, as last amended by Laws of Utah 2021, Chapter 355
- 97 **11-42b-104**, as enacted by Laws of Utah 2022, Chapter 376
- 98 **11-42b-108**, as enacted by Laws of Utah 2022, Chapter 376
- 99 **11-42b-109**, as enacted by Laws of Utah 2022, Chapter 376
- 100 **11-42b-110**, as enacted by Laws of Utah 2022, Chapter 376
- 101 **11-58-502**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 102 **11-58-503**, as last amended by Laws of Utah 2021, Chapters 162, 345
- 103 **11-58-701**, as last amended by Laws of Utah 2022, Chapter 207
- 104 **11-58-801**, as last amended by Laws of Utah 2022, Chapter 82
- 105 **11-58-901**, as last amended by Laws of Utah 2021, Chapter 282
- 106 **11-59-401**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 107 **11-59-501**, as last amended by Laws of Utah 2021, Chapter 282
- 108 **11-65-204**, as enacted by Laws of Utah 2022, Chapter 59
- 109 **11-65-402**, as enacted by Laws of Utah 2022, Chapter 59
- 110 **11-65-601**, as enacted by Laws of Utah 2022, Chapter 59
- 111 **17-27a-203**, as last amended by Laws of Utah 2021, Chapters 84, 162 and 345
- 112 **17-27a-204**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 113 **17-27a-205**, as last amended by Laws of Utah 2022, Chapter 355
- 114 **17-27a-208**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 115 **17-27a-306**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 116 **17-27a-404**, as last amended by Laws of Utah 2022, Chapters 282, 406
- 117 **17-36-12**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 118 **17-36-26**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 119 **17-41-302**, as last amended by Laws of Utah 2021, Chapter 355
- 120 **17-41-304**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355

- 121 [17-41-405](#), as last amended by Laws of Utah 2022, Chapter 274
- 122 [17-50-303](#), as last amended by Laws of Utah 2021, Chapters 84, 345
- 123 [17B-1-106](#), as last amended by Laws of Utah 2021, Chapters 84, 162, 345, and 382
- 124 [17B-1-111](#), as last amended by Laws of Utah 2021, Chapter 355
- 125 [17B-1-211](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 126 [17B-1-304](#), as last amended by Laws of Utah 2022, Chapter 381
- 127 [17B-1-306](#), as last amended by Laws of Utah 2022, Chapters 18, 381
- 128 [17B-1-313](#), as last amended by Laws of Utah 2021, Chapter 355
- 129 [17B-1-413](#), as last amended by Laws of Utah 2021, Chapters 84, 345
- 130 [17B-1-417](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 131 [17B-1-505.5](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 132 [17B-1-608](#), as last amended by Laws of Utah 2022, Chapter 330
- 133 [17B-1-609](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 134 [17B-1-643](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 135 [17B-1-1204](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 136 [17B-1-1307](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 137 [17B-2a-705](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 138 [17B-2a-1007](#), as last amended by Laws of Utah 2021, Chapter 355
- 139 [17B-2a-1110](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 140 [17C-1-207](#), as last amended by Laws of Utah 2021, Chapters 84, 345
- 141 [17C-1-601.5](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 142 [17C-1-701.5](#), as last amended by Laws of Utah 2021, Chapter 355
- 143 [17C-1-804](#), as last amended by Laws of Utah 2021, Chapters 84, 345
- 144 [17C-1-806](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 145 [17C-1-1003](#), as enacted by Laws of Utah 2021, Chapter 214
- 146 [17C-2-108](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 147 [17C-3-107](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 148 [17C-4-106](#), as last amended by Laws of Utah 2021, Chapter 355
- 149 [17C-4-109](#), as last amended by Laws of Utah 2021, Chapters 84, 345
- 150 [17C-4-202](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 151 [17C-5-110](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355

- 152 **17C-5-113**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 153 **17C-5-205**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 154 **17D-3-305**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 155 **19-2-109**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 156 **20A-1-206**, as last amended by Laws of Utah 2022, Chapter 167
- 157 **20A-1-512**, as last amended by Laws of Utah 2021, Chapters 77, 84 and 345
- 158 **20A-3a-604**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 159 **20A-4-104**, as last amended by Laws of Utah 2022, Chapter 380
- 160 **20A-4-304**, as last amended by Laws of Utah 2022, Chapter 342
- 161 **20A-5-101**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 162 **20A-5-403.5**, as last amended by Laws of Utah 2022, Chapter 156
- 163 **20A-5-405**, as last amended by Laws of Utah 2022, Chapter 170
- 164 **20A-7-103**, as last amended by Laws of Utah 2022, Chapters 170, 325
- 165 **20A-7-204.1**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 166 **20A-7-402**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 167 **20A-9-203**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 168 **26-8a-405.3**, as last amended by Laws of Utah 2021, Chapter 355
- 169 **26-61a-303**, as last amended by Laws of Utah 2022, Chapters 290, 415
- 170 **49-11-1102**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 171 **52-4-202**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 172 **52-4-302**, as last amended by Laws of Utah 2012, Chapter 403
- 173 **53B-7-101.5**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 174 **53E-4-202**, as last amended by Laws of Utah 2022, Chapter 377
- 175 **53G-3-204**, as last amended by Laws of Utah 2021, Chapters 84, 162 and 345
- 176 **53G-4-204**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 177 **53G-4-402**, as last amended by Laws of Utah 2021, Chapters 84, 262, 324, and 345
- 178 **53G-5-504**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 179 **54-8-10**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 180 **54-8-16**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 181 **54-8-23**, as last amended by Laws of Utah 2021, Chapter 355
- 182 **57-11-11**, as last amended by Laws of Utah 2021, Chapters 84, 345

- 183 [57-13a-104](#), as last amended by Laws of Utah 2022, Chapter 274
- 184 [59-2-919](#), as last amended by Laws of Utah 2021, Chapters 84, 345
- 185 [59-2-919.2](#), as last amended by Laws of Utah 2021, Chapters 84, 345
- 186 [59-12-402](#), as last amended by Laws of Utah 2021, Chapter 355
- 187 [59-12-1102](#), as last amended by Laws of Utah 2021, Chapters 84, 345
- 188 [59-12-2208](#), as last amended by Laws of Utah 2021, Chapter 355
- 189 [62A-5-202.5](#), as last amended by Laws of Utah 2021, Chapter 355
- 190 [63A-5b-305](#), as last amended by Laws of Utah 2021, Chapter 355
- 191 [63A-5b-905](#), as last amended by Laws of Utah 2022, Chapter 421
- 192 [63A-16-602](#), as renumbered and amended by Laws of Utah 2021, Chapters 84, 344 and
- 193 last amended by Coordination Clause, Laws of Utah 2021, Chapter 344
- 194 [63G-6a-112](#), as last amended by Laws of Utah 2021, Chapter 355
- 195 [63G-9-303](#), as last amended by Laws of Utah 2021, Chapters 84, 344
- 196 [63H-1-202](#), as last amended by Laws of Utah 2022, Chapters 274, 463
- 197 [63H-1-701](#), as last amended by Laws of Utah 2022, Chapter 463
- 198 [67-3-13](#), as enacted by Laws of Utah 2021, Chapter 155
- 199 [72-3-108](#), as last amended by Laws of Utah 2021, Chapters 84, 345
- 200 [72-5-105](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 201 [72-6-108](#), as last amended by Laws of Utah 2021, Chapter 355
- 202 [73-5-14](#), as last amended by Laws of Utah 2021, Chapters 84, 345
- 203 [73-10-32](#), as last amended by Laws of Utah 2022, Chapter 90
- 204 [75-1-401](#), as last amended by Laws of Utah 2021, Chapters 84, 345
- 205 [76-8-809](#), as last amended by Laws of Utah 2021, Chapter 355
- 206 [78A-7-202](#), as last amended by Laws of Utah 2022, Chapter 276
- 207 [79-6-402](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and renumbered
- 208 and amended by Laws of Utah 2021, Chapter 280

209 ENACTS:

- 210 [63G-28-101](#), Utah Code Annotated 1953
- 211 [63G-28-102](#), Utah Code Annotated 1953



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

214 Section 1. Section 4-17-109 is amended to read:

215 **4-17-109. Notice of noxious weeds to be published annually in county -- Notice to**
216 **particular property owners to control noxious weeds -- Methods of prevention or control**
217 **specified -- Failure to control noxious weeds considered public nuisance.**

218 (1) Each county weed control board before May 1 of each year shall post a general
219 notice of the noxious weeds within the county [~~in at least three public places within the county~~]
220 and publish the same notice [~~on~~]:

221 (a) [~~at least three occasions in a newspaper or other publication of general circulation~~]
222 within the county as a class A notice under Section 63G-28-102; and

223 (b) as required in Section 45-1-101.

224 (2) (a) If the county weed control board determines that particular property within the
225 county requires prompt and definite attention to prevent or control noxious weeds, the county
226 weed control board shall serve the owner or the person in possession of the property, personally
227 or by certified mail, a notice specifying when and what action is required to be taken on the
228 property.

229 (b) Methods of prevention or control may include definite systems of tillage, cropping,
230 use of chemicals, and use of livestock.

231 (3) An owner or person in possession of property who fails to take action to control or
232 prevent the spread of noxious weeds as specified in the notice is maintaining a public nuisance.

233 Section 2. Section 4-25-201 is amended to read:

234 **4-25-201. Possession of estrays -- Determination and location of owner -- Sale --**
235 **Disposition of proceeds -- Notice -- Title of purchaser -- Immunity from liability.**

236 (1) (a) Except as provided in Section 4-25-202, a county shall:

237 (i) take physical possession of an estray the county finds within county boundaries;

238 (ii) attempt to determine the name and location of the estray's owner; and

239 (iii) contact the local brand inspector.

240 (b) The department shall assist a county that requests its help in determining the name
241 and location of the owner or other person responsible for the estray.

242 (c) (i) Notwithstanding the requirements of Title 67, Chapter 4a, Revised Uniform
243 Unclaimed Property Act, if the county cannot determine the estray's owner, or, if having
244 determined ownership, neither the county nor the department is able to locate the owner within

245 a reasonable period of time, the estray shall be sold at a livestock or other appropriate market.

246 (ii) The proceeds of a sale under Subsection (1)(c)(i), less the costs described in
247 Subsection (1)(c)(iii), shall be paid to the county selling the estray.

248 (iii) The livestock or other market conducting the sale under Subsection (1)(c)(i) may
249 deduct the cost of feed, transportation, and other market costs from the proceeds of the sale.

250 (2) A county shall publish notice of the sale of an estray:

251 (a) at least once 10 days before the date of the sale; and

252 (b) [~~through electronic means or in a publication with general circulation~~] within the
253 county where the estray was taken into custody as a class A notice under Section [63G-28-102](#).

254 (3) A purchaser of an estray sold under this section shall receive title to the estray free
255 and clear of all claims of the estray's owner and a person claiming title through the owner.

256 (4) A county that complies with the provisions of this section is immune from liability
257 for the sale of an estray sold at a livestock or other appropriate market.

258 (5) Notwithstanding the requirements of Subsection (1)(c), a county may employ a
259 licensed veterinarian to euthanize an estray if the licensed veterinarian determines that the
260 estray's physical condition prevents the estray from being sold.

261 Section 3. Section **4-25-401** is amended to read:

262 **4-25-401. Impounded livestock -- Determination and location of owner -- Sale --**
263 **Disposition of proceeds -- Notice -- Title of purchaser -- Immunity from liability.**

264 (1) As used in this section, "impounded livestock" means the following animals seized
265 and retained in legal custody:

266 (a) cattle;

267 (b) calves;

268 (c) horses;

269 (d) mules;

270 (e) sheep;

271 (f) goats;

272 (g) hogs; or

273 (h) domesticated elk.

274 (2) (a) A county may:

275 (i) take physical possession of impounded livestock seized and retained within its

276 boundaries; and

277 (ii) attempt to determine the name and location of the impounded livestock's owner.

278 (b) The department shall assist a county who requests help in locating the name and
279 location of the owner or other person responsible for the impounded livestock.

280 (c) (i) Notwithstanding the requirements of Title 67, Chapter 4a, Revised Uniform
281 Unclaimed Property Act, if the county cannot determine ownership of the impounded livestock,
282 or, if having determined ownership, neither the county nor the department is able to locate the
283 owner within a reasonable period of time, the impounded livestock shall be sold at a livestock
284 or other appropriate market.

285 (ii) The proceeds of a sale under Subsection (2)(c)(i), less the costs described in
286 Subsection (2)(c)(iii), shall be paid to the State School Fund created by the Utah Constitution,
287 Article X, Section 5, Subsection (1).

288 (iii) The livestock or other market conducting the sale under Subsection (2)(c)(i) may
289 deduct the cost of feed, transportation, and other market costs from the proceeds of the sale.

290 (3) A county shall publish the intended sale of the impounded livestock:

291 (a) at least 10 days before the date of sale; and

292 (b) [~~through electronic means or in a publication with general circulation~~] within the
293 county where the impounded livestock was taken into custody as a class A notice under Section
294 [63G-28-102](#).

295 (4) A purchaser of impounded livestock sold under this section shall receive title to the
296 impounded livestock free and clear of all claims of the livestock's owner or a person claiming
297 title through the owner.

298 (5) If a county complies with the provisions of this section, the county is immune from
299 liability for the sale of impounded livestock sold at a livestock or other appropriate market.

300 (6) Notwithstanding the requirements of Subsection (2)(c), a county may employ a
301 licensed veterinarian to euthanize an impounded livestock if the licensed veterinarian
302 determines that the impounded livestock's physical condition prevents the impounded livestock
303 from being sold.

304 Section 4. Section **4-30-106** is amended to read:

305 **4-30-106. Hearing on license application -- Notice of hearing.**

306 (1) Upon the filing of an application, the department shall set a time for hearing on the

307 application in the city or town nearest the proposed site of the livestock market and cause
 308 notice of the time and place of the hearing together with a copy of the application to be
 309 forwarded by mail, not less than 15 days before the hearing date, to the following:

310 (a) each licensed livestock market operator within the state; and
 311 (b) each livestock or other interested association or group of persons in the state that
 312 has filed written notice with the department requesting receipt of notice of such hearings.

313 (2) Notice of the hearing shall be published 14 days before the scheduled hearing
 314 date[:] as a class A notice under Section [63G-28-102](#) within the city or town where the hearing
 315 is scheduled.

316 [~~(a) in a daily or weekly newspaper of general circulation within the city or town where
 317 the hearing is scheduled; and]~~

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

319 Section 5. Section **7-1-706** is amended to read:

320 **7-1-706. Application to commissioner to exercise power -- Procedure -- Notice.**

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

323 (a) issue any rule or order;
 324 (b) exercise any powers granted to the commissioner under this title; or
 325 (c) act on any matter that is subject to the approval of the commissioner.

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

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

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

335 (4) (a) If a hearing is held concerning the request, the commissioner shall publish
 336 notice of the hearing at the applicant's expense[:] within the county where the applicant is
 337 located as a class A notice under Section [63G-28-102](#) for three weeks before the date of the

338 hearing.

339 ~~[(i) in a newspaper of general circulation within the county where the applicant is~~
340 ~~located at least once a week for three successive weeks before the date of the hearing, and]~~

341 ~~[(ii) on the Utah Public Notice Website created in Section ~~63A-16-601~~, for three weeks~~
342 ~~before the date of the hearing.]~~

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

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

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

349 (i) the application;

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

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

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

354 (i) the applicant;

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

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

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

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

360 (b) protect its shareholders or members; and

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

362 Section 6. Section **7-2-6** is amended to read:

363 **7-2-6. Possession by commissioner -- Notice -- Presentation, allowance, and**
364 **disallowance of claims -- Objections to claims.**

365 (1) (a) Possession of an institution by the commissioner commences when notice of
366 taking possession is:

367 (i) posted in each office of the institution located in this state; or

368 (ii) delivered to a controlling person or officer of the institution.

369 (b) All notices, records, and other information regarding possession of an institution by
370 the commissioner may be kept confidential, and all court records and proceedings relating to
371 the commissioner's possession may be sealed from public access if:

372 (i) the commissioner finds it is in the best interests of the institution and its depositors
373 not to notify the public of the possession by the commissioner;

374 (ii) the deposit and withdrawal of funds and payment to creditors of the institution is
375 not suspended, restricted, or interrupted; and

376 (iii) the court approves.

377 (2) (a) (i) Within 15 days after taking possession of an institution or other person under
378 the jurisdiction of the department, the commissioner shall publish a notice to all persons who
379 may have claims against the institution or other person to file proof of their claims with the
380 commissioner before a date specified in the notice.

381 (ii) The filing date shall be at least 90 days after the date of the first publication of the
382 notice.

383 (iii) The notice shall be published:

384 (A) ~~[(F) in a newspaper of general circulation in each city or county in which the~~
385 ~~institution or other person, or any subsidiary or service corporation of the institution, maintains~~
386 ~~an office; and]~~ as a class A notice under Section [63G-28-102](#) in each city or county in which
387 the institution or other person, or any subsidiary or service corporation of the institution,
388 maintains an office; and

389 ~~[(H) published again approximately 30 days and 60 days after the date of the first~~
390 ~~publication; and]~~

391 (B) as required in Section [45-1-101](#) for 60 days.

392 (b) (i) Within 60 days of taking possession of a depository institution, the
393 commissioner shall send a similar notice to all persons whose identity is reflected in the books
394 or records of the institution as depositors or other creditors, secured or unsecured, parties to
395 litigation involving the institution pending at the date the commissioner takes possession of the
396 institution, and all other potential claimants against the institution whose identity is reasonably
397 ascertainable by the commissioner from examination of the books and records of the
398 institution. No notice is required in connection with accounts or other liabilities of the
399 institution that will be paid in full or be fully assumed by another depository institution or trust

400 company. The notice shall specify a filing date for claims against the institution not less than
401 60 days after the date of mailing. Claimants whose claims against the institution have been
402 assumed by another depository institution or trust company pursuant to a merger or purchase
403 and assumption agreement with the commissioner, or a federal deposit insurance agency
404 appointed as receiver or liquidator of the institution, shall be notified of the assumption of their
405 claims and the name and address of the assuming party within 60 days after the claim is
406 assumed. Unless a purchase and assumption or merger agreement requires otherwise, the
407 assuming party shall give all required notices. Notice shall be mailed to the address appearing
408 in the books and records of the institution.

409 (ii) Inadvertent or unintentional failure to mail a notice to any person entitled to written
410 notice under this paragraph does not impose any liability on the commissioner or any receiver
411 or liquidator appointed by him beyond the amount the claimant would be entitled to receive if
412 the claim had been timely filed and allowed. The commissioner or any receiver or liquidator
413 appointed by him are not liable for failure to mail notice unless the claimant establishes that it
414 had no knowledge of the commissioner taking possession of the institution until after all
415 opportunity had passed for obtaining payment through filing a claim with the commissioner,
416 receiver, or liquidator.

417 (c) Upon good cause shown, the court having supervisory jurisdiction may extend the
418 time in which the commissioner may serve any notice required by this chapter.

419 (d) The commissioner has the sole power to adjudicate any claim against the
420 institution, its property or other assets, tangible or intangible, and to settle or compromise
421 claims within the priorities set forth in Section 7-2-15. Any action of the commissioner is
422 subject to judicial review as provided in Subsection (9).

423 (e) A receiver or liquidator of the institution appointed by the commissioner has all the
424 duties, powers, authority, and responsibilities of the commissioner under this section. All
425 claims against the institution shall be filed with the receiver or liquidator within the applicable
426 time specified in this section and the receiver or liquidator shall adjudicate the claims as
427 provided in Subsection (2)(d).

428 (f) The procedure established in this section is the sole remedy of claimants against an
429 institution or its assets in the possession of the commissioner.

430 (3) With respect to a claim which appears in the books and records of an institution or

431 other person in the possession of the commissioner as a secured claim, which, for purposes of
432 this section is a claim that constitutes an enforceable, perfected lien, evidenced in writing, on
433 the assets or other property of the institution:

434 (a) The commissioner shall allow or disallow each secured claim filed on or before the
435 filing date within 30 days after receipt of the claim and shall notify each secured claimant by
436 certified mail or in person of the basis for, and any conditions imposed on, the allowance or
437 disallowance.

438 (b) For all allowed secured claims, the commissioner shall be bound by the terms,
439 covenants, and conditions relating to the assets or other property subject to the claim, as set
440 forth in the note, bond, or other security agreement which evidences the secured claim, unless
441 the commissioner has given notice to the claimant of his intent to abandon the assets or other
442 property subject to the secured claim at the time the commissioner gave the notice described in
443 Subsection (3)(a).

444 (c) No petition for lifting the stay provided by Section 7-2-7 may be filed with respect
445 to a secured claim before the claim has been filed and allowed or disallowed by the
446 commissioner in accordance with Subsection (3)(a).

447 (4) With respect to all other claims other than secured claims:

448 (a) Each claim filed on or before the filing date shall be allowed or disallowed within
449 180 days after the final publication of notice.

450 (b) If notice of disallowance is not served upon the claimant by the commissioner
451 within 210 days after the date of final publication of notice, the claim is considered disallowed.

452 (c) The rights of claimants and the amount of a claim shall be determined as of the date
453 the commissioner took possession of the institution under this chapter. Claims based on
454 contractual obligations of the institution in existence on the date of possession may be allowed
455 unless the obligation of the institution is dependent on events occurring after the date of
456 possession, or the amount or worth of the claim cannot be determined before any distribution
457 of assets of the institution is made to claimants having the same priority under Section 7-2-15.

458 (d) (i) An unliquidated claim against the institution, including claims based on alleged
459 torts for which the institution would have been liable on the date the commissioner took
460 possession of the institution and any claims for a right to an equitable remedy for breach of
461 performance by the institution, may be filed in an estimated amount. The commissioner may

462 disallow or allow the claim in an amount determined by the commissioner, settle the claim in
463 an amount approved by the court, or, in his discretion, refer the claim to the court designated by
464 Section 7-2-2 for determination in accordance with procedures designated by the court. If the
465 institution held on the date of possession by the commissioner a policy of insurance that would
466 apply to the liability asserted by the claimant, the commissioner, or any receiver appointed by
467 him may assign to the claimant all rights of the institution under the insurance policy in full
468 satisfaction of the claim.

469 (ii) If the commissioner finds there are or may be issues of fact or law as to the validity
470 of a claim, liquidated or unliquidated, or its proper allowance or disallowance under the
471 provisions of this chapter, he may appoint a hearing examiner to conduct a hearing and to
472 prepare and submit recommended findings of fact and conclusions of law for final
473 consideration by the commissioner. The hearing shall be conducted as provided in rules or
474 regulations issued by the commissioner. The decision of the commissioner shall be based on
475 the record before the hearing examiner and information the commissioner considers relevant
476 and shall be subject to judicial review as provided in Subsection (9).

477 (e) A claim may be disallowed if it is based on actions or documents intended to
478 deceive the commissioner or any receiver or liquidator appointed by him.

479 (f) The commissioner may defer payment of any claim filed on behalf of a person who
480 was at any time in control of the institution within the meaning of Section 7-1-103, pending the
481 final determination of all claims of the institution against that person.

482 (g) The commissioner or any receiver appointed by him may disallow a claim that
483 seeks a dollar amount if it is determined by the court having jurisdiction under Section 7-2-2
484 that the commissioner or receiver or conservator will not have any assets with which to pay the
485 claim under the priorities established by Section 7-2-15.

486 (h) The commissioner may adopt rules to establish such alternative dispute resolution
487 processes as may be appropriate for the resolution of claims filed against an institution under
488 this chapter.

489 (i) In establishing alternative dispute resolution processes, the commissioner shall
490 strive for procedures that are expeditious, fair, independent, and low cost. The commissioner
491 shall seek to develop incentives for claimants to participate in the alternative dispute resolution
492 process.

493 (j) The commissioner may establish both binding and nonbinding processes, which
494 may be conducted by any government or private party, but all parties, including the claimant
495 and the commissioner or any receiver appointed by him, must agree to the use of the process in
496 a particular case.

497 (5) (a) Claims filed after the filing date are disallowed, unless:

498 (i) the claimant who did not file his claim timely demonstrates that he did not have
499 notice or actual knowledge of the proceedings in time to file a timely proof of claim; and

500 (ii) proof of the claim was filed prior to the last distribution of assets. For the purpose
501 of this subsection only, late filed claims may be allowed if proof was filed before the final
502 distribution of assets of the institution to claimants of the same priority and are payable only
503 out of the remaining assets of the institution.

504 (b) A late filed claim may be disallowed under any other provision of this section.

505 (6) Debts owing to the United States or to any state or its subdivisions as a penalty or
506 forfeiture are not allowed, except for the amount of the pecuniary loss sustained by the act,
507 transaction, or proceeding out of which the penalty or forfeiture arose.

508 (7) Except as otherwise provided in Subsection 7-2-15(1)(a), interest accruing on any
509 claim after the commissioner has taken possession of an institution or other person under this
510 chapter may be disallowed.

511 (8) (a) A claim against an institution or its assets based on a contract or agreement may
512 be disallowed unless the agreement:

513 (i) is in writing;

514 (ii) is otherwise a valid and enforceable contract; and

515 (iii) has continuously, from the time of its execution, been an official record of the
516 institution.

517 (b) The requirements of this Subsection (8) do not apply to claims for goods sold or
518 services rendered to an institution in the ordinary course of business by trade creditors who do
519 not customarily use written agreements or other documents.

520 (9) (a) Objection to any claim allowed or disallowed may be made by any depositor or
521 other claimant by filing a written objection with the commissioner within 30 days after service
522 of the notice of allowance or disallowance. The commissioner shall present the objection to
523 the court for hearing and determination upon written notice to the claimant and to the filing

524 party. The notice shall set forth the time and place of hearing. After the 30-day period, no
525 objection may be filed. This Subsection (9) does not apply to secured claims allowed under
526 Subsection (3).

527 (b) The hearing shall be based on the record before the commissioner and any
528 additional evidence the court allowed to provide the parties due process of law.

529 (c) The court may not reverse or otherwise modify the determination of the
530 commissioner with respect to the claim unless it finds the determination of the commissioner to
531 be arbitrary, capricious, or otherwise contrary to law. The burden of proof is on the party
532 objecting to the determination of the commissioner.

533 (d) An appeal from any final judgment of the court with respect to a claim may be
534 taken as provided by law by the claimant, the commissioner, or any person having standing to
535 object to the allowance or disallowance of the claim.

536 (10) If a claim against the institution has been asserted in any judicial, administrative,
537 or other proceeding pending at the time the commissioner took possession of the institution
538 under this chapter or under Chapter 19, Acquisition of Failing Depository Institutions or
539 Holding Companies, the claimant shall file copies of all documents of record in the pending
540 proceeding with the commissioner within the time for filing claims as provided in Subsection
541 (2). Such a claim shall be allowed or disallowed within 90 days of the receipt of the complete
542 record of the proceedings. No application to lift the stay of a pending proceeding shall be filed
543 until the claim has been allowed or disallowed. The commissioner may petition the court
544 designated by Section 7-2-2 to lift the stay to determine whether the claim should be allowed or
545 disallowed.

546 (11) All claims allowed by the commissioner and not disallowed or otherwise modified
547 by the court under Subsection (9), if not paid within 30 days after allowance, shall be
548 evidenced by a certificate payable only out of the assets of the institution in the possession of
549 the commissioner, subject to the priorities set forth in Section 7-2-15. This provision does not
550 apply to a secured claim allowed by the commissioner under Subsection (3)(a).

551 Section 7. Section 8-5-6 is amended to read:

552 **8-5-6. Alternative council or board procedures for notice -- Termination of rights**
553 **-- Notice.**

554 (1) As an alternative to the procedures set forth in Sections 8-5-1 through 8-5-4, a

555 municipal council or cemetery maintenance district board may pass a resolution demanding
 556 that the owner of a lot, site, or portion of the cemetery, which has been unused for burial
 557 purposes for more than 60 years, file with the county recorder, city recorder, or town clerk
 558 notice of any claim to the lot, site, or portion of the cemetery.

559 (2) The municipal council or cemetery maintenance district board shall then cause a
 560 copy of the resolution to be personally served on the owner in the same manner as personal
 561 service of process in a civil action. The resolution shall notify the owner that the owner shall,
 562 within 60 days after service of the resolution on the owner, express interest in maintaining the
 563 cemetery lot, site, or portion of the cemetery and submit satisfactory evidence of an intention to
 564 use the lot, site, or portion of the cemetery for a burial.

565 (3) If the owner cannot be personally served with the resolution of the municipal
 566 council or cemetery maintenance district board as required in Subsection (2), the municipal
 567 council or cemetery maintenance district board shall:

568 (a) publish its resolution [~~on the Utah Public Notice Website created in Section~~
 569 63A-16-601] within the municipality or cemetery maintenance district as a class A notice under
 570 Section 63G-28-102 for three weeks; and

571 (b) mail a copy of the resolution within 14 days after the publication to the owner's last
 572 known address, if available.

573 (4) If, for 30 days after the last date of service or publication of the municipal council's
 574 or cemetery maintenance district board's resolution, the owner or person with a legal interest in
 575 the cemetery lot fails to state a valid interest in the use of the cemetery lot, site, or portion of
 576 the cemetery for burial purposes, the owner's rights are terminated and that portion of the
 577 cemetery shall be vested in the municipality or cemetery maintenance district.

578 Section 8. Section **9-8-805** is amended to read:

579 **9-8-805. Collecting institutions -- Perfecting title -- Notice.**

580 (1) (a) A collecting institution wishing to perfect title in any reposed materials held by
 581 it shall send, by registered mail, a notice containing the information required by Subsection (2)
 582 to the last-known address of the last-known owner of the property.

583 (b) In addition to the requirements of Subsection (1)(a), a collecting institution shall
 584 publish a notice containing the information required by Subsection (2) if:

585 (i) the owner or the address of the owner of the reposed materials is unknown;

586 (ii) the mailed notice is returned to the collecting institution without a forwarding
587 address; or

588 (iii) the owner does not claim the reposited materials within 90 days after the day on
589 which the notice was mailed.

590 (c) If required to publish a notice under Subsection (1)(b), the collecting institution~~[,] in~~
591 ~~accordance with Section 45-1-101;~~] shall publish the notice:

592 (i) ~~[at least once per week for two consecutive weeks in a newspaper of general~~
593 ~~circulation]~~ in the county where the collecting institution is located as a class A notice under
594 Section 63G-28-102; and

595 (ii) ~~[on the public legal notice website for at least two weeks]~~ as required in Section
596 45-1-101.

597 (2) Each notice required by this section shall include:

598 (a) the name, if known, and the last-known address, if any, of the last-known owner of
599 the reposited materials;

600 (b) a description of the reposited materials;

601 (c) the name of the collecting institution that has possession of the reposited materials
602 and a person within that institution whom the owner may contact; and

603 (d) a statement that if the reposited materials are not claimed within 90 days from the
604 day on which the notice is published in accordance with Subsection (1)(b), the reposited
605 materials are considered abandoned and become the property of the collecting institution.

606 (3) If no one claims reposited materials within 90 days after the day on which notice is
607 published in accordance with Subsection (1)(b), the reposited materials are considered
608 abandoned and are the property of the collecting institution.

609 Section 9. Section **10-2-406** is amended to read:

610 **10-2-406. Notice of certification -- Providing notice of petition.**

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

613 (a) within the area proposed for annexation and the unincorporated area within 1/2 mile
614 of the area proposed for annexation, as a class C notice under Section 63G-28-102 no later than
615 10 days after the day on which the municipal legislative body receives the notice of
616 certification[:]; and

617 ~~[(i) by posting one notice, and at least one additional notice per 2,000 population~~
618 ~~within the combined area, in places within the combined area that are most likely to give notice~~
619 ~~to the residents within, and the owners of real property located within, the combined area,~~
620 ~~subject to a maximum of 10 notices; or]~~

621 ~~[(ii) by mailing the notice to each residence within, and to each owner of real property~~
622 ~~located within, the combined area;]~~

623 ~~[(b) by posting notice on the Utah Public Notice Website, created in Section~~
624 ~~63A-16-601, for three weeks, beginning no later than 10 days after the day on which the~~
625 ~~municipal legislative body receives the notice of certification;]~~

626 ~~[(c)] (b) within 20 days after the day on which the municipal legislative body receives~~
627 ~~the notice of certification, by mailing written notice to each affected entity[; and].~~

628 ~~[(d) if the municipality has a website, by posting notice on the municipality's website~~
629 ~~for the period of time described in Subsection (1)(b).]~~

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

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

633 (b) state the date of the municipal legislative body's receipt of the notice of certification
634 under Subsection 10-2-405(2)(c)(i);

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

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

638 (e) state in conspicuous and plain terms that the municipality may grant the petition
639 and annex the area described in the petition unless, within the time required under Subsection
640 10-2-407(2)(a)(i), a written protest to the annexation petition is filed with the commission and
641 a copy of the protest delivered to the city recorder or town clerk of the proposed annexing
642 municipality;

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

645 (g) state that the area proposed for annexation to the municipality will also
646 automatically be annexed to a local district providing fire protection, paramedic, and
647 emergency services or a local district providing law enforcement service, as the case may be, as

648 provided in Section 17B-1-416, if:

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

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

653 (B) in the creation of which an election was not required because of Subsection
654 17B-1-214(3)(c); and

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

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

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

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

665 (B) in the creation of which an election was not required because of Subsection
666 17B-1-214(3)(c); and

667 (ii) the proposed annexing municipality is not within the boundaries of the local
668 district.

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

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

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

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

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

681 Section 10. Section 10-2-407 is amended to read:

682 **10-2-407. Protest to annexation petition -- Planning advisory area planning**
683 **commission recommendation -- Petition requirements -- Disposition of petition if no**
684 **protest filed -- Public hearing and notice.**

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

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

687 (b) an owner of rural real property;

688 (c) for a proposed annexation of an area within a county of the first class, an owner of
689 private real property that:

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

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

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

696 (d) an owner of private real property located in a mining protection area.

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

698 (a) be filed:

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

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

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

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

708 (c) if the area proposed to be annexed is located in a specified county, contain other
709 information that the commission by rule requires or that the party filing the protest considers

710 pertinent; and

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

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

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

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

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

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

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

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

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

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

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

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

732 (ii) the commission; and

733 (iii) each entity that filed a protest.

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

736 (7) Before approving an annexation petition under Subsection (6), the municipal
737 legislative body shall hold a public hearing and provide notice of the public hearing[:]
738 publishing the notice within the municipality and the area proposed for annexation as a class A
739 notice under Section 63G-28-102, at least seven days before the date of the public hearing.

740 ~~[(a) (i) at least seven days before the day of the public hearing, by posting one notice,~~

741 ~~and at least one additional notice per 2,000 population within the municipality and the area~~
742 ~~proposed for annexation, in places within that combined area that are most likely to give notice~~
743 ~~to the residents within, and the owners of real property located within, the combined area,~~
744 ~~subject to a maximum of 10 notices; or]~~

745 ~~[(ii) at least 10 days before the day of the public hearing, by mailing the notice to each~~
746 ~~residence within, and to each owner of real property located within, the combined area~~
747 ~~described in Subsection (7)(a)(i);]~~

748 ~~[(b) by posting notice on the Utah Public Notice Website, created in Section~~
749 ~~63A-16-601, for seven days before the day of the public hearing; and]~~

750 ~~[(c) if the municipality has a website, by posting notice on the municipality's website~~
751 ~~for seven days before the day of the public hearing.]~~

752 (8) (a) Subject to Subsection (8)(b), only a person or entity that is described in
753 Subsection (1) has standing to challenge an annexation in district court.

754 (b) A person or entity described in Subsection (1) may only bring an action in district
755 court to challenge an annexation if the person or entity has timely filed a protest as described in
756 Subsection (2) and exhausted the administrative remedies described in this section.

757 Section 11. Section **10-2-415** is amended to read:

758 **10-2-415. Public hearing -- Notice.**

759 (1) (a) If the results of the feasibility study or supplemental feasibility study meet the
760 requirements of Subsection **10-2-416(3)** with respect to a proposed annexation of an area
761 located in a county of the first class, the commission shall hold a public hearing within 30 days
762 after the day on which the commission receives the feasibility study or supplemental feasibility
763 study results.

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

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

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

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

770 (2) The commission shall provide notice of the public hearing described in Subsection
771 (1)(a) within the area proposed for annexation, the surrounding 1/2 mile of unincorporated

772 area, and the proposed annexing municipality[;], as a class C notice under Section [63G-28-102](#),
773 at least two weeks before the date of the public hearing.

774 ~~[(a) (i) at least two weeks before the day of the public hearing, by posting one notice,~~
775 ~~and at least one additional notice per 2,000 population within the combined area, in places~~
776 ~~within the combined area that are most likely to give notice of the public hearing to the~~
777 ~~residents within, and the owners of real property located within, the combined area, subject to a~~
778 ~~maximum of 10 notices; or]~~

779 ~~[(ii) by mailing notice to each residence within, and to each owner of real property~~
780 ~~located within, the combined area;]~~

781 ~~[(b) by posting notice on the Utah Public Notice Website, created in Section~~
782 ~~[63A-16-601](#), for two weeks before the day of the public hearing;]~~

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

787 ~~[(d) if the municipality has a website, by posting notice on the municipality's website~~
788 ~~for two weeks before the day of the public hearing; and]~~

789 ~~[(e) by posting notice on the county's website for two weeks before the day of the~~
790 ~~public hearing.]~~

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

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

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

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

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

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

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

799 (iii) a mailing address and telephone number.

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

803 proposed annexation.

804 (5) At least 14 days before the date of a hearing described in Subsection (4), the
805 commission chair shall provide notice of the hearing[+] within the area proposed for annexation
806 as a class C notice under Section 63G-28-102.

807 [~~(a) (i) by posting one notice, and at least one additional notice per 2,000 population~~
808 ~~within the area proposed for annexation, in places within the area that are most likely to give~~
809 ~~notice of the hearing to the residents within, and the owners of real property located within, the~~
810 ~~area, subject to a maximum of 10 notices; or]~~

811 [~~(ii) by mailing notice to each resident within, and each owner of real property located~~
812 ~~within, the area proposed for annexation;]~~

813 [~~(b) by posting notice on the Utah Public Notice Website, created in Section~~
814 ~~63A-16-601, for 14 days before the day of the hearing;]~~

815 [~~(c) if the municipality has a website, by posting notice on the municipality's website~~
816 ~~for two weeks before the day of the public hearing; and]~~

817 [~~(d) by posting notice on the county's website for two weeks before the day of the~~
818 ~~public hearing.]~~

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

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

821 (b) briefly summarize the nature of the protest; and

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

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

825 (8) In considering protests, the commission shall consider whether the proposed
826 annexation:

827 (a) complies with the requirements of Sections 10-2-402 and 10-2-403 and the
828 annexation policy plan of the proposed annexing municipality;

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

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

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

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

837 Section 12. Section **10-2-418** is amended to read:

838 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**
839 **Hearing.**

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

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

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

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

851 (B) the majority of each island or peninsula consists of residential or commercial
852 development;

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

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

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

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

862 (iii) the area consists of:

863 (A) an unincorporated island within or an unincorporated peninsula contiguous to the
864 municipality; and

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

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

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

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

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

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

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

884 (4) (a) This Subsection (4) applies only to an annexation within a county of the first
885 class.

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

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

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

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

895 (d) A property owner consenting to annexation shall indicate the property owner's

896 consent on a form which includes language in substantially the following form:

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

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

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

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

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

913 (6) A legislative body described in Subsection (5) shall provide notice of a public
914 hearing described in Subsection (5)(b):

915 (a) ~~[(i)] at least three weeks before the day of the public hearing, [by posting one~~
916 ~~notice, and at least one additional notice per 2,000 population] in the municipality and the area~~
917 ~~proposed for annexation, [in places within the combined area that are most likely to give notice~~
918 ~~to the residents within, and the owners of real property located within, the combined area,~~
919 ~~subject to a maximum of 10 notices] as a class C notice under Section [63G-28-102](#); [or] and~~

920 ~~[(ii) at least three weeks before the day of the public hearing, by mailing notice to each~~
921 ~~residence within, and each owner of real property located within, the combined area described~~
922 ~~in Subsection (6)(a)(i);]~~

923 ~~[(b) by posting notice on the Utah Public Notice Website, created in Section~~
924 ~~[63A-16-601](#), for three weeks before the day of the public hearing;]~~

925 ~~[(c)] (b) by sending written notice to:~~

926 (i) the board of each local district and special service district whose boundaries contain

927 some or all of the area proposed for annexation; and

928 (ii) the legislative body of the county in which the area proposed for annexation is
929 located~~[; and]~~.

930 ~~[(d) if the municipality has a website, by posting notice on the municipality's website
931 for three weeks before the day of the public hearing.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

967 (ii) Upon the effective date under Section 10-2-425 of an annexation approved by an
968 ordinance adopted under Subsection (8)(b)(i), the area annexed is conclusively presumed to be
969 validly annexed.

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

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

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

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

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

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

986 (A) existing development in the area;

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

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

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

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

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

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

999 (v) Upon the effective date under Section 10-2-425 of an annexation approved by an
1000 ordinance adopted under Subsection (8)(c)(i), the area annexed is conclusively presumed to be
1001 validly annexed.

1002 (9) (a) Except as provided in Subsections (8)(b)(i) and (8)(c)(i), if protests are timely
1003 filed under Subsection (8)(a), the municipal legislative body may not adopt an ordinance
1004 approving the annexation of the area proposed for annexation, and the annexation proceedings
1005 under this section shall be considered terminated.

1006 (b) Subsection (9)(a) does not prohibit the municipal legislative body from excluding
1007 from a proposed annexation under Subsection (2)(b) the property within an unincorporated
1008 island regarding which protests have been filed and proceeding under Subsection (3) to annex
1009 some or all of the remaining portion of the unincorporated island.

1010 Section 13. Section 10-2-419 is amended to read:

1011 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

1012 (1) The legislative bodies of two or more municipalities having common boundaries
1013 may adjust their common boundaries as provided in this section.

1014 (2) The legislative body of each municipality intending to adjust a boundary that is
1015 common with another municipality shall:

1016 (a) adopt a resolution indicating the intent of the municipal legislative body to adjust a
1017 common boundary; and

1018 (b) hold a public hearing on the proposed adjustment no less than 60 days after the
1019 adoption of the resolution under Subsection (2)(a).

1020 (3) A legislative body described in Subsection (2) shall provide notice of a public
1021 hearing described in Subsection (2)(b):

1022 [~~(a) (i) at least three weeks before the day of the public hearing, by posting one notice,
1023 and at least one additional notice per 2,000 population of the municipality, in places within the
1024 municipality that are most likely to give notice to residents of the municipality, subject to a
1025 maximum of 10 notices; or]~~

1026 [~~(ii) at least three weeks before the day of the public hearing, by mailing notice to each
1027 residence in the municipality;]~~

1028 [~~(b) by posting notice on the Utah Public Notice Website, created in Section
1029 [63A-16-601](#), for three weeks before the day of the public hearing;]~~

1030 (a) within the municipality as a class B notice under Section [63G-28-102](#) at least three
1031 weeks before the day of the public hearing; and

1032 [~~(c)~~] (b) if the proposed boundary adjustment may cause any part of real property
1033 owned by the state to be within the geographic boundary of a different local governmental
1034 entity than before the adjustment, by providing written notice, at least 50 days before the day of
1035 the public hearing, to:

1036 (i) the title holder of any state-owned real property described in this Subsection [~~(3)(d)~~]
1037 (3)(b); and

1038 (ii) the Utah State Developmental Center Board, created under Section [62A-5-202.5](#), if
1039 any state-owned real property described in this Subsection [~~(3)(d)~~] (3)(b) is associated with the
1040 Utah State Developmental Center[~~; and~~].

1041 [~~(d) if the municipality has a website, by posting notice on the municipality's website
1042 for three weeks before the day of the public hearing.~~]

1043 (4) The notice described in Subsection (3) shall:

1044 (a) state that the municipal legislative body has adopted a resolution indicating the
1045 municipal legislative body's intent to adjust a boundary that the municipality has in common
1046 with another municipality;

1047 (b) describe the area proposed to be adjusted;

1048 (c) state the date, time, and place of the public hearing described in Subsection (2)(b);

1049 (d) state in conspicuous and plain terms that the municipal legislative body will adjust
1050 the boundaries unless, at or before the public hearing described in Subsection (2)(b), a written

1051 protest to the adjustment is filed by:

1052 (i) an owner of private real property that:

1053 (A) is located within the area proposed for adjustment;

1054 (B) covers at least 25% of the total private land area within the area proposed for

1055 adjustment; and

1056 (C) is equal in value to at least 15% of the value of all private real property within the

1057 area proposed for adjustment; or

1058 (ii) a title holder of state-owned real property described in Subsection [~~(3)(d)~~] (3)(b);

1059 (e) state that the area that is the subject of the boundary adjustment will, because of the

1060 boundary adjustment, be automatically annexed to a local district providing fire protection,

1061 paramedic, and emergency services or a local district providing law enforcement service, as the

1062 case may be, as provided in Section 17B-1-416, if:

1063 (i) the municipality to which the area is being added because of the boundary

1064 adjustment is entirely within the boundaries of a local district:

1065 (A) that provides fire protection, paramedic, and emergency services or law

1066 enforcement service, respectively; and

1067 (B) in the creation of which an election was not required because of Subsection

1068 17B-1-214(3)(c); and

1069 (ii) the municipality from which the area is being taken because of the boundary

1070 adjustment is not within the boundaries of the local district; and

1071 (f) state that the area proposed for annexation to the municipality will be automatically

1072 withdrawn from a local district providing fire protection, paramedic, and emergency services,

1073 as provided in Subsection 17B-1-502(2), if:

1074 (i) the municipality to which the area is being added because of the boundary

1075 adjustment is not within the boundaries of a local district:

1076 (A) that provides fire protection, paramedic, and emergency services; and

1077 (B) in the creation of which an election was not required because of Subsection

1078 17B-1-214(3)(c); and

1079 (ii) the municipality from which the area is being taken because of the boundary

1080 adjustment is entirely within the boundaries of the local district.

1081 (5) Upon conclusion of the public hearing described in Subsection (2)(b), the

1082 municipal legislative body may adopt an ordinance approving the adjustment of the common
1083 boundary unless, at or before the hearing described in Subsection (2)(b), a written protest to the
1084 adjustment is filed with the city recorder or town clerk by a person described in Subsection
1085 ~~[(3)(c)(i) or (ii)]~~ (3)(b)(i) or (ii).

1086 (6) The municipal legislative body shall comply with the requirements of Section
1087 [10-2-425](#) as if the boundary adjustment were an annexation.

1088 (7) (a) An ordinance adopted under Subsection (5) becomes effective when each
1089 municipality involved in the boundary adjustment has adopted an ordinance under Subsection
1090 (5).

1091 (b) The effective date of a boundary adjustment under this section is governed by
1092 Section [10-2-425](#).

1093 Section 14. Section **10-2-501** is amended to read:

1094 **10-2-501. Municipal disconnection -- Definitions -- Request for disconnection --**
1095 **Requirements upon filing request -- Notice.**

1096 (1) As used in this part "petitioner" means:

1097 (a) one or more persons who:

1098 (i) own title to real property within the area proposed for disconnection; and

1099 (ii) sign a request for disconnection proposing to disconnect the area proposed for
1100 disconnection from the municipality; or

1101 (b) the mayor of the municipality within which the area proposed for disconnection is
1102 located who signs a request for disconnection proposing to disconnect the area proposed for
1103 disconnection from the municipality.

1104 (2) (a) A petitioner proposing to disconnect an area within and lying on the borders of a
1105 municipality shall file with that municipality's legislative body a request for disconnection.

1106 (b) Each request for disconnection shall:

1107 (i) contain the names, addresses, and signatures of the owners of more than 50% of any
1108 private real property in the area proposed for disconnection;

1109 (ii) give the reasons for the proposed disconnection;

1110 (iii) include a map or plat of the territory proposed for disconnection; and

1111 (iv) designate between one and five persons with authority to act on the petitioner's
1112 behalf in the proceedings.

1113 (3) Upon ~~[filing the]~~ receiving a request for disconnection, ~~[the petitioner]~~ a municipal
 1114 legislative body shall publish notice of the request:

1115 ~~[(a) (i) once a week for three consecutive weeks before the public hearing described in~~
 1116 ~~Section 10-2-502.5 in a newspaper of general circulation within the municipality; or]~~

1117 ~~[(ii) if there is no newspaper of general circulation in the municipality, at least three~~
 1118 ~~weeks before the day of the public hearing described in Section 10-2-502.5, by posting one~~
 1119 ~~notice, and at least one additional notice per 2,000 population of the municipality, in places~~
 1120 ~~within the municipality that are most likely to give notice to the residents within, and the~~
 1121 ~~owners of real property located within, the municipality, including the residents who live in the~~
 1122 ~~area proposed for disconnection;]~~

1123 ~~[(b) on the Utah Public Notice Website created in Section 63A-16-601, for three weeks~~
 1124 ~~before the day of the public hearing described in Section 10-2-502.5;]~~

1125 ~~[(c)]~~ (a) in accordance with the legal notice requirements described in Section
 1126 45-1-101, for three weeks before the day of the public hearing described in Section 10-2-502.5;
 1127 and

1128 ~~[(d)]~~ (b) ~~[by mailing notice to each:]~~ within the area proposed to be disconnected as
 1129 class C notice under Section 63G-28-102 at least three weeks before the day of the public
 1130 hearing described in Section 10-2-502.5.

1131 ~~[(i) owner of real property located within the area proposed to be disconnected; and]~~

1132 ~~[(ii) residence within the area proposed to be disconnected;]~~

1133 ~~[(e) by delivering a copy of the request to the legislative body of the county in which~~
 1134 ~~the area proposed for disconnection is located; and]~~

1135 ~~[(f) if the municipality has a website, on the municipality's website for three weeks~~
 1136 ~~before the day of the public hearing;]~~

1137 (4) A municipal legislative body may bill the petitioner for the cost of preparing,
 1138 printing, and publishing the notice required under Subsection (3).

1139 Section 15. Section 10-2-502.5 is amended to read:

1140 **10-2-502.5. Hearing on request for disconnection -- Notice -- Determination by**
 1141 **municipal legislative body -- Petition in district court.**

1142 (1) No sooner than three weeks after notice is provided under Subsection 10-2-501(3),
 1143 the legislative body of the municipality in which the area proposed for disconnection is located

1144 shall hold a public hearing.

1145 (2) The municipal legislative body shall provide notice of the public hearing:

1146 (a) at least seven days before the hearing date, in writing to the petitioner and to the
1147 legislative body of the county in which the area proposed for disconnection is located; and

1148 (b) within the municipality as a class B notice under Section 63G-28-102 at least 10
1149 days before the hearing date.

1150 [~~(b) (i) at least seven days before the hearing date, by posting one notice, and at least~~
1151 ~~one additional notice per 2,000 population of the municipality, in places within the~~
1152 ~~municipality that are most likely to give notice to residents within, and the owners of real~~
1153 ~~property located within, the municipality, subject to a maximum of 10 notices; or]~~

1154 [~~(ii) at least 10 days before the hearing date, by mailing notice to each residence within,~~
1155 ~~and each owner of real property located within, the municipality;]~~

1156 [~~(c) by posting notice on the Utah Public Notice Website, created in Section~~
1157 ~~63A-16-601, for seven days before the hearing date; and]~~

1158 [~~(d) if the municipality has a website, by posting notice on the municipality's website~~
1159 ~~for seven days before the hearing date.]~~

1160 (3) In the public hearing, any person may speak and submit documents regarding the
1161 disconnection proposal.

1162 (4) Within 45 calendar days of the hearing, the municipal legislative body shall:

1163 (a) determine whether to grant the request for disconnection; and

1164 (b) if the municipality determines to grant the request, adopt an ordinance approving
1165 disconnection of the area from the municipality.

1166 (5) (a) A petition against the municipality challenging the municipal legislative body's
1167 determination under Subsection (4) may be filed in district court by:

1168 (i) the petitioner; or

1169 (ii) the county in which the area proposed for disconnection is located.

1170 (b) Each petition under Subsection (5)(a) shall include a copy of the request for
1171 disconnection.

1172 Section 16. Section **10-2-607** is amended to read:

1173 **10-2-607. Notice of election.**

1174 If the county legislative bodies find that the resolution or petition for consolidation and

1175 their attachments substantially conform with the requirements of this part, the county
1176 legislative bodies shall, at least four weeks before the day of the election, publish notice of the
1177 election for consolidation as a class B notice under Section 63G-28-102 to the voters of each
1178 municipality that would become part of the consolidated municipality[?].

1179 ~~[(1) (a) at least four weeks before the day of the election, by posting one notice, and at~~
1180 ~~least one additional notice per 2,000 population of the municipality, in places within the~~
1181 ~~municipality that are most likely to give notice to the voters in the municipality; or]~~

1182 ~~[(b) at least four weeks before the day of the election, by mailing notice to each~~
1183 ~~registered voter in the municipality;]~~

1184 ~~[(2) on the Utah Public Notice Website created in Section 63A-16-601, for at least four~~
1185 ~~weeks before the day of the election; and]~~

1186 ~~[(3) if the municipality has a website, on the municipality's website for at least four~~
1187 ~~weeks before the day of the election.]~~

1188 Section 17. Section **10-2-703** is amended to read:

1189 **10-2-703. Providing notice of election.**

1190 (1) Immediately after setting the date for the election, the court shall order for notice to
1191 be provided of the:

1192 (a) petition; and

1193 (b) date the election is to be held to determine the question of dissolution.

1194 (2) The notice described in Subsection (1) shall be provided[?] within the municipality
1195 as a class B notice under Section 63G-28-102 at least one month before the day of the election.

1196 ~~[(a) (i) at least four weeks before the day of the election, by posting one notice, and at~~
1197 ~~least one additional notice per 2,000 population of the municipality, in places within the~~
1198 ~~municipality that are most likely to give notice to the voters in the municipality, subject to a~~
1199 ~~maximum of 10 notices; or]~~

1200 ~~[(ii) at least one month before the day of the election, by mailing notice to each~~
1201 ~~registered voter in the municipality;]~~

1202 ~~[(b) by posting notice on the Utah Public Notice Website, created in Section~~
1203 ~~63A-16-601, for four weeks before the day of the election; and]~~

1204 ~~[(c) if the municipality has a website, by posting notice on the municipality's website~~
1205 ~~for four weeks before the day of the election.]~~

1206 Section 18. Section **10-2-708** is amended to read:

1207 **10-2-708. Notice of disincorporation.**

1208 When a municipality has been dissolved, the clerk of the court shall provide notice of
1209 the dissolution[:] within the county as a class C notice under Section [63G-28-102](#).

1210 [~~(1) (a) by posting one notice, and at least one additional notice per 2,000 population of~~
1211 ~~the county in places within the county that are most likely to give notice to the residents within,~~
1212 ~~and the owners of real property located within, the county, including the residents and owners~~
1213 ~~within the municipality that is dissolved, subject to a maximum of 10 notices; or]~~

1214 [~~(b) by mailing notice to each residence within, and each owner of real property located~~
1215 ~~within, the county;]~~

1216 [~~(2) by posting notice on the Utah Public Notice Website, created in Section~~
1217 ~~[63A-16-601](#), for four weeks;]~~

1218 [~~(3) if the municipality has a website, by posting notice on the municipality's website~~
1219 ~~for four weeks; and]~~

1220 [~~(4) by posting notice on the county's website for four weeks.]~~

1221 Section 19. Section **10-2a-207** is amended to read:

1222 **10-2a-207. Public hearings on feasibility study results -- Exclusions of property**
1223 **from proposed municipality -- Notice of hearings.**

1224 (1) As used in this section, "specified landowner" means the same as that term is
1225 defined in Section [10-2a-203](#).

1226 (2) If the results of the feasibility study or supplemental feasibility study comply with
1227 Subsection [10-2a-205](#)(6)(a), the lieutenant governor shall, after receipt of the results of the
1228 feasibility study or supplemental feasibility study, conduct two public hearings in accordance
1229 with this section.

1230 (3) (a) If an area proposed for incorporation is approved for annexation after the
1231 feasibility study or supplemental feasibility study is conducted but before the lieutenant
1232 governor conducts the first public hearing under Subsection (4), the lieutenant governor may
1233 not conduct the first public hearing under Subsection (4) unless:

1234 (i) the sponsors of the feasibility study file a modified request for a feasibility study in
1235 accordance with Section [10-2a-206](#); and

1236 (ii) the results of the supplemental feasibility study comply with Subsection

1237 10-2a-205(6)(a).

1238 (b) For purposes of Subsection (3)(a), an area is approved for annexation if a condition
1239 described in Subsection 10-2a-206(1)(a)(iv) occurs.

1240 (4) The lieutenant governor shall conduct the first public hearing:

1241 (a) within 60 days after the day on which the lieutenant governor receives the results
1242 under Subsection (2) or (3)(a)(ii);

1243 (b) within or near the proposed municipality;

1244 (c) to allow the feasibility consultant to present the results of the feasibility study; and

1245 (d) to inform the public about the results of the feasibility study.

1246 (5) (a) Within 30 calendar days after the day on which the lieutenant governor
1247 completes the first public hearing under Subsection (4), a specified landowner may request that
1248 the lieutenant governor exclude all or part of the property owned by the specified landowner
1249 from the proposed incorporation by filing a notice of exclusion with the Office of the
1250 Lieutenant Governor that describes the property for which the specified landowner requests
1251 exclusion.

1252 (b) The lieutenant governor shall exclude the property identified by a specified
1253 landowner under Subsection (5)(a) from the proposed incorporation boundaries unless the
1254 lieutenant governor finds by clear and convincing evidence that:

1255 (i) the exclusion will leave an unincorporated island within the proposed municipality;
1256 and

1257 (ii) the property receives from the county a majority of currently provided municipal
1258 services.

1259 (c) (i) Within five days after the day on which the lieutenant governor determines
1260 whether to exclude property under Subsection (5)(b), the lieutenant governor shall mail or
1261 transmit written notice of whether the property is included or excluded from the proposed
1262 municipality to:

1263 (A) the specified landowner that requested the property's exclusion; and

1264 (B) the contact sponsor.

1265 (ii) If the lieutenant governor makes a determination to include a property under
1266 Subsection (5)(b), the lieutenant governor shall include, in the written notice described in
1267 Subsection (5)(c)(i), a detailed explanation of the lieutenant governor's determination.

1268 (d) (i) If the lieutenant governor excludes property from the proposed municipality
1269 under Subsection (5)(b), or if an area proposed for incorporation is approved for annexation
1270 within the time period for a specified landowner to request an exclusion under Subsection
1271 (5)(a), the lieutenant governor may not conduct the second public hearing under Subsection (6),
1272 unless:

1273 (A) the sponsors of the feasibility study file a modified request for a feasibility study in
1274 accordance with Section 10-2a-206; and

1275 (B) the results of the supplemental feasibility study comply with Subsection
1276 10-2a-205(6)(a).

1277 (ii) For purposes of Subsection (5)(d)(i), an area is approved for annexation if a
1278 condition described in Subsection 10-2a-206(1)(a)(iv) occurs.

1279 (6) The lieutenant governor shall conduct the second public hearing:

1280 (a) (i) within 30 days after the day on which the time period described in Subsection
1281 (5)(a) expires, if Subsection (5)(d) does not apply; or

1282 (ii) within 30 days after the day on which the lieutenant governor receives the results of
1283 the supplemental feasibility study described in Subsection (5)(d)(i)(B), if Subsection (5)(d)
1284 applies;

1285 (b) within or near the proposed municipality; and

1286 (c) to allow the feasibility consultant to present the results of and inform the public
1287 about:

1288 (i) the feasibility study presented to the public in the first public hearing under
1289 Subsection (4), if Subsection (5)(d) does not apply; or

1290 (ii) the supplemental feasibility study described in Subsection (5)(d)(i)(B), if
1291 Subsection (5)(d) applies.

1292 (7) At each public hearing required under this section, the lieutenant governor shall:

1293 (a) provide a map or plat of the boundary of the proposed municipality;

1294 (b) provide a copy of the applicable feasibility study for public review;

1295 (c) allow members of the public to express views about the proposed incorporation,
1296 including views about the proposed boundaries; and

1297 (d) allow the public to ask the feasibility consultant questions about the applicable
1298 feasibility study.

1299 (8) The lieutenant governor shall publish notice of each public hearing required under
1300 this section[+] within the proposed municipality as a class B notice under Section [63G-28-102](#)
1301 at least three weeks before the day of the public hearing.

1302 [~~(a) (i) at least three weeks before the day of the public hearing, by posting one notice,~~
1303 ~~and at least one additional notice per 2,000 population of the proposed municipality, in places~~
1304 ~~within the proposed municipality that are most likely to give notice to the residents within, and~~
1305 ~~the owners of real property located within, the proposed municipality; or]~~

1306 [~~(ii) at least three weeks before the public hearing, by mailing notice to each residence~~
1307 ~~within, and each owner of real property located within, the proposed municipality;]~~

1308 [~~(b) on the Utah Public Notice Website created in Section [63A-16-601](#), for three weeks~~
1309 ~~before the day of the public hearing; and]~~

1310 [~~(c) on the lieutenant governor's website for three weeks before the day of the public~~
1311 ~~hearing;]~~

1312 (9) (a) Except as provided in Subsection (9)(b), the notice described in Subsection (8)
1313 shall:

1314 (i) include the feasibility study summary described in Subsection [10-2a-205\(3\)\(c\)](#);

1315 (ii) indicate that a full copy of the study is available on the lieutenant governor's
1316 website and for inspection at the Office of the Lieutenant Governor; and

1317 (iii) indicate that under no circumstances may property be excluded or annexed from
1318 the proposed incorporation after the time period specified in Subsection (5)(a) has expired, if
1319 the notice is for the first public hearing under Subsection (4).

1320 (b) Instead of publishing the feasibility summary under Subsection (9)(a)(i), the
1321 lieutenant governor may publish a statement that specifies the following sources where a
1322 resident within, or the owner of real property located within, the proposed municipality, may
1323 view or obtain a copy of the feasibility study:

1324 (i) the lieutenant governor's website;

1325 (ii) the physical address of the Office of the Lieutenant Governor; and

1326 (iii) a mailing address and telephone number.

1327 Section 20. Section **10-2a-210** is amended to read:

1328 **10-2a-210. Incorporation election -- Notice of election -- Voter information**
1329 **pamphlet.**

1330 (1) (a) If the lieutenant governor certifies a petition under Subsection 10-2a-209(1)(b),
1331 the lieutenant governor shall schedule an incorporation election for the proposed municipality
1332 described in the petition to be held on the date of the next regular general election described in
1333 Section 20A-1-201, or the next municipal general election described in Section 20A-1-202, that
1334 is at least 65 days after the day on which the lieutenant governor certifies the petition.

1335 (b) (i) The lieutenant governor shall direct the county legislative body of the county in
1336 which the proposed municipality is located to hold the election on the date that the lieutenant
1337 governor schedules under Subsection (1)(a).

1338 (ii) The county shall hold the election as directed by the lieutenant governor under
1339 Subsection (1)(b)(i).

1340 (2) The county clerk shall provide notice of the election[:] within the area proposed to
1341 be incorporated as a class B notice under Section 63G-28-102 at least three weeks before the
1342 day of the election.

1343 [~~(a) (i) by publishing notice in a newspaper of general circulation within the area~~
1344 ~~proposed to be incorporated at least once a week for three successive weeks before the~~
1345 ~~election;]~~

1346 [~~(ii) at least three weeks before the day of the election, by posting one notice, and at~~
1347 ~~least one additional notice per 2,000 population of the area proposed to be incorporated, in~~
1348 ~~places within the area proposed to be incorporated that are most likely to give notice to the~~
1349 ~~voters within the area proposed to be incorporated, subject to a maximum of 10 notices; or]~~

1350 [~~(iii) at least three weeks before the day of the election, by mailing notice to each~~
1351 ~~registered voter in the area proposed to be incorporated;]~~

1352 [~~(b) by posting notice on the Utah Public Notice Website, created in Section~~
1353 ~~63A-16-601, for three weeks before the day of the election;]~~

1354 [~~(c) if the proposed municipality has a website, by posting notice on the proposed~~
1355 ~~municipality's website for three weeks before the day of the election; and]~~

1356 [~~(d) by posting notice on the county's website for three weeks before the day of the~~
1357 ~~election.]~~

1358 (3) (a) The notice required by Subsection (2) shall contain:

1359 (i) a statement of the contents of the petition;

1360 (ii) a description of the area proposed to be incorporated as a municipality;

1361 (iii) a statement of the date and time of the election and the location of polling places;
1362 and

1363 (iv) except as provided in Subsection (3)(b), the feasibility study summary described in
1364 Subsection 10-2a-205(3)(c) and a statement that a full copy of the study is available on the
1365 lieutenant governor's website and for inspection at the Office of the Lieutenant Governor.

1366 (b) Instead of including the feasibility summary under Subsection (3)(a)(iv), the notice
1367 may include a statement that specifies the following sources where a registered voter in the area
1368 proposed to be incorporated may view or obtain a copy of the feasibility study:

1369 (i) the lieutenant governor's website;

1370 (ii) the physical address of the Office of the Lieutenant Governor; and

1371 (iii) a mailing address and telephone number.

1372 (4) (a) In addition to the notice required under Subsection (2), the county clerk shall
1373 publish and distribute, before the incorporation election is held, a voter information pamphlet:

1374 (i) in accordance with the procedures and requirements of Section 20A-7-402;

1375 (ii) in consultation with the lieutenant governor; and

1376 (iii) in a manner that the county clerk determines is adequate, subject to Subsections
1377 (4)(a)(i) and (ii).

1378 (b) The voter information pamphlet described in Subsection (4)(a):

1379 (i) shall inform the public of the proposed incorporation; and

1380 (ii) may include written statements, printed in the same font style and point size, from
1381 proponents and opponents of the proposed incorporation.

1382 (5) An individual may not vote in an incorporation election under this section unless
1383 the individual is a registered voter who resides, as defined in Section 20A-1-102, within the
1384 boundaries of the proposed municipality.

1385 (6) If a majority of those who vote in an incorporation election held under this section
1386 cast votes in favor of incorporation, the area shall incorporate.

1387 Section 21. Section 10-2a-213 is amended to read:

1388 **10-2a-213. Determination of number of council members -- Determination of**
1389 **election districts -- Hearings and notice.**

1390 (1) If the incorporation proposal passes, the petition sponsors shall, within 60 days
1391 after the day on which the county conducts the canvass of the election under Section

1392 10-2a-212:

1393 (a) for the incorporation of a city:

1394 (i) if the voters at the incorporation election choose the council-mayor form of
1395 government, determine the number of council members that will constitute the city council of
1396 the city; and

1397 (ii) if the voters at the incorporation election vote to elect council members by district,
1398 determine the number of council members to be elected by district and draw the boundaries of
1399 those districts, which shall be substantially equal in population; and

1400 (b) for the incorporation of any municipality:

1401 (i) determine the initial terms of the mayor and members of the municipal council so
1402 that:

1403 (A) the mayor and approximately half the members of the municipal council are
1404 elected to serve an initial term, of no less than one year, that allows the mayor's and members'
1405 successors to serve a full four-year term that coincides with the schedule established in
1406 Subsection 10-3-205(1); and

1407 (B) the remaining members of the municipal council are elected to serve an initial
1408 term, of no less than one year, that allows the members' successors to serve a full four-year
1409 term that coincides with the schedule established in Subsection 10-3-205(2); and

1410 (ii) submit in writing to the county legislative body the results of the determinations
1411 made by the sponsors under Subsections (1)(a) and (b)(i).

1412 (2) A newly incorporated town shall operate under the five-member council form of
1413 government as defined in Section 10-3b-102.

1414 (3) Before making a determination under Subsection (1)(a) or (b)(i), the petition
1415 sponsors shall hold a public hearing within the future municipality on the applicable issues
1416 described in Subsections (1)(a) and (b)(i).

1417 (4) The ~~[petition sponsors shall]~~ county clerk shall provide notice of the public hearing
1418 described in Subsection (3):

1419 ~~[(a) (i) at least two weeks before the day of the public hearing, by posting one notice,~~
1420 ~~and at least one additional notice per 2,000 population of the future municipality, in places~~
1421 ~~within the future municipality that are most likely to give notice to the residents within, and the~~
1422 ~~owners of real property located within, the future municipality, subject to a maximum of 10~~

1423 notices; or]

1424 ~~[(ii) at least two weeks before the day of the public hearing, by mailing notice to each~~
 1425 ~~residence within, and each owner of real property located within, the future municipality;]~~

1426 ~~[(b)] (a) [by posting notice on the Utah Public Notice Website, created in Section~~
 1427 ~~63A-16-601,] within the future municipality as a class C notice under Section 63G-28-102 for~~
 1428 ~~two weeks before the day of the public hearing; and~~

1429 ~~[(c)] (b) if the future municipality has a website, by posting notice on the future~~
 1430 ~~municipality's website for two weeks before the day of the public hearing[; and].~~

1431 ~~[(d) by posting notice on the county's website for two weeks before the day of the~~
 1432 ~~public hearing.]~~

1433 (5) The county clerk may bill the petition sponsors for the cost of preparing, printing,
 1434 and publishing the notice described in Subsection (4).

1435 Section 22. Section **10-2a-214** is amended to read:

1436 **10-2a-214. Notice of number of council members to be elected and of district**
 1437 **boundaries -- Declaration of candidacy for municipal office.**

1438 (1) Within 20 days after the day on which a county legislative body receives the
 1439 petition sponsors' determination under Subsection **10-2a-213**(1)(b)(ii), the county clerk shall
 1440 provide a notice, in accordance with Subsection (2), containing:

1441 (a) the number of municipal council members to be elected for the new municipality;

1442 (b) except as provided in Subsection (3), if some or all of the municipal council
 1443 members are to be elected by district, a description of the boundaries of those districts;

1444 (c) information about the deadline for an individual to file a declaration of candidacy to
 1445 become a candidate for mayor or municipal council; and

1446 (d) information about the length of the initial term of each of the municipal officers.

1447 (2) The county clerk shall provide the notice described in Subsection (1)[:] within the
 1448 future municipality as a class B notice under Section 63G-28-102.

1449 ~~[(a) (i) by posting one notice, and at least one additional notice per 2,000 population of~~
 1450 ~~the future municipality, in places within the future municipality that are most likely to give~~

1451 ~~notice to the residents in the future municipality, subject to a maximum of 10 notices; or]~~

1452 ~~[(ii) by mailing notice to each residence in the future municipality;]~~

1453 ~~[(b) by posting notice on the Utah Public Notice Website, created in Section~~

1454 ~~63A-16-601, for two weeks;]~~

1455 ~~[(c) if the future municipality has a website, by posting notice on the future~~
1456 ~~municipality's website for two weeks; and]~~

1457 ~~[(d) by posting notice on the county's website for two weeks.]~~

1458 (3) Instead of including a description of the district boundaries under Subsection (1)(b),
1459 the notice may include a statement that specifies the following sources where a resident of the
1460 future municipality may view or obtain a copy of the district boundaries:

1461 (a) the county website;

1462 (b) the physical address of the county offices; and

1463 (c) a mailing address and telephone number.

1464 (4) Notwithstanding Subsection 20A-9-203(3)(a), each individual seeking to become a
1465 candidate for mayor or municipal council of a municipality incorporating under this part shall
1466 file a declaration of candidacy with the clerk of the county in which the future municipality is
1467 located and in accordance with:

1468 (a) for an incorporation held on the date of a regular general election, the deadlines for
1469 filing a declaration of candidacy under Section 20A-9-202; or

1470 (b) for an incorporation held on the date of a municipal general election, the deadlines
1471 for filing a declaration of candidacy under Section 20A-9-203.

1472 Section 23. Section 10-2a-215 is amended to read:

1473 **10-2a-215. Election of officers of new municipality -- Primary and final election**
1474 **dates -- Notice of election -- County clerk duties -- Candidate duties -- Occupation of**
1475 **office.**

1476 (1) For the election of municipal officers, the county legislative body shall:

1477 (a) unless a primary election is prohibited under Subsection 20A-9-404(2), hold a
1478 primary election; and

1479 (b) unless the election may be cancelled in accordance with Section 20A-1-206, hold a
1480 final election.

1481 (2) Each election described in Subsection (1) shall be held:

1482 (a) consistent with the petition sponsors' determination of the length of each council
1483 member's initial term; and

1484 (b) for the incorporation of a city:

1485 (i) appropriate to the form of government chosen by the voters at the incorporation
1486 election;

1487 (ii) consistent with the voters' decision about whether to elect city council members by
1488 district and, if applicable, consistent with the boundaries of those districts as determined by the
1489 petition sponsors; and

1490 (iii) consistent with the sponsors' determination of the number of city council members
1491 to be elected.

1492 (3) (a) Subject to Subsection (3)(b), and notwithstanding Subsection 20A-1-201.5(2),
1493 the primary election described in Subsection (1)(a) shall be held at the earliest of the next:

1494 (i) regular primary election described in Subsection 20A-1-201.5(1); or

1495 (ii) municipal primary election described in Section 20A-9-404.

1496 (b) The county shall hold the primary election, if necessary, on the next election date
1497 described in Subsection (3)(a) that is after the incorporation election conducted under Section
1498 10-2a-210.

1499 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election described in
1500 Subsection (1)(b):

1501 (i) on the following election date that next follows the date of the incorporation
1502 election held under Subsection 10-2a-210(1)(a);

1503 (ii) a regular general election described in Section 20A-1-201; or

1504 (iii) a regular municipal general election under Section 20A-1-202.

1505 (b) The county shall hold the final election on the earliest of the next election date that
1506 is listed in Subsection (4)(a)(i), (ii), or (iii):

1507 (i) that is after a primary election; or

1508 (ii) if there is no primary election, that is at least:

1509 (A) 75 days after the incorporation election under Section 10-2a-210; and

1510 (B) 65 days after the candidate filing period.

1511 (5) The county clerk shall provide notice of an election under this section[?] within the
1512 future municipality as a class B notice under Section 63G-28-102 at least two weeks before the
1513 day of the election.

1514 [~~(a) (i) at least two weeks before the day of the election, by posting one notice, and at~~
1515 ~~least one additional notice per 2,000 population of the future municipality, in places within the~~

1516 ~~future municipality that are most likely to give notice to the voters within the future~~
1517 ~~municipality, subject to a maximum of 10 notices, or]~~
1518 ~~[(ii) at least two weeks before the day of the election, by mailing notice to each~~
1519 ~~registered voter within the future municipality;]~~
1520 ~~[(b) by posting notice on the Utah Public Notice Website, created in Section~~
1521 ~~63A-16-601, for two weeks before the day of the election;]~~
1522 ~~[(c) if the future municipality has a website, by posting notice on the future~~
1523 ~~municipality's website for two weeks before the day of the election; and]~~
1524 ~~[(d) by posting notice on the county's website for two weeks before the day of the~~
1525 ~~election.]~~
1526 (6) Until the municipality is incorporated, the county clerk:
1527 (a) is the election officer for all purposes related to the election of municipal officers;
1528 (b) may, as necessary, determine appropriate deadlines, procedures, and instructions
1529 related to the election of municipal officers for a new municipality that are not otherwise
1530 contrary to law;
1531 (c) shall require and determine deadlines for municipal office candidates to file
1532 campaign financial disclosures in accordance with Section 10-3-208; and
1533 (d) shall ensure that the ballot for the election includes each office that is required to be
1534 included in the election for officers of the newly incorporated municipality, including the term
1535 of each office.
1536 (7) An individual who has filed as a candidate for an office described in this section
1537 shall comply with:
1538 (a) the campaign finance disclosure requirements described in Section 10-3-208; and
1539 (b) the requirements and deadlines established by the county clerk under this section.
1540 (8) Notwithstanding Section 10-3-201, the officers elected at a final election described
1541 in Subsection (4)(a) shall take office:
1542 (a) after taking the oath of office; and
1543 (b) at noon on the first Monday following the day on which the election official
1544 transmits a certificate of nomination or election under the officer's seal to each elected
1545 candidate in accordance with Subsection 20A-4-304(4)(b).
1546 Section 24. Section 10-2a-404 is amended to read:

1547 **10-2a-404. Election -- Notice.**

1548 (1) (a) Notwithstanding Section [20A-1-203](#), a county of the first class shall hold a local
1549 special election on November 3, 2015, on the following ballot propositions:

1550 (i) for registered voters residing within a planning township:

1551 (A) whether the planning township shall be incorporated as a city or town, according to
1552 the classifications of Section [10-2-301](#), or as a metro township; and

1553 (B) if the planning township incorporates as a metro township, whether the metro
1554 township is included in a municipal services district; and

1555 (ii) for registered voters residing within an unincorporated island, whether the island
1556 should maintain its unincorporated status or be annexed into an eligible city.

1557 (b) (i) A metro township incorporated under this part shall be governed by the
1558 five-member council in accordance with Chapter 3b, Part 5, Metro Township Council Form of
1559 Municipal Government.

1560 (ii) A city or town incorporated under this part shall be governed by the five-member
1561 council form of government as defined in Section [10-3b-102](#).

1562 (2) Unless a person is a registered voter who resides, as defined in Section [20A-1-102](#),
1563 within the boundaries of a planning township or an unincorporated island, the person may not
1564 vote on the proposed incorporation or annexation.

1565 (3) The county clerk shall post notice of the election [~~on the Utah Public Notice~~
1566 ~~Website, created in Section [63A-16-601](#);~~] in the planning township or unincorporated island as
1567 a class A notice under Section [63G-28-102](#) for three weeks before the election.

1568 (4) The notice required by Subsection (3) shall contain:

1569 (a) for residents of a planning township:

1570 (i) a statement that the voters will vote:

1571 (A) to incorporate as a city or town, according to the classifications of Section
1572 [10-2-301](#), or as a metro township; and

1573 (B) if the planning township incorporates as a metro township, whether the metro
1574 township is included in a municipal services district;

1575 (ii) if applicable under Subsection [10-2a-405](#)(5), a map showing the alteration to the
1576 planning township boundaries that would be effective upon incorporation;

1577 (iii) a statement that if the residents of the planning township elect to incorporate:

1578 (A) as a metro township, the metro township shall be governed by a five-member
1579 metro township council in accordance with Chapter 3b, Part 5, Metro Township Council Form
1580 of Municipal Government; or

1581 (B) as a city or town, the city or town shall be governed by the five-member council
1582 form of government as defined in Section 10-3b-102; and

1583 (iv) a statement of the date and time of the election and the location of polling places;

1584 (b) for residents of an unincorporated island:

1585 (i) a statement that the voters will vote either to be annexed into an eligible city or
1586 maintain unincorporated status; and

1587 (ii) a statement of the eligible city, as determined by the county legislative body in
1588 accordance with Section 10-2a-405, the unincorporated island may elect to be annexed by; and

1589 (c) a statement of the date and time of the election and the location of polling places.

1590 ~~[(5) (a) In addition to the notice required under Subsection (3), the county clerk shall~~
1591 ~~post at least one notice of the election per 1,000 population in conspicuous places within the~~
1592 ~~planning township or unincorporated island that are most likely to give notice of the election to~~
1593 ~~the voters of the proposed incorporation or annexation, subject to a maximum of 10 notices.]~~

1594 ~~[(b) The clerk shall post the notices under Subsection (5)(a) at least seven days before~~
1595 ~~the election under Subsection (1).]~~

1596 ~~[(6)]~~ (5) (a) In a planning township, if a majority of those casting votes within the
1597 planning township vote to:

1598 (i) incorporate as a city or town, the planning township shall incorporate as a city or
1599 town, respectively; or

1600 (ii) incorporate as a metro township, the planning township shall incorporate as a metro
1601 township.

1602 (b) If a majority of those casting votes within the planning township vote to incorporate
1603 as a metro township, and a majority of those casting votes vote to include the metro township
1604 in a municipal services district and limit the metro township's municipal powers, the metro
1605 township shall be included in a municipal services district and have limited municipal powers.

1606 (c) In an unincorporated island, if a majority of those casting a vote within the selected
1607 unincorporated island vote to:

1608 (i) be annexed by the eligible city, the area shall be annexed by the eligible city; or

1609 (ii) remain an unincorporated area, the area shall remain unincorporated.

1610 ~~[(7)]~~ (6) The county shall, in consultation with interested parties, prepare and provide
1611 information on an annexation or incorporation subject to this part and an election held in
1612 accordance with this section.

1613 Section 25. Section **10-2a-405** is amended to read:

1614 **10-2a-405. Duties of county legislative body -- Public hearing -- Notice -- Other**
1615 **election and incorporation issues -- Rural real property excluded.**

1616 (1) The legislative body of a county of the first class shall before an election described
1617 in Section [10-2a-404](#):

1618 (a) in accordance with Subsection (3), provide notice of the public hearing described in
1619 Subsection (1)(b);

1620 (b) hold a public hearing; and

1621 (c) at the public hearing, adopt a resolution:

1622 (i) identifying, including a map prepared by the county surveyor, all unincorporated
1623 islands within the county;

1624 (ii) identifying each eligible city that will annex each unincorporated island, including
1625 whether the unincorporated island may be annexed by one eligible city or divided and annexed
1626 by multiple eligible cities, if approved by the residents at an election under Section [10-2a-404](#);
1627 and

1628 (iii) identifying, including a map prepared by the county surveyor, the planning
1629 townships within the county and any changes to the boundaries of a planning township that the
1630 county legislative body proposes under Subsection (5).

1631 (2) The county legislative body shall exclude from a resolution adopted under
1632 Subsection (1)(c) rural real property unless the owner of the rural real property provides written
1633 consent to include the property in accordance with Subsection (7).

1634 (3) (a) The county clerk shall provide notice of the public hearing described in
1635 Subsection (1)(b)~~[:]~~ within the unincorporated island or planning township as a class C notice
1636 under Section [63G-28-102](#) at least 15 days before the day of the public hearing.

1637 ~~[(i) by mailing notice to each owner of real property located in an unincorporated~~
1638 ~~island or planning township no later than 15 days before the day of the public hearing;]~~

1639 ~~[(ii) by posting notice on the Utah Public Notice Website, created in Section~~

1640 ~~63A-16-601~~, for three weeks before the day of the public hearing; and]

1641 ~~[(iii) by posting at least one notice of the hearing per 1,000 population in conspicuous~~
1642 ~~places within the selected unincorporated island, eligible city, or planning township, as~~
1643 ~~applicable, that are most likely to give notice of the hearing to the residents of the~~
1644 ~~unincorporated island, eligible city, or planning township, subject to a maximum of 10~~
1645 ~~notices.]~~

1646 ~~[(b) The clerk shall post the notices under Subsection (3)(a)(iii) at least seven days~~
1647 ~~before the hearing under Subsection (1)(b).]~~

1648 ~~[(c)]~~ (b) The notice under Subsection (3)(a) shall include:

1649 (i) (A) for a resident of an unincorporated island, a statement that the property in the
1650 unincorporated island may be, if approved at an election under Section 10-2a-404, annexed by
1651 an eligible city, including divided and annexed by multiple cities if applicable, and the name of
1652 the eligible city or cities; or

1653 (B) for residents of a planning township, a statement that the property in the planning
1654 township shall be, pending the results of the election held under Section 10-2a-404,
1655 incorporated as a city, town, or metro township;

1656 (ii) the location and time of the public hearing; and

1657 (iii) the county website where a map may be accessed showing:

1658 (A) how the unincorporated island boundaries will change if annexed by an eligible
1659 city; or

1660 (B) how the planning township area boundaries will change, if applicable under
1661 Subsection (5), when the planning township incorporates as a metro township or as a city or
1662 town.

1663 ~~[(d)]~~ (c) The county clerk shall publish a map described in Subsection ~~[(3)(c)(iii)]~~
1664 ~~(3)(b)(iii)~~ on the county website.

1665 (4) The county legislative body may, by ordinance or resolution adopted at a public
1666 meeting and in accordance with applicable law, resolve an issue that arises with an election
1667 held in accordance with this part or the incorporation and establishment of a metro township in
1668 accordance with this part.

1669 (5) (a) The county legislative body may, by ordinance or resolution adopted at a public
1670 meeting, change the boundaries of a planning township.

1671 (b) A change to a planning township boundary under this Subsection (5) is effective
1672 only upon the vote of the residents of the planning township at an election under Section
1673 10-2a-404 to incorporate as a metro township or as a city or town and does not affect the
1674 boundaries of the planning township before the election.

1675 (c) The county legislative body:

1676 (i) may alter a planning township boundary under Subsection (5)(a) only if the
1677 alteration:

1678 (A) affects less than 5% of the residents residing within the planning advisory area; and

1679 (B) does not increase the area located within the planning township's boundaries; and

1680 (ii) may not alter the boundaries of a planning township whose boundaries are entirely
1681 surrounded by one or more municipalities.

1682 (6) After November 2, 2015, and before January 1, 2017, a person may not initiate an
1683 annexation or an incorporation process that, if approved, would change the boundaries of a
1684 planning township.

1685 (7) (a) As used in this Subsection (7), "rural real property" means an area:

1686 (i) zoned primarily for manufacturing, commercial, or agricultural purposes; and

1687 (ii) that does not include residential units with a density greater than one unit per acre.

1688 (b) Unless an owner of rural real property gives written consent to a county legislative
1689 body, rural real property described in Subsection (7)(c) may not be:

1690 (i) included in a planning township identified under Subsection (1)(c); or

1691 (ii) incorporated as part of a metro township, city, or town, in accordance with this
1692 part.

1693 (c) The following rural real property is subject to an owner's written consent under
1694 Subsection (7)(b):

1695 (i) rural real property that consists of 1,500 or more contiguous acres of real property
1696 consisting of one or more tax parcels;

1697 (ii) rural real property that is not contiguous to, but used in connection with, rural real
1698 property that consists of 1,500 or more contiguous acres of real property consisting of one or
1699 more tax parcels;

1700 (iii) rural real property that is owned, managed, or controlled by a person, company, or
1701 association, including a parent, subsidiary, or affiliate related to the owner of 1,500 or more

1702 contiguous acres of rural real property consisting of one or more tax parcels; or
1703 (iv) rural real property that is located in whole or in part in one of the following as
1704 defined in Section 17-41-101:

- 1705 (A) an agricultural protection area;
- 1706 (B) an industrial protection area; or
- 1707 (C) a mining protection area.

1708 Section 26. Section 10-2a-410 is amended to read:

1709 **10-2a-410. Determination of metro township districts -- Determination of metro**
1710 **township or city initial officer terms -- Adoption of proposed districts -- Notice.**

1711 (1) (a) If a metro township with a population of 10,000 or more is incorporated in
1712 accordance with an election held under Section 10-2a-404:

- 1713 (i) each of the five metro township council members shall be elected by district; and
- 1714 (ii) the boundaries of the five council districts for election and the terms of office shall
1715 be designated and determined in accordance with this section.

1716 (b) If a metro township with a population of less than 10,000 or a town is incorporated
1717 at an election held in accordance with Section 10-2a-404, the five council members shall be
1718 elected at-large for terms as designated and determined in accordance with this section.

1719 (c) If a city is incorporated at an election held in accordance with Section 10-2a-404:

1720 (i) (A) the four members of the council district who are not the mayor shall be elected
1721 by district; and

1722 (B) the boundaries of the four council districts for election and the term of office shall
1723 be designated and determined in accordance with this section; and

1724 (ii) the mayor shall be elected at-large for a term designated and determined in
1725 accordance with this section.

1726 (2) (a) No later than 90 days after the election day on which the metro township, city,
1727 or town is successfully incorporated under this part, the legislative body of the county in which
1728 the metro township, city, or town is located shall adopt by resolution:

1729 (i) subject to Subsection (2)(b), for each incorporated metro township, city, or town,
1730 the council terms for a length of time in accordance with this section; and

1731 (ii) (A) for a metro township with a population of 10,000 or more, the boundaries of
1732 the five council districts; and

1733 (B) for a city, the boundaries of the four council districts.

1734 (b) (i) For each metro township, city, or town, the county legislative body shall set the
1735 initial terms of the members of the metro township council, city council, or town council so
1736 that:

1737 (A) except as provided in Subsection (2)(b)(ii), approximately half the members of the
1738 council, including the mayor in the case of a city, are elected to serve an initial term, of no less
1739 than one year, that allows their successors to serve a full four-year term that coincides with the
1740 schedule established in Subsection 10-3-205(1); and

1741 (B) the remaining members of the council are elected to serve an initial term, of no less
1742 than one year, that allows their successors to serve a full four-year term that coincides with the
1743 schedule established in Subsection 10-3-205(2).

1744 (ii) For a city that incorporated in a county of the first class in 2016, the term of office
1745 for the office of mayor is:

1746 (A) three years for the initial term of office; and

1747 (B) four years for each subsequent term of office.

1748 (iii) For a metro township with a population of 10,000 or more, the county legislative
1749 body shall divide the metro township into five council districts that comply with Section
1750 10-3-205.5.

1751 (iv) For a city, the county legislative body shall divide the city into four council
1752 districts that comply with Section 10-3-205.5.

1753 (3) (a) Within 20 days of the county legislative body's adoption of a resolution under
1754 Subsection (2), the county clerk shall provide a notice, in accordance with Subsection (3)(b),
1755 containing:

1756 (i) if applicable, a description of the boundaries, as designated in the resolution, of:

1757 (A) for a metro township with a population of 10,000 or more, the metro township
1758 council districts; or

1759 (B) the city council districts;

1760 (ii) information about the deadline for filing a declaration of candidacy for those
1761 seeking to become candidates for metro township council, city council, town council, or city
1762 mayor, respectively; and

1763 (iii) information about the length of the initial term of city mayor or each of the metro

1764 township, city, or town council offices, as described in the resolution.

1765 (b) The county clerk shall provide the notice required under Subsection (3)(a)[:] within
1766 the future metro township as a class A notice under Section 63G-28-102, at least seven days
1767 before the deadline for filing a declaration of candidacy under Subsection (4).

1768 [~~(i) by posting notice on the Utah Public Notice Website, created in Section~~
1769 ~~63A-16-601, for two weeks; and]~~

1770 [~~(ii) by posting at least one notice per 1,000 population in conspicuous places within~~
1771 ~~the future metro township, city, or town that are most likely to give notice to the residents of~~
1772 ~~the future metro township, city, or town, subject to a maximum of 10 notices.]~~

1773 (c) The notice under Subsection [~~(3)(b)(ii)~~] (3)(b) shall contain the information
1774 required under Subsection (3)(a).

1775 [~~(d) The county clerk shall post the notices under Subsection (3)(b)(ii) at least seven~~
1776 ~~days before the deadline for filing a declaration of candidacy under Subsection (4).]~~

1777 (4) A person seeking to become a candidate for metro township, city, or town council
1778 or city mayor shall, in accordance with Section 20A-9-202, file a declaration of candidacy with
1779 the clerk of the county in which the metro township, city, or town is located for an election
1780 described in Section 10-2a-411.

1781 Section 27. Section **10-3-301** is amended to read:

1782 **10-3-301. Notice -- Eligibility and residency requirements for elected municipal**
1783 **office -- Mayor and recorder limitations.**

1784 (1) As used in this section:

1785 (a) "Absent" means that an elected municipal officer fails to perform official duties,
1786 including the officer's failure to attend each regularly scheduled meeting that the officer is
1787 required to attend.

1788 (b) "Principal place of residence" means the same as that term is defined in Section
1789 20A-2-105.

1790 (c) "Secondary residence" means a place where an individual resides other than the
1791 individual's principal place of residence.

1792 (2) (a) On or before May 1 in a year in which there is a municipal general election, the
1793 municipal clerk shall publish a notice that identifies:

1794 (i) the municipal offices to be voted on in the municipal general election; and

1795 (ii) the dates for filing a declaration of candidacy for the offices identified under
1796 Subsection (2)(a)(i).

1797 (b) The municipal clerk shall publish the notice described in Subsection (2)(a)[:] within
1798 the municipality as a class A notice under Section 63G-28-102.

1799 [~~(i) on the Utah Public Notice Website established by Section 63A-16-601; and]~~

1800 [~~(ii) in at least one of the following ways:]~~

1801 [~~(A) at the principal office of the municipality;~~]

1802 [~~(B) in a newsletter produced by the municipality;~~]

1803 [~~(C) on a website operated by the municipality; or]~~

1804 [~~(D) with a utility enterprise fund customer's bill.]~~

1805 (3) (a) An individual who files a declaration of candidacy for a municipal office shall
1806 comply with the requirements described in Section 20A-9-203.

1807 (b) (i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of
1808 each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in
1809 Subsections 20A-9-203(3)(a)(i) and (c)(i) unless the date occurs on a:

1810 (A) Saturday or Sunday; or

1811 (B) state holiday as listed in Section 63G-1-301.

1812 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that
1813 is less than 40 hours per week, the city recorder or town clerk may comply with Subsection
1814 (3)(b)(i) without maintaining office hours by:

1815 (A) posting the recorder's or clerk's contact information, including a phone number and
1816 email address, on the recorder's or clerk's office door, the main door to the municipal offices,
1817 and, if available, on the municipal website; and

1818 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i),
1819 via the contact information described in Subsection (3)(b)(ii)(A).

1820 (4) An individual elected to municipal office shall be a registered voter in the
1821 municipality in which the individual is elected.

1822 (5) (a) Each elected officer of a municipality shall maintain a principal place of
1823 residence within the municipality, and within the district that the elected officer represents,
1824 during the officer's term of office.

1825 (b) Except as provided in Subsection (6), an elected municipal office is automatically

1826 vacant if the officer elected to the municipal office, during the officer's term of office:

1827 (i) establishes a principal place of residence outside the district that the elected officer
1828 represents;

1829 (ii) resides at a secondary residence outside the district that the elected officer
1830 represents for a continuous period of more than 60 days while still maintaining a principal
1831 place of residence within the district;

1832 (iii) is absent from the district that the elected officer represents for a continuous period
1833 of more than 60 days; or

1834 (iv) fails to respond to a request, within 30 days after the day on which the elected
1835 officer receives the request, from the county clerk or the lieutenant governor seeking
1836 information to determine the officer's residency.

1837 (6) (a) Notwithstanding Subsection (5), if an elected municipal officer obtains the
1838 consent of the municipal legislative body in accordance with Subsection (6)(b) before the
1839 expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the officer may:

1840 (i) reside at a secondary residence outside the district that the elected officer represents
1841 while still maintaining a principal place of residence within the district for a continuous period
1842 of up to one year during the officer's term of office; or

1843 (ii) be absent from the district that the elected officer represents for a continuous period
1844 of up to one year during the officer's term of office.

1845 (b) At a public meeting, the municipal legislative body may give the consent described
1846 in Subsection (6)(a) by majority vote after taking public comment regarding:

1847 (i) whether the legislative body should give the consent; and

1848 (ii) the length of time to which the legislative body should consent.

1849 (7) (a) The mayor of a municipality may not also serve as the municipal recorder or
1850 treasurer.

1851 (b) The recorder of a municipality may not also serve as the municipal treasurer.

1852 (c) An individual who holds a county elected office may not, at the same time, hold a
1853 municipal elected office.

1854 (d) The restriction described in Subsection (7)(c) applies regardless of whether the
1855 individual is elected to the office or appointed to fill a vacancy in the office.

1856 Section 28. Section **10-3-711** is amended to read:

1857 **10-3-711. Publication and posting of ordinances.**

1858 (1) Before an ordinance may take effect, the legislative body of each municipality
1859 adopting an ordinance, except an ordinance enacted under Section 10-3-706, 10-3-707,
1860 10-3-708, 10-3-709, or 10-3-710, shall:

1861 (a) deposit a copy of the ordinance in the office of the municipal recorder; and

1862 (b) [(†)] publish within the municipality a short summary of the ordinance [~~on the Utah~~
1863 ~~Public Notice Website created in Section 63A-16-601; or~~] as a class A notice under Section
1864 63G-28-102.

1865 [~~(ii) post a complete copy of the ordinance;~~]

1866 [~~(A) for a city of the first class, in nine public places within the city; or~~]

1867 [~~(B) for any other municipality, in three public places within the municipality.~~]

1868 (2) (a) Any ordinance, code, or book, other than the state code, relating to building or
1869 safety standards, municipal functions, administration, control, or regulations, may be adopted
1870 and shall take effect without further publication or posting, if reference is made to the code or
1871 book and at least one copy has been filed for use and examination by the public in the office of
1872 the recorder or clerk of the city or town prior to the adoption of the ordinance by the governing
1873 body.

1874 (b) Any state law relating to building or safety standards, municipal functions,
1875 administration, control, or regulations, may be adopted and shall take effect without further
1876 publication or posting if reference is made to the state code.

1877 (c) The ordinance adopting the code or book shall be published in the manner provided
1878 in this section.

1879 Section 29. Section **10-3-818** is amended to read:

1880 **10-3-818. Salaries in municipalities -- Notice.**

1881 (1) The elective and statutory officers of municipalities shall receive such
1882 compensation for their services as the governing body may fix by ordinance adopting
1883 compensation or compensation schedules enacted after public hearing.

1884 (2) Upon its own motion the governing body may review or consider the compensation
1885 of any officer or officers of the municipality or a salary schedule applicable to any officer or
1886 officers of the city for the purpose of determining whether or not it should be adopted, changed,
1887 or amended. In the event that the governing body decides that the compensation or

1888 compensation schedules should be adopted, changed, or amended, it shall set a time and place
1889 for a public hearing at which all interested persons shall be given an opportunity to be heard.

1890 (3) ~~[(a)]~~ Notice of the time, place, and purpose of the meeting shall be published at
1891 least seven days before the meeting by publication~~[-]~~ within the municipality as a class A
1892 notice under Section 63G-28-102.

1893 ~~[(i) at least once in a newspaper published in the county within which the municipality~~
1894 ~~is situated and generally circulated in the municipality; and]~~

1895 ~~[(ii) on the Utah Public Notice Website created in Section 63A-16-601.]~~

1896 ~~[(b) If there is not a newspaper as described in Subsection (3)(a)(i), then notice shall be~~
1897 ~~given by posting this notice in three public places in the municipality.]~~

1898 (4) After the conclusion of the public hearing, the governing body may enact an
1899 ordinance fixing, changing, or amending the compensation of any elective or appointive officer
1900 of the municipality or adopting a compensation schedule applicable to any officer or officers.

1901 (5) Any ordinance enacted before Laws of Utah 1977, Chapter 48, by a municipality
1902 establishing a salary or compensation schedule for its elective or appointive officers and any
1903 salary fixed prior to Laws of Utah 1977, Chapter 48, shall remain effective until the
1904 municipality has enacted an ordinance pursuant to the provisions of this chapter.

1905 (6) The compensation of all municipal officers shall be paid at least monthly out of the
1906 municipal treasury provided that municipalities having 1,000 or fewer population may by
1907 ordinance provide for the payment of its statutory officers less frequently. None of the
1908 provisions of this chapter shall be considered as limiting or restricting the authority to any
1909 municipality that has adopted or does adopt a charter pursuant to Utah Constitution, Article XI,
1910 Section 5, to determine the salaries of its elective and appointive officers or employees.

1911 Section 30. Section **10-3c-204** is amended to read:

1912 **10-3c-204. Taxing authority limited -- Notice.**

1913 (1) A metro township may impose:

1914 (a) a municipal energy sales and use tax in accordance with Chapter 1, Part 3,
1915 Municipal Energy Sales and Use Tax Act; or

1916 (b) a municipal telecommunication's license tax in accordance with Chapter 1, Part 4,
1917 Municipal Telecommunications License Tax Act.

1918 (2) (a) Before a metro township enacts a tax described in Subsection (1), the metro

1919 township council shall hold a public hearing:

1920 (i) on a weekday evening other than a holiday beginning no earlier than 6:00 p.m.;

1921 (ii) that is open to the public; and

1922 (iii) to allow an individual present to comment on the proposed tax:

1923 (A) within reasonable time limits; and

1924 (B) without unreasonable restriction on the number of individuals permitted to

1925 comment on the proposed tax.

1926 (b) (i) A metro township council shall publish notice of the public hearing described in

1927 Subsection (2)(a)[:] within the metro township as a class B notice under Section 63G-28-102 at

1928 least 14 days before the day of the public hearing.

1929 [~~(A) by mailing notice to each mailing address in the metro township at least 14 days~~
1930 ~~before the day of the public hearing;~~]

1931 [~~(B) by posting notice on the Utah Public Notice Website created in Section~~
1932 ~~63A-16-601 for each of the 14 days before the day of the public hearing; and]~~

1933 [~~(C) if the metro township has a website, by posting notice on the metro township's~~
1934 ~~website for each of the 14 days before the day of the public hearing.~~]

1935 (ii) The council of a metro township that is included in a municipal services district
1936 satisfies the requirement [~~described in Subsection (2)(b)(i)(A) by mailing notice;~~] to mail a

1937 notice summary statement to each residence within the affected area by mailing the notice
1938 summary statement, at least 14 days before the day of the public hearing, to each mailing

1939 address in the metro township, using records or information available to the municipal services
1940 district in which the metro township is included.

1941 (c) The notice described in Subsection (2)(b) shall:

1942 (i) state "NOTICE OF PROPOSED TAX" at the top of the notice, in bold upper-case
1943 type no smaller than 18 point;

1944 (ii) indicate the date, time, and location of the public hearing described in Subsection
1945 (2)(a); and

1946 (iii) indicate the proposed tax rate.

1947 Section 31. Section 10-5-107.5 is amended to read:

1948 **10-5-107.5. Transfer of enterprise fund money to another fund -- Notice.**

1949 (1) As used in this section:

- 1950 (a) "Budget hearing" means a public hearing required under Section 10-5-108.
- 1951 (b) "Enterprise fund accounting data" means a detailed overview of the various
- 1952 enterprise funds of the town that includes:
- 1953 (i) a cost accounting breakdown of how money in the enterprise fund is being used to
- 1954 cover, as applicable:
- 1955 (A) administrative and overhead costs of the town attributable to the operation of the
- 1956 enterprise for which the enterprise fund was created; and
- 1957 (B) other costs not associated with the enterprise for which the enterprise fund was
- 1958 created; and
- 1959 (ii) specific enterprise fund information.
- 1960 (c) "Enterprise fund hearing" means the public hearing required under Subsection
- 1961 (3)(d).
- 1962 (d) "Specific enterprise fund information" means:
- 1963 (i) the dollar amount of transfers from an enterprise fund to another fund; and
- 1964 (ii) the percentage of the total enterprise fund expenditures represented by each transfer
- 1965 to another fund.
- 1966 (2) Subject to the requirements of this section, a town may transfer money in an
- 1967 enterprise fund to another fund to pay for a good, service, project, venture, or other purpose
- 1968 that is not directly related to the goods or services provided by the enterprise for which the
- 1969 enterprise fund was created.
- 1970 (3) The governing body of a town that intends to transfer money in an enterprise fund
- 1971 to another fund shall:
- 1972 (a) provide notice of the intended transfer as required under Subsection (4);
- 1973 (b) clearly identify in a separate section or document accompanying the town's
- 1974 tentative budget or, if an amendment to the town's budget includes or is based on an intended
- 1975 transfer, in a separate section or document accompanying the amendment to the town's budget:
- 1976 (i) the enterprise fund from which money is intended to be transferred; and
- 1977 (ii) the specific enterprise fund information for that enterprise fund;
- 1978 (c) provide notice of an enterprise fund hearing, as required in Subsection (4); and
- 1979 (d) hold an enterprise fund hearing before the adoption of the town's budget or, if
- 1980 applicable, the amendment to the budget.

- 1981 (4) (a) At least seven days before holding an enterprise fund hearing, a governing body
 1982 shall[:]
- 1983 [(i)] provide the notice described in Subsection (4)(b) [by:] within the town as a class B
 1984 notice under Section 63G-28-102.
- 1985 [~~(A) mailing a copy of the notice to users of the goods or services provided by the~~
 1986 ~~enterprise for which the enterprise fund was created, if the town regularly mails users a~~
 1987 ~~periodic billing for the goods or services;~~]
- 1988 [~~(B) emailing a copy of the notice to users of the goods or services provided by the~~
 1989 ~~enterprise for which the enterprise fund was created, if the town regularly emails users a~~
 1990 ~~periodic billing for the goods or services;~~]
- 1991 [~~(C) posting the notice on the Utah Public Notice Website created in Section~~
 1992 ~~63A-16-601; and]~~
- 1993 [~~(D) if the town has a website, prominently posting the notice on the town's website~~
 1994 ~~until the enterprise fund hearing is concluded; and]~~
- 1995 [~~(ii) if the town communicates with the public through a social media platform, publish~~
 1996 ~~notice of the date, time, place, and purpose of the enterprise fund hearing using the social~~
 1997 ~~media platform.]~~
- 1998 (b) The notice required under Subsection [(4)(a)(i)] (4)(a) shall:
- 1999 (i) explain the intended transfer of enterprise fund money to another fund;
- 2000 (ii) include specific enterprise fund information for each enterprise fund from which
 2001 money is intended to be transferred;
- 2002 (iii) provide the date, time, and place of the enterprise fund hearing; and
- 2003 (iv) explain the purpose of the enterprise fund hearing.
- 2004 (5) (a) An enterprise fund hearing shall be separate and independent from a budget
 2005 hearing and any other public hearing.
- 2006 (b) At an enterprise fund hearing, the governing body shall:
- 2007 (i) explain the intended transfer of enterprise fund money to another fund;
- 2008 (ii) provide enterprise fund accounting data to the public; and
- 2009 (iii) allow members of the public in attendance at the hearing to comment on:
- 2010 (A) the intended transfer of enterprise fund money to another fund; and
- 2011 (B) the enterprise fund accounting data.

2012 (6) (a) If a governing body adopts a budget or a budget amendment that includes or is
2013 based on a transfer of money from an enterprise fund to another fund, the governing body shall:

2014 (i) within 60 days after adopting the budget or budget amendment:

2015 (A) mail a notice to users of the goods or services provided by the enterprise for which
2016 the enterprise fund was created, if the town regularly mails users a periodic billing for the
2017 goods or services; and

2018 (B) email a notice to users of the goods or services provided by the enterprise for
2019 which the enterprise fund was created, if the town regularly emails users a periodic billing for
2020 the goods or services;

2021 (ii) within seven days after adopting the budget or budget amendment:

2022 (A) post enterprise fund accounting data on the town's website, if the town has a
2023 website;

2024 (B) using the town's social media platform, publish notice of the adoption of a budget
2025 or budget amendment that includes or is based on a transfer of money from an enterprise fund
2026 to another fund, if the town communicates with the public through a social media platform; and

2027 (iii) within 30 days after adopting the budget, submit to the state auditor the specific
2028 enterprise fund information for each enterprise fund from which money will be transferred.

2029 (b) A notice required under Subsection (6)(a)(i) shall:

2030 (i) announce the adoption of a budget or budget amendment that includes or is based
2031 on a transfer of money from an enterprise fund to another fund; and

2032 (ii) include the specific enterprise fund information.

2033 (c) The governing body shall maintain the website posting required under Subsection
2034 (6)(a)(ii)(A) continuously until another posting is required under Subsection [~~(4)(a)(i)(C)~~]
2035 (4)(a).

2036 Section 32. Section **10-5-108** is amended to read:

2037 **10-5-108. Budget hearing -- Notice -- Adjustments.**

2038 (1) Prior to the adoption of the final budget or an amendment to a budget, a town
2039 council shall hold a public hearing to receive public comment.

2040 (2) The town council shall provide notice of the place, purpose, and time of the public
2041 hearing by posting notice within the town or metro township as a class A notice under Section
2042 63G-28-102 at least seven days before the hearing[?].

2043 ~~[(a) in three public places at least 48 hours before the hearing;]~~
 2044 ~~[(b) on the Utah Public Notice Website created in Section 63A-16-601; and]~~
 2045 ~~[(c) on the home page of the website, either in full or as a link, of the town or metro~~
 2046 ~~township, if the town or metro township has a publicly viewable website, until the hearing~~
 2047 ~~takes place.]~~

2048 (3) After the hearing, the town council, subject to Section 10-5-110, may adjust
 2049 expenditures and revenues in conformity with this chapter.

2050 Section 33. Section 10-6-113 is amended to read:

2051 **10-6-113. Budget -- Notice of hearing to consider adoption.**

2052 At the meeting at which each tentative budget is adopted, the governing body shall
 2053 establish the time and place of a public hearing to consider its adoption and shall order that
 2054 notice of the public hearing be published within the city or metro township as a class A notice
 2055 under Section 63G-28-102 at least seven days ~~[prior to]~~ before the day of the hearing[:].

2056 ~~[(1) in three public places within the city;]~~
 2057 ~~[(2) on the Utah Public Notice Website created in Section 63A-16-601; and]~~
 2058 ~~[(3) on the home page of the website, either in full or as a link, of the city or metro~~
 2059 ~~township, if the city or metro township has a publicly viewable website, until the hearing takes~~
 2060 ~~place.]~~

2061 Section 34. Section 10-6-135.5 is amended to read:

2062 **10-6-135.5. Transfer of enterprise fund money to another fund -- Notice.**

2063 (1) As used in this section:

2064 (a) "Budget hearing" means a public hearing required under Section 10-6-114.

2065 (b) "Enterprise fund accounting data" means a detailed overview of the various
 2066 enterprise funds of the city that includes:

2067 (i) a cost accounting breakdown of how money in the enterprise fund is being used to
 2068 cover, as applicable:

2069 (A) administrative and overhead costs of the city attributable to the operation of the
 2070 enterprise for which the enterprise fund was created; and

2071 (B) other costs not associated with the enterprise for which the enterprise fund was
 2072 created; and

2073 (ii) specific enterprise fund information.

2074 (c) "Enterprise fund hearing" means the public hearing required under Subsection
2075 (3)(d).

2076 (d) "Specific enterprise fund information" means:

- 2077 (i) the dollar amount of transfers from an enterprise fund to another fund; and
- 2078 (ii) the percentage of the total enterprise fund expenditures represented by each transfer
- 2079 to another fund.

2080 (2) Subject to the requirements of this section, a city may transfer money in an
2081 enterprise fund to another fund to pay for a good, service, project, venture, or other purpose
2082 that is not directly related to the goods or services provided by the enterprise for which the
2083 enterprise fund was created.

2084 (3) The governing body of a city that intends to transfer money in an enterprise fund to
2085 another fund shall:

- 2086 (a) provide notice of the intended transfer as required under Subsection (4);
- 2087 (b) clearly identify in a separate section or document accompanying the city's tentative
2088 budget or, if an amendment to the city's budget includes or is based on an intended transfer, in
2089 a separate section or document accompanying the amendment to the city's budget:

- 2090 (i) the enterprise fund from which money is intended to be transferred; and
- 2091 (ii) the specific enterprise fund information for that enterprise fund;
- 2092 (c) provide notice of an enterprise fund hearing, as required in Subsection (4); and
- 2093 (d) hold an enterprise fund hearing before the adoption of the city's budget or, if
2094 applicable, the amendment to the budget.

2095 (4) (a) At least seven days before holding an enterprise fund hearing, a governing body
2096 shall~~[(i)]~~ provide the notice described in Subsection (4)(b) ~~[by:]~~ within the city as a class B
2097 notice under Section 63G-28-102.

2098 ~~[(A) mailing a copy of the notice to users of the goods or services provided by the~~
2099 ~~enterprise for which the enterprise fund was created, if the city regularly mails users a periodic~~
2100 ~~billing for the goods or services;]~~

2101 ~~[(B) emailing a copy of the notice to users of the goods or services provided by the~~
2102 ~~enterprise for which the enterprise fund was created, if the city regularly emails users a periodic~~
2103 ~~billing for the goods or services;]~~

2104 ~~[(C) posting the notice on the Utah Public Notice Website created in Section~~

2105 ~~63A-16-601; and]~~

2106 ~~[(D) if the city has a website, prominently posting the notice on the city's website until~~
2107 ~~the enterprise fund hearing is concluded; and]~~

2108 ~~[(ii) if the city communicates with the public through a social media platform, publish~~
2109 ~~notice of the date, time, place, and purpose of the enterprise fund hearing using the social~~
2110 ~~media platform.]~~

2111 (b) The notice required under Subsection ~~[(4)(a)(i)]~~ (4)(a) shall:

2112 (i) explain the intended transfer of enterprise fund money to another fund;

2113 (ii) include specific enterprise fund information for each enterprise fund from which
2114 money is intended to be transferred;

2115 (iii) provide the date, time, and place of the enterprise fund hearing; and

2116 (iv) explain the purpose of the enterprise fund hearing.

2117 (5) (a) An enterprise fund hearing shall be separate and independent from a budget
2118 hearing and any other public hearing.

2119 (b) At an enterprise fund hearing, the governing body shall:

2120 (i) explain the intended transfer of enterprise fund money to another fund;

2121 (ii) provide enterprise fund accounting data to the public; and

2122 (iii) allow members of the public in attendance at the hearing to comment on:

2123 (A) the intended transfer of enterprise fund money to another fund; and

2124 (B) the enterprise fund accounting data.

2125 (6) (a) If a governing body adopts a budget or a budget amendment that includes or is
2126 based on a transfer of money from an enterprise fund to another fund, the governing body shall:

2127 (i) within 60 days after adopting the budget or budget amendment:

2128 (A) mail a notice to users of the goods or services provided by the enterprise for which
2129 the enterprise fund was created, if the city regularly mails users a periodic billing for the goods
2130 or services; and

2131 (B) email a notice to users of the goods or services provided by the enterprise for
2132 which the enterprise fund was created, if the city regularly emails users a periodic billing for
2133 the goods or services;

2134 (ii) within seven days after adopting the budget or budget amendment:

2135 (A) post enterprise fund accounting data on the city's website, if the city has a website;

2136 (B) using the city's social media platform, publish notice of the adoption of a budget or
2137 budget amendment that includes or is based on a transfer of money from an enterprise fund to
2138 another fund, if the city communicates with the public through a social media platform; and

2139 (iii) within 30 days after adopting the budget, submit to the state auditor the specific
2140 enterprise fund information for each enterprise fund from which money will be transferred.

2141 (b) A notice required under Subsection (6)(a)(i) shall:

2142 (i) announce the adoption of a budget or budget amendment that includes or is based
2143 on a transfer of money from an enterprise fund to another fund; and

2144 (ii) include the specific enterprise fund information.

2145 (c) The governing body shall maintain the website posting required under Subsection
2146 (6)(a)(ii)(A) continuously until another posting is required under Subsection [~~(4)(a)(i)(C)~~]
2147 (4)(a).

2148 Section 35. Section **10-6-152** is amended to read:

2149 **10-6-152. Notice that audit completed and available for inspection.**

2150 Within 10 days following the receipt of the audit report furnished by the independent
2151 auditor, the city auditor in cities having an auditor and the city recorder in all other cities shall:

2152 (1) prepare a notice to the public that the audit of the city has been completed;

2153 (2) post the notice[:] within the city or metro township as a class A notice under
2154 Section 63G-28-102; and

2155 [~~(a) in three public places; and~~]

2156 [~~(b) on the Utah Public Notice Website created in Section 63A-16-601; and~~]

2157 (3) make a copy of the notice described in Subsection (1) available for inspection at the
2158 office of the city auditor or recorder.

2159 Section 36. Section **10-7-16** is amended to read:

2160 **10-7-16. Call for bids -- Notice -- Contents.**

2161 (1) (a) Before holding an election under Subsection **10-7-15(1)(a)(ii)**, the municipal
2162 legislative body shall open to bid the sale or lease of the property mentioned in Section
2163 **10-7-15**.

2164 (b) The municipal legislative body shall [~~cause~~] publish notice of the bid process [~~to be~~
2165 ~~given by publication~~] within the municipality as a class A notice under Section 63G-28-102 for
2166 at least three consecutive weeks [~~on the Utah Public Notice Website created in Section~~

2167 ~~63A-16-601~~].

2168 (c) The notice described in Subsection (1) shall:

2169 (i) give a general description of the property to be sold or leased;

2170 (ii) specify the time when sealed bids for the property, or for a lease on the property,
2171 will be received; and

2172 (iii) specify the time when and the place where the bids will be opened.

2173 (2) (a) As used in this section and in Section 10-7-17, "responsible bidder" means an
2174 entity with a proven history of successful operation of an electrical generation and distribution
2175 system, or an equivalent proven history.

2176 (b) Subject to Subsection (2)(c), a municipal legislative body may receive or refuse to
2177 receive any bid submitted for the sale or lease of the electrical works and plant.

2178 (c) A municipal legislative body may not receive a bid unless the municipal legislative
2179 body determines that the bid is submitted by a responsible bidder.

2180 Section 37. Section 10-7-19 is amended to read:

2181 **10-7-19. Election to authorize -- Notice -- Ballots.**

2182 (1) Subject to Subsection (2), the board of commissioners or city council of any city, or
2183 the board of trustees of any incorporated town, may aid and encourage the building of railroads
2184 by granting to any railroad company, for depot or other railroad purposes, real property of the
2185 city or incorporated town, not necessary for municipal or public purposes, upon the limitations
2186 and conditions established by the board of commissioners, city council, or board of trustees.

2187 (2) A board of commissioners, city council, or board of trustees may not grant real
2188 property under Subsection (1) unless the grant is approved by the eligible voters of the city or
2189 town at the next municipal election, or at a special election called for that purpose by the board
2190 of commissioners, city council, or board of trustees.

2191 (3) If the question is submitted at a special election, the election shall be held as nearly
2192 as practicable in conformity with the general election laws of the state.

2193 (4) The board of commissioners, city council, or board of trustees shall publish notice
2194 of an election described in Subsections (2) and (3) within the city or town as a class B notice
2195 under Section 63G-28-102 at least four weeks before the day of the election.

2196 ~~[(a) (i) at least four weeks before the day of the election, by posting one notice, and at~~
2197 ~~least one additional notice per 2,000 population of the city or town, in places within the city or~~

2198 ~~town that are most likely to give notice to the voters in the city or town; or]~~

2199 ~~[(ii) at least four weeks before the day of the election, by mailing notice to each~~

2200 ~~registered voter in the city or town;]~~

2201 ~~[(b) on the Utah Public Notice Website created in Section [63A-16-601](#), for four weeks~~

2202 ~~before the day of the election; and]~~

2203 ~~[(c) if the municipality has a website, on the municipality's website for at least four~~

2204 ~~weeks before the day of the election.]~~

2205 (5) The board of commissioners, city council, or board of trustees shall cause ballots to
2206 be printed and provided to the eligible voters, which shall read: "For the proposed grant for
2207 depot or other railroad purposes: Yes. No."

2208 (6) If a majority of the votes are cast in favor of the grant, the board of commissioners,
2209 city council, or board of trustees shall convey the real property to the railroad company.

2210 Section 38. Section **10-8-2** is amended to read:

2211 **10-8-2. Appropriations -- Acquisition and disposal of property -- Municipal**
2212 **authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.**

2213 (1) (a) Subject to Section [11-41-103](#), a municipal legislative body may:

2214 (i) appropriate money for corporate purposes only;

2215 (ii) provide for payment of debts and expenses of the corporation;

2216 (iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and
2217 dispose of real and personal property for the benefit of the municipality, whether the property is
2218 within or without the municipality's corporate boundaries, if the action is in the public interest
2219 and complies with other law;

2220 (iv) improve, protect, and do any other thing in relation to this property that an
2221 individual could do; and

2222 (v) subject to Subsection (2) and after first holding a public hearing, authorize
2223 municipal services or other nonmonetary assistance to be provided to or waive fees required to
2224 be paid by a nonprofit entity, whether or not the municipality receives consideration in return.

2225 (b) A municipality may:

2226 (i) furnish all necessary local public services within the municipality;

2227 (ii) purchase, hire, construct, own, maintain and operate, or lease public utilities

2228 located and operating within and operated by the municipality; and

2229 (iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property
2230 located inside or outside the corporate limits of the municipality and necessary for any of the
2231 purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B,
2232 Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.

2233 (c) Each municipality that intends to acquire property by eminent domain under
2234 Subsection (1)(b) shall comply with the requirements of Section [78B-6-505](#).

2235 (d) Subsection (1)(b) may not be construed to diminish any other authority a
2236 municipality may claim to have under the law to acquire by eminent domain property located
2237 inside or outside the municipality.

2238 (2) (a) Services or assistance provided pursuant to Subsection (1)(a)(v) is not subject to
2239 the provisions of Subsection (3).

2240 (b) The total amount of services or other nonmonetary assistance provided or fees
2241 waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the
2242 municipality's budget for that fiscal year.

2243 (3) It is considered a corporate purpose to appropriate money for any purpose that, in
2244 the judgment of the municipal legislative body, provides for the safety, health, prosperity,
2245 moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality
2246 subject to this Subsection (3).

2247 (a) The net value received for any money appropriated shall be measured on a
2248 project-by-project basis over the life of the project.

2249 (b) (i) A municipal legislative body shall establish the criteria for a determination
2250 under this Subsection (3).

2251 (ii) A municipal legislative body's determination of value received is presumed valid
2252 unless a person can show that the determination was arbitrary, capricious, or illegal.

2253 (c) The municipality may consider intangible benefits received by the municipality in
2254 determining net value received.

2255 (d) (i) Before the municipal legislative body makes any decision to appropriate any
2256 funds for a corporate purpose under this section, the municipal legislative body shall hold a
2257 public hearing.

2258 (ii) At least 14 days before the date of the hearing, the municipal legislative body shall
2259 publish a notice of the hearing described in Subsection (3)(d)(i) [~~by posting notice:~~] within the

2260 municipality as a class A notice under Section [63G-28-102](#).

2261 [~~(A) in at least three conspicuous places within the municipality; and]~~

2262 [~~(B) on the Utah Public Notice Website created in Section [63A-16-601](#).]~~

2263 (e) (i) Before a municipality provides notice as described in Subsection (3)(d)(ii), the
2264 municipality shall perform a study that analyzes and demonstrates the purpose for an
2265 appropriation described in this Subsection (3) in accordance with Subsection (3)(e)(iii).

2266 (ii) A municipality shall make the study described in Subsection (3)(e)(i) available at
2267 the municipality for review by interested parties at least 14 days immediately before the public
2268 hearing described in Subsection (3)(d)(i).

2269 (iii) A municipality shall consider the following factors when conducting the study
2270 described in Subsection (3)(e)(i):

2271 (A) what identified benefit the municipality will receive in return for any money or
2272 resources appropriated;

2273 (B) the municipality's purpose for the appropriation, including an analysis of the way
2274 the appropriation will be used to enhance the safety, health, prosperity, moral well-being,
2275 peace, order, comfort, or convenience of the inhabitants of the municipality; and

2276 (C) whether the appropriation is necessary and appropriate to accomplish the
2277 reasonable goals and objectives of the municipality in the area of economic development, job
2278 creation, affordable housing, elimination of a development impediment, job preservation, the
2279 preservation of historic structures and property, and any other public purpose.

2280 (f) (i) An appeal may be taken from a final decision of the municipal legislative body,
2281 to make an appropriation.

2282 (ii) A person shall file an appeal as described in Subsection (3)(f)(i) with the district
2283 court within 30 days after the day on which the municipal legislative body makes a decision.

2284 (iii) Any appeal shall be based on the record of the proceedings before the legislative
2285 body.

2286 (iv) A decision of the municipal legislative body shall be presumed to be valid unless
2287 the appealing party shows that the decision was arbitrary, capricious, or illegal.

2288 (g) The provisions of this Subsection (3) apply only to those appropriations made after
2289 May 6, 2002.

2290 (h) This section applies only to appropriations not otherwise approved pursuant to Title

2291 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6, Uniform
 2292 Fiscal Procedures Act for Utah Cities.

2293 (4) (a) Before a municipality may dispose of a significant parcel of real property, the
 2294 municipality shall:

2295 (i) provide [~~reasonable~~] notice of the proposed disposition within the municipality as a
 2296 class A notice under Section 63G-28-102 at least 14 days before the opportunity for public
 2297 comment under Subsection (4)(a)(ii); and

2298 (ii) allow an opportunity for public comment on the proposed disposition.

2299 (b) Each municipality shall, by ordinance, define what constitutes [~~(i)~~] a significant
 2300 parcel of real property for purposes of Subsection (4)(a) [~~; and~~].

2301 [~~(ii) reasonable notice for purposes of Subsection (4)(a)(i).~~]

2302 (5) (a) Except as provided in Subsection (5)(d), each municipality intending to acquire
 2303 real property for the purpose of expanding the municipality's infrastructure or other facilities
 2304 used for providing services that the municipality offers or intends to offer shall provide written
 2305 notice, as provided in this Subsection (5), of its intent to acquire the property if:

2306 (i) the property is located:

2307 (A) outside the boundaries of the municipality; and

2308 (B) in a county of the first or second class; and

2309 (ii) the intended use of the property is contrary to:

2310 (A) the anticipated use of the property under the general plan of the county in whose
 2311 unincorporated area or the municipality in whose boundaries the property is located; or

2312 (B) the property's current zoning designation.

2313 (b) Each notice under Subsection (5)(a) shall:

2314 (i) indicate that the municipality intends to acquire real property;

2315 (ii) identify the real property; and

2316 (iii) be sent to:

2317 (A) each county in whose unincorporated area and each municipality in whose
 2318 boundaries the property is located; and

2319 (B) each affected entity.

2320 (c) A notice under this Subsection (5) is a protected record as provided in Subsection

2321 [63G-2-305\(8\)](#).

2322 (d) (i) The notice requirement of Subsection (5)(a) does not apply if the municipality
2323 previously provided notice under Section 10-9a-203 identifying the general location within the
2324 municipality or unincorporated part of the county where the property to be acquired is located.

2325 (ii) If a municipality is not required to comply with the notice requirement of
2326 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide
2327 the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real
2328 property.

2329 Section 39. Section 10-8-15 is amended to read:

2330 **10-8-15. Waterworks -- Construction -- Extraterritorial jurisdiction -- Notice.**

2331 (1) As used in this section, "affected entity" means a:

2332 (a) county that has land use authority over land subject to an ordinance or regulation
2333 described in this section;

2334 (b) local health department, as that term is defined in Section 26A-1-102, that has
2335 jurisdiction pursuant to Section 26A-1-108 over land subject to an ordinance or regulation
2336 described in this section;

2337 (c) municipality that has enacted or has the right to enact an ordinance or regulation
2338 described in this section over the land subject to an ordinance or regulation described in this
2339 section; and

2340 (d) municipality that has land use authority over land subject to an ordinance or
2341 regulation described in this section.

2342 (2) A municipality may construct or authorize the construction of waterworks within or
2343 without the municipal limits, and for the purpose of maintaining and protecting the same from
2344 injury and the water from pollution the municipality's jurisdiction shall extend over the territory
2345 occupied by such works, and over all reservoirs, streams, canals, ditches, pipes and drains used
2346 in and necessary for the construction, maintenance and operation of the same, and over the
2347 stream or other source from which the water is taken, for 15 miles above the point from which
2348 it is taken and for a distance of 300 feet on each side of such stream and over highways along
2349 such stream or watercourse within said 15 miles and said 300 feet.

2350 (3) The jurisdiction of a city of the first class shall additionally be over the entire
2351 watershed within the county of origin of the city of the first class and subject to Subsection (6)
2352 provided that livestock shall be permitted to graze beyond 1,000 feet from any such stream or

2353 source; and provided further, that the city of the first class shall provide a highway in and
2354 through the city's corporate limits, and so far as the city's jurisdiction extends, which may not
2355 be closed to cattle, horses, sheep, hogs, or goats driven through the city, or through any
2356 territory adjacent thereto over which the city has jurisdiction, but the board of commissioners
2357 of the city may enact ordinances placing under police regulations the manner of driving such
2358 cattle, sheep, horses, hogs, and goats through the city, or any territory adjacent thereto over
2359 which the city has jurisdiction.

2360 (4) A municipality may enact all ordinances and regulations necessary to carry the
2361 power herein conferred into effect, and is authorized and empowered to enact ordinances
2362 preventing pollution or contamination of the streams or watercourses from which the
2363 municipality derives the municipality's water supply, in whole or in part, for domestic and
2364 culinary purposes, and may enact ordinances prohibiting or regulating the construction or
2365 maintenance of any closet, privy, outhouse or urinal within the area over which the
2366 municipality has jurisdiction, and provide for permits for the construction and maintenance of
2367 the same.

2368 (5) In granting a permit described in Subsection (4), a municipality may annex thereto
2369 such reasonable conditions and requirements for the protection of the public health as the
2370 municipality determines proper, and may, if determined advisable, require that all closets,
2371 privies and urinals along such streams shall be provided with effective septic tanks or other
2372 germ-destroying instrumentalities.

2373 (6) A city of the first class may only exercise extraterritorial jurisdiction outside of the
2374 city's county of origin, as described in Subsection (3), pursuant to a written agreement with all
2375 municipalities and counties that have jurisdiction over the area where the watershed is located.

2376 (7) (a) After July 1, 2019, a municipal legislative body that seeks to adopt an ordinance
2377 or regulation under the authority of this section shall:

- 2378 (i) hold a public hearing on the proposed ordinance or regulation; and
2379 (ii) give notice of the date, place, and time of the hearing, as described in Subsection
2380 (7)(b).

2381 (b) At least ten days before the day on which the public hearing described in
2382 Subsection (7)(a)(i) is to be held, the notice described in Subsection (7)(a)(ii) shall be:

- 2383 (i) mailed to:

2384 (A) each affected entity;
2385 (B) the director of the Division of Drinking Water; and
2386 (C) the director of the Division of Water Quality; and
2387 (ii) published [~~on the Utah Public Notice Website created in Section 63A-16-601~~]
2388 within the municipality as a class A notice under Section 63G-28-102.

2389 (c) An ordinance or regulation adopted under the authority of this section may not
2390 conflict with:

2391 (i) existing federal or state statutes; or
2392 (ii) a rule created pursuant to a federal or state statute governing drinking water or
2393 water quality.

2394 (d) A municipality that enacts an ordinance or regulation under the authority of this
2395 section shall:

2396 (i) provide a copy of the ordinance or regulation to each affected entity; and
2397 (ii) include a copy of the ordinance or regulation in the municipality's drinking water
2398 source protection plan.

2399 Section 40. Section 10-9a-203 is amended to read:

2400 **10-9a-203. Notice of intent to prepare a general plan or comprehensive general**
2401 **plan amendments in certain municipalities.**

2402 (1) Before preparing a proposed general plan or a comprehensive general plan
2403 amendment, each municipality within a county of the first or second class shall provide 10
2404 calendar days notice of the municipality's intent to prepare a proposed general plan or a
2405 comprehensive general plan amendment:

2406 (a) to each affected entity;
2407 (b) to the Utah Geospatial Resource Center created in Section 63A-16-505;
2408 (c) to the association of governments, established pursuant to an interlocal agreement
2409 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member;
2410 and

2411 (d) [~~on the Utah Public Notice Website created under Section 63A-16-601~~] within the
2412 municipality as a class A notice under Section 63G-28-102.

2413 (2) Each notice under Subsection (1) shall:

2414 (a) indicate that the municipality intends to prepare a general plan or a comprehensive

2415 general plan amendment, as the case may be;

2416 (b) describe or provide a map of the geographic area that will be affected by the general
2417 plan or amendment;

2418 (c) be sent by mail, e-mail, or other effective means;

2419 (d) invite the affected entities to provide information for the municipality to consider in
2420 the process of preparing, adopting, and implementing a general plan or amendment concerning:

2421 (i) impacts that the use of land proposed in the proposed general plan or amendment
2422 may have; and

2423 (ii) uses of land within the municipality that the affected entity is considering that may
2424 conflict with the proposed general plan or amendment; and

2425 (e) include the address of an Internet website, if the municipality has one, and the name
2426 and telephone number of an individual where more information can be obtained concerning the
2427 municipality's proposed general plan or amendment.

2428 Section 41. Section **10-9a-204** is amended to read:

2429 **10-9a-204. Notice of public hearings and public meetings to consider general plan**
2430 **or modifications.**

2431 (1) Each municipality shall provide:

2432 (a) notice of the date, time, and place of the first public hearing to consider the original
2433 adoption or any modification of all or any portion of a general plan; and

2434 (b) notice of each public meeting on the subject.

2435 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar
2436 days before the public hearing and shall be:

2437 (a) published [~~on the Utah Public Notice Website created in Section 63A-16-601~~]
2438 within the municipality as a class A notice under Section 63G-28-102; and

2439 (b) mailed to each affected entity[~~; and~~].

2440 [~~(c) posted;~~]

2441 [~~(i) in at least three public locations within the municipality; or~~]

2442 [~~(ii) on the municipality's official website.~~]

2443 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
2444 before the meeting and shall be[~~;~~] published within the municipality as a class A notice under
2445 Section 63G-28-102.

2446 ~~[(a) published on the Utah Public Notice Website created in Section [63A-16-601](#); and]~~

2447 ~~[(b) posted:]~~

2448 ~~[(i) in at least three public locations within the municipality; or]~~

2449 ~~[(ii) on the municipality's official website.]~~

2450 Section 42. Section **10-9a-205** is amended to read:

2451 **10-9a-205. Notice of public hearings and public meetings on adoption or**
2452 **modification of land use regulation.**

2453 (1) Each municipality shall give:

2454 (a) notice of the date, time, and place of the first public hearing to consider the
2455 adoption or any modification of a land use regulation; and

2456 (b) notice of each public meeting on the subject.

2457 (2) Each notice of a public hearing under Subsection (1)(a) shall be:

2458 (a) mailed to each affected entity at least 10 calendar days before the public hearing;

2459 and

2460 (b) ~~[posted:]~~ provided as a class C notice under Section [63G-28-102](#) at least 10
2461 calendar days before the public hearing.

2462 ~~[(i) in at least three public locations within the municipality; or]~~

2463 ~~[(ii) on the municipality's official website; and]~~

2464 ~~[(c) (i) posted on the Utah Public Notice Website created in Section [63A-16-601](#), at~~
2465 ~~least 10 calendar days before the public hearing; or]~~

2466 ~~[(ii) mailed at least 10 days before the public hearing to:]~~

2467 ~~[(A) each property owner whose land is directly affected by the land use ordinance~~
2468 ~~change; and]~~

2469 ~~[(B) each adjacent property owner within the parameters specified by municipal~~
2470 ~~ordinance.]~~

2471 (3) In addition to the notice requirements described in Subsections (1) and (2), for any
2472 proposed modification to the text of a zoning code, the notice posted in accordance with
2473 Subsection (2) shall:

2474 (a) include a summary of the effect of the proposed modifications to the text of the
2475 zoning code designed to be understood by a lay person; and

2476 (b) be provided to any person upon written request.

2477 (4) Each notice of a public meeting under Subsection (1)(b) shall be posted within the
2478 municipality as a class A notice under Section 63G-28-102 at least 24 hours before the
2479 meeting[?].

2480 [~~(a) in at least three public locations within the municipality; or]~~

2481 [~~(b) on the municipality's official website.~~]

2482 (5) (a) A municipality shall send a courtesy notice to each owner of private real
2483 property whose property is located entirely or partially within a proposed zoning map
2484 enactment or amendment at least 10 days before the scheduled day of the public hearing.

2485 (b) The notice shall:

2486 (i) identify with specificity each owner of record of real property that will be affected
2487 by the proposed zoning map or map amendments;

2488 (ii) state the current zone in which the real property is located;

2489 (iii) state the proposed new zone for the real property;

2490 (iv) provide information regarding or a reference to the proposed regulations,
2491 prohibitions, and permitted uses that the property will be subject to if the zoning map or map
2492 amendment is adopted;

2493 (v) state that the owner of real property may no later than 10 days after the day of the
2494 first public hearing file a written objection to the inclusion of the owner's property in the
2495 proposed zoning map or map amendment;

2496 (vi) state the address where the property owner should file the protest;

2497 (vii) notify the property owner that each written objection filed with the municipality
2498 will be provided to the municipal legislative body; and

2499 (viii) state the location, date, and time of the public hearing described in Section
2500 10-9a-502.

2501 (c) If a municipality mails notice to a property owner [~~in accordance with~~] under
2502 Subsection [(2)(c)(ii)] (2)(b) for a public hearing on a zoning map or map amendment, the
2503 notice required in this Subsection (5) may be included in or part of the notice [~~described in~~]
2504 mailed to persons and property owners under Subsection [(2)(c)(ii)] (2)(b) rather than sent
2505 separately.

2506 Section 43. Section 10-9a-208 is amended to read:

2507 **10-9a-208. Hearing and notice for petition to vacate a public street.**

- 2508 (1) For any petition to vacate some or all of a public street or municipal utility
 2509 easement the legislative body shall:
- 2510 (a) hold a public hearing; and
- 2511 (b) give notice of the date, place, and time of the hearing, as provided in Subsection
 2512 (2).
- 2513 (2) At least 10 days before the public hearing under Subsection (1)(a), the legislative
 2514 body shall ensure that the notice required under Subsection (1)(b) is:
- 2515 (a) mailed to the record owner of each parcel that is accessed by the public street or
 2516 municipal utility easement;
- 2517 (b) mailed to each affected entity; and
- 2518 (c) posted as a class A notice under Section [63G-28-102](#) on or near the public street or
 2519 municipal utility easement in a manner that is calculated to alert the public~~;~~ and].
- 2520 ~~[(d) (i) published on the website of the municipality in which the land subject to the~~
 2521 ~~petition is located until the public hearing concludes; and]~~
- 2522 ~~[(ii) published on the Utah Public Notice Website created in Section [63A-16-601](#).]~~
- 2523 Section 44. Section **10-18-203** is amended to read:
- 2524 **10-18-203. Feasibility study on providing cable television or public**
 2525 **telecommunications services -- Public hearings -- Notice.**
- 2526 (1) If a feasibility consultant is hired under Section [10-18-202](#), the legislative body of
 2527 the municipality shall require the feasibility consultant to:
- 2528 (a) complete the feasibility study in accordance with this section;
- 2529 (b) submit to the legislative body by no later than 180 days from the date the feasibility
 2530 consultant is hired to conduct the feasibility study:
- 2531 (i) the full written results of the feasibility study; and
- 2532 (ii) a summary of the results that is no longer than one page in length; and
- 2533 (c) attend the public hearings described in Subsection (4) to:
- 2534 (i) present the feasibility study results; and
- 2535 (ii) respond to questions from the public.
- 2536 (2) The feasibility study described in Subsection (1) shall at a minimum consider:
- 2537 (a) (i) if the municipality is proposing to provide cable television services to
 2538 subscribers, whether the municipality providing cable television services in the manner

2539 proposed by the municipality will hinder or advance competition for cable television services
2540 in the municipality; or

2541 (ii) if the municipality is proposing to provide public telecommunications services to
2542 subscribers, whether the municipality providing public telecommunications services in the
2543 manner proposed by the municipality will hinder or advance competition for public
2544 telecommunications services in the municipality;

2545 (b) whether but for the municipality any person would provide the proposed:

2546 (i) cable television services; or

2547 (ii) public telecommunications services;

2548 (c) the fiscal impact on the municipality of:

2549 (i) the capital investment in facilities that will be used to provide the proposed:

2550 (A) cable television services; or

2551 (B) public telecommunications services; and

2552 (ii) the expenditure of funds for labor, financing, and administering the proposed:

2553 (A) cable television services; or

2554 (B) public telecommunications services;

2555 (d) the projected growth in demand in the municipality for the proposed:

2556 (i) cable television services; or

2557 (ii) public telecommunications services;

2558 (e) the projections at the time of the feasibility study and for the next five years, of a
2559 full-cost accounting for a municipality to purchase, lease, construct, maintain, or operate the
2560 facilities necessary to provide the proposed:

2561 (i) cable television services; or

2562 (ii) public telecommunications services; and

2563 (f) the projections at the time of the feasibility study and for the next five years of the
2564 revenues to be generated from the proposed:

2565 (i) cable television services; or

2566 (ii) public telecommunications services.

2567 (3) For purposes of the financial projections required under Subsections (2)(e) and (f),
2568 the feasibility consultant shall assume that the municipality will price the proposed cable
2569 television services or public telecommunications services consistent with Subsection

2570 10-18-303(5).

2571 (4) If the results of the feasibility study satisfy the revenue requirement of Subsection
2572 10-18-202(3), the legislative body, at the next regular meeting after the legislative body
2573 receives the results of the feasibility study, shall schedule at least two public hearings to be
2574 held:

2575 (a) within 60 days of the meeting at which the public hearings are scheduled;

2576 (b) at least seven days apart; and

2577 (c) for the purpose of allowing:

2578 (i) the feasibility consultant to present the results of the feasibility study; and

2579 (ii) the public to:

2580 (A) become informed about the feasibility study results; and

2581 (B) ask questions of the feasibility consultant about the results of the feasibility study.

2582 (5) ~~[(a)]~~ The municipality shall provide notice of the public hearings required under
2583 Subsection (4) ~~[by:]~~ within the municipality as a class A notice under Section 63G-28-102 at
2584 least three weeks before the first public hearing required under Subsection (4) is held.

2585 ~~[(i) posting the notice on the Utah Public Notice Website, created in Section~~
2586 ~~63A-16-601, for three weeks, at least three days before the first public hearing required under~~
2587 ~~Subsection (4); and]~~

2588 ~~[(ii) posting at least one notice of the hearings per 1,000 residents, in a conspicuous~~
2589 ~~place within the municipality that is likely to give notice of the hearings to the greatest number~~
2590 ~~of residents of the municipality, subject to a maximum of 10 notices.]~~

2591 ~~[(b) The municipality shall post the notices at least seven days before the first public~~
2592 ~~hearing required under Subsection (4) is held.]~~

2593 Section 45. Section **10-18-302** is amended to read:

2594 **10-18-302. Bonding authority.**

2595 (1) In accordance with Title 11, Chapter 14, Local Government Bonding Act, the
2596 legislative body of a municipality may by resolution determine to issue one or more revenue
2597 bonds or general obligation bonds to finance the capital costs for facilities necessary to provide
2598 to subscribers:

2599 (a) a cable television service; or

2600 (b) a public telecommunications service.

2601 (2) The resolution described in Subsection (1) shall:
2602 (a) describe the purpose for which the indebtedness is to be created; and
2603 (b) specify the dollar amount of the one or more bonds proposed to be issued.
2604 (3) (a) A revenue bond issued under this section shall be secured and paid for:
2605 (i) from the revenues generated by the municipality from providing:
2606 (A) cable television services with respect to revenue bonds issued to finance facilities
2607 for the municipality's cable television services; and
2608 (B) public telecommunications services with respect to revenue bonds issued to finance
2609 facilities for the municipality's public telecommunications services; and
2610 (ii) notwithstanding Subsection (3)(b) and Subsection 10-18-303(3)(a), from revenues
2611 generated under Title 59, Chapter 12, Sales and Use Tax Act, if:
2612 (A) notwithstanding Subsection 11-14-201(3) and except as provided in Subsections
2613 (4) and (5), the revenue bond is approved by the registered voters in an election held:
2614 (I) except as provided in Subsection (3)(a)(ii)(A)(II), pursuant to the provisions of Title
2615 11, Chapter 14, Local Government Bonding Act, that govern bond elections; and
2616 (II) notwithstanding Subsection 11-14-203(2), at a regular general election;
2617 (B) the revenues described in this Subsection (3)(a)(ii) are pledged as security for the
2618 revenue bond; and
2619 (C) the municipality or municipalities annually appropriate the revenues described in
2620 this Subsection (3)(a)(ii) to secure and pay the revenue bond issued under this section.
2621 (b) Except as provided in Subsection (3)(a)(ii), a municipality may not pay the
2622 origination, financing, or other carrying costs associated with the one or more revenue bonds
2623 issued under this section from the town or city, respectively, general funds or other enterprise
2624 funds of the municipality.
2625 (4) (a) As used in this Subsection (4), "municipal entity" means an entity created
2626 pursuant to an agreement:
2627 (i) under Title 11, Chapter 13, Interlocal Cooperation Act; and
2628 (ii) to which a municipality is a party.
2629 (b) The requirements of Subsection (3)(a)(ii)(A) do not apply to a municipality or
2630 municipal entity that issues revenue bonds, or to a municipality that is a member of a municipal
2631 entity that issues revenue bonds, if:

2632 (i) on or before March 2, 2004, the municipality that is issuing revenue bonds or that is
2633 a member of a municipal entity that is issuing revenue bonds has published the first notice
2634 described in Subsection (4)(b)(iii);

2635 (ii) on or before April 15, 2004, the municipality that is issuing revenue bonds or that
2636 is a member of a municipal entity that is issuing revenue bonds makes the decision to pledge
2637 the revenues described in Subsection (3)(a)(ii) as security for the revenue bonds described in
2638 this Subsection (4)(b)(ii);

2639 (iii) (A) the municipality that is issuing the revenue bonds or the municipality that is a
2640 member of the municipal entity that is issuing the revenue bonds has held a public hearing for
2641 which public notice was given by publication of the notice [~~on the Utah Public Notice Website~~
2642 ~~created in Section 63A-16-601~~] within the municipality as a class A notice under Section
2643 63G-28-102, for two weeks before the public hearing; and

2644 (B) the notice identifies:

2645 (I) that the notice is given pursuant to Title 11, Chapter 14, Local Government Bonding
2646 Act;

2647 (II) the purpose for the bonds to be issued;

2648 (III) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will
2649 be pledged in any fiscal year;

2650 (IV) the maximum number of years that the pledge will be in effect; and

2651 (V) the time, place, and location for the public hearing;

2652 (iv) the municipal entity that issues revenue bonds:

2653 (A) adopts a final financing plan; and

2654 (B) in accordance with Title 63G, Chapter 2, Government Records Access and
2655 Management Act, makes available to the public at the time the municipal entity adopts the final
2656 financing plan:

2657 (I) the final financing plan; and

2658 (II) all contracts entered into by the municipal entity, except as protected by Title 63G,
2659 Chapter 2, Government Records Access and Management Act;

2660 (v) any municipality that is a member of a municipal entity described in Subsection
2661 (4)(b)(iv):

2662 (A) not less than 30 calendar days after the municipal entity complies with Subsection

2663 (4)(b)(iv)(B), holds a final public hearing;

2664 (B) provides notice, at the time the municipality schedules the final public hearing, to
2665 any person who has provided to the municipality a written request for notice; and

2666 (C) makes all reasonable efforts to provide fair opportunity for oral testimony by all
2667 interested parties; and

2668 (vi) except with respect to a municipality that issued bonds prior to March 1, 2004, not
2669 more than 50% of the average annual debt service of all revenue bonds described in this section
2670 to provide service throughout the municipality or municipal entity may be paid from the
2671 revenues described in Subsection (3)(a)(ii).

2672 (5) On or after July 1, 2007, the requirements of Subsection (3)(a)(ii)(A) do not apply
2673 to a municipality that issues revenue bonds if:

2674 (a) (i) the municipality that is issuing the revenue bonds has held a public hearing for
2675 which public notice was given by publication of the notice [~~on the Utah Public Notice Website~~
2676 ~~created in Section 63A-16-601~~] within the municipality as a class A notice under Section
2677 63G-28-102, for 14 days before the public hearing; and

2678 (ii) the notice identifies:

2679 (A) that the notice is given pursuant to Title 11, Chapter 14, Local Government
2680 Bonding Act;

2681 (B) the purpose for the bonds to be issued;

2682 (C) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will be
2683 pledged in any fiscal year;

2684 (D) the maximum number of years that the pledge will be in effect; and

2685 (E) the time, place, and location for the public hearing; and

2686 (b) except with respect to a municipality that issued bonds prior to March 1, 2004, not
2687 more than 50% of the average annual debt service of all revenue bonds described in this section
2688 to provide service throughout the municipality or municipal entity may be paid from the
2689 revenues described in Subsection (3)(a)(ii).

2690 (6) A municipality that issues bonds pursuant to this section may not make or grant any
2691 undue or unreasonable preference or advantage to itself or to any private provider of:

2692 (a) cable television services; or

2693 (b) public telecommunications services.

2694 Section 46. Section **10-18-303** is amended to read:

2695 **10-18-303. General operating limitations -- Notice of change to price list.**

2696 A municipality that provides a cable television service or a public telecommunications
2697 service under this chapter is subject to the operating limitations of this section.

2698 (1) A municipality that provides a cable television service shall comply with:

2699 (a) the Cable Communications Policy Act of 1984, 47 U.S.C. 521, et seq.; and

2700 (b) the regulations issued by the Federal Communications Commission under the Cable
2701 Communications Policy Act of 1984, 47 U.S.C. 521, et seq.

2702 (2) A municipality that provides a public telecommunications service shall comply
2703 with:

2704 (a) the Telecommunications Act of 1996, Pub. L. 104-104;

2705 (b) the regulations issued by the Federal Communications Commission under the
2706 Telecommunications Act of 1996, Pub. L. 104-104;

2707 (c) Section [54-8b-2.2](#) relating to:

2708 (i) the interconnection of essential facilities; and

2709 (ii) the purchase and sale of essential services; and

2710 (d) the rules made by the Public Service Commission of Utah under Section [54-8b-2.2](#).

2711 (3) A municipality may not cross subsidize its cable television services or its public
2712 telecommunications services with:

2713 (a) tax dollars;

2714 (b) income from other municipal or utility services;

2715 (c) below-market rate loans from the municipality; or

2716 (d) any other means.

2717 (4) (a) A municipality may not make or grant any undue or unreasonable preference or
2718 advantage to itself or to any private provider of:

2719 (i) cable television services; or

2720 (ii) public telecommunications services.

2721 (b) A municipality shall apply without discrimination as to itself and to any private
2722 provider the municipality's ordinances, rules, and policies, including those relating to:

2723 (i) obligation to serve;

2724 (ii) access to public rights of way;

- 2725 (iii) permitting;
- 2726 (iv) performance bonding;
- 2727 (v) reporting; and
- 2728 (vi) quality of service.
- 2729 (c) Subsections (4)(a) and (b) do not supersede the exception for a rural telephone
- 2730 company in Section 251 of the Telecommunications Act of 1996, Pub. L. 104-104.
- 2731 (5) In calculating the rates charged by a municipality for a cable television service or a
- 2732 public telecommunications service, the municipality:
- 2733 (a) shall include within its rates an amount equal to all taxes, fees, and other
- 2734 assessments that would be applicable to a similarly situated private provider of the same
- 2735 services, including:
- 2736 (i) federal, state, and local taxes;
- 2737 (ii) franchise fees;
- 2738 (iii) permit fees;
- 2739 (iv) pole attachment fees; and
- 2740 (v) fees similar to those described in Subsections (5)(a)(i) through (iv); and
- 2741 (b) may not price any cable television service or public telecommunications service at a
- 2742 level that is less than the sum of:
- 2743 (i) the actual direct costs of providing the service;
- 2744 (ii) the actual indirect costs of providing the service; and
- 2745 (iii) the amount determined under Subsection (5)(a).
- 2746 (6) (a) A municipality that provides cable television services or public
- 2747 telecommunications services shall establish and maintain a comprehensive price list of all cable
- 2748 television services or public telecommunications services offered by the municipality.
- 2749 (b) The price list required by Subsection (6)(a) shall:
- 2750 (i) include all terms and conditions relating to the municipality providing each cable
- 2751 television service or public telecommunications service offered by the municipality;
- 2752 (ii) be posted on the Utah Public Notice Website created in Section [63A-16-601](#); and
- 2753 (iii) be available for inspection:
- 2754 (A) at a designated office of the municipality; and
- 2755 (B) during normal business hours.

2756 (c) At least five days before the date a change to a municipality's price list becomes
2757 effective, the municipality shall~~[:]~~ provide notice of the change:

2758 (i) within the municipality as a class B notice under Section [63G-28-102](#); and

2759 (ii) to any other persons requesting notification of any changes to the municipality's
2760 price list.

2761 ~~[(i) notify the following of the change:]~~

2762 ~~[(A) all subscribers to the services for which the price list is being changed; and]~~

2763 ~~[(B) any other persons requesting notification of any changes to the municipality's price~~
2764 ~~list; and]~~

2765 ~~[(ii) publish notice on the Utah Public Notice Website created in Section [63A-16-601](#).]~~

2766 (d) A municipality may not offer a cable television service or a public
2767 telecommunications service except in accordance with the prices, terms, and conditions set
2768 forth in the municipality's price list.

2769 (7) A municipality may not offer to provide or provide cable television services or
2770 public telecommunications services to a subscriber that does not reside within the geographic
2771 boundaries of the municipality.

2772 (8) (a) A municipality shall keep accurate books and records of the municipality's:

2773 (i) cable television services; and

2774 (ii) public telecommunications services.

2775 (b) The books and records required to be kept under Subsection (8)(a) are subject to
2776 legislative audit to verify the municipality's compliance with the requirements of this chapter
2777 including:

2778 (i) pricing;

2779 (ii) recordkeeping; and

2780 (iii) antidiscrimination.

2781 (9) A municipality may not receive distributions from the Universal Public
2782 Telecommunications Service Support Fund established in Section [54-8b-15](#).

2783 Section 47. Section **11-13-204** is amended to read:

2784 **11-13-204. Powers and duties of interlocal entities -- Additional powers of energy**
2785 **services interlocal entities -- Length of term of agreement and interlocal entity -- Notice to**
2786 **lieutenant governor -- Recording requirements -- Public Service Commission.**

2787 (1) (a) An interlocal entity:
2788 (i) shall adopt bylaws, policies, and procedures for the regulation of its affairs and the
2789 conduct of its business;
2790 (ii) may:
2791 (A) amend or repeal a bylaw, policy, or procedure;
2792 (B) sue and be sued;
2793 (C) have an official seal and alter that seal at will;
2794 (D) make and execute contracts and other instruments necessary or convenient for the
2795 performance of its duties and the exercise of its powers and functions;
2796 (E) acquire real or personal property, or an undivided, fractional, or other interest in
2797 real or personal property, necessary or convenient for the purposes contemplated in the
2798 agreement creating the interlocal entity and sell, lease, or otherwise dispose of that property;
2799 (F) directly or by contract with another:
2800 (I) own and acquire facilities and improvements or an undivided, fractional, or other
2801 interest in facilities and improvements;
2802 (II) construct, operate, maintain, and repair facilities and improvements; and
2803 (III) provide the services contemplated in the agreement creating the interlocal entity
2804 and establish, impose, and collect rates, fees, and charges for the services provided by the
2805 interlocal entity;
2806 (G) borrow money, incur indebtedness, and issue revenue bonds, notes, or other
2807 obligations and secure their payment by an assignment, pledge, or other conveyance of all or
2808 any part of the revenues and receipts from the facilities, improvements, or services that the
2809 interlocal entity provides;
2810 (H) offer, issue, and sell warrants, options, or other rights related to the bonds, notes, or
2811 other obligations issued by the interlocal entity;
2812 (I) sell or contract for the sale of the services, output, product, or other benefits
2813 provided by the interlocal entity to:
2814 (I) public agencies inside or outside the state; and
2815 (II) with respect to any excess services, output, product, or benefits, any person on
2816 terms that the interlocal entity considers to be in the best interest of the public agencies that are
2817 parties to the agreement creating the interlocal entity; and

2818 (J) create a local disaster recovery fund in the same manner and to the same extent as
2819 authorized for a local government in accordance with Section 53-2a-605; and

2820 (iii) may not levy, assess, or collect ad valorem property taxes.

2821 (b) An assignment, pledge, or other conveyance under Subsection (1)(a)(ii)(G) may, to
2822 the extent provided by the documents under which the assignment, pledge, or other conveyance
2823 is made, rank prior in right to any other obligation except taxes or payments in lieu of taxes
2824 payable to the state or its political subdivisions.

2825 (2) An energy services interlocal entity:

2826 (a) except with respect to any ownership interest it has in facilities providing additional
2827 project capacity, is not subject to:

2828 (i) Part 3, Project Entity Provisions; or

2829 (ii) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to
2830 Pay Corporate Franchise or Income Tax Act; and

2831 (b) may:

2832 (i) own, acquire, and, by itself or by contract with another, construct, operate, and
2833 maintain a facility or improvement for the generation, transmission, and transportation of
2834 electric energy or related fuel supplies;

2835 (ii) enter into a contract to obtain a supply of electric power and energy and ancillary
2836 services, transmission, and transportation services, and supplies of natural gas and fuels
2837 necessary for the operation of generation facilities;

2838 (iii) enter into a contract with public agencies, investor-owned or cooperative utilities,
2839 and others, whether located in or out of the state, for the sale of wholesale services provided by
2840 the energy services interlocal entity; and

2841 (iv) adopt and implement risk management policies and strategies and enter into
2842 transactions and agreements to manage the risks associated with the purchase and sale of
2843 energy, including forward purchase and sale contracts, hedging, tolling and swap agreements,
2844 and other instruments.

2845 (3) Notwithstanding Section 11-13-216, an agreement creating an interlocal entity or
2846 an amendment to that agreement may provide that the agreement may continue and the
2847 interlocal entity may remain in existence until the latest to occur of:

2848 (a) 50 years after the date of the agreement or amendment;

2849 (b) five years after the interlocal entity has fully paid or otherwise discharged all of its
2850 indebtedness;

2851 (c) five years after the interlocal entity has abandoned, decommissioned, or conveyed
2852 or transferred all of its interest in its facilities and improvements; or

2853 (d) five years after the facilities and improvements of the interlocal entity are no longer
2854 useful in providing the service, output, product, or other benefit of the facilities and
2855 improvements, as determined under the agreement governing the sale of the service, output,
2856 product, or other benefit.

2857 (4) (a) Upon execution of an agreement to approve the creation of an interlocal entity,
2858 including an electric interlocal entity and an energy services interlocal entity, the governing
2859 body of a member of the interlocal entity under Section 11-13-203 shall:

2860 (i) within 30 days after the date of the agreement, jointly file with the lieutenant
2861 governor:

2862 (A) a copy of a notice of an impending boundary action, as defined in Section
2863 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

2864 (B) if less than all of the territory of any Utah public agency that is a party to the
2865 agreement is included within the interlocal entity, a copy of an approved final local entity plat,
2866 as defined in Section 67-1a-6.5; and

2867 (ii) upon the lieutenant governor's issuance of a certificate of creation under Section
2868 67-1a-6.5:

2869 (A) if the interlocal entity is located within the boundary of a single county, submit to
2870 the recorder of that county:

2871 (I) the original:

2872 (Aa) notice of an impending boundary action;

2873 (Bb) certificate of creation; and

2874 (Cc) approved final local entity plat, if an approved final local entity plat was required
2875 to be filed with the lieutenant governor under Subsection (4)(a)(i)(B); and

2876 (II) a certified copy of the agreement approving the creation of the interlocal entity; or

2877 (B) if the interlocal entity is located within the boundaries of more than a single
2878 county:

2879 (I) submit to the recorder of one of those counties:

2880 (Aa) the original of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa), (Bb), and
2881 (Cc); and

2882 (Bb) a certified copy of the agreement approving the creation of the interlocal entity;
2883 and

2884 (II) submit to the recorder of each other county:

2885 (Aa) a certified copy of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa), (Bb),
2886 and (Cc); and

2887 (Bb) a certified copy of the agreement approving the creation of the interlocal entity.

2888 (b) Upon the lieutenant governor's issuance of a certificate of creation under Section
2889 [67-1a-6.5](#), the interlocal entity is created.

2890 (c) Until the documents listed in Subsection (4)(a)(ii) are recorded in the office of the
2891 recorder of each county in which the property is located, a newly created interlocal entity may
2892 not charge or collect a fee for service provided to property within the interlocal entity.

2893 (5) Nothing in this section may be construed as expanding the rights of any
2894 municipality or interlocal entity to sell or provide retail service.

2895 (6) Except as provided in Subsection (7):

2896 (a) nothing in this section may be construed to expand or limit the rights of a
2897 municipality to sell or provide retail electric service; and

2898 (b) an energy services interlocal entity may not provide retail electric service to
2899 customers located outside the municipal boundaries of its members.

2900 (7) (a) An energy services interlocal entity created before July 1, 2003, that is
2901 comprised solely of Utah municipalities and that, for a minimum of 50 years before July 1,
2902 2010, provided retail electric service to customers outside the municipal boundaries of its
2903 members, may provide retail electric service outside the municipal boundaries of its members
2904 if:

2905 (i) the energy services interlocal entity:

2906 (A) enters into a written agreement with each public utility holding a certificate of
2907 public convenience and necessity issued by the Public Service Commission to provide service
2908 within an agreed upon geographic area for the energy services interlocal entity to be
2909 responsible to provide electric service in the agreed upon geographic area outside the municipal
2910 boundaries of the members of the energy services interlocal entity; and

2911 (B) obtains a franchise agreement, with the legislative body of the county or other
2912 governmental entity for the geographic area in which the energy services interlocal entity
2913 provides service outside the municipal boundaries of its members; and

2914 (ii) each public utility described in Subsection (7)(a)(i)(A) applies for and obtains from
2915 the Public Service Commission approval of the agreement specified in Subsection (7)(a)(i)(A).

2916 (b) (i) The Public Service Commission shall, after a public hearing held in accordance
2917 with Title 52, Chapter 4, Open and Public Meetings Act, approve an agreement described in
2918 Subsection (7)(a)(ii) if it determines that the agreement is in the public interest in that it
2919 incorporates the customer protections described in Subsection (7)(c) and the franchise
2920 agreement described in Subsection (7)(a)(i)(B) provides a reasonable mechanism using a
2921 neutral arbiter or ombudsman for resolving potential future complaints by customers of the
2922 energy services interlocal entity.

2923 (ii) In approving an agreement, the Public Service Commission shall also amend the
2924 certificate of public convenience and necessity of any public utility described in Subsection
2925 (7)(a)(i) to delete from the geographic area specified in the certificate or certificates of the
2926 public utility the geographic area that the energy services interlocal entity has agreed to serve.

2927 (c) In providing retail electric service to customers outside of the municipal boundaries
2928 of its members, but not within the municipal boundaries of another municipality that grants a
2929 franchise agreement in accordance with Subsection (7)(a)(i)(B), an energy services interlocal
2930 entity shall comply with the following:

2931 (i) the rates and conditions of service for customers outside the municipal boundaries
2932 of the members shall be at least as favorable as the rates and conditions of service for similarly
2933 situated customers within the municipal boundaries of the members;

2934 (ii) the energy services interlocal entity shall operate as a single entity providing
2935 service both inside and outside of the municipal boundaries of its members;

2936 (iii) a general rebate, refund, or other payment made to customers located within the
2937 municipal boundaries of the members shall also be provided to similarly situated customers
2938 located outside the municipal boundaries of the members;

2939 (iv) a schedule of rates and conditions of service, or any change to the rates and
2940 conditions of service, shall be approved by the governing board of the energy services
2941 interlocal entity;

2942 (v) before implementation of any rate increase, the governing board of the energy
2943 services interlocal entity shall first hold a public meeting to take public comment on the
2944 proposed increase, after providing at least 20 days and not more than 60 days' advance written
2945 notice to its customers on the ordinary billing and ~~[on the Utah Public Notice Website, created~~
2946 ~~by Section 63A-16-601]~~ as a class A notice under Section 63G-28-102 within the interlocal
2947 entity; and

2948 (vi) the energy services interlocal entity shall file with the Public Service Commission
2949 its current schedule of rates and conditions of service.

2950 (d) The Public Service Commission shall make the schedule of rates and conditions of
2951 service of the energy services interlocal entity available for public inspection.

2952 (e) Nothing in this section:

2953 (i) gives the Public Service Commission jurisdiction over the provision of retail
2954 electric service by an energy services interlocal entity within the municipal boundaries of its
2955 members; or

2956 (ii) makes an energy services interlocal entity a public utility under Title 54, Public
2957 Utilities.

2958 (f) Nothing in this section expands or diminishes the jurisdiction of the Public Service
2959 Commission over a municipality or an association of municipalities organized under Title 11,
2960 Chapter 13, Interlocal Cooperation Act, except as specifically authorized by this section's
2961 language.

2962 (g) (i) An energy services interlocal entity described in Subsection (7)(a) retains its
2963 authority to provide electric service to the extent authorized by Sections 11-13-202 and
2964 11-13-203 and Subsections 11-13-204(1) through (5).

2965 (ii) Notwithstanding Subsection (7)(g)(i), if the Public Service Commission approves
2966 the agreement described in Subsection (7)(a)(i), the energy services interlocal entity may not
2967 provide retail electric service to customers located outside the municipal boundaries of its
2968 members, except for customers located within the geographic area described in the agreement.

2969 Section 48. Section 11-13-219 is amended to read:

2970 **11-13-219. Publication of resolutions or agreements -- Contesting legality of**
2971 **resolution or agreement.**

2972 (1) As used in this section:

- 2973 (a) "Enactment" means:
- 2974 (i) a resolution adopted or proceedings taken by a governing body under the authority
- 2975 of this chapter, and includes a resolution, indenture, or other instrument providing for the
- 2976 issuance of bonds; and
- 2977 (ii) an agreement or other instrument that is authorized, executed, or approved by a
- 2978 governing body under the authority of this chapter.
- 2979 (b) "Governing body" means:
- 2980 (i) the legislative body of a public agency; or
- 2981 (ii) the governing authority of an interlocal entity created under this chapter.
- 2982 (c) "Notice of agreement" means the notice authorized by Subsection (3)(c).
- 2983 (d) "Notice of bonds" means the notice authorized by Subsection (3)(d).
- 2984 (2) Any enactment taken or made under the authority of this chapter is not subject to
- 2985 referendum.
- 2986 (3) (a) A governing body need not publish any enactment taken or made under the
- 2987 authority of this chapter.
- 2988 (b) A governing body may provide for the publication of any enactment taken or made
- 2989 by it under the authority of this chapter according to the publication requirements established
- 2990 by this section.
- 2991 (c) (i) If the enactment is an agreement, document, or other instrument, or a resolution
- 2992 or other proceeding authorizing or approving an agreement, document, or other instrument, the
- 2993 governing body may, instead of publishing the full text of the agreement, resolution, or other
- 2994 proceeding, publish a notice of agreement containing:
- 2995 (A) the names of the parties to the agreement;
- 2996 (B) the general subject matter of the agreement;
- 2997 (C) the term of the agreement;
- 2998 (D) a description of the payment obligations, if any, of the parties to the agreement;
- 2999 and
- 3000 (E) a statement that the resolution and agreement will be available for review at the
- 3001 governing body's principal place of business during regular business hours for 30 days after the
- 3002 publication of the notice of agreement.
- 3003 (ii) The governing body shall make a copy of the resolution or other proceeding and a

3004 copy of the contract available at its principal place of business during regular business hours
3005 for 30 days after the publication of the notice of agreement.

3006 (d) If the enactment is a resolution or other proceeding authorizing the issuance of
3007 bonds, the governing body may, instead of publishing the full text of the resolution or other
3008 proceeding and the documents pertaining to the issuance of bonds, publish a notice of bonds
3009 that contains the information described in Subsection [11-14-316\(2\)](#).

3010 (4) (a) If the governing body chooses to publish an enactment, notice of bonds, or
3011 notice of agreement, the governing body shall comply with the requirements of this Subsection
3012 (4).

3013 (b) The governing body shall post the enactment, notice of bonds, or notice of
3014 agreement [~~on the Utah Public Notice Website created in Section [63A-16-601](#)~~] within the
3015 governing body's geographic jurisdiction as a class A notice under Section [63G-28-102](#).

3016 (5) (a) Any person in interest may contest the legality of an enactment or any action
3017 performed or instrument issued under the authority of the enactment for 30 days after the
3018 posting of the enactment, notice of bonds, or notice of agreement.

3019 (b) After the 30 days have passed, no one may contest the regularity, formality, or
3020 legality of the enactment or any action performed or instrument issued under the authority of
3021 the enactment for any cause whatsoever.

3022 Section 49. Section **11-13-509** is amended to read:

3023 **11-13-509. Hearing to consider adoption -- Notice.**

3024 (1) At the meeting at which the tentative budget is adopted, the governing board shall:

3025 (a) establish the time and place of a public hearing to consider its adoption; and

3026 (b) except as provided in Subsection (2) [~~or (5)~~], order that notice of the hearing[~~:(i)~~]

3027 be published, at least seven days before the day of the hearing, [~~in at least one issue of a~~
3028 ~~newspaper of general circulation in a county in which the interlocal entity provides service to~~
3029 ~~the public or in which its members are located, if such a newspaper is generally circulated in~~
3030 ~~the county or counties; and~~] within the interlocal entity's service area as a class A notice under
3031 Section [63G-28-102](#).

3032 [~~(ii) be published at least seven days before the day of the hearing on the Utah Public~~
3033 ~~Notice Website created in Section [63A-16-601](#).]~~

3034 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice

3035 required in Subsection (1)(b):

3036 (a) may be combined with the notice required under Section [59-2-919](#); and

3037 (b) shall be published in accordance with the advertisement provisions of Section
3038 [59-2-919](#).

3039 (3) Proof that notice was given in accordance with Subsection ~~[(1)(b), (2), or (5)]~~ (1)(b)
3040 or (2) is prima facie evidence that notice was properly given.

3041 (4) If a notice required under Subsection ~~[(1)(b), (2), or (5)]~~ (1)(b) or (2) is not
3042 challenged within 30 days after the day on which the hearing is held, the notice is adequate and
3043 proper.

3044 ~~[(5) A governing board of an interlocal entity with an annual operating budget of less~~
3045 ~~than \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:]~~

3046 ~~[(a) mailing a written notice, postage prepaid, to each voter in an interlocal entity; and]~~

3047 ~~[(b) posting the notice in three public places within the interlocal entity's service area.]~~

3048 Section 50. Section **11-14-202** is amended to read:

3049 **11-14-202. Notice of election -- Voter information pamphlet option -- Changing**
3050 **or designating additional precinct polling places.**

3051 (1) The governing body shall provide notice of the election~~[:]~~ within the local political
3052 subdivision at least three weeks before the day of the election as a class B notice under Section
3053 [63G-28-102](#).

3054 ~~[(a) (i) at least 21 days before the day of the election, by posting one notice, and at least~~
3055 ~~one additional notice per 2,000 population of the local political subdivision, in places within~~
3056 ~~the local political subdivision that are most likely to give notice to the voters in the local~~
3057 ~~political subdivision, subject to a maximum of 10 notices; or]~~

3058 ~~[(ii) at least three weeks before the day of the election, by mailing notice to each~~
3059 ~~registered voter in the local political subdivision;]~~

3060 ~~[(b) by posting notice on the Utah Public Notice Website, created in Section~~
3061 ~~[63A-16-601](#), for three weeks before the day of the election; and]~~

3062 ~~[(c) if the local political subdivision has a website, by posting notice on the local~~
3063 ~~political subdivision's website for at least three weeks before the day of the election.]~~

3064 (2) When the debt service on the bonds to be issued will increase the property tax
3065 imposed upon the average value of a residence by an amount that is greater than or equal to \$15

3066 per year, the governing body shall prepare and mail either a voter information pamphlet or a
3067 notification described in Subsection (8):

- 3068 (a) at least 15 days, but not more than 45 days, before the bond election;
- 3069 (b) to each household containing a registered voter who is eligible to vote on the
3070 bonds; and
- 3071 (c) that includes the information required by Subsections (4) and (5).

3072 (3) The election officer may change the location of, or establish an additional:

- 3073 (a) voting precinct polling place, in accordance with Subsection (6);
- 3074 (b) early voting polling place, in accordance with Subsection [20A-3a-603\(2\)](#); or
- 3075 (c) election day voting center, in accordance with Subsection [20A-3a-703\(2\)](#).

3076 (4) The notice described in Subsection (1) and the voter information pamphlet
3077 described in Subsection (2):

3078 (a) shall include, in the following order:

- 3079 (i) the date of the election;
- 3080 (ii) the hours during which the polls will be open;
- 3081 (iii) the address of the Statewide Electronic Voter Information Website and, if
3082 available, the address of the election officer's website, with a statement indicating that the
3083 election officer will post on the website the location of each polling place for each voting
3084 precinct, each early voting polling place, and each election day voting center, including any
3085 changes to the location of a polling place and the location of an additional polling place;
- 3086 (iv) a phone number that a voter may call to obtain information regarding the location
3087 of a polling place; and
- 3088 (v) the title and text of the ballot proposition, including the property tax cost of the
3089 bond described in Subsection [11-14-206\(2\)\(a\)](#); and

3090 (b) may include the location of each polling place.

3091 (5) The voter information pamphlet required by this section shall include:

- 3092 (a) the information required under Subsection (4); and
- 3093 (b) an explanation of the property tax impact, if any, of the issuance of the bonds,
3094 which may be based on information the governing body determines to be useful, including:
 - 3095 (i) expected debt service on the bonds to be issued;
 - 3096 (ii) a description of the purpose, remaining principal balance, and maturity date of any

3097 outstanding general obligation bonds of the issuer;

3098 (iii) funds other than property taxes available to pay debt service on general obligation

3099 bonds;

3100 (iv) timing of expenditures of bond proceeds;

3101 (v) property values; and

3102 (vi) any additional information that the governing body determines may be useful to

3103 explain the property tax impact of issuance of the bonds.

3104 (6) (a) Except as provided in Section [20A-1-308](#), the election officer may, after the

3105 deadlines described in Subsections (1) and (2):

3106 (i) if necessary, change the location of a voting precinct polling place; or

3107 (ii) if the election officer determines that the number of voting precinct polling places

3108 is insufficient due to the number of registered voters who are voting, designate additional

3109 voting precinct polling places.

3110 (b) Except as provided in Section [20A-1-308](#), if an election officer changes the

3111 location of a voting precinct polling place or designates an additional voting precinct polling

3112 place, the election officer shall, as soon as is reasonably possible, give notice of the dates,

3113 times, and location of a changed voting precinct polling place or an additional voting precinct

3114 polling place:

3115 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter

3116 Information Website;

3117 (ii) by posting the information on the website of the election officer, if available; and

3118 (iii) by posting notice:

3119 (A) of a change in the location of a voting precinct polling place, at the new location

3120 and, if possible, the old location; and

3121 (B) of an additional voting precinct polling place, at the additional voting precinct

3122 polling place.

3123 (7) The governing body shall pay the costs associated with the notice required by this

3124 section.

3125 (8) (a) The governing body may mail a notice printed on a postage prepaid,

3126 preaddressed return form that a person may use to request delivery of a voter information

3127 pamphlet by mail.

3128 (b) The notice described in Subsection (8)(a) shall include:

3129 (i) the website upon which the voter information pamphlet is available; and

3130 (ii) the phone number a voter may call to request delivery of a voter information
3131 pamphlet by mail.

3132 (9) A local school board shall comply with the voter information pamphlet
3133 requirements described in Section [53G-4-603](#).

3134 Section 51. Section **11-14-315** is amended to read:

3135 **11-14-315. Nature and validity of bonds issued -- Applicability of other statutory**
3136 **provisions -- Budget provision required -- Applicable procedures for issuance -- Notice.**

3137 Bonds issued under this chapter shall have all the qualities of negotiable paper, shall be
3138 incontestable in the hands of bona fide purchasers or holders for value and are not invalid for
3139 any irregularity or defect in the proceedings for their issuance and sale. This chapter is
3140 intended to afford an alternative method for the issuance of bonds by local political
3141 subdivisions and may not be so construed as to deprive any local political subdivision of the
3142 right to issue its bonds under authority of any other statute, but nevertheless this chapter shall
3143 constitute full authority for the issue and sale of bonds by local political subdivisions. The
3144 provisions of Section [11-1-1](#) are not applicable to bonds issued under this chapter. Any local
3145 political subdivision subject to the provisions of any budget law shall in its annual budget make
3146 proper provision for the payment of principal and interest currently falling due on bonds issued
3147 hereunder, but no provision need be made in any such budget prior to the issuance of the bonds
3148 for the issuance thereof or for the expenditure of the proceeds thereof. No ordinance,
3149 resolution or proceeding in respect to the issuance of bonds hereunder shall be necessary except
3150 as herein specifically required, nor shall the publication of any resolution, proceeding or notice
3151 relating to the issuance of the bonds be necessary except as herein required. Any publication
3152 made hereunder shall be made by posting [~~on the Utah Public Notice Website created in~~
3153 ~~Section [63A-16-601](#)]~~ a class A notice under Section [63G-28-102](#). No resolution adopted or
3154 proceeding taken hereunder shall be subject to referendum petition or to an election other than
3155 as herein required. All proceedings adopted hereunder may be adopted on a single reading at
3156 any legally convened meeting of the governing body.

3157 Section 52. Section **11-14-316** is amended to read:

3158 **11-14-316. Publication of notice, resolution, or other proceeding -- Contest.**

- 3159 (1) The governing body of any local political subdivision may provide for the
3160 publication of any resolution or other proceeding adopted under this chapter:
- 3161 (a) [~~in a newspaper having general circulation~~] in the local political subdivision as a
3162 class A notice under Section 63G-28-102; and
- 3163 (b) as required in Section 45-1-101.
- 3164 (2) When a resolution or other proceeding provides for the issuance of bonds, the
3165 governing body may, in lieu of publishing the entire resolution or other proceeding, publish a
3166 notice of bonds to be issued, titled as such, containing:
- 3167 (a) the name of the issuer;
- 3168 (b) the purpose of the issue;
- 3169 (c) the type of bonds and the maximum principal amount which may be issued;
- 3170 (d) the maximum number of years over which the bonds may mature;
- 3171 (e) the maximum interest rate which the bonds may bear, if any;
- 3172 (f) the maximum discount from par, expressed as a percentage of principal amount, at
3173 which the bonds may be sold;
- 3174 (g) a general description of the security pledged for repayment of the bonds;
- 3175 (h) the total par amount of bonds currently outstanding that are secured by the same
3176 pledge of revenues as the proposed bonds, if any;
- 3177 (i) information on a method by which an individual may obtain access to more detailed
3178 information relating to the outstanding bonds of the local political subdivision;
- 3179 (j) the estimated total cost to the local political subdivision for the proposed bonds if
3180 the bonds are held until maturity, based on interest rates in effect at the time that the local
3181 political subdivision publishes the notice; and
- 3182 (k) the times and place where a copy of the resolution or other proceeding may be
3183 examined, which shall be:
- 3184 (i) at an office of the issuer identified in the notice, during regular business hours of the
3185 issuer as described in the notice; and
- 3186 (ii) for a period of at least 30 days after the publication of the notice.
- 3187 (3) For a period of 30 days after the publication, any person in interest may contest:
- 3188 (a) the legality of such resolution or proceeding;
- 3189 (b) any bonds which may be authorized by such resolution or proceeding; or

3190 (c) any provisions made for the security and payment of the bonds.

3191 (4) A person shall contest the matters set forth in Subsection (3) by filing a verified
3192 written complaint in the district court of the county in which he resides within the 30-day
3193 period.

3194 (5) After the 30-day period, no person may contest the regularity, formality, or legality
3195 of the resolution or proceeding for any reason.

3196 Section 53. Section **11-14-318** is amended to read:

3197 **11-14-318. Public hearing required -- Notice.**

3198 (1) Before issuing bonds authorized under this chapter, a local political subdivision
3199 shall:

3200 (a) in accordance with Subsection (2), provide public notice of the local political
3201 subdivision's intent to issue bonds; and

3202 (b) hold a public hearing:

3203 (i) if an election is required under this chapter:

3204 (A) no sooner than 30 days before the day on which the notice of election is published
3205 under Section [11-14-202](#); and

3206 (B) no later than five business days before the day on which the notice of election is
3207 published under Section [11-14-202](#); and

3208 (ii) to receive input from the public with respect to:

3209 (A) the issuance of the bonds; and

3210 (B) the potential economic impact that the improvement, facility, or property for which
3211 the bonds pay all or part of the cost will have on the private sector.

3212 (2) A local political subdivision shall:

3213 (a) publish the notice required by Subsection (1)(a) [~~on the Utah Public Notice~~
3214 ~~Website, created under Section [63A-16-601](#)]~~ within the local political subdivision as a class A
3215 notice under Section [63G-28-102](#), no less than 14 days before the public hearing required by
3216 Subsection (1)(b); and

3217 (b) ensure that the notice:

3218 (i) identifies:

3219 (A) the purpose for the issuance of the bonds;

3220 (B) the maximum principal amount of the bonds to be issued;

3221 (C) the taxes, if any, proposed to be pledged for repayment of the bonds; and
 3222 (D) the time, place, and location of the public hearing; and
 3223 (ii) informs the public that the public hearing will be held for the purposes described in
 3224 Subsection (1)(b)(ii).

3225 Section 54. Section **11-14a-1** is amended to read:

3226 **11-14a-1. Notice of debt issuance.**

3227 (1) For purposes of this chapter:

3228 (a) (i) "Debt" includes bonds, lease purchase agreements, certificates of participation,
 3229 and contracts with municipal building authorities.

3230 (ii) "Debt" does not include tax and revenue anticipation notes or refunding bonds.

3231 (b) (i) "Local government entity" means a county, city, town, school district, local
 3232 district, or special service district.

3233 (ii) "Local government entity" does not mean an entity created by an interlocal
 3234 agreement under Title 11, Chapter 13, Interlocal Cooperation Act that has assets over
 3235 \$10,000,000.

3236 (c) "New debt resolution" means a resolution authorizing the issuance of debt wholly
 3237 or partially to fund a rejected project.

3238 (d) "Rejected Project" means a project for which a local government entity sought
 3239 voter approval for general obligation bond financing and failed to receive that approval.

3240 (2) Unless a local government entity complies with the requirements of this section, it
 3241 may not adopt a new debt resolution.

3242 (3) (a) Before adopting a new debt resolution, a local government entity shall~~[(i)]~~
 3243 advertise the local government entity's intent to issue debt by posting a notice of that intent ~~[on~~
 3244 ~~the Utah Public Notice Website created in Section 63A-16-601,]~~ within the geographic
 3245 boundaries of the local government entity as a class B notice under Section 63G-28-102 for the
 3246 two weeks before the meeting at which the resolution will be considered~~[, or]~~.

3247 ~~[(ii) include notice of its intent to issue debt in a bill or other mailing sent to at least~~
 3248 ~~95% of the residents of the local government entity.]~~

3249 (b) The local government entity shall ensure that the notice:

3250 (i) except for website publication, is at least as large as the bill or other mailing that it
 3251 accompanies;

3252 (ii) is entitled, in type size no smaller than 24 point, "Intent to Issue Debt"; and
3253 (iii) contains the information required by Subsection (3)(c).
3254 (c) The local government entity shall ensure that the advertisement or notice described
3255 in Subsection (3)(a):
3256 (i) identifies the local government entity;
3257 (ii) states that the entity will meet on a day, time, and place identified in the
3258 advertisement or notice to hear public comments regarding a resolution authorizing the
3259 issuance of debt by the entity and to explain to the public the reasons for the issuance of debt;
3260 (iii) contains:
3261 (A) the name of the entity that will issue the debt;
3262 (B) the purpose of the debt; and
3263 (C) that type of debt and the maximum principal amount that may be issued;
3264 (iv) invites all concerned citizens to attend the public hearing; and
3265 (v) states that some or all of the proposed debt would fund a project whose general
3266 obligation bond financing was rejected by the voters.
3267 (4) (a) The resolution considered at the hearing shall identify:
3268 (i) the type of debt proposed to be issued;
3269 (ii) the maximum principal amount that might be issued;
3270 (iii) the interest rate;
3271 (iv) the term of the debt; and
3272 (v) how the debt will be repaid.
3273 (b) (i) Except as provided in Subsection (4)(b)(ii), the resolution considered at the
3274 hearing need not be in final form and need not be adopted or rejected at the meeting at which
3275 the public hearing is held.
3276 (ii) The local government entity may not, in the final resolution, increase the maximum
3277 principal amount of debt contained in the notice and discussed at the hearing.
3278 (c) The local government entity may adopt, amend and adopt, or reject the resolution at
3279 a later meeting without recomplying with the published notice requirements of this section.
3280 Section 55. Section **11-17-16** is amended to read:
3281 **11-17-16. Publication of resolutions and notice of bonds to be issued.**
3282 (1) (a) The governing body may provide for the publication of any resolution or other

3283 proceeding adopted by it under this chapter, including all resolutions providing for the sale or
 3284 lease of any land by the municipality, county, or state university in connection with the
 3285 establishment, acquisition, development, maintenance, and operation of an industrial park.

3286 (b) ~~(f)~~ The publication shall be:

3287 (i) a class A notice under Section [63G-28-102](#) made:

3288 (A) ~~[in a newspaper qualified to carry legal notices having general circulation in]~~
 3289 within the municipality or county; or

3290 (B) in the case of a state university, ~~[in a newspaper of general circulation in]~~ within
 3291 the county within which the principal administrative office of the state university is located;
 3292 and

3293 (ii) as required in Section [45-1-101](#).

3294 (2) In case of a resolution or other proceeding providing for the issuance of bonds, the
 3295 governing body may, in lieu of publishing the entire resolution or other proceeding, publish a
 3296 notice of bonds to be issued, titled as such, containing:

3297 (a) the name of the issuer;

3298 (b) the purpose of the issue;

3299 (c) the name of the users, if known;

3300 (d) the maximum principal amount which may be issued;

3301 (e) the maximum number of years over which the bonds may mature; and

3302 (f) the times and place where a copy of the resolution or other proceeding may be
 3303 examined, which shall be at an office of the issuer, identified in the notice, during regular
 3304 business hours of the issuer as described in the notice and for a period of at least 30 days after
 3305 the publication of the notice.

3306 (3) For a period of 30 days after publication any person in interest may contest the
 3307 legality of the resolution, proceeding, any bonds which may be authorized under them, or any
 3308 provisions made for the security and payment of the bonds. After expiration of the 30-day
 3309 period no person may contest the regularity, formality, or legality of the resolution,
 3310 proceedings, bonds, or security provisions for any cause.

3311 Section 56. Section ~~11-27-4~~ is amended to read:

3312 **11-27-4. Publication of resolution -- Notice of bond issue -- Contest of resolution**
 3313 **or proceeding.**

3314 (1) The governing body of any public body may provide for the publication of any
3315 resolution or other proceeding adopted by it under this chapter:

3316 (a) [~~in a newspaper having general circulation in~~] within the public body as a class A
3317 notice under Section 63G-28-102; and

3318 (b) as required in Section 45-1-101.

3319 (2) In case of a resolution or other proceeding providing for the issuance of refunding
3320 bonds (or for a combined issue of refunding bonds and bonds issued for any other purpose), the
3321 governing body may, instead of publishing the entire resolution or other proceeding, publish a
3322 notice of bonds to be issued, entitled accordingly, and containing:

3323 (a) the name of the issuer;

3324 (b) the purposes of the issue;

3325 (c) the maximum principal amount which may be issued;

3326 (d) the maximum number of years over which the bonds may mature;

3327 (e) the maximum interest rate which the bonds may bear;

3328 (f) the maximum discount from par, expressed as a percentage of principal amount, at
3329 which the bonds may be sold;

3330 (g) a general description of the security pledged for repayment of the bonds; and

3331 (h) the times and place where a copy of the resolution or other proceeding authorizing
3332 the issuance of the bonds may be examined, which shall be at an office of the governing body
3333 identified in the notice, during regular business hours of the governing body as described in the
3334 notice and for a period of at least 30 days after the publication of the notice.

3335 (3) For a period of 30 days after the publication, any person in interest shall have the
3336 right to contest the legality of the resolution or proceeding or any bonds which may be so
3337 authorized or any provisions made for the security and payment of these bonds; and after this
3338 time no person shall have any cause of action to contest the regularity, formality, or legality
3339 thereof for any cause.

3340 Section 57. Section 11-27-5 is amended to read:

3341 **11-27-5. Negotiability of bonds -- Intent and construction of chapter -- Budget for**
3342 **payment of bonds -- Proceedings limited to those required by chapter -- Notice -- No**
3343 **election required -- Application of chapter.**

3344 (1) Refunding bonds shall have all the qualities of negotiable paper, shall be

3345 incontestable in the hands of bona fide purchasers or holders for value, and are not invalid for
 3346 any irregularity or defect in the proceedings for their issuance and sale. This chapter is
 3347 intended to afford an alternative method for the issuance of refunding bonds by public bodies
 3348 and may not be construed to deprive any public body of the right to issue bonds for refunding
 3349 purposes under authority of any other statute, but this chapter, nevertheless, shall constitute full
 3350 authority for the issue and sale of refunding bonds by public bodies. Section [11-1-1](#), however,
 3351 is not applicable to refunding bonds.

3352 (2) Any public body subject to any budget law shall in its annual budget make proper
 3353 provision for the payment of principal and interest currently falling due on refunding bonds,
 3354 but no provision need be made in the budget prior to the issuance of the refunding bonds for
 3355 their issuance or for the expenditure of the proceeds from them.

3356 (3) (a) No ordinance, resolution, or proceeding concerning the issuance of refunding
 3357 bonds nor the publication of any resolution, proceeding, or notice relating to the issuance of the
 3358 refunding bonds shall be necessary except as specifically required by this chapter.

3359 (b) A publication made under this chapter may be made:

3360 (i) ~~[in any newspaper in which legal notices may be published under the laws of Utah,~~
 3361 ~~without regard to its designation as the official journal or newspaper of the public body]~~ within
 3362 the public body as a class A notice under Section [63G-28-102](#); and

3363 (ii) as required in Section [45-1-101](#).

3364 (4) No resolution adopted or proceeding taken under this chapter shall be subject to any
 3365 referendum petition or to an election other than as required by this chapter. All proceedings
 3366 adopted under this chapter may be adopted on a single reading at any legally-convened meeting
 3367 of the governing body. This chapter shall apply to all bonds issued and outstanding at the time
 3368 this chapter takes effect as well as to bonds issued after this chapter takes effect.

3369 Section 58. Section **11-30-5** is amended to read:

3370 **11-30-5. Publication of order for hearing.**

3371 (1) Prior to the date set for hearing, the clerk of the court shall ~~[cause]~~ publish the order
 3372 ~~[to be published by posting the order on the Utah Public Notice Website created in Section~~
 3373 ~~[63A-16-601](#)]~~ as a class A notice under Section [63G-28-102](#) for three weeks.

3374 (2) If a refunding bond is being validated, all holders of the bonds to be refunded may
 3375 be made defendants to the action, in which case notice may be made, and if so made shall be

3376 considered sufficient, by mailing a copy of the order to each holder's last-known address.

3377 (3) By publication of the order, all defendants shall have been duly served and shall be
3378 parties to the proceedings.

3379 Section 59. Section **11-32-10** is amended to read:

3380 **11-32-10. Application to other laws and proceedings -- Notice.**

3381 (1) This chapter is supplemental to all existing laws relating to the collection of
3382 delinquent taxes by participant members.

3383 (2) (a) No ordinance, resolution, or proceeding in respect to any transaction authorized
3384 by this chapter is necessary except as specifically required in this chapter nor is the publication
3385 of any resolution, proceeding, or notice relating to any transaction authorized by this chapter
3386 necessary except as required by this chapter.

3387 (b) A publication made under this chapter may be made:

3388 (i) ~~[in a newspaper conforming to the terms of this chapter and in which legal notices~~
3389 ~~may be published under the laws of Utah, without regard to the designation of it as the official~~
3390 ~~journal or newspaper of the public body]~~ within the public body as a class A notice under
3391 Section [63G-28-102](#); and

3392 (ii) as required in Section [45-1-101](#).

3393 (c) No resolution adopted or proceeding taken under this chapter may be subject to
3394 referendum petition or to an election other than as permitted in this chapter.

3395 (d) All proceedings adopted under this chapter may be adopted on a single reading at
3396 any legally convened meeting of the governing body or bodies or the board of trustees of the
3397 authority as appropriate.

3398 (3) Any formal action or proceeding taken by the governing body of a county or other
3399 public body or the board of trustees of an authority under the authority of this chapter may be
3400 taken by resolution of the governing body or the board of trustees as appropriate.

3401 (4) This chapter shall apply to all authorities created, assignment agreements executed,
3402 and bonds issued after this chapter takes effect.

3403 (5) All proceedings taken before the effective date of this chapter by a county or other
3404 public body in connection with the creation and operation of a financing authority are
3405 validated, ratified, approved, and confirmed.

3406 Section 60. Section **11-32-11** is amended to read:

3407 **11-32-11. Publication of resolutions -- Notice -- Content.**

3408 (1) The governing body of any county, or the board of trustees of any financing
3409 authority, may provide for the publication of any resolution or other proceeding adopted by it
3410 under this chapter:

3411 (a) [~~in a newspaper having general circulation in~~] within the county as a class A notice
3412 under Section 63G-28-102; and

3413 (b) as required in Section 45-1-101.

3414 (2) In case of a resolution or other proceeding providing for the issuance of bonds, the
3415 board of trustees of a financing authority may, in lieu of publishing the entire resolution or
3416 other proceeding, publish a notice of bonds to be issued, titled as such, containing:

3417 (a) the name of the financing authority and the participant members;

3418 (b) the purposes of the issue;

3419 (c) the maximum principal amount which may be issued;

3420 (d) the maximum number of years over which the bonds may mature;

3421 (e) the maximum interest rate which the bonds may bear;

3422 (f) the maximum discount from par, expressed as a percentage of principal amount, at
3423 which the bonds may be sold; and

3424 (g) the time and place where a copy of the resolution or other proceedings authorizing
3425 the issuance of the bonds may be examined, which shall be at an office of the financing
3426 authority, identified in the notice, during regular business hours of the financing authority as
3427 described in the notice and for a period of at least 30 days after the publication of the notice.

3428 (3) For a period of 30 days after the publication, any person in interest may contest the
3429 legality of the resolution or proceeding or any bonds or assignment agreements which may be
3430 authorized by them or any provisions made for the security and payment of the bonds or for the
3431 security and payment of the assignment agreement. After such time no person has any cause of
3432 action to contest the regularity, formality, or legality of same for any cause.

3433 Section 61. Section **11-36a-501** is amended to read:

3434 **11-36a-501. Notice of intent to prepare an impact fee facilities plan.**

3435 (1) Before preparing or amending an impact fee facilities plan, a local political
3436 subdivision or private entity shall provide written notice of its intent to prepare or amend an
3437 impact fee facilities plan.

3438 (2) A notice required under Subsection (1) shall:

3439 (a) indicate that the local political subdivision or private entity intends to prepare or
3440 amend an impact fee facilities plan;

3441 (b) describe or provide a map of the geographic area where the proposed impact fee
3442 facilities will be located; and

3443 (c) subject to Subsection (3), be posted [~~on the Utah Public Notice Website created~~
3444 ~~under Section 63A-16-601~~] within the geographic area where the proposed impact fee facilities
3445 will be located as a class A notice under Section 63G-28-102.

3446 (3) For a private entity required to post notice [~~on the Utah Public Notice Website~~]
3447 under Subsection (2)(c):

3448 (a) the private entity shall give notice to the general purpose local government in which
3449 the private entity's private business office is located; and

3450 (b) the general purpose local government described in Subsection (3)(a) shall post the
3451 notice on the Utah Public Notice Website and, as available, on the general purpose local
3452 government's website.

3453 Section 62. Section 11-36a-503 is amended to read:

3454 **11-36a-503. Notice of preparation of an impact fee analysis.**

3455 (1) Before preparing or contracting to prepare an impact fee analysis, each local
3456 political subdivision or, subject to Subsection (2), private entity shall post a public notice [~~on~~
3457 ~~the Utah Public Notice Website created under Section 63A-16-601~~] within the local political
3458 subdivision as a class A notice under Section 63G-28-102.

3459 (2) For a private entity required to post notice [~~on the Utah Public Notice Website~~]
3460 under Subsection (1):

3461 (a) the private entity shall give notice to the general purpose local government in which
3462 the private entity's primary business is located; and

3463 (b) the general purpose local government described in Subsection (2)(a) shall post the
3464 notice on the Utah Public Notice Website and, as available, on the general purpose local
3465 government's website.

3466 Section 63. Section 11-36a-504 is amended to read:

3467 **11-36a-504. Notice of intent to adopt impact fee enactment -- Hearing --**
3468 **Protections.**

- 3469 (1) Before adopting an impact fee enactment:
- 3470 (a) a municipality legislative body shall:
- 3471 (i) comply with the notice requirements of Section 10-9a-205 as if the impact fee
- 3472 enactment were a land use regulation;
- 3473 (ii) hold a hearing in accordance with Section 10-9a-502 as if the impact fee enactment
- 3474 were a land use regulation; and
- 3475 (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of
- 3476 Section 10-9a-801 as if the impact fee were a land use regulation;
- 3477 (b) a county legislative body shall:
- 3478 (i) comply with the notice requirements of Section 17-27a-205 as if the impact fee
- 3479 enactment were a land use regulation;
- 3480 (ii) hold a hearing in accordance with Section 17-27a-502 as if the impact fee
- 3481 enactment were a land use regulation; and
- 3482 (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of
- 3483 Section 17-27a-801 as if the impact fee were a land use regulation;
- 3484 (c) a local district or special service district shall:
- 3485 (i) comply with the notice and hearing requirements of Section 17B-1-111; and
- 3486 (ii) receive the protections of Section 17B-1-111;
- 3487 (d) a local political subdivision shall at least 10 days before the day on which a public
- 3488 hearing is scheduled in accordance with this section:
- 3489 (i) make a copy of the impact fee enactment available to the public; and
- 3490 (ii) post notice of the local political subdivision's intent to enact or modify the impact
- 3491 fee, specifying the type of impact fee being enacted or modified, [~~on the Utah Public Notice~~
- 3492 ~~Website created under Section 63A-16-601; and~~ within the local political subdivision as a
- 3493 class A notice under Section 63G-28-102; and
- 3494 (e) a local political subdivision shall submit a copy of the impact fee analysis and a
- 3495 copy of the summary of the impact fee analysis prepared in accordance with Section
- 3496 11-36a-303 on its website or to each public library within the local political subdivision.
- 3497 (2) Subsection (1)(a) or (b) may not be construed to require involvement by a planning
- 3498 commission in the impact fee enactment process.
- 3499 Section 64. Section 11-39-103 is amended to read:

3500 **11-39-103. Requirements for undertaking a building improvement or public**
3501 **works project -- Request for bids -- Notice -- Authority to reject bids.**

3502 (1) If the estimated cost of the building improvement or public works project exceeds
3503 the bid limit, the local entity shall, if it determines to proceed with the building improvement or
3504 public works project:

3505 (a) request bids for completion of the building improvement or public works project
3506 by ~~[(i)]~~ posting notice within the local entity as a class A notice under Section 63G-28-102 at
3507 least five days before opening the bids ~~[in at least five public places in the local entity]~~ and
3508 leaving the notice posted for at least three days; and

3509 ~~[(ii) posting notice on the Utah Public Notice Website created in Section 63A-16-601,~~
3510 ~~at least five days before opening the bids; and]~~

3511 (b) except as provided in Subsection (3), enter into a contract for the completion of the
3512 building improvement or public works project with:

3513 (i) the lowest responsive responsible bidder; or

3514 (ii) for a design-build project formulated by a local entity, a responsible bidder that:

3515 (A) offers design-build services; and

3516 (B) satisfies the local entity's criteria relating to financial strength, past performance,
3517 integrity, reliability, and other factors that the local entity uses to assess the ability of a bidder
3518 to perform fully and in good faith the contract requirements for a design-build project.

3519 (2) (a) Each notice under Subsection (1)(a) shall indicate that the local entity may reject
3520 any or all bids submitted.

3521 (b) (i) The cost of a building improvement or public works project may not be divided
3522 to avoid:

3523 (A) exceeding the bid limit; and

3524 (B) subjecting the local entity to the requirements of this section.

3525 (ii) Notwithstanding Subsection (2)(b)(i), a local entity may divide the cost of a
3526 building improvement or public works project that would, without dividing, exceed the bid
3527 limit if the local entity complies with the requirements of this section with respect to each part
3528 of the building improvement or public works project that results from dividing the cost.

3529 (3) (a) The local entity may reject any or all bids submitted.

3530 (b) If the local entity rejects all bids submitted but still intends to undertake the

3531 building improvement or public works project, the local entity shall again request bids by
3532 following the procedure provided in Subsection (1)(a).

3533 (c) If, after twice requesting bids by following the procedure provided in Subsection
3534 (1)(a), the local entity determines that no satisfactory bid has been submitted, the governing
3535 body may undertake the building improvement or public works project as it considers
3536 appropriate.

3537 Section 65. Section **11-42-202** is amended to read:

3538 **11-42-202. Requirements applicable to a notice of a proposed assessment area**
3539 **designation -- Notice.**

3540 (1) Each notice required under Subsection **11-42-201**(2)(a) shall:

3541 (a) state that the local entity proposes to:

3542 (i) designate one or more areas within the local entity's jurisdictional boundaries as an
3543 assessment area;

3544 (ii) provide an improvement to property within the proposed assessment area; and

3545 (iii) finance some or all of the cost of improvements by an assessment on benefitted
3546 property within the assessment area;

3547 (b) describe the proposed assessment area by any reasonable method that allows an
3548 owner of property in the proposed assessment area to determine that the owner's property is
3549 within the proposed assessment area;

3550 (c) describe, in a general and reasonably accurate way, the improvements to be
3551 provided to the assessment area, including:

3552 (i) the nature of the improvements; and

3553 (ii) the location of the improvements, by reference to streets or portions or extensions
3554 of streets or by any other means that the governing body chooses that reasonably describes the
3555 general location of the improvements;

3556 (d) state the estimated cost of the improvements as determined by a project engineer;

3557 (e) for the ~~[version of]~~ notice mailed ~~[in accordance with]~~ under Subsection ~~[(4)(b)]~~
3558 (4), state the estimated total assessment specific to the benefitted property for which the notice
3559 is mailed;

3560 (f) state that the local entity proposes to levy an assessment on benefitted property
3561 within the assessment area to pay some or all of the cost of the improvements according to the

3562 estimated benefits to the property from the improvements;

3563 (g) if applicable, state that an unassessed benefitted government property will receive
3564 improvements for which the cost will be allocated proportionately to the remaining benefitted
3565 properties within the proposed assessment area and that a description of each unassessed
3566 benefitted government property is available for public review at the location or website
3567 described in Subsection (6);

3568 (h) state the assessment method by which the governing body proposes to calculate the
3569 proposed assessment, including, if the local entity is a municipality or county, whether the
3570 assessment will be collected:

3571 (i) by directly billing a property owner; or

3572 (ii) by inclusion on a property tax notice issued in accordance with Section 59-2-1317
3573 and in compliance with Section 11-42-401;

3574 (i) state:

3575 (i) the date described in Section 11-42-203 and the location at which protests against
3576 designation of the proposed assessment area or of the proposed improvements are required to
3577 be filed;

3578 (ii) the method by which the governing body will determine the number of protests
3579 required to defeat the designation of the proposed assessment area or acquisition or
3580 construction of the proposed improvements; and

3581 (iii) in large, boldface, and conspicuous type that a property owner must protest the
3582 designation of the assessment area in writing if the owner objects to the area designation or
3583 being assessed for the proposed improvements, operation and maintenance costs, or economic
3584 promotion activities;

3585 (j) state the date, time, and place of the public hearing required in Section 11-42-204;

3586 (k) if the governing body elects to create and fund a reserve fund under Section
3587 11-42-702, include a description of:

3588 (i) how the reserve fund will be funded and replenished; and

3589 (ii) how remaining money in the reserve fund is to be disbursed upon full payment of
3590 the bonds;

3591 (l) if the governing body intends to designate a voluntary assessment area, include a
3592 property owner consent form that:

- 3593 (i) estimates the total assessment to be levied against the particular parcel of property;
- 3594 (ii) describes any additional benefits that the governing body expects the assessed
3595 property to receive from the improvements;
- 3596 (iii) designates the date and time by which the fully executed consent form is required
3597 to be submitted to the governing body; and
- 3598 (iv) if the governing body intends to enforce an assessment lien on the property in
3599 accordance with Subsection [11-42-502.1\(2\)\(a\)\(ii\)\(C\)](#):
- 3600 (A) appoints a trustee that satisfies the requirements described in Section [57-1-21](#);
- 3601 (B) gives the trustee the power of sale;
- 3602 (C) is binding on the property owner and all successors; and
- 3603 (D) explains that if an assessment or an installment of an assessment is not paid when
3604 due, the local entity may sell the property owner's property to satisfy the amount due plus
3605 interest, penalties, and costs, in the manner described in Title 57, Chapter 1, Conveyances;
- 3606 (m) if the local entity intends to levy an assessment to pay operation and maintenance
3607 costs or for economic promotion activities, include:
- 3608 (i) a description of the operation and maintenance costs or economic promotion
3609 activities to be paid by assessments and the initial estimated annual assessment to be levied;
- 3610 (ii) a description of how the estimated assessment will be determined;
- 3611 (iii) a description of how and when the governing body will adjust the assessment to
3612 reflect the costs of:
- 3613 (A) in accordance with Section [11-42-406](#), current economic promotion activities; or
- 3614 (B) current operation and maintenance costs;
- 3615 (iv) a description of the method of assessment if different from the method of
3616 assessment to be used for financing any improvement; and
- 3617 (v) a statement of the maximum number of years over which the assessment will be
3618 levied for:
- 3619 (A) operation and maintenance costs; or
- 3620 (B) economic promotion activities;
- 3621 (n) if the governing body intends to divide the proposed assessment area into
3622 classifications under Subsection [11-42-201\(1\)\(b\)](#), include a description of the proposed
3623 classifications;

3624 (o) if applicable, state the portion and value of the improvement that will be increased
3625 in size or capacity to serve property outside of the assessment area and how the increases will
3626 be financed; and

3627 (p) state whether the improvements will be financed with a bond and, if so, the
3628 currently estimated interest rate and term of financing, subject to Subsection (2), for which the
3629 benefitted properties within the assessment area may be obligated.

3630 (2) The estimated interest rate and term of financing in Subsection (1)(p) may not be
3631 interpreted as a limitation to the actual interest rate incurred or the actual term of financing as
3632 subject to the market rate at the time of the issuance of the bond.

3633 (3) A notice required under Subsection 11-42-201(2)(a) may contain other information
3634 that the governing body considers to be appropriate, including:

3635 (a) the amount or proportion of the cost of the improvement to be paid by the local
3636 entity or from sources other than an assessment;

3637 (b) the estimated total amount of each type of assessment for the various improvements
3638 to be financed according to the method of assessment that the governing body chooses; and

3639 (c) provisions for any improvements described in Subsection 11-42-102(25)(a)(ii).

3640 (4) Each notice required under Subsection 11-42-201(2)(a) shall~~[:]~~ be published as a
3641 class C notice under Section 63G-28-102 at least 20 but not more than 35 days before the day
3642 of the hearing required in Section 11-42-204.

3643 ~~[(a) (i) be posted in at least three public places within the local entity's jurisdictional~~
3644 ~~boundaries at least 20 but not more than 35 days before the day of the hearing required in~~
3645 ~~Section 11-42-204; and]~~

3646 ~~[(ii) be published on the Utah Public Notice Website described in Section 63A-16-601~~
3647 ~~for four weeks before the deadline for filing protests specified in the notice under Subsection~~
3648 ~~(1)(i); and]~~

3649 ~~[(b) be mailed, postage prepaid, within 10 days after the first publication or posting of~~
3650 ~~the notice under Subsection (4)(a) to each owner of property to be assessed within the proposed~~
3651 ~~assessment area at the property owner's mailing address.]~~

3652 (5) (a) The local entity may record the version of the notice that is published or posted
3653 in accordance with Subsection ~~[(4)(a)]~~ (4) with the office of the county recorder, by legal
3654 description and tax identification number as identified in county records, against the property

3655 proposed to be assessed.

3656 (b) The notice recorded under Subsection (5)(a) expires and is no longer valid one year
3657 after the day on which the local entity records the notice if the local entity has failed to adopt
3658 the designation ordinance or resolution under Section 11-42-201 designating the assessment
3659 area for which the notice was recorded.

3660 (6) A local entity shall make available on the local entity's website, or, if no website is
3661 available, at the local entity's place of business, the address and type of use of each unassessed
3662 benefitted government property described in Subsection (1)(g).

3663 (7) If a governing body fails to provide actual or constructive notice under this section,
3664 the local entity may not assess a levy against a benefitted property omitted from the notice
3665 unless:

3666 (a) the property owner gives written consent;

3667 (b) the property owner received notice under Subsection 11-42-401(2)(a)(iii) and did
3668 not object to the levy of the assessment before the final hearing of the board of equalization; or

3669 (c) the benefitted property is conveyed to a subsequent purchaser and, before the date
3670 of conveyance, the requirements of Subsections 11-42-206(3)(a)(i) and (ii), or, if applicable,
3671 Subsection 11-42-207(1)(d)(i) are met.

3672 Section 66. Section 11-42-301 is amended to read:

3673 **11-42-301. Improvements made only under contract let to lowest responsive,**
3674 **responsible bidder -- Publishing notice -- Sealed bids -- Procedure -- Exceptions to**
3675 **contract requirement.**

3676 (1) Except as otherwise provided in this section, a local entity may make improvements
3677 in an assessment area only under contract let to the lowest responsive, responsible bidder for
3678 the kind of service, material, or form of construction that the local entity's governing body
3679 determines in compliance with any applicable local entity ordinances.

3680 (2) A local entity may:

3681 (a) divide improvements into parts;

3682 (b) (i) let separate contracts for each part; or

3683 (ii) combine multiple parts into the same contract; and

3684 (c) let a contract on a unit basis.

3685 (3) (a) A local entity may not let a contract until after posting notice as provided in

3686 Subsection (3)(b) [~~on the Utah Public Notice Website created in Section 63A-16-601,~~] within
3687 the local entity as a class A notice under Section 63G-28-102 at least 15 days before the date
3688 specified for receipt of bids.

3689 (b) Each notice under Subsection (3)(a) shall notify contractors that the local entity will
3690 receive sealed bids at a specified time and place for the construction of the improvements.

3691 (c) Notwithstanding a local entity's failure, through inadvertence or oversight, to
3692 publish the notice or to publish the notice within 15 days before the date specified for receipt of
3693 bids, the governing body may proceed to let a contract for the improvements if the local entity
3694 receives at least three sealed and bona fide bids from contractors by the time specified for the
3695 receipt of bids.

3696 (d) A local entity may publish a notice required under this Subsection (3) at the same
3697 time as a notice under Section 11-42-202.

3698 (4) (a) A local entity may accept as a sealed bid a bid that is:

3699 (i) manually sealed and submitted; or

3700 (ii) electronically sealed and submitted.

3701 (b) The governing body or project engineer shall, at the time specified in the notice
3702 under Subsection (3), open and examine the bids.

3703 (c) In open session, the governing body:

3704 (i) shall declare the bids; and

3705 (ii) may reject any or all bids if the governing body considers the rejection to be for the
3706 public good.

3707 (d) The local entity may award the contract to the lowest responsive, responsible bidder
3708 even if the price bid by that bidder exceeds the estimated costs as determined by the project
3709 engineer.

3710 (e) A local entity may in any case:

3711 (i) refuse to award a contract;

3712 (ii) obtain new bids after giving a new notice under Subsection (3);

3713 (iii) determine to abandon the assessment area; or

3714 (iv) not make some of the improvements proposed to be made.

3715 (5) A local entity is not required to let a contract as provided in this section for:

3716 (a) an improvement or part of an improvement the cost of which or the making of

3717 which is donated or contributed;

3718 (b) an improvement that consists of furnishing utility service or maintaining
3719 improvements;

3720 (c) labor, materials, or equipment supplied by the local entity;

3721 (d) the local entity's acquisition of completed or partially completed improvements in
3722 an assessment area;

3723 (e) design, engineering, and inspection costs incurred with respect to the construction
3724 of improvements in an assessment area; or

3725 (f) additional work performed in accordance with the terms of a contract duly let to the
3726 lowest responsive, responsible bidder.

3727 (6) A local entity may itself furnish utility service and maintain improvements within
3728 an assessment area.

3729 (7) (a) A local entity may acquire completed or partially completed improvements in an
3730 assessment area, but may not pay an amount for those improvements that exceeds their fair
3731 market value.

3732 (b) Upon the local entity's payment for completed or partially completed
3733 improvements, title to the improvements shall be conveyed to the local entity or another public
3734 agency.

3735 (8) The provisions of Title 11, Chapter 39, Building Improvements and Public Works
3736 Projects, and Section 72-6-108 do not apply to improvements to be constructed in an
3737 assessment area.

3738 Section 67. Section 11-42-402 is amended to read:

3739 **11-42-402. Notice of assessment and board of equalization hearing.**

3740 Each notice required under Subsection 11-42-401(2)(a)(iii) shall:

3741 (1) state:

3742 (a) that an assessment list is completed and available for examination at the offices of
3743 the local entity;

3744 (b) the total estimated or actual cost of the improvements;

3745 (c) the amount of the total estimated or actual cost of the proposed improvements to be
3746 paid by the local entity;

3747 (d) the amount of the assessment to be levied against benefitted property within the

3748 assessment area;

3749 (e) the assessment method used to calculate the proposed assessment;

3750 (f) the unit cost used to calculate the assessments shown on the assessment list, based
3751 on the assessment method used to calculate the proposed assessment; and

3752 (g) the dates, times, and place of the board of equalization hearings under Subsection
3753 [11-42-401\(2\)\(b\)\(i\)](#); and

3754 (2) ~~[(a)]~~ beginning at least 20 but not more than 35 days before the day on which the
3755 first hearing of the board of equalization is held, be ~~[posted in at least three public places~~
3756 ~~within the local entity's jurisdictional boundaries; and]~~ published within the local entity's
3757 jurisdictional boundaries as a class C notice under Section [63G-28-102](#).

3758 ~~[(b) be published on the Utah Public Notice Website created in Section [63A-16-601](#) for~~
3759 ~~35 days immediately before the day on which the first hearing of the board of equalization is~~
3760 ~~held; and]~~

3761 ~~[(3) be mailed, postage prepaid, within 10 days after the first publication or posting of~~
3762 ~~the notice under Subsection (2) to each owner of property to be assessed within the proposed~~
3763 ~~assessment area at the property owner's mailing address.]~~

3764 Section 68. Section **11-42-404** is amended to read:

3765 **11-42-404. Adoption of a resolution or ordinance levying an assessment -- Notice**
3766 **of the adoption -- Effective date of resolution or ordinance -- Notice of assessment**
3767 **interest.**

3768 (1) (a) After receiving a final report from a board of equalization under Subsection
3769 [11-42-403\(5\)](#) or, if applicable, after the time for filing an appeal under Subsection
3770 [11-42-403\(6\)](#) has passed, the governing body may adopt a resolution or ordinance levying an
3771 assessment against benefitted property within the assessment area designated in accordance
3772 with Part 2, Designating an Assessment Area.

3773 (b) Except as provided in Subsection (1)(c), a local entity may not levy more than one
3774 assessment under this chapter for an assessment area designated in accordance with Part 2,
3775 Designating an Assessment Area.

3776 (c) A local entity may levy more than one assessment in an assessment area designated
3777 in accordance with Part 2, Designating an Assessment Area, if:

3778 (i) the local entity has adopted a designation resolution or designation ordinance for

- 3779 each assessment in accordance with Section [11-42-201](#); and
- 3780 (ii) the assessment is levied to pay:
- 3781 (A) subject to Section [11-42-401](#), operation and maintenance costs;
- 3782 (B) subject to Section [11-42-406](#), the costs of economic promotion activities; or
- 3783 (C) the costs of environmental remediation activities.
- 3784 (d) An assessment resolution or ordinance adopted under Subsection (1)(a):
- 3785 (i) need not describe each tract, block, lot, part of block or lot, or parcel of property to
- 3786 be assessed;
- 3787 (ii) need not include the legal description or tax identification number of the parcels of
- 3788 property assessed in the assessment area; and
- 3789 (iii) is adequate for purposes of identifying the property to be assessed within the
- 3790 assessment area if the assessment resolution or ordinance incorporates by reference the
- 3791 corrected assessment list that describes the property assessed by legal description and tax
- 3792 identification number.
- 3793 (2) (a) A local entity that adopts an assessment resolution or ordinance shall give notice
- 3794 of the adoption ~~[by:]~~ within the local entity's jurisdiction as a class A notice under Section
- 3795 [63G-28-100](#) for at least 21 days.
- 3796 ~~[(i) posting a copy of the resolution or ordinance in at least three public places within~~
- 3797 ~~the local entity's jurisdictional boundaries for at least 21 days; and]~~
- 3798 ~~[(ii) posting a copy of the resolution or ordinance on the Utah Public Notice Website~~
- 3799 ~~created in Section [63A-16-601](#) for at least 21 days.]~~
- 3800 (b) No other publication or posting of the resolution or ordinance is required.
- 3801 (3) Notwithstanding any other statutory provision regarding the effective date of a
- 3802 resolution or ordinance, each assessment resolution or ordinance takes effect:
- 3803 (a) on the date of publication or posting of the notice under Subsection (2); or
- 3804 (b) at a later date provided in the resolution or ordinance.
- 3805 (4) (a) The governing body of each local entity that has adopted an assessment
- 3806 resolution or ordinance under Subsection (1) shall, within five days after the day on which the
- 3807 25-day prepayment period under Subsection [11-42-411\(6\)](#) has passed, file a notice of
- 3808 assessment interest with the recorder of the county in which the assessed property is located.
- 3809 (b) Each notice of assessment interest under Subsection (4)(a) shall:

- 3810 (i) state that the local entity has an assessment interest in the assessed property;
- 3811 (ii) if the assessment is to pay operation and maintenance costs or for economic
- 3812 promotion activities, state the maximum number of years over which an assessment will be
- 3813 payable; and
- 3814 (iii) describe the property assessed by legal description and tax identification number.
- 3815 (c) A local entity's failure to file a notice of assessment interest under this Subsection
- 3816 (4) has no affect on the validity of an assessment levied under an assessment resolution or
- 3817 ordinance adopted under Subsection (1).

3818 Section 69. Section **11-42-604** is amended to read:

3819 **11-42-604. Notice regarding resolution or ordinance authorizing interim**
3820 **warrants or bond anticipation notes -- Complaint contesting warrants or notes --**
3821 **Prohibition against contesting warrants and notes.**

3822 (1) A local entity may publish notice, as provided in Subsection (2), of a resolution or
3823 ordinance that the governing body has adopted authorizing the issuance of interim warrants or
3824 bond anticipation notes.

3825 (2) (a) If a local entity chooses to publish notice under Subsection (1), the notice shall:

3826 (i) be published:

3827 (A) [~~in a newspaper of general circulation~~] within the local entity as a class A notice
3828 under Section 63G-28-102; and

3829 (B) as required in Section 45-1-101; and

3830 (ii) contain:

3831 (A) the name of the issuer of the interim warrants or bond anticipation notes;

3832 (B) the purpose of the issue;

3833 (C) the maximum principal amount that may be issued;

3834 (D) the maximum length of time over which the interim warrants or bond anticipation
3835 notes may mature;

3836 (E) the maximum interest rate, if there is a maximum rate; and

3837 (F) the times and place where a copy of the resolution or ordinance may be examined,
3838 as required under Subsection (2)(b).

3839 (b) The local entity shall allow examination of the resolution or ordinance authorizing
3840 the issuance of the interim warrants or bond anticipation notes at its office during regular

3841 business hours.

3842 (3) Any person may, within 30 days after publication of a notice under Subsection (1),
3843 file a verified, written complaint in the district court of the county in which the person resides,
3844 contesting the regularity, formality, or legality of the interim warrants or bond anticipation
3845 notes issued by the local entity or the proceedings relating to the issuance of the interim
3846 warrants or bond anticipation notes.

3847 (4) After the 30-day period under Subsection (3), no person may contest the regularity,
3848 formality, or legality of the interim warrants or bond anticipation notes issued by a local entity
3849 under the resolution or ordinance that was the subject of the notice under Subsection (1), or the
3850 proceedings relating to the issuance of the interim warrants or bond anticipation notes.

3851 Section 70. Section **11-42a-201** is amended to read:

3852 **11-42a-201. Resolution or ordinance designating an energy assessment area,**
3853 **levying an assessment, and issuing an energy assessment bond -- Notice of adoption.**

3854 (1) (a) Except as otherwise provided in this chapter, and subject to the requirements of
3855 this part, at the request of a property owner on whose property or for whose benefit an
3856 improvement is being installed or being reimbursed, a governing body of a local entity may
3857 adopt an energy assessment resolution or an energy assessment ordinance that:

- 3858 (i) designates an energy assessment area;
- 3859 (ii) levies an assessment within the energy assessment area; and
- 3860 (iii) if applicable, authorizes the issuance of an energy assessment bond.

3861 (b) The governing body of a local entity may, by adopting a parameters resolution,
3862 delegate to an officer of the local entity, in accordance with the parameters resolution, the
3863 authority to:

- 3864 (i) execute an energy assessment resolution or ordinance that:
 - 3865 (A) designates an energy assessment area;
 - 3866 (B) levies an energy assessment lien; and
 - 3867 (C) approves the final interest rate, price, principal amount, maturities, redemption
3868 features, and other terms of the energy assessment bonds; and

3869 (ii) approve and execute all documents related to the designation of the energy
3870 assessment area, the levying of the energy assessment lien, and the issuance of the energy
3871 assessment bonds.

3872 (c) The boundaries of a proposed energy assessment area may:
3873 (i) include property that is not intended to be assessed; and
3874 (ii) overlap, be coextensive with, or be substantially coterminous with the boundaries
3875 of any other energy assessment area or an assessment area created under Title 11, Chapter 42,
3876 Assessment Area Act.

3877 (d) The energy assessment resolution or ordinance described in Subsection (1)(a) is
3878 adequate for purposes of identifying the property to be assessed within the energy assessment
3879 area if the resolution or ordinance describes the property to be assessed by legal description and
3880 tax identification number.

3881 (2) (a) A local entity that adopts an energy assessment resolution or ordinance under
3882 Subsection (1)(a) or a parameters resolution under Subsection (1)(b) shall give notice of the
3883 adoption of the energy assessment resolution or ordinance or the parameters resolution by
3884 posting a copy of the resolution or ordinance[?] as a class A notice under Section 63G-28-102
3885 for at least 21 days.

3886 [~~(i) in at least three public places within the local entity's jurisdictional boundaries for~~
3887 ~~at least 21 days; and]~~

3888 [~~(ii) on the Utah Public Notice Website created in Section 63A-16-601, for at least 21~~
3889 ~~days.]~~

3890 (b) Except as provided in Subsection (2)(a), a local entity is not required to make any
3891 other publication or posting of the resolution or ordinance.

3892 (3) Notwithstanding any other statutory provision regarding the effective date of a
3893 resolution or ordinance, each energy assessment resolution or ordinance takes effect on the
3894 later of:

3895 (a) the date on which the governing body of the local entity adopts the energy
3896 assessment resolution or ordinance;

3897 (b) the date of publication or posting of the notice of adoption of either the energy
3898 assessment resolution or ordinance or the parameters resolution described in Subsection (2); or

3899 (c) at a later date as provided in the resolution or ordinance.

3900 (4) (a) The governing body of each local entity that has adopted an energy assessment
3901 resolution or ordinance under Subsection (1) shall, within five days after the effective date of
3902 the resolution or ordinance, file a notice of assessment interest with the recorder of the county

3903 in which the property to be assessed is located.

3904 (b) Each notice of assessment interest under Subsection (4)(a) shall:

3905 (i) state that the local entity has an assessment interest in the property to be assessed;

3906 and

3907 (ii) describe the property to be assessed by legal description and tax identification
3908 number.

3909 (c) If a local entity fails to file a notice of assessment interest under this Subsection (4):

3910 (i) the failure does not invalidate the designation of an energy assessment area; and

3911 (ii) the local entity may not assess a levy against a subsequent purchaser of a benefitted
3912 property that lacked recorded notice unless:

3913 (A) the subsequent purchaser gives written consent;

3914 (B) the subsequent purchaser has actual notice of the assessment levy; or

3915 (C) the subsequent purchaser purchased the property after a corrected notice was filed
3916 under Subsection (4)(d).

3917 (d) The local entity may file a corrected notice if the entity fails to comply with the date
3918 or other requirements for filing a notice of assessment interest.

3919 (e) If a governing body has filed a corrected notice under Subsection (4)(d), the local
3920 entity may not retroactively collect or adjust the amount of the levy to recapture lost funds for a
3921 levy that the local entity was prohibited from collecting, if applicable, under Subsection (4)(c).

3922 Section 71. Section **11-42b-104** is amended to read:

3923 **11-42b-104. Notice of proposed assessment area -- Requirements.**

3924 (1) If the legislative body of a specified county receives a petition that meets the
3925 requirements of Section [11-42b-103](#), the legislative body shall give notice of the proposed
3926 assessment area.

3927 (2) The notice under Subsection (1) shall:

3928 (a) include the following information:

3929 (i) a statement that the legislative body received a petition to designate an assessment
3930 area under Section [11-42b-103](#);

3931 (ii) a statement that the specified county proposes to:

3932 (A) designate one or more areas within the specified county's geographic boundaries as
3933 an assessment area;

3934 (B) contract with a third party administrator to provide beneficial activities within the
3935 proposed assessment area; and

3936 (C) finance some or all of the cost of providing beneficial activities by an assessment
3937 on benefitted properties within the assessment area;

3938 (iii) a summary of the contents of the proposed management plan, including the
3939 information described in Subsection [11-42b-103\(2\)\(a\)\(i\)](#);

3940 (iv) a statement explaining how an individual can access the petition described in
3941 Subsection (2)(a), including the contents of the proposed management plan;

3942 (v) a statement that contains:

3943 (A) the date described in Section [11-42b-105](#) and the location at which a protest under
3944 Section [11-42b-105](#) may be filed;

3945 (B) the method by which the legislative body will determine the number of protests
3946 required to defeat the designation of the proposed assessment area or implementation of the
3947 proposed beneficial activities, subject to Subsection [11-42b-107\(1\)\(b\)](#); and

3948 (C) a statement in large, boldface, and conspicuous type explaining that an owner of a
3949 benefitted property must protest the designation of the assessment area in writing if the owner
3950 objects to the area designation or being assessed for the proposed beneficial activities;

3951 (vi) the date, time, and place of the public hearing required in Section [11-42b-106](#); and

3952 (vii) any other information the legislative body considers appropriate; and

3953 ~~[(b) (i) be posted in at least three public places within the specified county's geographic~~
3954 ~~boundaries at least 20 but not more than 35 days before the day of the hearing required in~~
3955 ~~Section [11-42b-106](#); and]~~

3956 ~~[(ii) be published on the Utah Public Notice Website described in Section [63A-16-601](#)~~
3957 ~~for four weeks before the deadline for filing protests specified in the notice under Subsection~~
3958 ~~(2)(a)(v); and]~~

3959 ~~[(c) (b) [be mailed, postage prepaid, within 10 days after the first publication or~~
3960 ~~posting of the notice under Subsection (2)(b) to each owner of benefitted property] be~~
3961 ~~published as a class C notice under Section [63G-28-102](#) within the proposed assessment area~~
3962 ~~[at the owner's mailing address] at least 20 but not more than 35 days before the day of the~~
3963 ~~hearing required in Section [11-42b-105](#).~~

3964 (3) (a) The legislative body may record the version of the notice that is published or

3965 posted in accordance with Subsection (2)(b) with the office of the county recorder.

3966 (b) The notice recorded under Subsection (3)(a) expires and is no longer valid one year
 3967 after the day on which the legislative body records the notice if the legislative body has failed
 3968 to adopt the designation ordinance or resolution under Section 11-42b-102 designating the
 3969 assessment area for which the notice was recorded.

3970 Section 72. Section 11-42b-108 is amended to read:

3971 **11-42b-108. Amendments to management plan -- Procedure -- Notice**
 3972 **requirements.**

3973 (1) After the legislative body adopts an ordinance or resolution approving a
 3974 management plan as provided in Subsection 11-42b-107(1)(c)(ii) and contracts with a third
 3975 party administrator to provide beneficial activities within the assessment area, the legislative
 3976 body may amend the management plan if:

3977 (a) the third party administrator submits to the legislative body a written request for
 3978 amendments;

3979 (b) subject to Subsection (2), the legislative body gives notice of the proposed
 3980 amendments;

3981 (c) the legislative body holds a public meeting no more than 90 days after the day on
 3982 which the legislative body gives notice under Subsection (1)(b); and

3983 (d) at the public meeting described in Subsection (1)(c), the legislative body adopts an
 3984 ordinance or resolution approving the amendments to the management plan.

3985 (2) The notice described in Subsection (1)(b) shall:

3986 (a) describe the proposed amendments to the management plan;

3987 (b) state the date, time, and place of the public meeting described in Subsection (1)(c);

3988 and

3989 ~~[(c) (i) be posted in at least three public places within the specified county's geographic~~
 3990 ~~boundaries at least 20 but not more than 35 days before the day of the public meeting described~~
 3991 ~~in Subsection (1)(c); and]~~

3992 ~~[(ii) be published on the Utah Public Notice Website described in Section 63A-16-601~~
 3993 ~~for four weeks before the public meeting described in Subsection (1)(c); and]~~

3994 ~~[(d) (c) [be mailed, postage prepaid, within 10 days after the first publication or~~
 3995 ~~posting of the notice under Subsection (2)(c) to each owner of benefitted property] be~~

3996 published within the assessment area [~~at the owner's mailing address~~] as a class C notice under
3997 Section 63G-28-102 at least 20 but not more than 35 days before the day of the public meeting
3998 described in Subsection (1)(c).

3999 Section 73. Section **11-42b-109** is amended to read:

4000 **11-42b-109. Renewal of assessment area designation -- Procedure -- Disposition**
4001 **of previous revenues -- Notice requirements.**

4002 (1) Upon the expiration of an assessment area, the legislative body may, for a period
4003 not to exceed 10 years, renew the assessment area as provided in this section.

4004 (2) (a) If there are no changes to the management plan or the designation of the third
4005 party administrator, the legislative body may not renew the assessment area unless:

4006 (i) subject to Subsection (2)(c), the legislative body gives notice of the proposed
4007 renewal;

4008 (ii) the legislative body holds a public meeting no more than 90 days after the day on
4009 which the legislative body gives notice under Subsection (2)(a)(i); and

4010 (iii) at the public meeting described in Subsection (2)(a)(ii), the legislative body adopts
4011 an ordinance or resolution renewing the assessment area designation.

4012 (b) If there are changes to the management plan or the designation of the third party
4013 administrator, the legislative body may not renew the assessment area unless the legislative
4014 body:

4015 (i) gives notice of the proposed renewal in accordance with Section [11-42b-104](#);

4016 (ii) receives and considers all protests filed under Section [11-42b-105](#);

4017 (iii) holds a public hearing as provided in Section [11-42b-106](#);

4018 (iv) holds a public meeting as provided in Section [11-42b-107](#); and

4019 (v) at the public meeting described in Subsection (2)(b)(iv), adopts an ordinance or
4020 resolution renewing the assessment area.

4021 (c) The notice described in Subsection (2)(a)(i) shall:

4022 (i) state:

4023 (A) that the legislative body proposes to renew the assessment area with no changes;

4024 and

4025 (B) the date, time, and place of the public meeting described in Subsection (2)(a)(ii);

4026 and

4027 ~~[(ii)(A) be posted in at least three public places within the specified county's~~
 4028 ~~geographic boundaries at least 20 but not more than 35 days before the day of the public~~
 4029 ~~meeting described in Subsection (2)(a)(ii); and]~~

4030 ~~[(B) be published on the Utah Public Notice Website described in Section ~~63A-16-601~~~~
 4031 ~~for four weeks before the public meeting described in Subsection (2)(a)(ii); and]~~

4032 ~~[(iii) (ii) [be mailed, postage prepaid, within 10 days after the first publication or~~
 4033 ~~posting of the notice under Subsection (2)(c)(ii) to each owner of benefitted property] be~~
 4034 ~~published within the assessment area [at the owner's mailing address] as a class C notice under~~
 4035 ~~Section ~~63G-28-102~~ at least 20 but not more than 35 days before the day of the public meeting~~
 4036 ~~described in Section (2)(a)(iii).~~

4037 (3) (a) Upon renewal of an assessment area, any remaining revenues derived from the
 4038 levy of assessments, or any revenues derived from the sale of assets acquired with the revenues,
 4039 shall be transferred to the renewed assessment area.

4040 (b) If the renewed assessment area includes a benefitted property that was not included
 4041 in the previous assessment area, the third party administrator may only expend revenues
 4042 described in Subsection (3)(a) on benefitted properties that were included in the previous
 4043 assessment area.

4044 (c) If the renewed assessment area does not include a benefitted property that was
 4045 included in the previous assessment area, the third party administrator shall refund to the owner
 4046 of the benefitted property the revenues described in Subsection (3)(a) attributable to the
 4047 benefitted property.

4048 Section 74. Section ~~11-42b-110~~ is amended to read:

4049 **11-42b-110. Dissolution of assessment area -- Procedure -- Disposition of**
 4050 **revenues -- Notice requirements.**

4051 (1) The legislative body may dissolve an assessment area before the assessment area
 4052 expires as provided in this section.

4053 (2) The legislative body may not dissolve an assessment area under Subsection (1)
 4054 unless:

4055 (a) (i) the legislative body determines there has been a misappropriation of funds,
 4056 malfeasance, or a violation of law in connection with the management of the assessment area;
 4057 or

4058 (ii) a petition to dissolve the assessment area:
4059 (A) is signed by a qualified number of owners; and
4060 (B) is submitted to the legislative body within the period described in Subsection (3);
4061 (b) subject to Subsection (4), the legislative body gives notice of the proposed
4062 dissolution;
4063 (c) the legislative body holds a public meeting; and
4064 (d) at the public meeting described in Subsection (2)(c), the legislative body adopts an
4065 ordinance or resolution dissolving the assessment area.

4066 (3) The owners of benefitted properties may submit to the legislative body a petition
4067 described in Subsection (2)(a)(ii):
4068 (a) within a 30-day period that begins after the day on which the assessment area is
4069 designated by ordinance or resolution under Section [11-42b-107](#); or
4070 (b) within the same 30-day period during each subsequent year in which the assessment
4071 area exists.

4072 (4) The notice described in Subsection (2)(b) shall:
4073 (a) state:
4074 (i) the reasons for the proposed dissolution; and
4075 (ii) the date, time, and place of the public meeting described in Subsection (2)(c); and
4076 ~~[(b) (i) be posted in at least three public places within the specified county's geographic~~
4077 ~~boundaries at least 20 but not more than 35 days before the day of the public meeting described~~
4078 ~~in Subsection (2)(c); and]~~
4079 ~~[(ii) be published on the Utah Public Notice Website described in Section [63A-16-601](#)~~
4080 ~~for four weeks before the public meeting described in Subsection (2)(c); and]~~
4081 ~~[(c) (b) [be mailed, postage prepaid, within 10 days after the first publication or~~
4082 ~~posting of the notice under Subsection (4)(b) to each owner of benefitted property] be~~
4083 published within the assessment area ~~[at the owner's mailing address]~~ as a class C notice under
4084 Section [63G-28-102](#) at least 20 but not more than 35 days before the day of the public meeting
4085 described in Subsection (2)(c).

4086 (5) Upon the dissolution of an assessment area, the third party administrator shall
4087 return to the owner of each benefitted property any remaining revenues attributable to the
4088 benefitted property.

4089 Section 75. Section **11-58-502** is amended to read:

4090 **11-58-502. Public meeting to consider and discuss draft project area plan --**
4091 **Notice -- Adoption of plan.**

4092 (1) The board shall hold at least one public meeting to consider and discuss a draft
4093 project area plan.

4094 (2) At least 10 days before holding a public meeting under Subsection (1), the board
4095 shall give notice of the public meeting:

4096 (a) to each taxing entity;

4097 (b) to a municipality in which the proposed project area is located or that is located
4098 within one-half mile of the proposed project area; and

4099 (c) ~~[on the Utah Public Notice Website created in Section 63A-16-601]~~ within the
4100 proposed project area as a class A notice under Section 63G-28-102.

4101 (3) Following consideration and discussion of the draft project area plan, and any
4102 modification of the project area plan under Subsection 11-58-501(2)(d), the board may adopt
4103 the draft project area plan or modified draft project area plan as the project area plan.

4104 Section 76. Section **11-58-503** is amended to read:

4105 **11-58-503. Notice of project area plan adoption -- Effective date of plan -- Time**
4106 **for challenging a project area plan or project area.**

4107 (1) Upon the board's adoption of a project area plan, the board shall provide notice as
4108 provided in Subsection (2) by publishing or causing to be published legal notice:

4109 (a) ~~[in a newspaper of general circulation]~~ within or near the project area as a class A
4110 notice under Section 63G-28-102; and

4111 (b) as required by Section 45-1-101.

4112 (2) (a) Each notice under Subsection (1) shall include:

4113 (i) the board resolution adopting the project area plan or a summary of the resolution;
4114 and

4115 (ii) a statement that the project area plan is available for general public inspection and
4116 the hours for inspection.

4117 (b) The statement required under Subsection (2)(a)(ii) may be included within the
4118 board resolution adopting the project area plan or within the summary of the resolution.

4119 (3) The project area plan shall become effective on the date designated in the board

4120 resolution.

4121 (4) The authority shall make the adopted project area plan available to the general
4122 public at the authority's offices during normal business hours.

4123 (5) Within 10 days after the day on which a project area plan is adopted that establishes
4124 a project area, or after an amendment to a project area plan is adopted under which the
4125 boundary of a project area is modified, the authority shall send notice of the establishment or
4126 modification of the project area and an accurate map or plat of the project area to:

4127 (a) the State Tax Commission;

4128 (b) the Utah Geospatial Resource Center created in Section [63A-16-505](#); and

4129 (c) the assessor and recorder of each county where the project area is located.

4130 (6) (a) A legal action or other challenge to a project area plan or a project area
4131 described in a project area plan is barred unless brought within 30 days after the effective date
4132 of the project area plan.

4133 (b) A legal action or other challenge to a project area that consists of authority
4134 jurisdictional land is barred unless brought within 30 days after the board adopts a business
4135 plan under Subsection [11-58-202](#)(1)(a) for the authority jurisdictional land.

4136 Section 77. Section **11-58-701** is amended to read:

4137 **11-58-701. Resolution authorizing issuance of port authority bonds --**

4138 **Characteristics of bonds -- Notice.**

4139 (1) The authority may not issue bonds under this part unless the board first:

4140 (a) adopts a parameters resolution for the bonds that sets forth:

4141 (i) the maximum:

4142 (A) amount of bonds;

4143 (B) term; and

4144 (C) interest rate; and

4145 (ii) the expected security for the bonds; and

4146 (b) submits the parameters resolution for review and recommendation to the State
4147 Finance Review Commission created in Section [63C-25-201](#).

4148 (2) (a) As provided in the authority resolution authorizing the issuance of bonds under
4149 this part or the trust indenture under which the bonds are issued, bonds issued under this part
4150 may be issued in one or more series and may be sold at public or private sale and in the manner

4151 provided in the resolution or indenture.

4152 (b) Bonds issued under this part shall bear the date, be payable at the time, bear interest
4153 at the rate, be in the denomination and in the form, carry the conversion or registration
4154 privileges, have the rank or priority, be executed in the manner, be subject to the terms of
4155 redemption or tender, with or without premium, be payable in the medium of payment and at
4156 the place, and have other characteristics as provided in the authority resolution authorizing
4157 their issuance or the trust indenture under which they are issued.

4158 (3) Upon the board's adoption of a resolution providing for the issuance of bonds, the
4159 board may provide for the publication of the resolution:

4160 (a) ~~[in a newspaper having general circulation in]~~ within the authority's boundaries as a
4161 class A notice under Section 63G-28-102; and

4162 (b) as required in Section 45-1-101.

4163 (4) In lieu of publishing the entire resolution, the board may publish notice of bonds
4164 that contains the information described in Subsection 11-14-316(2).

4165 (5) For a period of 30 days after the publication, any person in interest may contest:

4166 (a) the legality of the resolution or proceeding;

4167 (b) any bonds that may be authorized by the resolution or proceeding; or

4168 (c) any provisions made for the security and payment of the bonds.

4169 (6) (a) A person may contest the matters set forth in Subsection (5) by filing a verified
4170 written complaint, within 30 days of the publication under Subsection (5), in the district court
4171 of the county in which the person resides.

4172 (b) A person may not contest the matters set forth in Subsection (5), or the regularity,
4173 formality, or legality of the resolution or proceeding, for any reason, after the 30-day period for
4174 contesting provided in Subsection (6)(a).

4175 (7) No later than 60 days after the closing day of any bonds, the authority shall report
4176 the bonds issuance, including the amount of the bonds, terms, interest rate, and security, to:

4177 (a) the Executive Appropriations Committee; and

4178 (b) the State Finance Review Commission created in Section 63C-25-201.

4179 Section 78. Section 11-58-801 is amended to read:

4180 **11-58-801. Annual port authority budget -- Fiscal year -- Public hearing required**
4181 **-- Notice -- Auditor forms -- Requirement to file annual budget.**

4182 (1) The authority shall prepare and its board adopt an annual budget of revenues and
4183 expenditures for the authority for each fiscal year.

4184 (2) Each annual authority budget shall be adopted before June 30, except that the
4185 authority's initial budget shall be adopted as soon as reasonably practicable after the
4186 organization of the board and the beginning of authority operations.

4187 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

4188 (4) (a) Before adopting an annual budget, the board shall hold a public hearing on the
4189 annual budget.

4190 (b) The authority shall provide notice of the public hearing on the annual budget by
4191 publishing notice[:] within the state as a class A notice under Section 63G-28-102 at least one
4192 week before the public hearing.

4193 ~~[(i) at least once in a newspaper of general circulation within the state, at least one~~
4194 ~~week before the public hearing; and]~~

4195 ~~[(ii) on the Utah Public Notice Website created in Section 63A-16-601, at least one~~
4196 ~~week immediately before the public hearing.]~~

4197 (c) The authority shall make the annual budget available for public inspection at least
4198 three days before the date of the public hearing.

4199 (5) The state auditor shall prescribe the budget forms and the categories to be contained
4200 in each authority budget, including:

4201 (a) revenues and expenditures for the budget year;

4202 (b) legal fees; and

4203 (c) administrative costs, including rent, supplies, and other materials, and salaries of
4204 authority personnel.

4205 (6) (a) Within 30 days after adopting an annual budget, the board shall file a copy of
4206 the annual budget with the auditor of each county in which the authority jurisdictional land is
4207 located, the State Tax Commission, the state auditor, the State Board of Education, and each
4208 taxing entity that levies a tax on property from which the authority collects property tax
4209 differential.

4210 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
4211 state as a taxing entity is met if the authority files a copy with the State Tax Commission and
4212 the state auditor.

4213 Section 79. Section **11-58-901** is amended to read:

4214 **11-58-901. Dissolution of port authority -- Restrictions -- Notice of dissolution --**
 4215 **Disposition of port authority property -- Port authority records -- Dissolution expenses.**

4216 (1) The authority may not be dissolved unless the authority has no outstanding bonded
 4217 indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual
 4218 obligations with persons or entities other than the state.

4219 (2) Upon the dissolution of the authority:

4220 (a) the Governor's Office of Economic Opportunity shall publish a notice of
 4221 dissolution:

4222 (i) ~~[in a newspaper of general circulation in]~~ within the county in which the dissolved
 4223 authority is located as a class A notice under Section [63G-28-102](#); and

4224 (ii) as required in Section [45-1-101](#); and

4225 (b) all title to property owned by the authority vests in the state.

4226 (3) The books, documents, records, papers, and seal of each dissolved authority shall
 4227 be deposited for safekeeping and reference with the state auditor.

4228 (4) The authority shall pay all expenses of the deactivation and dissolution.

4229 Section 80. Section **11-59-401** is amended to read:

4230 **11-59-401. Annual authority budget -- Fiscal year -- Public hearing and notice**
 4231 **required -- Auditor forms.**

4232 (1) The authority shall prepare and its board adopt an annual budget of revenues and
 4233 expenditures for the authority for each fiscal year.

4234 (2) Each annual authority budget shall be adopted before June 22.

4235 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

4236 (4) (a) Before adopting an annual budget, the authority board shall hold a public
 4237 hearing on the annual budget.

4238 (b) The authority shall provide notice of the public hearing on the annual budget by
 4239 publishing notice[:] within the state as a class A notice under Section [63G-28-102](#) at least one
 4240 week before the public hearing.

4241 ~~[(i) at least once in a newspaper of general circulation within the state, one week before~~
 4242 ~~the public hearing; and]~~

4243 ~~[(ii) on the Utah Public Notice Website created in Section [63A-16-601](#), for at least one~~

4244 ~~week immediately before the public hearing.]~~

4245 (c) The authority shall make the annual budget available for public inspection at least
4246 three days before the date of the public hearing.

4247 (5) The state auditor shall prescribe the budget forms and the categories to be contained
4248 in each authority budget, including:

4249 (a) revenues and expenditures for the budget year;

4250 (b) legal fees; and

4251 (c) administrative costs, including rent, supplies, and other materials, and salaries of
4252 authority personnel.

4253 Section 81. Section **11-59-501** is amended to read:

4254 **11-59-501. Dissolution of authority -- Restrictions -- Publishing notice of**
4255 **dissolution -- Authority records -- Dissolution expenses.**

4256 (1) The authority may not be dissolved unless:

4257 (a) the authority board first receives approval from the Legislative Management
4258 Committee of the Legislature to dissolve the authority; and

4259 (b) the authority has no outstanding bonded indebtedness, other unpaid loans,
4260 indebtedness, or advances, and no legally binding contractual obligations with persons or
4261 entities other than the state.

4262 (2) To dissolve the authority, the board shall:

4263 (a) obtain the approval of the Legislative Management Committee of the Legislature;
4264 and

4265 (b) adopt a resolution dissolving the authority, to become effective as provided in the
4266 resolution.

4267 (3) Upon the dissolution of the authority:

4268 (a) the Governor's Office of Economic Opportunity shall publish a notice of
4269 dissolution:

4270 (i) ~~[in a newspaper of general circulation in]~~ within the county in which the dissolved
4271 authority is located as a class A notice under Section [63G-28-102](#); and

4272 (ii) as required in Section [45-1-101](#); and

4273 (b) all title to property owned by the authority vests in the Division of Facilities
4274 Construction and Management, created in Section [63A-5b-301](#), for the benefit of the state.

4275 (4) The board shall deposit all books, documents, records, papers, and seal of the
4276 dissolved authority with the state auditor for safekeeping and reference.

4277 (5) The authority shall pay all expenses of the deactivation and dissolution.

4278 Section 82. Section **11-65-204** is amended to read:

4279 **11-65-204. Management plan.**

4280 (1) (a) The board shall prepare, adopt, and, subject to Subsection (1)(b), implement a
4281 management plan.

4282 (b) The lake authority may not begin to implement a management plan until April 1,
4283 2023.

4284 (2) In preparing a management plan, the board shall:

4285 (a) consult with and seek and consider input from the legislative or governing body of
4286 each adjacent political subdivision;

4287 (b) work cooperatively with and receive input from the Division of Forestry, Fire, and
4288 State Lands; and

4289 (c) consider how the interests of adjacent political subdivisions would be affected by
4290 implementation of the management plan.

4291 (3) A management plan shall:

4292 (a) describe in general terms the lake authority's:

4293 (i) vision and plan for achieving and implementing the policies and objectives stated in
4294 Section **11-65-203**; and

4295 (ii) overall plan for the management of Utah Lake, including an anticipated timetable
4296 and any anticipated phases of management;

4297 (b) accommodate and advance, without sacrificing the policies and objectives stated in
4298 Section **11-65-203**, the compatible interests of adjacent political subdivisions;

4299 (c) describe in general terms how the lake authority anticipates cooperating with
4300 adjacent political subdivisions to pursue mutually beneficial goals in connection with the
4301 management of Utah Lake;

4302 (d) identify the anticipated sources of revenue for implementing the management plan;
4303 and

4304 (e) be consistent with management planning conducted by the Division of Forestry,
4305 Fire, and State Lands, to pursue the objectives of:

- 4306 (i) improving the clarity and quality of the water in Utah Lake;
- 4307 (ii) not interfering with water rights or with water storage or water supply functions of
- 4308 Utah Lake;
- 4309 (iii) removing invasive plant and animal species, including phragmites and carp, from
- 4310 Utah Lake;
- 4311 (iv) improving littoral zone and other plant communities in and around Utah Lake;
- 4312 (v) improving and conserving native fish and other aquatic species in Utah Lake;
- 4313 (vi) cooperating in the June Sucker Recovery Implementation Program;
- 4314 (vii) increasing the suitability of Utah Lake and Utah Lake's surrounding areas for
- 4315 shore birds, waterfowl, and other avian species;
- 4316 (viii) improving navigability of Utah Lake;
- 4317 (ix) enhancing and ensuring recreational access to and opportunities on Utah Lake; and
- 4318 (x) otherwise improving the use of Utah Lake for residents and visitors.
- 4319 (4) A management plan may not interfere with or impair:
- 4320 (a) a water right;
- 4321 (b) a water project; or
- 4322 (c) the management of Utah Lake necessary for the use or operation of a water facility
- 4323 associated with Utah Lake.
- 4324 (5) (a) Before adopting a management plan, the board shall:
- 4325 (i) provide a copy of the proposed management plan to:
- 4326 (A) the executive director of the Department of Natural Resources;
- 4327 (B) the executive director of the Department of Environmental Quality;
- 4328 (C) the state engineer; and
- 4329 (D) each adjacent political subdivision; and
- 4330 (ii) post a copy of the proposed management plan [~~on the Utah Public Notice Website~~
- 4331 ~~created in Section 63A-16-601~~] as a class A notice under Section [63G-28-102](#).
- 4332 (b) Comments or suggestions relating to the proposed management plan may be
- 4333 submitted to the board within the deadline established under Subsection (5)(c).
- 4334 (c) The board shall establish a deadline for submitting comments or suggestions to the
- 4335 proposed management plan that is at least 30 days after the board provides a copy of the
- 4336 proposed management plan under Subsection (5)(a)(i).

4337 (d) Before adopting a management plan, the board shall consider comments and
4338 suggestions that are submitted by the deadline established under Subsection (5)(c).

4339 Section 83. Section **11-65-402** is amended to read:

4340 **11-65-402. Public meetings to consider and discuss draft project area plan --**
4341 **Notice -- Adoption of plan.**

4342 (1) The lake authority board shall hold at least two public meetings to:

4343 (a) receive public comment on the draft project area plan; and

4344 (b) consider and discuss the draft project area plan.

4345 (2) At least 10 days before holding a public meeting under Subsection (1), the lake
4346 authority board shall:

4347 (a) ~~[(i)]~~ post notice of the public meeting ~~[on the Utah Public Notice Website created~~
4348 ~~in Section [63A-16-601](#); and]~~ as a class A notice under Section [63G-28-102](#);

4349 ~~[(ii) maintain the posting on the Utah Public Notice Website until the day of the public~~
4350 ~~meeting;]~~

4351 (b) provide notice of the public meeting to a public entity that has entered into an
4352 agreement with the lake authority for sharing property tax revenue; and

4353 (c) provide email notice of the public meeting to each person who has submitted a
4354 written request to the board to receive email notice of a public meeting under this section.

4355 (3) Following consideration and discussion of the project area plan, the board may
4356 adopt the draft project area plan as the project area plan.

4357 Section 84. Section **11-65-601** is amended to read:

4358 **11-65-601. Annual lake authority budget -- Fiscal year -- Public hearing required**
4359 **-- Auditor forms -- Requirement to file annual budget.**

4360 (1) The board shall prepare and adopt for the lake authority an annual budget of
4361 revenues and expenditures for each fiscal year.

4362 (2) An annual lake authority budget shall be adopted before June 22, except that the
4363 lake authority's initial budget shall be adopted as soon as reasonably practicable after the
4364 organization of the board and the beginning of lake authority operations.

4365 (3) The lake authority's fiscal year shall be the period from July 1 to the following June
4366 30.

4367 (4) (a) Before adopting an annual budget, the board shall hold a public hearing on the

4368 annual budget.

4369 (b) The lake authority shall provide notice of the public hearing on the annual budget
4370 by publishing notice [~~on the Utah Public Notice Website created in Section 63A-16-601~~] as a
4371 class A notice under Section 63G-28-102, for at least one week immediately before the public
4372 hearing.

4373 (c) The lake authority shall make the annual budget available for public inspection at
4374 least three days before the date of the public hearing.

4375 (5) The state auditor shall prescribe the budget forms and the categories to be contained
4376 in each lake authority budget, including:

4377 (a) revenues and expenditures for the budget year;

4378 (b) legal fees; and

4379 (c) administrative costs, including rent, supplies, and other materials, and salaries of
4380 lake authority personnel.

4381 (6) Within 30 days after adopting an annual budget, the board shall file a copy of the
4382 annual budget with the auditor of each county in which lake authority land is located, the State
4383 Tax Commission, and the state auditor.

4384 Section 85. Section **17-27a-203** is amended to read:

4385 **17-27a-203. Notice of intent to prepare a general plan or comprehensive general**
4386 **plan amendments in certain counties.**

4387 (1) Before preparing a proposed general plan or a comprehensive general plan
4388 amendment, each county of the first or second class shall provide 10 calendar days notice of the
4389 county's intent to prepare a proposed general plan or a comprehensive general plan amendment:

4390 (a) to each affected entity;

4391 (b) to the Utah Geospatial Resource Center created in Section 63A-16-505;

4392 (c) to the association of governments, established pursuant to an interlocal agreement
4393 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a member; and

4394 (d) [~~on the Utah Public Notice Website created under Section 63A-16-601~~] within the
4395 county as a class A notice under Section 63G-28-102.

4396 (2) Each notice under Subsection (1) shall:

4397 (a) indicate that the county intends to prepare a general plan or a comprehensive
4398 general plan amendment, as the case may be;

4399 (b) describe or provide a map of the geographic area that will be affected by the general
4400 plan or amendment;

4401 (c) be sent by mail, e-mail, or other effective means;

4402 (d) invite the affected entities to provide information for the county to consider in the
4403 process of preparing, adopting, and implementing a general plan or amendment concerning:

4404 (i) impacts that the use of land proposed in the proposed general plan or amendment
4405 may have; and

4406 (ii) uses of land within the county that the affected entity is considering that may
4407 conflict with the proposed general plan or amendment; and

4408 (e) include the address of an Internet website, if the county has one, and the name and
4409 telephone number of an individual where more information can be obtained concerning the
4410 county's proposed general plan or amendment.

4411 Section 86. Section **17-27a-204** is amended to read:

4412 **17-27a-204. Notice of public hearings and public meetings to consider general**
4413 **plan or modifications.**

4414 (1) A county shall provide:

4415 (a) notice of the date, time, and place of the first public hearing to consider the original
4416 adoption or any modification of all or any portion of a general plan; and

4417 (b) notice of each public meeting on the subject.

4418 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar
4419 days before the public hearing and shall be:

4420 (a) published [~~on the Utah Public Notice Website created in Section 63A-16-601;~~]
4421 within the county as a class A notice under Section 63G-28-102; and

4422 (b) mailed to each affected entity[~~; and~~].

4423 [~~(c) posted;~~]

4424 [~~(i) in at least three public locations within the county; or~~]

4425 [~~(ii) on the county's official website.~~]

4426 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
4427 before the meeting and shall be[~~:~~] published within the county as a class A notice under Section
4428 63G-28-102.

4429 [~~(a) published on the Utah Public Notice Website created in Section 63A-16-601; and~~]

4430 ~~[(b) posted:]~~
4431 ~~[(i) in at least three public locations within the county; or]~~
4432 ~~[(ii) on the county's official website.]~~
4433 Section 87. Section **17-27a-205** is amended to read:
4434 **17-27a-205. Notice of public hearings and public meetings on adoption or**
4435 **modification of land use regulation.**
4436 (1) Each county shall give:
4437 (a) notice of the date, time, and place of the first public hearing to consider the
4438 adoption or modification of a land use regulation; and
4439 (b) notice of each public meeting on the subject.
4440 (2) Each notice of a public hearing under Subsection (1)(a) shall be:
4441 (a) mailed to each affected entity at least 10 calendar days before the public hearing;
4442 and
4443 (b) ~~[posted:]~~ published within the area affected by the land use ordinance changes as a
4444 class C notice under Section [63G-28-102](#) at least 10 calendar days before the day of the public
4445 hearing.
4446 ~~[(i) in at least three public locations within the county; or]~~
4447 ~~[(ii) on the county's official website; and]~~
4448 ~~[(c) (i) posted on the Utah Public Notice Website created in Section [63A-16-601](#), at~~
4449 ~~least 10 calendar days before the public hearing; or]~~
4450 ~~[(ii) mailed at least 10 days before the public hearing to:]~~
4451 ~~[(A) each property owner whose land is directly affected by the land use ordinance~~
4452 ~~change; and]~~
4453 ~~[(B) each adjacent property owner within the parameters specified by county~~
4454 ~~ordinance.]~~
4455 (3) In addition to the notice requirements described in Subsections (1) and (2), for any
4456 proposed modification to the text of a zoning code, the notice posted in accordance with
4457 Subsection (2) shall:
4458 (a) include a summary of the effect of the proposed modifications to the text of the
4459 zoning code designed to be understood by a lay person; and
4460 (b) be provided to any person upon written request.

4461 (4) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
 4462 before the hearing and shall be posted[:] within the county as a class A notice under Section
 4463 63G-28-102.

4464 [~~(a) in at least three public locations within the county, or]~~

4465 [~~(b) on the county's official website.~~]

4466 (5) (a) A county shall send a courtesy notice to each owner of private real property
 4467 whose property is located entirely or partially within the proposed zoning map enactment or
 4468 amendment at least 10 days before the scheduled day of the public hearing.

4469 (b) The notice shall:

4470 (i) identify with specificity each owner of record of real property that will be affected
 4471 by the proposed zoning map or map amendments;

4472 (ii) state the current zone in which the real property is located;

4473 (iii) state the proposed new zone for the real property;

4474 (iv) provide information regarding or a reference to the proposed regulations,
 4475 prohibitions, and permitted uses that the property will be subject to if the zoning map or map
 4476 amendment is adopted;

4477 (v) state that the owner of real property may no later than 10 days after the day of the
 4478 first public hearing file a written objection to the inclusion of the owner's property in the
 4479 proposed zoning map or map amendment;

4480 (vi) state the address where the property owner should file the protest;

4481 (vii) notify the property owner that each written objection filed with the county will be
 4482 provided to the county legislative body; and

4483 (viii) state the location, date, and time of the public hearing described in Section
 4484 17-27a-502.

4485 (c) If a county mails notice to a property owner [~~in accordance with~~] under Subsection
 4486 [~~(2)(c)(ii)] (2)(b)~~ for a public hearing on a zoning map or map amendment, the notice required
 4487 in this Subsection (5) may be included in or part of the notice [~~described in~~] mailed to persons
 4488 and property owners under Subsection [(2)(c)(ii)] (2)(b) rather than sent separately.

4489 Section 88. Section **17-27a-208** is amended to read:

4490 **17-27a-208. Hearing and notice for petition to vacate a public street.**

4491 (1) For any petition to vacate some or all of a public street or county utility easement,

4492 the legislative body shall:

4493 (a) hold a public hearing; and

4494 (b) give notice of the date, place, and time of the hearing, as provided in Subsection
4495 (2).

4496 (2) At least 10 days before the public hearing under Subsection (1)(a), the legislative
4497 body shall ensure that the notice required under Subsection (1)(b) is:

4498 (a) ~~[mailed to the record owner of]~~ published as a class C notice under Section
4499 63G-28-102 to each parcel that is accessed by the public street or county utility easement; and

4500 (b) mailed to each affected entity[;].

4501 ~~[(c) posted on or near the public street or county utility easement in a manner that is~~
4502 ~~calculated to alert the public; and]~~

4503 ~~[(d) (i) published on the website of the county in which the land subject to the petition~~
4504 ~~is located until the public hearing concludes; and]~~

4505 ~~[(ii) published on the Utah Public Notice Website created in Section 63A-16-601.]~~

4506 Section 89. Section **17-27a-306** is amended to read:

4507 **17-27a-306. Planning advisory areas -- Notice of hearings.**

4508 (1) (a) A planning advisory area may be established as provided in this Subsection (1).

4509 (b) A planning advisory area may not be established unless the area to be included

4510 within the proposed planning advisory area:

4511 (i) is unincorporated;

4512 (ii) is contiguous; and

4513 (iii) (A) contains:

4514 (I) at least 20% but not more than 80% of:

4515 (Aa) the total private land area in the unincorporated county; or

4516 (Bb) the total value of locally assessed taxable property in the unincorporated county;

4517 or

4518 (II) (Aa) in a county of the second or third class, at least 5% of the total population of
4519 the unincorporated county, but not less than 300 residents; or

4520 (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population
4521 of the unincorporated county; or

4522 (B) has been declared by the United States Census Bureau as a census designated

4523 place.

4524 (c) (i) The process to establish a planning advisory area is initiated by the filing of a
4525 petition with the clerk of the county in which the proposed planning advisory area is located.

4526 (ii) A petition to establish a planning advisory area may not be filed if it proposes the
4527 establishment of a planning advisory area that includes an area within a proposed planning
4528 advisory area in a petition that has previously been certified under Subsection (1)(g), until after
4529 the canvass of an election on the proposed planning advisory area under Subsection (1)(j).

4530 (d) A petition under Subsection (1)(c) to establish a planning advisory area shall:

4531 (i) be signed by the owners of private real property that:

4532 (A) is located within the proposed planning advisory area;

4533 (B) covers at least 10% of the total private land area within the proposed planning
4534 advisory area; and

4535 (C) is equal in value to at least 10% of the value of all private real property within the
4536 proposed planning advisory area;

4537 (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous
4538 area proposed to be established as a planning advisory area;

4539 (iii) indicate the typed or printed name and current residence address of each owner
4540 signing the petition;

4541 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
4542 be designated as the contact sponsor, with the mailing address and telephone number of each
4543 petition sponsor;

4544 (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
4545 petition for purposes of the petition; and

4546 (vi) request the county legislative body to provide notice of the petition and of a public
4547 hearing, hold a public hearing, and conduct an election on the proposal to establish a planning
4548 advisory area.

4549 (e) Subsection [10-2a-102\(3\)](#) applies to a petition to establish a planning advisory area
4550 to the same extent as if it were an incorporation petition under Title 10, Chapter 2a, Municipal
4551 Incorporation.

4552 (f) (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing
4553 the establishment of a planning advisory area in a county of the second class, the county clerk

4554 shall provide notice of the filing of the petition to:

4555 (A) each owner of real property owning more than 1% of the assessed value of all real
4556 property within the proposed planning advisory area; and

4557 (B) each owner of real property owning more than 850 acres of real property within the
4558 proposed planning advisory area.

4559 (ii) A property owner may exclude all or part of the property owner's property from a
4560 proposed planning advisory area in a county of the second class:

4561 (A) if:

4562 (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all
4563 property within the proposed planning advisory area;

4564 (IIIii) the property is nonurban; and

4565 (IIIiii) the property does not or will not require municipal provision of municipal-type
4566 services; or

4567 (Bb) the property owner owns more than 850 acres of real property within the proposed
4568 planning advisory area; and

4569 (II) exclusion of the property will not leave within the planning advisory area an island
4570 of property that is not part of the planning advisory area; and

4571 (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice
4572 under Subsection (1)(f)(i).

4573 (iii) (A) The county legislative body shall exclude from the proposed planning advisory
4574 area the property identified in a notice of exclusion timely filed under Subsection (1)(f)(ii)(B) if
4575 the property meets the applicable requirements of Subsection (1)(f)(ii)(A).

4576 (B) If the county legislative body excludes property from a proposed planning advisory
4577 area under Subsection (1)(f)(iii), the county legislative body shall, within five days after the
4578 exclusion, send written notice of its action to the contact sponsor.

4579 (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county
4580 clerk shall:

4581 (A) with the assistance of other county officers from whom the clerk requests
4582 assistance, determine whether the petition complies with the requirements of Subsection (1)(d);
4583 and

4584 (B) (I) if the clerk determines that the petition complies with the requirements of

4585 Subsection (1)(d):

4586 (Aa) certify the petition and deliver the certified petition to the county legislative body;
4587 and

4588 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

4589 (II) if the clerk determines that the petition fails to comply with any of the requirements
4590 of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the
4591 rejection and the reasons for the rejection.

4592 (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition
4593 may be amended to correct the deficiencies for which it was rejected and then refiled with the
4594 county clerk.

4595 (h) (i) Within 90 days after a petition to establish a planning advisory area is certified,
4596 the county legislative body shall hold a public hearing on the proposal to establish a planning
4597 advisory area.

4598 (ii) A public hearing under Subsection (1)(h)(i) shall be:

4599 (A) within the boundary of the proposed planning advisory area; or

4600 (B) if holding a public hearing in that area is not practicable, as close to that area as
4601 practicable.

4602 (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the
4603 county legislative body shall publish notice of the petition and the time, date, and place of the
4604 public hearing [~~on the Utah Public Notice Website created in Section 63A-16-601~~] within the
4605 county as a class A notice under Section 63G-28-102.

4606 (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body
4607 shall arrange for the proposal to establish a planning advisory area to be submitted to voters
4608 residing within the proposed planning advisory area at the next regular general election that is
4609 more than 90 days after the public hearing.

4610 (j) A planning advisory area is established at the time of the canvass of the results of an
4611 election under Subsection (1)(i) if the canvass indicates that a majority of voters voting on the
4612 proposal to establish a planning advisory area voted in favor of the proposal.

4613 (k) An area that is an established township before May 12, 2015:

4614 (i) is, as of May 12, 2015, a planning advisory area; and

4615 (ii) (A) shall change its name, if applicable, to no longer include the word "township";

4616 and

4617 (B) may use the word "planning advisory area" in its name.

4618 (2) The county legislative body may:

4619 (a) assign to the countywide planning commission the duties established in this part
4620 that would have been assumed by a planning advisory area planning commission designated
4621 under Subsection (2)(b); or

4622 (b) designate and appoint a planning commission for the planning advisory area.

4623 (3) (a) An area within the boundary of a planning advisory area may be withdrawn
4624 from the planning advisory area as provided in this Subsection (3) or in accordance with
4625 Subsection (5)(a).

4626 (b) The process to withdraw an area from a planning advisory area is initiated by the
4627 filing of a petition with the clerk of the county in which the planning advisory area is located.

4628 (c) A petition under Subsection (3)(b) shall:

4629 (i) be signed by the owners of private real property that:

4630 (A) is located within the area proposed to be withdrawn from the planning advisory
4631 area;

4632 (B) covers at least 50% of the total private land area within the area proposed to be
4633 withdrawn from the planning advisory area; and

4634 (C) is equal in value to at least 33% of the value of all private real property within the
4635 area proposed to be withdrawn from the planning advisory area;

4636 (ii) state the reason or reasons for the proposed withdrawal;

4637 (iii) be accompanied by an accurate plat or map showing the boundary of the
4638 contiguous area proposed to be withdrawn from the planning advisory area;

4639 (iv) indicate the typed or printed name and current residence address of each owner
4640 signing the petition;

4641 (v) designate up to five signers of the petition as petition sponsors, one of whom shall
4642 be designated as the contact sponsor, with the mailing address and telephone number of each
4643 petition sponsor;

4644 (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
4645 petition for purposes of the petition; and

4646 (vii) request the county legislative body to withdraw the area from the planning

4647 advisory area.

4648 (d) Subsection 10-2a-102(3) applies to a petition to withdraw an area from a planning
4649 advisory area to the same extent as if it were an incorporation petition under Title 10, Chapter
4650 2a, Municipal Incorporation.

4651 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county
4652 clerk shall:

4653 (A) with the assistance of other county officers from whom the clerk requests
4654 assistance, determine whether the petition complies with the requirements of Subsection (3)(c);
4655 and

4656 (B) (I) if the clerk determines that the petition complies with the requirements of
4657 Subsection (3)(c):

4658 (Aa) certify the petition and deliver the certified petition to the county legislative body;
4659 and

4660 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

4661 (II) if the clerk determines that the petition fails to comply with any of the requirements
4662 of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection
4663 and the reasons for the rejection.

4664 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition
4665 may be amended to correct the deficiencies for which it was rejected and then refiled with the
4666 county clerk.

4667 (f) (i) Within 60 days after a petition to withdraw an area from a planning advisory area
4668 is certified, the county legislative body shall hold a public hearing on the proposal to withdraw
4669 the area from the planning advisory area.

4670 (ii) A public hearing under Subsection (3)(f)(i) shall be held:

4671 (A) within the area proposed to be withdrawn from the planning advisory area; or

4672 (B) if holding a public hearing in that area is not practicable, as close to that area as
4673 practicable.

4674 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative
4675 body shall ~~publish notice of the petition and the time, date, and place of the public~~
4676 ~~hearing [on the Utah Public Notice Website created in Section 63A-16-601, for three~~
4677 ~~consecutive weeks; and] within the area proposed to be withdrawn as a class C notice under~~

4678 Section 63G-28-102 at least three weeks before the date of the hearing.

4679 ~~[(B) mail a notice of the petition and the time, date, and place of the public hearing to~~
4680 ~~each owner of private real property within the area proposed to be withdrawn.]~~

4681 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county
4682 legislative body shall make a written decision on the proposal to withdraw the area from the
4683 planning advisory area.

4684 (ii) In making its decision as to whether to withdraw the area from the planning
4685 advisory area, the county legislative body shall consider:

4686 (A) whether the withdrawal would leave the remaining planning advisory area in a
4687 situation where the future incorporation of an area within the planning advisory area or the
4688 annexation of an area within the planning advisory area to an adjoining municipality would be
4689 economically or practically not feasible;

4690 (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn
4691 area:

4692 (I) whether the proposed subsequent incorporation or withdrawal:

4693 (Aa) will leave or create an unincorporated island or peninsula; or

4694 (Bb) will leave the county with an area within its unincorporated area for which the
4695 cost, requirements, or other burdens of providing municipal services would materially increase
4696 over previous years; and

4697 (II) whether the municipality to be created or the municipality into which the
4698 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of
4699 providing service to the withdrawn area that the county will no longer provide due to the
4700 incorporation or annexation;

4701 (C) the effects of a withdrawal on adjoining property owners, existing or projected
4702 county streets or other public improvements, law enforcement, and zoning and other municipal
4703 services provided by the county; and

4704 (D) whether justice and equity favor the withdrawal.

4705 (h) Upon the written decision of the county legislative body approving the withdrawal
4706 of an area from a planning advisory area, the area is withdrawn from the planning advisory area
4707 and the planning advisory area continues as a planning advisory area with a boundary that
4708 excludes the withdrawn area.

4709 (4) (a) A planning advisory area may be dissolved as provided in this Subsection (4).
4710 (b) The process to dissolve a planning advisory area is initiated by the filing of a
4711 petition with the clerk of the county in which the planning advisory area is located.
4712 (c) A petition under Subsection (4)(b) shall:
4713 (i) be signed by registered voters within the planning advisory area equal in number to
4714 at least 25% of all votes cast by voters within the planning advisory area at the last
4715 congressional election;
4716 (ii) state the reason or reasons for the proposed dissolution;
4717 (iii) indicate the typed or printed name and current residence address of each person
4718 signing the petition;
4719 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
4720 be designated as the contact sponsor, with the mailing address and telephone number of each
4721 petition sponsor;
4722 (v) authorize the petition sponsors to act on behalf of all persons signing the petition
4723 for purposes of the petition; and
4724 (vi) request the county legislative body to provide notice of the petition and of a public
4725 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the planning
4726 advisory area.
4727 (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county
4728 clerk shall:
4729 (A) with the assistance of other county officers from whom the clerk requests
4730 assistance, determine whether the petition complies with the requirements of Subsection (4)(c);
4731 and
4732 (B) (I) if the clerk determines that the petition complies with the requirements of
4733 Subsection (4)(c):
4734 (Aa) certify the petition and deliver the certified petition to the county legislative body;
4735 and
4736 (Bb) mail or deliver written notification of the certification to the contact sponsor; or
4737 (II) if the clerk determines that the petition fails to comply with any of the requirements
4738 of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection
4739 and the reasons for the rejection.

4740 (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition
4741 may be amended to correct the deficiencies for which it was rejected and then refiled with the
4742 county clerk.

4743 (e) (i) Within 60 days after a petition to dissolve the planning advisory area is certified,
4744 the county legislative body shall hold a public hearing on the proposal to dissolve the planning
4745 advisory area.

4746 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

4747 (A) within the boundary of the planning advisory area; or

4748 (B) if holding a public hearing in that area is not practicable, as close to that area as
4749 practicable.

4750 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative
4751 body shall publish notice of the petition and the time, date, and place of the public hearing [~~on~~
4752 ~~the Utah Public Notice Website created in Section 63A-16-601,~~] within the county as a class A
4753 notice under Section 63G-28-102 for three consecutive weeks immediately before the public
4754 hearing.

4755 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body
4756 shall arrange for the proposal to dissolve the planning advisory area to be submitted to voters
4757 residing within the planning advisory area at the next regular general election that is more than
4758 90 days after the public hearing.

4759 (g) A planning advisory area is dissolved at the time of the canvass of the results of an
4760 election under Subsection (4)(f) if the canvass indicates that a majority of voters voting on the
4761 proposal to dissolve the planning advisory area voted in favor of the proposal.

4762 (5) (a) If a portion of an area located within a planning advisory area is annexed by a
4763 municipality or incorporates, that portion is withdrawn from the planning advisory area.

4764 (b) If a planning advisory area in whole is annexed by a municipality or incorporates,
4765 the planning advisory area is dissolved.

4766 Section 90. Section ~~17-27a-404~~ is amended to read:

4767 **17-27a-404. Public hearing by planning commission on proposed general plan or**
4768 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
4769 **by legislative body.**

4770 (1) (a) After completing the planning commission's recommendation for a proposed

4771 general plan, or proposal to amend the general plan, the planning commission shall schedule
4772 and hold a public hearing on the proposed plan or amendment.

4773 (b) The planning commission shall provide notice of the public hearing~~[, as required by~~
4774 ~~Section 17-27a-204.]~~ within the county as a class A notice under Section 63G-28-102 at least
4775 10 calendar days before the day of the public hearing.

4776 (c) After the public hearing, the planning commission may modify the proposed
4777 general plan or amendment.

4778 (2) The planning commission shall forward the proposed general plan or amendment to
4779 the legislative body.

4780 (3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body
4781 shall provide notice of the legislative body's intent to consider the general plan proposal.

4782 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative
4783 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan
4784 regarding Subsection 17-27a-401(4). The hearing procedure shall comply with this Subsection
4785 (3)(b).

4786 (ii) The hearing format shall allow adequate time for public comment at the actual
4787 public hearing, and shall also allow for public comment in writing to be submitted to the
4788 legislative body for not fewer than 90 days after the date of the public hearing.

4789 (c) (i) The legislative body shall give notice of the hearing in accordance with this
4790 Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(4) are
4791 complete.

4792 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of
4793 the state Legislature, executive director of the Department of Environmental Quality, the state
4794 planning coordinator, the Resource Development Coordinating Committee, and any other
4795 citizens or entities who specifically request notice in writing.

4796 (iii) Public notice shall be given ~~[by publication on the Utah Public Notice Website~~
4797 ~~created in Section 63A-16-601]~~ within the county as a class A notice under Section
4798 63G-28-102.

4799 (iv) The notice shall be published to allow reasonable time for interested parties and
4800 the state to evaluate the information regarding Subsection 17-27a-401(4), including publication
4801 described in Subsection (3)(c)(iii) for 180 days before the date of the hearing to be held under

4802 this Subsection (3).

4803 (4) (a) After the public hearing required under this section, the legislative body may
4804 adopt, reject, or make any revisions to the proposed general plan that the legislative body
4805 considers appropriate.

4806 (b) The legislative body shall respond in writing and in a substantive manner to all
4807 those providing comments as a result of the hearing required by Subsection (3).

4808 (c) If the county legislative body rejects the proposed general plan or amendment, the
4809 legislative body may provide suggestions to the planning commission for the planning
4810 commission's review and recommendation.

4811 (5) The legislative body shall adopt:

4812 (a) a land use element as provided in Subsection [17-27a-403\(2\)\(a\)\(i\)](#);

4813 (b) a transportation and traffic circulation element as provided in Subsection
4814 [17-27a-403\(2\)\(a\)\(ii\)](#);

4815 (c) for a specified county as defined in Section [17-27a-408](#), a moderate income housing
4816 element as provided in Subsection [17-27a-403\(2\)\(a\)\(iii\)](#);

4817 (d) a resource management plan as provided by Subsection [17-27a-403\(2\)\(a\)\(iv\)](#); and

4818 (e) on or before December 31, 2025, a water use and preservation element as provided
4819 in Subsection [17-27a-403\(2\)\(a\)\(v\)](#).

4820 Section 91. Section **17-36-12** is amended to read:

4821 **17-36-12. Notice of budget hearing.**

4822 (1) The governing body shall determine the time and place for the public hearing on the
4823 adoption of the budget.

4824 (2) Notice of such hearing shall be published[:]
4825 within the county as a class A notice under Section [63G-28-102](#) at least seven days before the day of the hearing.

4826 [~~(a) (i) at least seven days before the hearing in at least one newspaper of general
4827 circulation within the county, if there is such a paper; or]~~

4828 [~~(ii) if there is no newspaper as described in Subsection (2)(a)(i), by posting notice in
4829 three conspicuous places within the county seven days before the hearing;]~~

4830 [~~(b) on the Utah Public Notice Website created in Section [63A-16-601](#), for seven days
4831 before the hearing; and]~~

4832 [~~(c) on the home page of the county's website, either in full or as a link, if the county~~

4833 ~~has a publicly viewable website, beginning at least seven days before the hearing and until the~~
 4834 ~~hearing takes place.]~~

4835 Section 92. Section **17-36-26** is amended to read:

4836 **17-36-26. Increase in budgetary fund or county general fund -- Public hearing --**
 4837 **Notice.**

4838 (1) Before the governing body may, by resolution, increase a budget appropriation of
 4839 any budgetary fund, increase the budget of the county general fund, or make an amendment to a
 4840 budgetary fund or the county general fund, the governing body shall hold a public hearing
 4841 giving all interested parties an opportunity to be heard.

4842 (2) Notice of the public hearing described in Subsection (1) shall be published within
 4843 the county as a class A notice under Section [63G-28-102](#) at least five days before the day of the
 4844 hearing[~~†~~].

4845 ~~[(a) (i) in at least one issue of a newspaper generally circulated in the county; or]~~

4846 ~~[(ii) if there is not a newspaper generally circulated in the county, the hearing may be~~
 4847 ~~published by posting notice in three conspicuous places within the county;]~~

4848 ~~[(b) on the Utah Public Notice Website created under Section [63A-16-601](#); and]~~

4849 ~~[(c) on the home page of the county's website, either in full or as a link, if the county~~
 4850 ~~has a publicly viewable website, until the hearing takes place.]~~

4851 Section 93. Section **17-41-302** is amended to read:

4852 **17-41-302. Notice of proposal for creation of protection area -- Responses.**

4853 (1) (a) An applicable legislative body shall provide notice of the proposal ~~[by:]~~ as a
 4854 class C notice under Section [63G-28-102](#).

4855 ~~[(a)]~~ (b) ~~[posting notice on the Utah Public Notice Website created in Section~~
 4856 [63A-16-601](#); A legislative body shall provide the notice described in Subsection (1)(a) within
 4857 the geographic boundaries of the proposed agriculture protection area, industrial protection
 4858 area, or critical infrastructure materials protection area, and within the area that extends 1,000
 4859 feet beyond the geographic boundaries of the proposed agriculture protection area, industrial
 4860 protection area, or critical infrastructure materials protection area.

4861 ~~[(b) posting notice at five public places, designated by the county or municipal~~
 4862 ~~legislative body, within or near the proposed agriculture protection area, industrial protection~~
 4863 ~~area, or critical infrastructure materials protection area, and]~~

4864 ~~[(c) mailing written notice to each owner of land within 1,000 feet of the land proposed~~
4865 ~~for inclusion within an agriculture protection area, industrial protection area, or critical~~
4866 ~~infrastructure materials protection area.]~~

4867 (2) The notice shall contain:

4868 (a) a statement that a proposal for the creation of an agriculture protection area,
4869 industrial protection area, or critical infrastructure materials protection area has been filed with
4870 the applicable legislative body;

4871 (b) a statement that the proposal will be open to public inspection in the office of the
4872 applicable legislative body;

4873 (c) a statement that any person affected by the establishment of the area may, within 15
4874 days of the date of the notice, file with the applicable legislative body:

4875 (i) written objections to the proposal; or

4876 (ii) a written request to modify the proposal to exclude land from or add land to the
4877 proposed protection area;

4878 (d) a statement that the applicable legislative body will submit the proposal to the
4879 advisory committee and to the planning commission for review and recommendations;

4880 (e) a statement that the applicable legislative body will hold a public hearing to discuss
4881 and hear public comment on:

4882 (i) the proposal to create the agriculture protection area, industrial protection area, or
4883 critical infrastructure materials protection area;

4884 (ii) the recommendations of the advisory committee and planning commission; and

4885 (iii) any requests for modification of the proposal and any objections to the proposal;

4886 and

4887 (f) a statement indicating the date, time, and place of the public hearing.

4888 (3) (a) A person wishing to modify the proposal for the creation of the agriculture
4889 protection area, industrial protection area, or critical infrastructure materials protection area
4890 shall, within 15 days after the date of the notice, file a written request for modification of the
4891 proposal, which identifies specifically the land that should be added to or removed from the
4892 proposal.

4893 (b) A person wishing to object to the proposal for the creation of the agriculture
4894 protection area, industrial protection area, or critical infrastructure materials protection area

4895 shall, within 15 days after the date of the notice, file a written objection to the creation of the
4896 relevant protection area.

4897 Section 94. Section **17-41-304** is amended to read:

4898 **17-41-304. Public hearing -- Notice -- Review and action on proposal.**

4899 (1) After receipt of the written reports from the advisory committee and planning
4900 commission, or after the 45 days have expired, whichever is earlier, the county or municipal
4901 legislative body shall:

4902 (a) schedule a public hearing;

4903 (b) provide notice of the public hearing [by:] within the geographic area described in
4904 Subsection [17-41-302\(1\)\(b\)](#) as a class C notice under Section [63G-28-102](#); and

4905 ~~[(i) posting notice on the Utah Public Notice Website created in Section [63A-16-601](#)];~~

4906 ~~[(ii) posting notice at five public places, designated by the applicable legislative body,~~
4907 ~~within or near the proposed agriculture protection area, industrial protection area, or critical~~
4908 ~~infrastructure materials protection area; and]~~

4909 ~~[(iii) mailing written notice to each owner of land within 1,000 feet of the land~~
4910 ~~proposed for inclusion within an agriculture protection area, industrial protection area, or~~
4911 ~~critical infrastructure materials protection area; and]~~

4912 (c) ensure that the notice includes:

4913 (i) the time, date, and place of the public hearing on the proposal;

4914 (ii) a description of the proposed agriculture protection area, industrial protection area,
4915 or critical infrastructure materials protection area;

4916 (iii) any proposed modifications to the proposed agriculture protection area, industrial
4917 protection area, or critical infrastructure materials protection area;

4918 (iv) a summary of the recommendations of the advisory committee and planning
4919 commission; and

4920 (v) a statement that interested persons may appear at the public hearing and speak in
4921 favor of or against the proposal, any proposed modifications to the proposal, or the
4922 recommendations of the advisory committee and planning commission.

4923 (2) The applicable legislative body shall:

4924 (a) convene the public hearing at the time, date, and place specified in the notice; and

4925 (b) take oral or written testimony from interested persons.

4926 (3) (a) Within 120 days of the submission of the proposal, the applicable legislative
4927 body shall approve, modify and approve, or reject the proposal.

4928 (b) The creation of an agriculture protection area, industrial protection area, or critical
4929 infrastructure materials protection area is effective at the earlier of:

4930 (i) the applicable legislative body's approval of a proposal or modified proposal; or

4931 (ii) 120 days after submission of a proposal complying with Subsection 17-41-301(2) if
4932 the applicable legislative body has failed to approve or reject the proposal within that time.

4933 (c) Notwithstanding Subsection (3)(b), a critical infrastructure materials protection area
4934 is effective only if the applicable legislative body, at its discretion, approves a proposal or
4935 modified proposal.

4936 (4) (a) To give constructive notice of the existence of the agriculture protection area,
4937 industrial protection area, or critical infrastructure materials protection area to all persons who
4938 have, may acquire, or may seek to acquire an interest in land in or adjacent to the relevant
4939 protection area within 10 days of the creation of the relevant protection area, the applicable
4940 legislative body shall file an executed document containing a legal description of the relevant
4941 protection area with:

4942 (i) the county recorder of deeds; and

4943 (ii) the affected planning commission.

4944 (b) If the legal description of the property to be included in the relevant protection area
4945 is available through the county recorder's office, the applicable legislative body shall use that
4946 legal description in its executed document required in Subsection (4)(a).

4947 (5) Within 10 days of the recording of the agriculture protection area, the applicable
4948 legislative body shall:

4949 (a) send written notification to the commissioner of agriculture and food that the
4950 agriculture protection area has been created; and

4951 (b) include in the notification:

4952 (i) the number of landowners owning land within the agriculture protection area;

4953 (ii) the total acreage of the area;

4954 (iii) the date of approval of the area; and

4955 (iv) the date of recording.

4956 (6) The applicable legislative body's failure to record the notice required under

4957 Subsection (4) or to send the written notification under Subsection (5) does not invalidate the
4958 creation of an agriculture protection area.

4959 (7) The applicable legislative body may consider the cost of recording notice under
4960 Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee
4961 under Subsection [17-41-301\(4\)\(b\)](#).

4962 Section 95. Section **17-41-405** is amended to read:

4963 **17-41-405. Eminent domain restrictions -- Notice of hearing.**

4964 (1) A political subdivision having or exercising eminent domain powers may not
4965 condemn for any purpose any land within an agriculture protection area that is being used for
4966 agricultural production, land within an industrial protection area that is being put to an
4967 industrial use, or land within a critical infrastructure materials protection area, unless the
4968 political subdivision obtains approval, according to the procedures and requirements of this
4969 section, from the applicable legislative body and the advisory board.

4970 (2) Any condemnor wishing to condemn property within an agriculture protection area,
4971 industrial protection area, or critical infrastructure materials protection area shall file a notice
4972 of condemnation with the applicable legislative body and the relevant protection area's advisory
4973 board at least 30 days before filing an eminent domain complaint.

4974 (3) The applicable legislative body and the advisory board shall:

4975 (a) hold a joint public hearing on the proposed condemnation at a location within the
4976 county in which the relevant protection area is located; and

4977 (b) post notice of the time, date, place, and purpose of the public hearing~~[:]~~ within or
4978 near the relevant protection area as a class A notice under Section [63G-28-102](#).

4979 ~~[(i) on the Utah Public Notice Website created in Section [63A-16-601](#); and]~~

4980 ~~[(ii) in five conspicuous public places, designated by the applicable legislative body,~~
4981 ~~within or near the relevant protection area.]~~

4982 (4) (a) If the condemnation is for highway purposes or for the disposal of solid or
4983 liquid waste materials, the applicable legislative body and the advisory board may approve the
4984 condemnation only if there is no reasonable and prudent alternative to the use of the land
4985 within the agriculture protection area, industrial protection area, or critical infrastructure
4986 materials protection area for the project.

4987 (b) If the condemnation is for any other purpose, the applicable legislative body and the

4988 advisory board may approve the condemnation only if:

4989 (i) the proposed condemnation would not have an unreasonably adverse effect upon the
4990 preservation and enhancement of:

4991 (A) agriculture within the agriculture protection area;

4992 (B) the industrial use within the industrial protection area; or

4993 (C) critical infrastructure materials operations within the critical infrastructure
4994 materials protection area; or

4995 (ii) there is no reasonable and prudent alternative to the use of the land within the
4996 relevant protection area for the project.

4997 (5) (a) Within 60 days after receipt of the notice of condemnation, the applicable
4998 legislative body and the advisory board shall approve or reject the proposed condemnation.

4999 (b) If the applicable legislative body and the advisory board fail to act within the 60
5000 days or such further time as the applicable legislative body establishes, the condemnation shall
5001 be considered rejected.

5002 (6) The applicable legislative body or the advisory board may request the county or
5003 municipal attorney to bring an action to enjoin any condemnor from violating any provisions of
5004 this section.

5005 Section 96. Section **17-50-303** is amended to read:

5006 **17-50-303. County may not give or lend credit -- County may borrow in**
5007 **anticipation of revenues -- Assistance to nonprofit and private entities -- Notice**
5008 **requirements.**

5009 (1) A county may not give or lend its credit to or in aid of any person or corporation,
5010 or, except as provided in Subsection (3), appropriate money in aid of any private enterprise.

5011 (2) (a) A county may borrow money in anticipation of the collection of taxes and other
5012 county revenues in the manner and subject to the conditions of Title 11, Chapter 14, Local
5013 Government Bonding Act.

5014 (b) A county may incur indebtedness under Subsection (2)(a) for any purpose for which
5015 funds of the county may be expended.

5016 (3) (a) A county may appropriate money to or provide nonmonetary assistance to a
5017 nonprofit entity, or waive fees required to be paid by a nonprofit entity, if, in the judgment of
5018 the county legislative body, the assistance contributes to the safety, health, prosperity, moral

5019 well-being, peace, order, comfort, or convenience of county residents.

5020 (b) A county may appropriate money to a nonprofit entity from the county's own funds
5021 or from funds the county receives from the state or any other source.

5022 (4) (a) As used in this Subsection (4):

5023 (i) "Private enterprise" means a person that engages in an activity for profit.

5024 (ii) "Project" means an activity engaged in by a private enterprise.

5025 (b) A county may appropriate money in aid of a private enterprise project if:

5026 (i) subject to Subsection (4)(c), the county receives value in return for the money
5027 appropriated; and

5028 (ii) in the judgment of the county legislative body, the private enterprise project
5029 provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or
5030 convenience of the county residents.

5031 (c) The county shall measure the net value received by the county for money
5032 appropriated by the county to a private entity on a project-by-project basis over the life of the
5033 project.

5034 (d) (i) Before a county legislative body may appropriate funds in aid of a private
5035 enterprise project under this Subsection (4), the county legislative body shall:

5036 (A) adopt by ordinance criteria to determine what value, if any, the county will receive
5037 in return for money appropriated under this Subsection (4);

5038 (B) conduct a study as described in Subsection (4)(e) on the proposed appropriation
5039 and private enterprise project; and

5040 (C) post notice, subject to Subsection (4)(f), and hold a public hearing on the proposed
5041 appropriation and the private enterprise project.

5042 (ii) The county legislative body may consider an intangible benefit as a value received
5043 by the county.

5044 (e) (i) Before publishing or posting notice in accordance with Subsection (4)(f), the
5045 county shall study:

5046 (A) any value the county will receive in return for money or resources appropriated to a
5047 private entity;

5048 (B) the county's purpose for the appropriation, including an analysis of the way the
5049 appropriation will be used to enhance the safety, health, prosperity, moral well-being, peace,

5050 order, comfort, or convenience of the county residents; and

5051 (C) whether the appropriation is necessary and appropriate to accomplish the
5052 reasonable goals and objectives of the county in the area of economic development, job
5053 creation, affordable housing, elimination of a development impediment, as defined in Section
5054 [17C-1-102](#), job preservation, the preservation of historic structures, analyzing and improving
5055 county government structure or property, or any other public purpose.

5056 (ii) The county shall:

5057 (A) prepare a written report of the results of the study; and

5058 (B) make the report available to the public at least 14 days immediately prior to the
5059 scheduled day of the public hearing described in Subsection (4)(d)(i)(C).

5060 (f) The county shall publish notice of the public hearing required in Subsection
5061 (4)(d)(i)(C)[?] within the county as a class A notice under Section [63G-28-102](#) at least 14 days
5062 before the day of the public hearing.

5063 [~~(i) in a newspaper of general circulation at least 14 days before the date of the hearing~~
5064 ~~or, if there is no newspaper of general circulation, by posting notice in at least three~~
5065 ~~conspicuous places within the county for the same time period; and]~~

5066 [~~(ii) on the Utah Public Notice Website created in Section [63A-16-601](#), at least 14 days~~
5067 ~~before the date of the hearing.~~]

5068 (g) (i) A person may appeal the decision of the county legislative body to appropriate
5069 funds under this Subsection (4).

5070 (ii) A person shall file an appeal with the district court within 30 days after the day on
5071 which the legislative body adopts an ordinance or approves a budget to appropriate the funds.

5072 (iii) A court shall:

5073 (A) presume that an ordinance adopted or appropriation made under this Subsection (4)
5074 is valid; and

5075 (B) determine only whether the ordinance or appropriation is arbitrary, capricious, or
5076 illegal.

5077 (iv) A determination of illegality requires a determination that the decision or
5078 ordinance violates a law, statute, or ordinance in effect at the time the decision was made or the
5079 ordinance was adopted.

5080 (v) The district court's review is limited to:

5081 (A) a review of the criteria adopted by the county legislative body under Subsection
5082 (4)(d)(i)(A);

5083 (B) the record created by the county legislative body at the public hearing described in
5084 Subsection (4)(d)(i)(C); and

5085 (C) the record created by the county in preparation of the study and the study itself as
5086 described in Subsection (4)(e).

5087 (vi) If there is no record, the court may call witnesses and take evidence.

5088 (h) This section applies only to an appropriation not otherwise approved in accordance
5089 with Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties.

5090 Section 97. Section **17B-1-106** is amended to read:

5091 **17B-1-106. Notice before preparing or amending a long-range plan or acquiring**
5092 **certain property.**

5093 (1) As used in this section:

5094 (a) (i) "Affected entity" means each county, municipality, local district under this title,
5095 special service district, school district, interlocal cooperation entity established under Title 11,
5096 Chapter 13, Interlocal Cooperation Act, and specified public utility:

5097 (A) whose services or facilities are likely to require expansion or significant
5098 modification because of an intended use of land; or

5099 (B) that has filed with the local district a copy of the general or long-range plan of the
5100 county, municipality, local district, school district, interlocal cooperation entity, or specified
5101 public utility.

5102 (ii) "Affected entity" does not include the local district that is required under this
5103 section to provide notice.

5104 (b) "Specified public utility" means an electrical corporation, gas corporation, or
5105 telephone corporation, as those terms are defined in Section [54-2-1](#).

5106 (2) (a) If a local district under this title located in a county of the first or second class
5107 prepares a long-range plan regarding the local district's facilities proposed for the future or
5108 amends an already existing long-range plan, the local district shall, before preparing a
5109 long-range plan or amendments to an existing long-range plan, provide written notice, as
5110 provided in this section, of the local district's intent to prepare a long-range plan or to amend an
5111 existing long-range plan.

5112 (b) Each notice under Subsection (2)(a) shall:
5113 (i) indicate that the local district intends to prepare a long-range plan or to amend a
5114 long-range plan, as the case may be;
5115 (ii) describe or provide a map of the geographic area that will be affected by the
5116 long-range plan or amendments to a long-range plan;
5117 (iii) be:
5118 (A) sent to each county in whose unincorporated area and each municipality in whose
5119 boundaries is located the land on which the proposed long-range plan or amendments to a
5120 long-range plan are expected to indicate that the proposed facilities will be located;
5121 (B) sent to each affected entity;
5122 (C) sent to the Utah Geospatial Resource Center created in Section [63A-16-505](#);
5123 (D) sent to each association of governments, established pursuant to an interlocal
5124 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or
5125 municipality described in Subsection (2)(b)(iii)(A) is a member; and
5126 ~~[(E) (I) placed on the Utah Public Notice Website created under Section [63A-16-601](#), if~~
5127 ~~the local district:]~~
5128 ~~[(Aa) is required under Subsection [52-4-203](#)(3) to use that website to provide public~~
5129 ~~notice of a meeting; or]~~
5130 ~~[(Bb) voluntarily chooses to place notice on that website despite not being required to~~
5131 ~~do so under Subsection (2)(b)(iii)(E)(I)(Aa); or]~~
5132 ~~[(H) the state planning coordinator appointed under Section [63J-4-401](#), if the local~~
5133 ~~district does not provide notice on the Utah Public Notice Website under Subsection~~
5134 ~~(2)(b)(iii)(E)(I);]~~
5135 (E) published within the local district as a class A notice under Section [63G-28-102](#);
5136 (iv) with respect to the notice to counties and municipalities described in Subsection
5137 (2)(b)(iii)(A) and affected entities, invite them to provide information for the local district to
5138 consider in the process of preparing, adopting, and implementing the long-range plan or
5139 amendments to a long-range plan concerning:
5140 (A) impacts that the use of land proposed in the proposed long-range plan or
5141 amendments to a long-range plan may have on the county, municipality, or affected entity; and
5142 (B) uses of land that the county, municipality, or affected entity is planning or

5143 considering that may conflict with the proposed long-range plan or amendments to a long-range
5144 plan; and

5145 (v) include the address of an Internet website, if the local district has one, and the name
5146 and telephone number of an individual where more information can be obtained concerning the
5147 local district's proposed long-range plan or amendments to a long-range plan.

5148 (3) (a) Except as provided in Subsection (3)(d), each local district intending to acquire
5149 real property in a county of the first or second class for the purpose of expanding the local
5150 district's infrastructure or other facilities used for providing the services that the local district is
5151 authorized to provide shall provide written notice, as provided in this Subsection (3), of the
5152 local district's intent to acquire the property if the intended use of the property is contrary to:

5153 (i) the anticipated use of the property under the county or municipality's general plan;
5154 or

5155 (ii) the property's current zoning designation.

5156 (b) Each notice under Subsection (3)(a) shall:

5157 (i) indicate that the local district intends to acquire real property;

5158 (ii) identify the real property; and

5159 (iii) be sent to:

5160 (A) each county in whose unincorporated area and each municipality in whose
5161 boundaries the property is located; and

5162 (B) each affected entity.

5163 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
5164 [63G-2-305\(8\)](#).

5165 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the local district
5166 previously provided notice under Subsection (2) identifying the general location within the
5167 municipality or unincorporated part of the county where the property to be acquired is located.

5168 (ii) If a local district is not required to comply with the notice requirement of
5169 Subsection (3)(a) because of application of Subsection (3)(d)(i), the local district shall provide
5170 the notice specified in Subsection (3)(a) as soon as practicable after the local district's
5171 acquisition of the real property.

5172 Section 98. Section **17B-1-111** is amended to read:

5173 **17B-1-111. Impact fee resolution -- Notice and hearing requirements.**

5174 (1) (a) If a local district wishes to impose impact fees, the board of trustees of the local
5175 district shall:

5176 (i) prepare a proposed impact fee resolution that meets the requirements of Title 11,
5177 Chapter 36a, Impact Fees Act;

5178 (ii) make a copy of the impact fee resolution available to the public at least 14 days
5179 before the date of the public hearing and hold a public hearing on the proposed impact fee
5180 resolution; and

5181 (iii) provide reasonable notice of the public hearing within the boundaries of the local
5182 district as a class A notice under Section [63G-28-102](#) at least 14 days before the date of the
5183 hearing.

5184 (b) After the public hearing, the board of trustees may:

5185 (i) adopt the impact fee resolution as proposed;

5186 (ii) amend the impact fee resolution and adopt or reject it as amended; or

5187 (iii) reject the resolution.

5188 [~~(2) A local district meets the requirements of reasonable notice required by this~~
5189 ~~section if it:]~~

5190 [~~(a) posts notice of the hearing or meeting in at least three public places within the~~
5191 ~~jurisdiction; or]~~

5192 [~~(b) gives actual notice of the hearing or meeting.]~~

5193 [~~(3)~~] (2) The local district's board of trustees may enact a resolution establishing
5194 stricter notice requirements than those required by this section.

5195 [~~(4)~~] (3) (a) Proof that [~~one of the two forms of~~] notice required by this section was
5196 given is prima facie evidence that notice was properly given.

5197 (b) If notice given under authority of this section is not challenged within 30 days from
5198 the date of the meeting for which the notice was given, the notice is considered adequate and
5199 proper.

5200 Section 99. Section **17B-1-211** is amended to read:

5201 **17B-1-211. Notice of public hearings -- Publication of resolution.**

5202 (1) Before holding a public hearing or set of public hearings under Section [17B-1-210](#),
5203 the legislative body of each county or municipality with which a request is filed or that adopts a
5204 resolution under Subsection [17B-1-203](#)(1)(d) and the board of trustees of each local district

5205 that adopts a resolution under Subsection [17B-1-203\(1\)\(e\)](#) shall~~[:]~~ publish notice within the
 5206 proposed local district as a class C notice under Section [63G-28-102](#) at least two weeks before
 5207 the day of the hearing or the first of the set of hearings.

5208 ~~[(a) (i) in accordance with Subsection (2), post at least one notice per 1,000 population~~
 5209 ~~of the applicable area and at places within the area that are most likely to provide actual notice~~
 5210 ~~to residents of the area; and]~~

5211 ~~[(ii) publish notice on the Utah Public Notice Website created in Section [63A-16-601](#),~~
 5212 ~~for two weeks before the hearing or the first of the set of hearings; or]~~

5213 ~~[(b) mail a notice to each registered voter residing within and each owner of real~~
 5214 ~~property located within the proposed local district.]~~

5215 (2) Each notice required under Subsection (1) shall:

5216 (a) if the hearing or set of hearings is concerning a resolution:

5217 (i) contain the entire text or an accurate summary of the resolution; and

5218 (ii) state the deadline for filing a protest against the creation of the proposed local
 5219 district;

5220 (b) clearly identify each governing body involved in the hearing or set of hearings;

5221 (c) state the date, time, and place for the hearing or set of hearings and the purposes for
 5222 the hearing or set of hearings; and

5223 (d) describe or include a map of the entire proposed local district.

5224 (3) County or municipal legislative bodies may jointly provide the notice required
 5225 under this section if all the requirements of this section are met as to each notice.

5226 Section 100. Section **17B-1-304** is amended to read:

5227 **17B-1-304. Appointment procedures for appointed members -- Notice of vacancy.**

5228 (1) The appointing authority may, by resolution, appoint persons to serve as members
 5229 of a local district board by following the procedures established by this section.

5230 (2) (a) In any calendar year when appointment of a new local district board member is
 5231 required, the appointing authority shall prepare a notice of vacancy that contains:

5232 (i) the positions that are vacant that shall be filled by appointment;

5233 (ii) the qualifications required to be appointed to those positions;

5234 (iii) the procedures for appointment that the governing body will follow in making
 5235 those appointments; and

5236 (iv) the person to be contacted and any deadlines that a person shall meet who wishes
5237 to be considered for appointment to those positions.

5238 (b) The appointing authority shall~~[:]~~ post the notice of vacancy within the local district
5239 as a class A notice under Section 63G-28-102 at least one month before the deadline for
5240 accepting nominees for appointment.

5241 ~~[(i) post the notice of vacancy in four public places within the local district at least one~~
5242 ~~month before the deadline for accepting nominees for appointment; and]~~

5243 ~~[(ii) post the notice of vacancy on the Utah Public Notice Website, created in Section~~
5244 ~~63A-16-601, for five days before the deadline for accepting nominees for appointment.]~~

5245 (c) The appointing authority may bill the local district for the cost of preparing,
5246 printing, and publishing the notice.

5247 (3) (a) After the appointing authority is notified of a vacancy and has satisfied the
5248 requirements described in Subsection (2), the appointing authority shall select a person to fill
5249 the vacancy from the applicants who meet the qualifications established by law.

5250 (b) The appointing authority shall:

5251 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the
5252 appointment;

5253 (ii) allow any interested persons to be heard; and

5254 (iii) adopt a resolution appointing a person to the local district board.

5255 (c) If no candidate for appointment to fill the vacancy receives a majority vote of the
5256 appointing authority, the appointing authority shall select the appointee from the two top
5257 candidates by lot.

5258 (4) Persons appointed to serve as members of the local district board serve four-year
5259 terms, but may be removed for cause at any time after a hearing by two-thirds vote of the
5260 appointing body.

5261 (5) (a) At the end of each board member's term, the position is considered vacant, and,
5262 after following the appointment procedures established in this section, the appointing authority
5263 may either reappoint the incumbent board member or appoint a new member.

5264 (b) Notwithstanding Subsection (5)(a), a board member may continue to serve until a
5265 successor is elected or appointed and qualified in accordance with Subsection 17B-1-303(2)(b).

5266 (6) Notwithstanding any other provision of this section, if the appointing authority

5267 appoints one of its own members and that member meets all applicable statutory board member
5268 qualifications, the appointing authority need not comply with Subsection (2) or (3).

5269 Section 101. Section **17B-1-306** is amended to read:

5270 **17B-1-306. Local district board -- Election procedures -- Notice.**

5271 (1) Except as provided in Subsection (12), each elected board member shall be selected
5272 as provided in this section.

5273 (2) (a) Each election of a local district board member shall be held:

5274 (i) at the same time as the municipal general election or the regular general election, as
5275 applicable; and

5276 (ii) at polling places designated by the local district board in consultation with the
5277 county clerk for each county in which the local district is located, which polling places shall
5278 coincide with municipal general election or regular general election polling places, as
5279 applicable, whenever feasible.

5280 (b) The local district board, in consultation with the county clerk, may consolidate two
5281 or more polling places to enable voters from more than one district to vote at one consolidated
5282 polling place.

5283 (c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under
5284 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
5285 polling place per division of the district, designated by the district board.

5286 (ii) Each polling place designated by an irrigation district board under Subsection
5287 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection
5288 (2)(a)(ii).

5289 (3) The clerk of each local district with a board member position to be filled at the next
5290 municipal general election or regular general election, as applicable, shall provide notice of:

5291 (a) each elective position of the local district to be filled at the next municipal general
5292 election or regular general election, as applicable;

5293 (b) the constitutional and statutory qualifications for each position; and

5294 (c) the dates and times for filing a declaration of candidacy.

5295 (4) The clerk of the local district shall publish the notice described in Subsection (3)[:]
5296 within the local district as a class A notice under Section [63G-28-102](#) at least 10 days before
5297 the first day for filing a declaration of candidacy.

5298 ~~[(a) by posting the notice on the Utah Public Notice Website created in Section~~
5299 ~~63A-16-601, for 10 days before the first day for filing a declaration of candidacy;]~~

5300 ~~[(b) by posting the notice in at least five public places within the local district at least~~
5301 ~~10 days before the first day for filing a declaration of candidacy; and]~~

5302 ~~[(c) if the local district has a website, on the local district's website for 10 days before~~
5303 ~~the first day for filing a declaration of candidacy.]~~

5304 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective
5305 local district board position, an individual shall file a declaration of candidacy in person with
5306 an official designated by the local district within the candidate filing period for the applicable
5307 election year in which the election for the local district board is held and:

5308 (i) during the local district's standard office hours, if the standard office hours provide
5309 at least three consecutive office hours each day during the candidate filing period that is not a
5310 holiday or weekend; or

5311 (ii) if the standard office hours of a local district do not provide at least three
5312 consecutive office hours each day, a three-hour consecutive time period each day designated by
5313 the local district during the candidate filing period that is not a holiday or weekend.

5314 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the
5315 filing time shall be extended until the close of normal office hours on the following regular
5316 business day.

5317 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a
5318 declaration of candidacy with the official designated by the local district if:

5319 (i) the individual is located outside of the state during the entire filing period;

5320 (ii) the designated agent appears in person before the official designated by the local
5321 district; and

5322 (iii) the individual communicates with the official designated by the local district using
5323 an electronic device that allows the individual and official to see and hear each other.

5324 (d) (i) Before the filing officer may accept any declaration of candidacy from an
5325 individual, the filing officer shall:

5326 (A) read to the individual the constitutional and statutory qualification requirements for
5327 the office that the individual is seeking; and

5328 (B) require the individual to state whether the individual meets those requirements.

5329 (ii) If the individual does not meet the qualification requirements for the office, the
5330 filing officer may not accept the individual's declaration of candidacy.

5331 (iii) If it appears that the individual meets the requirements of candidacy, the filing
5332 officer shall accept the individual's declaration of candidacy.

5333 (e) The declaration of candidacy shall be in substantially the following form:

5334 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
5335 _____, City of _____, County of _____, state of Utah, (Zip
5336 Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the
5337 office of board of trustees member for _____ (state the name of the local
5338 district); that I am a candidate for that office to be voted upon at the next election; and that, if
5339 filing via a designated agent, I will be out of the state of Utah during the entire candidate filing
5340 period, and I hereby request that my name be printed upon the official ballot for that election.

5341 (Signed) _____

5342 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
5343 of _____, _____.

5344 (Signed) _____

5345 (Clerk or Notary Public)".

5346 (f) An agent designated under Subsection (5)(c) may not sign the form described in
5347 Subsection (5)(e).

5348 (g) Each individual wishing to become a valid write-in candidate for an elective local
5349 district board position is governed by Section [20A-9-601](#).

5350 (h) If at least one individual does not file a declaration of candidacy as required by this
5351 section, an individual shall be appointed to fill that board position in accordance with the
5352 appointment provisions of Section [20A-1-512](#).

5353 (i) If only one candidate files a declaration of candidacy and there is no write-in
5354 candidate who complies with Section [20A-9-601](#), the board, in accordance with Section
5355 [20A-1-206](#), may:

5356 (i) consider the candidate to be elected to the position; and

5357 (ii) cancel the election.

5358 (6) (a) A primary election may be held if:

5359 (i) the election is authorized by the local district board; and

5360 (ii) the number of candidates for a particular local board position or office exceeds
5361 twice the number of persons needed to fill that position or office.

5362 (b) The primary election shall be conducted:

5363 (i) on the same date as the municipal primary election or the regular primary election,
5364 as applicable; and

5365 (ii) according to the procedures for primary elections provided under Title 20A,
5366 Election Code.

5367 (7) (a) Except as provided in Subsection (7)(c), within one business day after the
5368 deadline for filing a declaration of candidacy, the local district clerk shall certify the candidate
5369 names to the clerk of each county in which the local district is located.

5370 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section
5371 [20A-6-305](#), the clerk of each county in which the local district is located and the local district
5372 clerk shall coordinate the placement of the name of each candidate for local district office in
5373 the nonpartisan section of the ballot with the appropriate election officer.

5374 (ii) If consolidation of the local district election ballot with the municipal general
5375 election ballot or the regular general election ballot, as applicable, is not feasible, the local
5376 district board of trustees, in consultation with the county clerk, shall provide for a separate
5377 local district election ballot to be administered by poll workers at polling places designated
5378 under Subsection (2).

5379 (c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board
5380 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

5381 (ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall
5382 prescribe the form of the ballot for each board member election.

5383 (B) Each ballot for an election of an irrigation district board member shall be in a
5384 nonpartisan format.

5385 (C) The name of each candidate shall be placed on the ballot in the order specified
5386 under Section [20A-6-305](#).

5387 (8) (a) Each voter at an election for a board of trustees member of a local district shall:

5388 (i) be a registered voter within the district, except for an election of:

5389 (A) an irrigation district board of trustees member; or

5390 (B) a basic local district board of trustees member who is elected by property owners;

5391 and

5392 (ii) meet the requirements to vote established by the district.

5393 (b) Each voter may vote for as many candidates as there are offices to be filled.

5394 (c) The candidates who receive the highest number of votes are elected.

5395 (9) Except as otherwise provided by this section, the election of local district board
5396 members is governed by Title 20A, Election Code.

5397 (10) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a
5398 local district board shall serve a four-year term, beginning at noon on the January 1 after the
5399 person's election.

5400 (b) A person elected shall be sworn in as soon as practical after January 1.

5401 (11) (a) Except as provided in Subsection (11)(b), each local district shall reimburse
5402 the county or municipality holding an election under this section for the costs of the election
5403 attributable to that local district.

5404 (b) Each irrigation district shall bear the district's own costs of each election the district
5405 holds under this section.

5406 (12) This section does not apply to an improvement district that provides electric or gas
5407 service.

5408 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,
5409 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.

5410 (14) (a) As used in this Subsection (14), "board" means:

5411 (i) a local district board; or

5412 (ii) the administrative control board of a special service district that has elected
5413 members on the board.

5414 (b) A board may hold elections for membership on the board at a regular general
5415 election instead of a municipal general election if the board submits an application to the
5416 lieutenant governor that:

5417 (i) requests permission to hold elections for membership on the board at a regular
5418 general election instead of a municipal general election; and

5419 (ii) indicates that holding elections at the time of the regular general election is
5420 beneficial, based on potential cost savings, a potential increase in voter turnout, or another
5421 material reason.

5422 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant
5423 governor may approve the application if the lieutenant governor concludes that holding the
5424 elections at the regular general election is beneficial based on the criteria described in
5425 Subsection (14)(b)(ii).

5426 (d) If the lieutenant governor approves a board's application described in this section:

5427 (i) all future elections for membership on the board shall be held at the time of the
5428 regular general election; and

5429 (ii) the board may not hold elections at the time of a municipal general election unless
5430 the board receives permission from the lieutenant governor to hold all future elections for
5431 membership on the board at a municipal general election instead of a regular general election,
5432 under the same procedure, and by applying the same criteria, described in this Subsection (14).

5433 (15) (a) This Subsection (15) applies to a local district if:

5434 (i) the local district's board members are elected by the owners of real property, as
5435 provided in Subsection 17B-1-1402(1)(b); and

5436 (ii) the local district was created before January 1, 2020.

5437 (b) The board of a local district described in Subsection (15)(a) may conduct an
5438 election:

5439 (i) to fill a board member position that expires at the end of the term for that board
5440 member's position; and

5441 (ii) notwithstanding Subsection 20A-1-512(1)(a)(i), to fill a vacancy in an unexpired
5442 term of a board member.

5443 (c) An election under Subsection (15)(b) may be conducted as determined by the local
5444 district board, subject to Subsection (15)(d).

5445 (d) (i) The local district board shall provide to property owners eligible to vote at the
5446 local district election:

5447 (A) notice of the election; and

5448 (B) a form to nominate an eligible individual to be elected as a board member.

5449 (ii) (A) The local district board may establish a deadline for a property owner to submit
5450 a nomination form.

5451 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days after
5452 the board provides the notice and nomination form under Subsection (15)(d)(i).

5453 (iii) (A) After the deadline for submitting nomination forms, the local district board
5454 shall provide a ballot to all property owners eligible to vote at the local district election.

5455 (B) A local district board shall allow at least five days for ballots to be returned.

5456 (iv) A local district board shall certify the results of an election under this Subsection
5457 (15) during an open meeting of the board.

5458 Section 102. Section **17B-1-313** is amended to read:

5459 **17B-1-313. Publication of notice of board resolution or action -- Contest period --**
5460 **No contest after contest period.**

5461 (1) After the board of trustees of a local district adopts a resolution or takes other
5462 action on behalf of the district, the board may provide for the publication of a notice of the
5463 resolution or other action.

5464 (2) Each notice under Subsection (1) shall:

5465 (a) include, as the case may be:

5466 (i) the language of the resolution or a summary of the resolution; or

5467 (ii) a description of the action taken by the board;

5468 (b) state that:

5469 (i) any person in interest may file an action in district court to contest the regularity,
5470 formality, or legality of the resolution or action within 30 days after the date of publication; and

5471 (ii) if the resolution or action is not contested by filing an action in district court within
5472 the 30-day period, no one may contest the regularity, formality, or legality of the resolution or
5473 action after the expiration of the 30-day period; and

5474 (c) be ~~[posted on the Utah Public Notice Website created in Section [63A-16-601](#)]~~
5475 published within the local district as a class A notice under Section [63G-28-102](#).

5476 (3) For a period of 30 days after the date of the publication, any person in interest may
5477 contest the regularity, formality, or legality of the resolution or other action by filing an action
5478 in district court.

5479 (4) After the expiration of the 30-day period under Subsection (3), no one may contest
5480 the regularity, formality, or legality of the resolution or action for any cause.

5481 Section 103. Section **17B-1-413** is amended to read:

5482 **17B-1-413. Hearing, notice, and protest provisions do not apply for certain**
5483 **petitions.**

5484 (1) Section 17B-1-412 does not apply, and, except as provided in Subsection (2)(a),
5485 Sections 17B-1-409 and 17B-1-410 do not apply:
5486 (a) if the process to annex an area to a local district was initiated by:
5487 (i) a petition under Subsection 17B-1-403(1)(a)(i);
5488 (ii) a petition under Subsection 17B-1-403(1)(a)(ii)(A) that was signed by the owners
5489 of private real property that:
5490 (A) is located within the area proposed to be annexed;
5491 (B) covers at least 75% of the total private land area within the entire area proposed to
5492 be annexed and within each applicable area; and
5493 (C) is equal in assessed value to at least 75% of the assessed value of all private real
5494 property within the entire area proposed to be annexed and within each applicable area; or
5495 (iii) a petition under Subsection 17B-1-403(1)(a)(ii)(B) that was signed by registered
5496 voters residing within the entire area proposed to be annexed and within each applicable area
5497 equal in number to at least 75% of the number of votes cast within the entire area proposed to
5498 be annexed and within each applicable area, respectively, for the office of governor at the last
5499 regular general election before the filing of the petition;
5500 (b) to an annexation under Section 17B-1-415; or
5501 (c) to a boundary adjustment under Section 17B-1-417.
5502 (2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under
5503 Section 17B-1-405, the local district board:
5504 (i) shall provide notice of the proposed annexation as provided in Subsection (2)(b);
5505 and
5506 (ii) (A) may, in the board's discretion, hold a public hearing as provided in Section
5507 17B-1-409 after giving notice of the public hearing as provided in Subsection (2)(b); and
5508 (B) shall, after giving notice of the public hearing as provided in Subsection (2)(b),
5509 hold a public hearing as provided in Section 17B-1-409 if a written request to do so is
5510 submitted, within 20 days after the local district provides notice under Subsection (2)(a)(i), to
5511 the local district board by an owner of property that is located within or a registered voter
5512 residing within the area proposed to be annexed who did not sign the annexation petition.
5513 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:
5514 (i) be given:

5515 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition
5516 certification; or

5517 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least 10 but not more
5518 than 30 days before the public hearing; and

5519 (B) by[:] providing a class A notice under Section 63G-28-102 within or proximate to
5520 the area proposed to be annexed; and

5521 [~~(F) posting written notice at the local district's principal office and in one or more other~~
5522 ~~locations within or proximate to the area proposed to be annexed as are reasonable under the~~
5523 ~~circumstances, considering the number of parcels included in that area, the size of the area, the~~
5524 ~~population of the area, and the contiguousness of the area; and]~~

5525 [~~(H) providing written notice:~~

5526 [~~(Aa) to at least one newspaper of general circulation, if there is one, within the area~~
5527 ~~proposed to be annexed or to a local media correspondent; and]~~

5528 [~~(Bb) on the Utah Public Notice Website created in Section 63A-16-601; and]~~

5529 (ii) contain a brief explanation of the proposed annexation and include the name of the
5530 local district, the service provided by the local district, a description or map of the area
5531 proposed to be annexed, a local district telephone number where additional information about
5532 the proposed annexation may be obtained, and, for a notice under Subsection (2)(a)(i), an
5533 explanation of the right of a property owner or registered voter to request a public hearing as
5534 provided in Subsection (2)(a)(ii)(B).

5535 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is
5536 required for a public hearing under Subsection (2)(a)(ii)(A).

5537 Section 104. Section **17B-1-417** is amended to read:

5538 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**
5539 **adjusting boundaries -- Filing of notice and plat with the lieutenant governor --**
5540 **Recording requirements -- Effective date.**

5541 (1) As used in this section, "affected area" means the area located within the
5542 boundaries of one local district that will be removed from that local district and included within
5543 the boundaries of another local district because of a boundary adjustment under this section.

5544 (2) The boards of trustees of two or more local districts having a common boundary
5545 and providing the same service on the same wholesale or retail basis may adjust their common

5546 boundary as provided in this section.

5547 (3) (a) The board of trustees of each local district intending to adjust a boundary that is
5548 common with another local district shall:

5549 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

5550 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days
5551 after the adoption of the resolution under Subsection (3)(a)(i); and

5552 (iii) provide notice within the affected area as a class C notice under Section
5553 63G-28-102 at least two weeks before the day of the public hearing.

5554 [~~(A) post notice;~~]

5555 [~~(F) in at least four conspicuous places within the local district at least two weeks~~
5556 ~~before the public hearing; and]~~

5557 [~~(H) on the Utah Public Notice Website created in Section 63A-16-601, for two weeks;~~

5558 ~~or]~~

5559 [~~(B) mail a notice to each owner of property located within the affected area and to~~
5560 ~~each registered voter residing within the affected area.]~~

5561 (b) The notice required under Subsection (3)(a)(iii) shall:

5562 (i) state that the board of trustees of the local district has adopted a resolution
5563 indicating the board's intent to adjust a boundary that the local district has in common with
5564 another local district that provides the same service as the local district;

5565 (ii) describe the affected area;

5566 (iii) state the date, time, and location of the public hearing required under Subsection
5567 (3)(a)(ii);

5568 (iv) provide a local district telephone number where additional information about the
5569 proposed boundary adjustment may be obtained;

5570 (v) explain the financial and service impacts of the boundary adjustment on property
5571 owners or residents within the affected area; and

5572 (vi) state in conspicuous and plain terms that the board of trustees may approve the
5573 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),
5574 written protests to the adjustment are filed with the board by:

5575 (A) the owners of private real property that:

5576 (I) is located within the affected area;

5577 (II) covers at least 50% of the total private land area within the affected area; and
5578 (III) is equal in assessed value to at least 50% of the assessed value of all private real
5579 property within the affected area; or

5580 (B) registered voters residing within the affected area equal in number to at least 50%
5581 of the votes cast in the affected area for the office of governor at the last regular general
5582 election before the filing of the protests.

5583 (c) The boards of trustees of the local districts whose boundaries are being adjusted
5584 may jointly:

5585 (i) [~~post or mail~~] provide the notice required under Subsection (3)(a)(iii); and
5586 (ii) hold the public hearing required under Subsection (3)(a)(ii).

5587 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees
5588 may adopt a resolution approving the adjustment of the common boundary unless, at or before
5589 the public hearing, written protests to the boundary adjustment have been filed with the board
5590 by:

5591 (a) the owners of private real property that:

5592 (i) is located within the affected area;

5593 (ii) covers at least 50% of the total private land area within the affected area; and

5594 (iii) is equal in assessed value to at least 50% of the assessed value of all private real
5595 property within the affected area; or

5596 (b) registered voters residing within the affected area equal in number to at least 50%
5597 of the votes cast in the affected area for the office of governor at the last regular general
5598 election before the filing of the protests.

5599 (5) A resolution adopted under Subsection (4) does not take effect until the board of
5600 each local district whose boundaries are being adjusted has adopted a resolution under
5601 Subsection (4).

5602 (6) The board of the local district whose boundaries are being adjusted to include the
5603 affected area shall:

5604 (a) within 30 days after the resolutions take effect under Subsection (5), file with the
5605 lieutenant governor:

5606 (i) a copy of a notice of an impending boundary action, as defined in Section [67-1a-6.5](#),
5607 that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and

5608 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

5609 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment

5610 under Section 67-1a-6.5:

5611 (i) if the affected area is located within the boundary of a single county, submit to the

5612 recorder of that county:

5613 (A) the original:

5614 (I) notice of an impending boundary action;

5615 (II) certificate of boundary adjustment; and

5616 (III) approved final local entity plat; and

5617 (B) a certified copy of each resolution adopted under Subsection (4); or

5618 (ii) if the affected area is located within the boundaries of more than a single county:

5619 (A) submit to the recorder of one of those counties:

5620 (I) the original of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III); and

5621 (II) a certified copy of each resolution adopted under Subsection (4); and

5622 (B) submit to the recorder of each other county:

5623 (I) a certified copy of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III);

5624 and

5625 (II) a certified copy of each resolution adopted under Subsection (4).

5626 (7) (a) Upon the lieutenant governor's issuance of a certificate of boundary adjustment

5627 under Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are

5628 being adjusted to include the affected area, and the affected area is withdrawn from the local

5629 district whose boundaries are being adjusted to exclude the affected area.

5630 (b) (i) The effective date of a boundary adjustment under this section for purposes of

5631 assessing property within the affected area is governed by Section 59-2-305.5.

5632 (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the

5633 recorder of the county in which the property is located, a local district in whose boundary an

5634 affected area is included because of a boundary adjustment under this section may not:

5635 (A) levy or collect a property tax on property within the affected area;

5636 (B) levy or collect an assessment on property within the affected area; or

5637 (C) charge or collect a fee for service provided to property within the affected area.

5638 (iii) Subsection (7)(b)(ii)(C):

5639 (A) may not be construed to limit a local district's ability before a boundary adjustment
5640 to charge and collect a fee for service provided to property that is outside the local district's
5641 boundary; and

5642 (B) does not apply until 60 days after the effective date, under Subsection (7)(a), of the
5643 local district's boundary adjustment, with respect to a fee that the local district was charging for
5644 service provided to property within the area affected by the boundary adjustment immediately
5645 before the boundary adjustment.

5646 Section 105. Section **17B-1-505.5** is amended to read:

5647 **17B-1-505.5. Feasibility study for a municipality's withdrawal from a local**
5648 **district providing fire protection, paramedic, and emergency services or law enforcement**
5649 **service -- Notice of hearing.**

5650 (1) As used in this section:

5651 (a) "Feasibility consultant" means a person with expertise in:

5652 (i) the processes and economics of local government; and

5653 (ii) the economics of providing fire protection, paramedic, and emergency services or
5654 law enforcement service.

5655 (b) "Feasibility study" means a study to determine the functional and financial
5656 feasibility of a municipality's withdrawal from a first responder local district.

5657 (c) "First responder district" means a local district, other than a municipal services
5658 district, that provides:

5659 (i) fire protection, paramedic, and emergency services; or

5660 (ii) law enforcement service.

5661 (d) "Withdrawing municipality" means a municipality whose legislative body has
5662 adopted a resolution under Subsection **17B-1-505(3)(a)** to initiate the process of the
5663 municipality's withdrawal from a first responder district.

5664 (2) This section applies and a feasibility study shall be conducted, as provided in this
5665 section, if:

5666 (a) the legislative body of a municipality has adopted a resolution under Subsection
5667 **17B-1-505(3)(a)** to initiate the process of the municipality's withdrawal from a first responder
5668 district;

5669 (b) the municipality and first responder district have not agreed in writing to the

5670 withdrawal; and

5671 (c) a feasibility study is a condition under Subsection 17B-1-505(6)(a) for an election
5672 to be held approving the withdrawal.

5673 (3) (a) As provided in this Subsection (3), the withdrawing municipality and first
5674 responder district shall choose and engage a feasibility consultant to conduct a feasibility study.

5675 (b) The withdrawing municipality and first responder district shall jointly choose and
5676 engage a feasibility consultant according to applicable municipal or local district procurement
5677 procedures.

5678 (c) (i) If the withdrawing municipality and first responder district cannot agree on and
5679 have not engaged a feasibility consultant under Subsection (3)(b) within 45 days after the
5680 legislative body of the withdrawing municipality submits written notice to the first responder
5681 district under Subsection 17B-1-505(3)(c), the withdrawing municipality and first responder
5682 district shall, as provided in this Subsection (3)(c), choose a feasibility consultant from a list of
5683 at least eight feasibility consultants provided by the Utah Association of Certified Public
5684 Accountants.

5685 (ii) A list of feasibility consultants under Subsection (3)(c)(i) may not include a
5686 feasibility consultant that has had a contract to provide services to the withdrawing
5687 municipality or first responder district at any time during the two-year period immediately
5688 preceding the date the list is provided under Subsection (3)(c)(i).

5689 (iii) (A) Beginning with the first responder district, the first responder district and
5690 withdrawing municipality shall alternately eliminate one feasibility consultant each from the
5691 list of feasibility consultants until one feasibility consultant remains.

5692 (B) Within five days after receiving the list of consultants from the Utah Association of
5693 Certified Public Accountants, the first responder district shall make the first elimination of a
5694 feasibility consultant from the list and notify the withdrawing municipality in writing of the
5695 elimination.

5696 (C) After the first elimination of a feasibility consultant from the list, the withdrawing
5697 municipality and first responder district shall each, within three days after receiving the written
5698 notification of the preceding elimination, notify the other in writing of the elimination of a
5699 feasibility consultant from the list.

5700 (d) If a withdrawing municipality and first responder district do not engage a feasibility

5701 consultant under Subsection (3)(b), the withdrawing municipality and first responder district
5702 shall engage the feasibility consultant that has not been eliminated from the list at the
5703 completion of the process described in Subsection (3)(c).

5704 (4) A feasibility consultant that conducts a feasibility study under this section shall be
5705 independent of and unaffiliated with the withdrawing municipality and first responder district.

5706 (5) In conducting a feasibility study under this section, the feasibility consultant shall
5707 consider:

5708 (a) population and population density within the withdrawing municipality;

5709 (b) current and five-year projections of demographics and economic base in the
5710 withdrawing municipality, including household size and income, commercial and industrial
5711 development, and public facilities;

5712 (c) projected growth in the withdrawing municipality during the next five years;

5713 (d) subject to Subsection (6)(a), the present and five-year projections of the cost,
5714 including overhead, of providing the same service in the withdrawing municipality as is
5715 provided by the first responder district, including:

5716 (i) the estimated cost if the first responder district continues to provide service; and

5717 (ii) the estimated cost if the withdrawing municipality provides service;

5718 (e) subject to Subsection (6)(a), the present and five-year projections of the cost,
5719 including overhead, of the first responder district providing service with:

5720 (i) the municipality included in the first responder district's service area; and

5721 (ii) the withdrawing municipality excluded from the first responder district's service
5722 area;

5723 (f) a projection of any new taxes per household that may be levied within the
5724 withdrawing municipality within five years after the withdrawal;

5725 (g) the fiscal impact that the withdrawing municipality's withdrawal has on other
5726 municipalities and unincorporated areas served by the first responder district, including any rate
5727 increase that may become necessary to maintain required coverage ratios for the first responder
5728 district's debt;

5729 (h) the physical and other assets that will be required by the withdrawing municipality
5730 to provide, without interruption or diminution of service, the same service that is being
5731 provided by the first responder district;

5732 (i) the physical and other assets that will no longer be required by the first responder
5733 district to continue to provide the current level of service to the remainder of the first responder
5734 district, excluding the withdrawing municipality, and could be transferred to the withdrawing
5735 municipality;

5736 (j) subject to Subsection (6)(b), a fair and equitable allocation of the first responder
5737 district's assets between the first responder district and the withdrawing municipality, effective
5738 upon the withdrawal of the withdrawing municipality from the first responder district;

5739 (k) a fair and equitable allocation of the debts, liabilities, and obligations of the first
5740 responder district and any local building authority of the first responder district, between the
5741 withdrawing municipality and the remaining first responder district, taking into consideration:

5742 (i) any requirement to maintain the excludability of interest from the income of the
5743 holder of the debt, liability, or obligation for federal income tax purposes; and

5744 (ii) any first responder district assets that have been purchased with the proceeds of
5745 bonds issued by the first responder district that the first responder district will retain and any of
5746 those assets that will be transferred to the withdrawing municipality;

5747 (l) the number and classification of first responder district employees who will no
5748 longer be required to serve the remaining portions of the first responder district after the
5749 withdrawing municipality withdraws from the first responder district, including the dollar
5750 amount of the wages, salaries, and benefits attributable to the employees and the estimated cost
5751 associated with termination of the employees if the withdrawing municipality does not employ
5752 the employees;

5753 (m) maintaining as a base, for a period of three years after withdrawal, the existing
5754 schedule of pay and benefits for first responder district employees who are transferred to the
5755 employment of the withdrawing municipality; and

5756 (n) any other factor that the feasibility consultant considers relevant to the question of
5757 the withdrawing municipality's withdrawal from the first responder district.

5758 (6) (a) For purposes of Subsections (5)(d) and (e):

5759 (i) the feasibility consultant shall assume a level and quality of service to be provided
5760 in the future to the withdrawing municipality that fairly and reasonably approximates the level
5761 and quality of service that the first responder district provides to the withdrawing municipality
5762 at the time of the feasibility study;

5763 (ii) in determining the present value cost of a service that the first responder district
5764 provides, the feasibility consultant shall consider:

5765 (A) the cost to the withdrawing municipality of providing the service for the first five
5766 years after the withdrawal; and

5767 (B) the first responder district's present and five-year projected cost of providing the
5768 same service within the withdrawing municipality; and

5769 (iii) the feasibility consultant shall consider inflation and anticipated growth in
5770 calculating the cost of providing service.

5771 (b) The feasibility consultant may not consider an allocation of first responder district
5772 assets or a transfer of first responder district employees to the extent that the allocation or
5773 transfer would impair the first responder district's ability to continue to provide the current
5774 level of service to the remainder of the first responder district without the withdrawing
5775 municipality, unless the first responder district consents to the allocation or transfer.

5776 (7) A feasibility consultant may retain an architect, engineer, or other professional, as
5777 the feasibility consultant considers prudent and as provided in the agreement with the
5778 withdrawing municipality and first responder district, to assist the feasibility consultant to
5779 conduct a feasibility study.

5780 (8) The withdrawing municipality and first responder district shall require the
5781 feasibility consultant to:

5782 (a) complete the feasibility study within a time established by the withdrawing
5783 municipality and first responder district;

5784 (b) prepare and submit a written report communicating the results of the feasibility
5785 study, including a one-page summary of the results; and

5786 (c) attend all public hearings relating to the feasibility study under Subsection (14).

5787 (9) A written report of the results of a feasibility study under this section shall:

5788 (a) contain a recommendation concerning whether a withdrawing municipality's
5789 withdrawal from a first responder district is functionally and financially feasible for both the
5790 first responder district and the withdrawing municipality; and

5791 (b) include any conditions the feasibility consultant determines need to be satisfied in
5792 order to make the withdrawal functionally and financially feasible, including:

5793 (i) first responder district assets and liabilities to be allocated to the withdrawing

5794 municipality; and

5795 (ii) (A) first responder district employees to become employees of the withdrawing
5796 municipality; and

5797 (B) sick leave, vacation, and other accrued benefits and obligations relating to the first
5798 responder district employees that the withdrawing municipality needs to assume.

5799 (10) The withdrawing municipality and first responder district shall equally share the
5800 feasibility consultant's fees and costs, as specified in the agreement between the withdrawing
5801 municipality and first responder district and the feasibility consultant.

5802 (11) (a) Upon completion of the feasibility study and preparation of a written report,
5803 the feasibility consultant shall deliver a copy of the report to the withdrawing municipality and
5804 first responder district.

5805 (b) (i) A withdrawing municipality or first responder district that disagrees with any
5806 aspect of a feasibility study report may, within 20 business days after receiving a copy of the
5807 report under Subsection (11)(a), submit to the feasibility consultant a written objection
5808 detailing the disagreement.

5809 (ii) (A) A withdrawing municipality that submits a written objection under Subsection
5810 (11)(b)(i) shall simultaneously deliver a copy of the objection to the first responder district.

5811 (B) A first responder district that submits a written objection under Subsection
5812 (11)(b)(i) shall simultaneously deliver a copy of the objection to the withdrawing municipality.

5813 (iii) A withdrawing municipality or first responder district may, within 10 business
5814 days after receiving an objection under Subsection (11)(b)(ii), submit to the feasibility
5815 consultant a written response to the objection.

5816 (iv) (A) A withdrawing municipality that submits a response under Subsection
5817 (11)(b)(iii) shall simultaneously deliver a copy of the response to the first responder district.

5818 (B) A first responder district that submits a response under Subsection (11)(b)(iii) shall
5819 simultaneously deliver a copy of the response to the withdrawing municipality.

5820 (v) If an objection is filed under Subsection (11)(b)(i), the feasibility consultant shall,
5821 within 20 business days after the expiration of the deadline under Subsection (11)(b)(iii) for
5822 submitting a response to an objection:

5823 (A) modify the feasibility study report or explain in writing why the feasibility
5824 consultant is not modifying the feasibility study report; and

5825 (B) deliver the modified feasibility study report or written explanation to the
5826 withdrawing municipality and first responder local district.

5827 (12) Within seven days after the expiration of the deadline under Subsection (11)(b)(i)
5828 for submitting an objection or, if an objection is submitted, within seven days after receiving a
5829 modified feasibility study report or written explanation under Subsection (11)(b)(v), but at least
5830 30 days before a public hearing under Subsection (14), the withdrawing municipality shall:

5831 (a) make a copy of the report available to the public at the primary office of the
5832 withdrawing municipality; and

5833 (b) if the withdrawing municipality has a website, post a copy of the report on the
5834 municipality's website.

5835 (13) A feasibility study report or, if a feasibility study report is modified under
5836 Subsection (11), a modified feasibility study report may not be challenged unless the basis of
5837 the challenge is that the report results from collusion or fraud.

5838 (14) (a) Following the expiration of the deadline under Subsection (11)(b)(i) for
5839 submitting an objection, or, if an objection is submitted under Subsection (11)(b)(i), following
5840 the withdrawing municipality's receipt of the modified feasibility study report or written
5841 explanation under Subsection (11)(b)(v), the legislative body of the withdrawing municipality
5842 shall, at the legislative body's next regular meeting, schedule at least one public hearing to be
5843 held:

5844 (i) within the following 60 days; and

5845 (ii) for the purpose of allowing:

5846 (A) the feasibility consultant to present the results of the feasibility study; and

5847 (B) the public to become informed about the feasibility study results, to ask the
5848 feasibility consultant questions about the feasibility study, and to express the public's views
5849 about the proposed withdrawal.

5850 (b) At a public hearing under Subsection (14)(a), the legislative body of the
5851 withdrawing municipality shall:

5852 (i) provide a copy of the feasibility study for public review; and

5853 (ii) allow the public to:

5854 (A) ask the feasibility consultant questions about the feasibility study; and

5855 (B) express the public's views about the withdrawing municipality's proposed

5856 withdrawal from the first responder district.

5857 (15) (a) The clerk or recorder of the withdrawing municipality shall publish notice of a
 5858 hearing under Subsection (14) [~~on the Utah Public Notice Website created in Section~~
 5859 ~~63A-16-601;~~] within the withdrawing municipality as a class A notice under Section
 5860 63G-28-102 for three consecutive weeks immediately before the public hearing.

5861 (b) A notice under Subsection (15)(a) shall state:

5862 (i) the date, time, and location of the public hearing; and

5863 (ii) that a copy of the feasibility study report may be obtained, free of charge, at the
 5864 office of the withdrawing municipality or on the withdrawing municipality's website.

5865 (16) Unless the withdrawing municipality and first responder district agree otherwise,
 5866 conditions that a feasibility study report indicates are necessary to be met for a withdrawal to
 5867 be functionally and financially feasible for the withdrawing municipality and first responder
 5868 district are binding on the withdrawing municipality and first responder district if the
 5869 withdrawal occurs.

5870 Section 106. Section **17B-1-608** is amended to read:

5871 **17B-1-608. Tentative budget and data -- Public records -- Notice.**

5872 (1) The tentative budget adopted by the board of trustees and all supporting schedules
 5873 and data are public records.

5874 (2) At least seven days before adopting a final budget in a public meeting, the local
 5875 district shall:

5876 (a) make the tentative budget available for public inspection at the local district's
 5877 principal place of business during regular business hours; and

5878 (b) [~~if the local district has a website;~~] publish the tentative budget [~~on the local~~
 5879 ~~district's website; and~~] within the local district as a class A notice under Section 63G-28-102.

5880 [~~(c) in accordance with Section 63A-16-601, do one of the following:~~]

5881 [~~(i) publish the tentative budget on the Utah Public Notice Website; or~~]

5882 [~~(ii) publish on the Utah Public Notice Website a link to a website on which the~~
 5883 ~~tentative budget is published.~~]

5884 Section 107. Section **17B-1-609** is amended to read:

5885 **17B-1-609. Hearing to consider adoption -- Notice.**

5886 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

5887 (a) establish the time and place of a public hearing to consider its adoption; and

5888 (b) except as provided in Subsection (6), order that notice of the hearing[+] be
 5889 published within the district as a class A notice under Section 63G-28-102 at least seven days
 5890 before the day of the hearing.

5891 [~~(i) be posted in three public places within the district; and]~~

5892 [~~(ii) be published at least seven days before the hearing on the Utah Public Notice~~
 5893 ~~Website created in Section 63A-16-601:.]~~

5894 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
 5895 required in Subsection (1)(b):

5896 (a) may be combined with the notice required under Section 59-2-919; and

5897 (b) shall be published in accordance with the advertisement provisions of Section
 5898 59-2-919.

5899 (3) If the budget hearing is to be held in conjunction with a fee increase hearing, the
 5900 notice required in Subsection (1)(b):

5901 (a) may be combined with the notice required under Section 17B-1-643; and

5902 (b) shall be published or mailed in accordance with the notice provisions of Section
 5903 17B-1-643.

5904 (4) Proof that notice was given in accordance with Subsection (1)(b), (2), (3), or (6) is
 5905 prima facie evidence that notice was properly given.

5906 (5) If a notice required under Subsection (1)(b), (2), (3), or (6) is not challenged within
 5907 30 days after the day on which the hearing is held, the notice is adequate and proper.

5908 (6) A board of trustees of a local district with an annual operating budget of less than
 5909 \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:

5910 (a) mailing a written notice, postage prepaid, to each voter in the local district; and

5911 (b) posting the notice in three public places within the district.

5912 Section 108. Section 17B-1-643 is amended to read:

5913 **17B-1-643. Imposing or increasing a fee for service provided by local district --**
 5914 **Notice of hearing.**

5915 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided
 5916 by a local district, each local district board of trustees shall first hold a public hearing at which:

5917 (i) the local district shall demonstrate its need to impose or increase the fee; and

5918 (ii) any interested person may speak for or against the proposal to impose a fee or to
5919 increase an existing fee.

5920 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning
5921 no earlier than 6 p.m.

5922 (c) A public hearing required under this Subsection (1) may be combined with a public
5923 hearing on a tentative budget required under Section [17B-1-610](#).

5924 (d) Except to the extent that this section imposes more stringent notice requirements,
5925 the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act,
5926 in holding the public hearing under Subsection (1)(a).

5927 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as
5928 provided in Subsections (2)(b) and (c) or Subsection (2)(d).

5929 (b) The local district board shall[:]

5930 [(i)] post the notice required under Subsection (2)(a) [~~on the Utah Public Notice~~
5931 ~~Website, created in Section [63A-16-601](#), and] within the local district as a class A notice under
5932 Section [63G-28-102](#).~~

5933 [~~(ii) post at least one of the notices required under Subsection (2)(a) per 1,000~~
5934 ~~population within the local district, at places within the local district that are most likely to~~
5935 ~~provide actual notice to residents within the local district, subject to a maximum of 10 notices.]~~

5936 (c) The notice described in Subsection (2)(b) shall state that the local district board
5937 intends to impose or increase a fee for a service provided by the local district and will hold a
5938 public hearing on a certain day, time, and place fixed in the notice, which shall be not less than
5939 seven days after the day the first notice is published, for the purpose of hearing comments
5940 regarding the proposed imposition or increase of a fee and to explain the reasons for the
5941 proposed imposition or increase.

5942 (d) (i) In lieu of providing notice under Subsection (2)(b), the local district board of
5943 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those
5944 within the district who:

5945 (A) will be charged the fee for a district service, if the fee is being imposed for the first
5946 time; or

5947 (B) are being charged a fee, if the fee is proposed to be increased.

5948 (ii) Each notice under Subsection (2)(d)(i) shall comply with Subsection (2)(c).

5949 (iii) A notice under Subsection (2)(d)(i) may accompany a district bill for an existing
5950 fee.

5951 (e) If the hearing required under this section is combined with the public hearing
5952 required under Section 17B-1-610, the notice required under this Subsection (2):

5953 (i) may be combined with the notice required under Section 17B-1-609; and

5954 (ii) shall be posted or mailed in accordance with the notice provisions of this section.

5955 (f) Proof that notice was given as provided in Subsection (2)(b) or (d) is prima facie
5956 evidence that notice was properly given.

5957 (g) If no challenge is made to the notice given of a hearing required by Subsection (1)
5958 within 30 days after the date of the hearing, the notice is considered adequate and proper.

5959 (3) After holding a public hearing under Subsection (1), a local district board may:

5960 (a) impose the new fee or increase the existing fee as proposed;

5961 (b) adjust the amount of the proposed new fee or the increase of the existing fee and
5962 then impose the new fee or increase the existing fee as adjusted; or

5963 (c) decline to impose the new fee or increase the existing fee.

5964 (4) This section applies to each new fee imposed and each increase of an existing fee
5965 that occurs on or after July 1, 1998.

5966 (5) (a) This section does not apply to an impact fee.

5967 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a,
5968 Impact Fees Act.

5969 Section 109. Section 17B-1-1204 is amended to read:

5970 **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**
5971 **supplemented validation petition.**

5972 (1) Upon the entry of an order under Section 17B-1-1203 setting a hearing on a
5973 validation petition, the local district that filed the petition shall post notice[?] within the local
5974 district as a class A notice under Section 63G-28-102 at least 21 days before the date set for the
5975 hearing.

5976 [~~(a) on the Utah Public Notice Website created in Section 63A-16-601, for three weeks~~
5977 ~~immediately before the hearing; and]~~

5978 [~~(b) in the local district's principal office at least 21 days before the date set for the~~
5979 ~~hearing.~~]

5980 (2) Each notice under Subsection (1) shall:

5981 (a) state the date, time, and place of the hearing on the validation petition;

5982 (b) include a general description of the contents of the validation petition; and

5983 (c) if applicable, state the location where a complete copy of a contract that is the

5984 subject of the validation petition may be examined.

5985 (3) If a district amends or supplements a validation petition under Subsection

5986 [17B-1-1202](#)(3) after publishing and posting notice as required under Subsection (1), the district

5987 is not required to publish or post notice again unless required by the court.

5988 Section 110. Section [17B-1-1307](#) is amended to read:

5989 **17B-1-1307. Notice of public hearing and of dissolution.**

5990 (1) Before holding a public hearing required under Section [17B-1-1306](#), the

5991 administrative body shall[:]

5992 ~~[(a)]~~ post notice of the public hearing and of the proposed dissolution[:] within the

5993 local district proposed to be dissolved as a class B notice under Section [63G-28-102](#) for 30

5994 days before the day of public hearing.

5995 ~~[(i) on the Utah Public Notice Website created in Section [63A-16-601](#), for 30 days~~

5996 ~~before the public hearing; and]~~

5997 ~~[(ii) in at least four conspicuous places within the local district proposed to be~~

5998 ~~dissolved, no less than five and no more than 30 days before the public hearing; or]~~

5999 ~~[(b) mail a notice to each owner of property located within the local district and to each~~

6000 ~~registered voter residing within the local district.]~~

6001 (2) Each notice required under Subsection (1) shall:

6002 (a) identify the local district proposed to be dissolved and the service it was created to

6003 provide; and

6004 (b) state the date, time, and location of the public hearing.

6005 Section 111. Section [17B-2a-705](#) is amended to read:

6006 **17B-2a-705. Taxation -- Additional levy -- Election -- Notice.**

6007 (1) If a mosquito abatement district board of trustees determines that the funds required

6008 during the next ensuing fiscal year will exceed the maximum amount that the district is

6009 authorized to levy under Subsection [17B-1-103](#)(2)(g), the board of trustees may call an election

6010 on a date specified in Section [20A-1-204](#) and submit to district voters the question of whether

6011 the district should be authorized to impose an additional tax to raise the necessary additional
6012 funds.

6013 (2) The board shall provide notice of the election[?] within the district as a class B
6014 notice under Section 63G-28-102 at least four weeks before the day of the election.

6015 [~~(a) (i) by posting one notice, and at least one additional notice per 2,000 population of~~
6016 ~~the district, in places within the district that are most likely to give notice to the voters in the~~
6017 ~~district, subject to a maximum of 10 notices; or]~~

6018 [~~(ii) at least four weeks before the day of the election, by mailing notice to each~~
6019 ~~registered voter in the district;]~~

6020 [~~(b) by posting notice on the Utah Public Notice Website, created in Section~~
6021 ~~63A-16-601, for four weeks before the day of the election; and]~~

6022 [~~(c) if the district has a website, by posting notice on the district's website for four~~
6023 ~~weeks before the day of the election.]~~

6024 (3) No particular form of ballot is required, and no informalities in conducting the
6025 election may invalidate the election, if it is otherwise fairly conducted.

6026 (4) At the election each ballot shall contain the words, "Shall the district be authorized
6027 to impose an additional tax to raise the additional sum of \$ ____?"

6028 (5) The board of trustees shall canvass the votes cast at the election, and, if a majority
6029 of the votes cast are in favor of the imposition of the tax, the district is authorized to impose an
6030 additional levy to raise the additional amount of money required.

6031 Section 112. Section **17B-2a-1007** is amended to read:

6032 **17B-2a-1007. Contract assessments -- Notice.**

6033 (1) As used in this section:

6034 (a) "Assessed land" means:

6035 (i) for a contract assessment under a water contract with a private water user, the land
6036 owned by the private water user that receives the beneficial use of water under the water
6037 contract; or

6038 (ii) for a contract assessment under a water contract with a public water user, the land
6039 within the boundaries of the public water user that is within the boundaries of the water
6040 conservancy district and that receives the beneficial use of water under the water contract.

6041 (b) "Contract assessment" means an assessment levied as provided in this section by a

6042 water conservancy district on assessed land.

6043 (c) "Governing body" means:

6044 (i) for a county, city, or town, the legislative body of the county, city, or town;

6045 (ii) for a local district, the board of trustees of the local district;

6046 (iii) for a special service district:

6047 (A) the legislative body of the county, city, or town that established the special service
6048 district, if no administrative control board has been appointed under Section 17D-1-301; or

6049 (B) the administrative control board of the special service district, if an administrative
6050 control board has been appointed under Section 17D-1-301; and

6051 (iv) for any other political subdivision of the state, the person or body with authority to
6052 govern the affairs of the political subdivision.

6053 (d) "Petitioner" means a private petitioner or a public petitioner.

6054 (e) "Private petitioner" means an owner of land within a water conservancy district
6055 who submits a petition to a water conservancy district under Subsection (3) to enter into a
6056 water contract with the district.

6057 (f) "Private water user" means an owner of land within a water conservancy district
6058 who enters into a water contract with the district.

6059 (g) "Public petitioner" means a political subdivision of the state:

6060 (i) whose territory is partly or entirely within the boundaries of a water conservancy
6061 district; and

6062 (ii) that submits a petition to a water conservancy district under Subsection (3) to enter
6063 into a water contract with the district.

6064 (h) "Public water user" means a political subdivision of the state:

6065 (i) whose territory is partly or entirely within the boundaries of a water conservancy
6066 district; and

6067 (ii) that enters into a water contract with the district.

6068 (i) "Water contract" means a contract between a water conservancy district and a
6069 private water user or a public water user under which the water user purchases, leases, or
6070 otherwise acquires the beneficial use of water from the water conservancy district for the
6071 benefit of:

6072 (i) land owned by the private water user; or

6073 (ii) land within the public water user's boundaries that is also within the boundaries of
6074 the water conservancy district.

6075 (j) "Water user" means a private water user or a public water user.

6076 (2) A water conservancy district may levy a contract assessment as provided in this
6077 section.

6078 (3) (a) The governing body of a public petitioner may authorize its chief executive
6079 officer to submit a written petition on behalf of the public petitioner to a water conservancy
6080 district requesting to enter into a water contract.

6081 (b) A private petitioner may submit a written petition to a water conservancy district
6082 requesting to enter into a water contract.

6083 (c) Each petition under this Subsection (3) shall include:

6084 (i) the petitioner's name;

6085 (ii) the quantity of water the petitioner desires to purchase or otherwise acquire;

6086 (iii) a description of the land upon which the water will be used;

6087 (iv) the price to be paid for the water;

6088 (v) the amount of any service, turnout, connection, distribution system, or other charge
6089 to be paid;

6090 (vi) whether payment will be made in cash or annual installments;

6091 (vii) a provision requiring the contract assessment to become a lien on the land for
6092 which the water is petitioned and is to be allotted; and

6093 (viii) an agreement that the petitioner is bound by the provisions of this part and the
6094 rules and regulations of the water conservancy district board of trustees.

6095 (4) (a) If the board of a water conservancy district desires to consider a petition
6096 submitted by a petitioner under Subsection (3), the board shall:

6097 (i) post notice of the petition and of the hearing required under Subsection (4)(a)(ii) ~~on~~
6098 ~~the Utah Public Notice Website, created in Section 63A-16-601,]~~ within the water conservancy
6099 district as a class A notice under Section 63G-28-102 for at least two successive weeks
6100 immediately before the date of the hearing; and

6101 (ii) hold a public hearing on the petition.

6102 (b) Each notice under Subsection (4)(a)(i) shall:

6103 (i) state that a petition has been filed and that the district is considering levying a

6104 contract assessment; and
6105 (ii) give the date, time, and place of the hearing required under Subsection (4)(a)(ii).
6106 (c) (i) At each hearing required under Subsection (4)(a)(ii), the board of trustees of the
6107 water conservancy district shall:
6108 (A) allow any interested person to appear and explain why the petition should not be
6109 granted; and
6110 (B) consider each written objection to the granting of the petition that the board
6111 receives before or at the hearing.
6112 (ii) The board of trustees may adjourn and reconvene the hearing as the board
6113 considers appropriate.
6114 (d) (i) Any interested person may file with the board of the water conservancy district,
6115 at or before the hearing under Subsection (4)(a)(ii), a written objection to the district's granting
6116 a petition.
6117 (ii) Each person who fails to submit a written objection within the time provided under
6118 Subsection (4)(d)(i) is considered to have consented to the district's granting the petition and
6119 levying a contract assessment.
6120 (5) After holding a public hearing as required under Subsection (4)(a)(ii), the board of
6121 trustees of a water conservancy district may:
6122 (a) deny the petition; or
6123 (b) grant the petition, if the board considers granting the petition to be in the best
6124 interests of the district.
6125 (6) The board of a water conservancy district that grants a petition under this section
6126 may:
6127 (a) make an allotment of water for the benefit of assessed land;
6128 (b) authorize any necessary construction to provide for the use of water upon the terms
6129 and conditions stated in the water contract;
6130 (c) divide the district into units and fix a different rate for water purchased or otherwise
6131 acquired and for other charges within each unit, if the rates and charges are equitable, although
6132 not equal and uniform, for similar classes of services throughout the district; and
6133 (d) levy a contract assessment on assessed land.
6134 (7) (a) The board of trustees of each water conservancy district that levies a contract

6135 assessment under this section shall:

6136 (i) cause a certified copy of the resolution, ordinance, or order levying the assessment
6137 to be recorded in the office of the recorder of each county in which assessed land is located;
6138 and

6139 (ii) on or before July 1 of each year after levying the contract assessment, certify to the
6140 auditor of each county in which assessed land is located the amount of the contract assessment.

6141 (b) Upon the recording of the resolution, ordinance, or order, in accordance with
6142 Subsection (7)(a)(i):

6143 (i) the contract assessment associated with allotting water to the assessed land under
6144 the water contract becomes a political subdivision lien, as that term is defined in Section
6145 11-60-102, on the assessed land, in accordance with Title 11, Chapter 60, Political Subdivision
6146 Lien Authority, as of the effective date of the resolution, ordinance, or order; and

6147 (ii) (A) the board of trustees of the water conservancy district shall certify the amount
6148 of the assessment to the county treasurer; and

6149 (B) the county treasurer shall include the certified amount on the property tax notice
6150 required by Section 59-2-1317 for that year.

6151 (c) (i) Each county in which assessed land is located shall collect the contract
6152 assessment in the same manner as taxes levied by the county.

6153 (ii) If the amount of a contract assessment levied under this section is not paid in full in
6154 a given year:

6155 (A) by September 15, the governing body of the water conservancy district that levies
6156 the contract assessment shall certify any unpaid amount to the treasurer of the county in which
6157 the property is located; and

6158 (B) the county treasurer shall include the certified amount on the property tax notice
6159 required by Section 59-2-1317 for that year.

6160 (8) (a) The board of trustees of each water conservancy district that levies a contract
6161 assessment under this section shall:

6162 (i) hold a public hearing, before August 8 of each year in which a contract assessment
6163 is levied, to hear and consider objections filed under Subsection (8)(b); and

6164 (ii) post a notice:

6165 (A) [~~on the Utah Public Notice Website, created in Section 63A-16-601,~~] within the

6166 water conservancy district as a class A notice under Section [63G-28-102](#) for at least the two
6167 consecutive weeks before the day of the public hearing; and

6168 (B) that contains a general description of the assessed land, the amount of the contract
6169 assessment, and the time and place of the public hearing under Subsection (8)(a)(i).

6170 (b) An owner of assessed land within the water conservancy district who believes that
6171 the contract assessment on the owner's land is excessive, erroneous, or illegal may, before the
6172 hearing under Subsection (8)(a)(i), file with the board of trustees a verified, written objection to
6173 the assessment, stating the grounds for the objection.

6174 (c) (i) At each hearing under Subsection (8)(a)(i), the board of trustees shall hear and
6175 consider the evidence and arguments supporting each objection.

6176 (ii) After hearing and considering the evidence and arguments supporting an objection,
6177 the board of trustees:

6178 (A) shall enter a written order, stating its decision; and

6179 (B) may modify the assessment.

6180 (d) (i) An owner of assessed land may file a petition in district court seeking review of
6181 a board of trustees' order under Subsection (8)(c)(ii)(A).

6182 (ii) Each petition under Subsection (8)(d)(i) shall:

6183 (A) be filed within 30 days after the board enters its written order;

6184 (B) state specifically the part of the board's order for which review is sought; and

6185 (C) be accompanied by a bond with good and sufficient security in an amount not
6186 exceeding \$200, as determined by the court clerk.

6187 (iii) If more than one owner of assessed land seeks review, the court may, upon a
6188 showing that the reviews may be consolidated without injury to anyone's interests, consolidate
6189 the reviews and hear them together.

6190 (iv) The court shall act as quickly as possible after a petition is filed.

6191 (v) A court may not disturb a board of trustees' order unless the court finds that the
6192 contract assessment on the petitioner's assessed land is manifestly disproportionate to
6193 assessments imposed upon other land in the district.

6194 (e) If no petition under Subsection (8)(d) is timely filed, the contract assessment is
6195 conclusively considered to have been made in proportion to the benefits conferred on the land
6196 in the district.

6197 (9) Each resolution, ordinance, or order under which a water conservancy district
6198 levied a Class B, Class C, or Class D assessment before April 30, 2007, under the law in effect
6199 at the time of the levy is validated, ratified, and confirmed, and a water conservancy district
6200 may continue to levy the assessment according to the terms of the resolution, ordinance, or
6201 order.

6202 (10) A contract assessment is not a levy of an ad valorem property tax and is not
6203 subject to the limits stated in Section 17B-2a-1006.

6204 Section 113. Section 17B-2a-1110 is amended to read:

6205 **17B-2a-1110. Withdrawal from a municipal services district upon incorporation**
6206 **-- Feasibility study required for city or town withdrawal -- Public hearing -- Notice --**
6207 **Revenues transferred to municipal services district.**

6208 (1) (a) A municipality may withdraw from a municipal services district in accordance
6209 with Section 17B-1-502 or 17B-1-505, as applicable, and the requirements of this section.

6210 (b) If a municipality engages a feasibility consultant to conduct a feasibility study
6211 under Subsection (2)(a), the 180 days described in Subsection 17B-1-502(3)(a)(iii)(B) is tolled
6212 from the day that the municipality engages the feasibility consultant to the day on which the
6213 municipality holds the final public hearing under Subsection (5).

6214 (2) (a) If a municipality decides to withdraw from a municipal services district, the
6215 municipal legislative body shall, before adopting a resolution under Section 17B-1-502 or
6216 17B-1-505, as applicable, engage a feasibility consultant to conduct a feasibility study.

6217 (b) The feasibility consultant shall be chosen:

6218 (i) by the municipal legislative body; and

6219 (ii) in accordance with applicable municipal procurement procedures.

6220 (3) The municipal legislative body shall require the feasibility consultant to:

6221 (a) complete the feasibility study and submit the written results to the municipal
6222 legislative body before the council adopts a resolution under Section 17B-1-502;

6223 (b) submit with the full written results of the feasibility study a summary of the results
6224 no longer than one page in length; and

6225 (c) attend the public hearings under Subsection (5).

6226 (4) (a) The feasibility study shall consider:

6227 (i) population and population density within the withdrawing municipality;

6228 (ii) current and five-year projections of demographics and economic base in the
6229 withdrawing municipality, including household size and income, commercial and industrial
6230 development, and public facilities;

6231 (iii) projected growth in the withdrawing municipality during the next five years;

6232 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,
6233 including overhead, of municipal services in the withdrawing municipality;

6234 (v) assuming the same tax categories and tax rates as currently imposed by the
6235 municipal services district and all other current service providers, the present and five-year
6236 projected revenue for the withdrawing municipality;

6237 (vi) a projection of any new taxes per household that may be levied within the
6238 withdrawing municipality within five years of the withdrawal; and

6239 (vii) the fiscal impact on other municipalities serviced by the municipal services
6240 district.

6241 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a
6242 level and quality of municipal services to be provided to the withdrawing municipality in the
6243 future that fairly and reasonably approximates the level and quality of municipal services being
6244 provided to the withdrawing municipality at the time of the feasibility study.

6245 (ii) In determining the present cost of a municipal service, the feasibility consultant
6246 shall consider:

6247 (A) the amount it would cost the withdrawing municipality to provide municipal
6248 services for the first five years after withdrawing; and

6249 (B) the municipal services district's present and five-year projected cost of providing
6250 municipal services.

6251 (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation
6252 and anticipated growth.

6253 (5) If the results of the feasibility study meet the requirements of Subsection (4), the
6254 municipal legislative body shall, at its next regular meeting after receipt of the results of the
6255 feasibility study, schedule at least one public hearing to be held:

6256 (a) within the following 60 days; and

6257 (b) for the purpose of allowing:

6258 (i) the feasibility consultant to present the results of the study; and

6259 (ii) the public to become informed about the feasibility study results, including the
6260 requirement that if the municipality withdraws from the municipal services district, the
6261 municipality must comply with Subsection (9), and to ask questions about those results of the
6262 feasibility consultant.

6263 (6) At a public hearing described in Subsection (5), the municipal legislative body
6264 shall:

6265 (a) provide a copy of the feasibility study for public review; and

6266 (b) allow the public to express its views about the proposed withdrawal from the
6267 municipal services district.

6268 (7) (a) The municipal clerk or recorder shall publish notice of the public hearings
6269 required under Subsection (5)[:] within the municipality as a class A notice under Section
6270 63G-28-102 at least three weeks before the day of the first hearing described in Subsection (5).

6271 [~~(i) by posting the notice on the Utah Public Notice Website created in Section~~
6272 ~~63A-16-601, for three weeks, and]~~

6273 [~~(ii) by posting at least one notice of the hearings per 1,000 population in conspicuous~~
6274 ~~places within the municipality that are most likely to give notice of the hearings to the~~
6275 ~~residents.]~~

6276 [~~(b) The municipal clerk or recorder shall post the notices under Subsection (7)(a)(ii) at~~
6277 ~~least seven days before the first hearing under Subsection (5).]~~

6278 [~~(c)~~] (b) The notice under Subsection (7)(a) shall include the feasibility study summary
6279 and shall indicate that a full copy of the study is available for inspection and copying at the
6280 office of the municipal clerk or recorder.

6281 (8) At a public meeting held after the public hearing required under Subsection (5), the
6282 municipal legislative body may adopt a resolution under Section 17B-1-502 or 17B-1-505, as
6283 applicable, if the municipality is in compliance with the other requirements of that section.

6284 (9) The municipality shall pay revenues in excess of 5% to the municipal services
6285 district for 10 years beginning on the next fiscal year immediately following the municipal
6286 legislative body adoption of a resolution or an ordinance to withdraw under Section 17B-1-502
6287 or 17B-1-505 if the results of the feasibility study show that the average annual amount of
6288 revenue under Subsection (4)(a)(v) exceed the average annual amount of cost under Subsection
6289 (4)(a)(iv) by more than 5%.

6290 Section 114. Section 17C-1-207 is amended to read:

6291 **17C-1-207. Public entities may assist with project area development -- Notice**
6292 **requirements.**

6293 (1) In order to assist and cooperate in the planning, undertaking, construction, or
6294 operation of project area development within an area in which the public entity is authorized to
6295 act, a public entity may:

6296 (a) (i) provide or cause to be furnished:

6297 (A) parks, playgrounds, or other recreational facilities;

6298 (B) community, educational, water, sewer, or drainage facilities; or

6299 (C) any other works which the public entity is otherwise empowered to undertake;

6300 (ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or
6301 replan streets, roads, roadways, alleys, sidewalks, or other places;

6302 (iii) in any part of the project area:

6303 (A) (I) plan or replan any property within the project area;

6304 (II) plat or replat any property within the project area;

6305 (III) vacate a plat;

6306 (IV) amend a plat; or

6307 (V) zone or rezone any property within the project area; and

6308 (B) make any legal exceptions from building regulations and ordinances;

6309 (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the
6310 rights of any holder of the bonds;

6311 (v) notwithstanding any law to the contrary, enter into an agreement for a period of
6312 time with another public entity concerning action to be taken pursuant to any of the powers
6313 granted in this title;

6314 (vi) do anything necessary to aid or cooperate in the planning or implementation of the
6315 project area development;

6316 (vii) in connection with the project area plan, become obligated to the extent
6317 authorized and funds have been made available to make required improvements or construct
6318 required structures; and

6319 (viii) lend, grant, or contribute funds to an agency for project area development or
6320 proposed project area development, including assigning revenue or taxes in support of an

6321 agency bond or obligation; and

6322 (b) for less than fair market value or for no consideration, and subject to Subsection

6323 (3):

6324 (i) purchase or otherwise acquire property from an agency;

6325 (ii) lease property from an agency;

6326 (iii) sell, grant, convey, donate, or otherwise dispose of the public entity's property to

6327 an agency; or

6328 (iv) lease the public entity's property to an agency.

6329 (2) The following are not subject to Section [10-8-2](#), [17-50-312](#), or [17-50-303](#):

6330 (a) project area development assistance that a public entity provides under this section;

6331 or

6332 (b) a transfer of funds or property from an agency to a public entity.

6333 (3) A public entity may provide assistance described in Subsection (1)(b) no sooner

6334 than 15 days after the day on which the public entity ~~[posts]~~ completes the requirements for

6335 posting notice of the assistance ~~[on:]~~ within the public entity as a class A notice under Section

6336 [63G-28-102](#).

6337 ~~[(a) the Utah Public Notice Website described in Section [63A-16-601](#); and]~~

6338 ~~[(b) the public entity's public website.]~~

6339 Section 115. Section **17C-1-601.5** is amended to read:

6340 **17C-1-601.5. Annual agency budget -- Fiscal year -- Public hearing required --**

6341 **Notice -- Auditor forms -- Requirement to file form.**

6342 (1) Each agency shall prepare an annual budget of the agency's revenues and

6343 expenditures for each fiscal year.

6344 (2) The board shall adopt each agency budget:

6345 (a) for an agency created by a municipality, before June 30; or

6346 (b) for an agency created by a county, before December 15.

6347 (3) The agency's fiscal year shall be the same as the fiscal year of the community that

6348 created the agency.

6349 (4) (a) Before adopting an annual budget, each board shall hold a public hearing on the

6350 annual budget.

6351 (b) Each agency shall provide notice of the public hearing on the annual budget ~~[by:]~~

6352 within the agency boundaries as a class A notice under Section [63G-28-102](#) at least one week
6353 before the day of the public hearing.

6354 ~~[(i) posting a notice of the public hearing in at least three public places within the~~
6355 ~~agency boundaries; and]~~

6356 ~~[(ii) publishing notice on the Utah Public Notice Website created in Section~~
6357 ~~[63A-16-601](#), at least one week before the public hearing.]~~

6358 (c) Each agency shall make the annual budget available for public inspection at least
6359 three days before the date of the public hearing.

6360 (5) The state auditor shall prescribe the budget forms and the categories to be contained
6361 in each annual budget, including:

6362 (a) revenues and expenditures for the budget year;

6363 (b) legal fees; and

6364 (c) administrative costs, including rent, supplies, and other materials, and salaries of
6365 agency personnel.

6366 (6) (a) Within 90 days after adopting an annual budget, each board shall file a copy of
6367 the annual budget with the auditor of the county in which the agency is located, the State Tax
6368 Commission, the state auditor, the State Board of Education, and each taxing entity from which
6369 the agency receives project area funds.

6370 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
6371 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the
6372 state auditor.

6373 Section 116. Section **17C-1-701.5** is amended to read:

6374 **17C-1-701.5. Agency dissolution -- Restrictions -- Notice -- Recording**
6375 **requirements -- Agency records -- Dissolution expenses.**

6376 (1) (a) Subject to Subsection (1)(b), the community legislative body may, by ordinance,
6377 dissolve an agency.

6378 (b) A community legislative body may adopt an ordinance described in Subsection
6379 (1)(a) only if the agency has no outstanding bonded indebtedness, other unpaid loans,
6380 indebtedness, or advances, and no legally binding contractual obligations with a person other
6381 than the community.

6382 (2) (a) The community legislative body shall:

6383 (i) within 10 days after adopting an ordinance described in Subsection (1), file with the
 6384 lieutenant governor a copy of a notice of an impending boundary action, as defined in Section
 6385 [67-1a-6.5](#), that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and

6386 (ii) upon the lieutenant governor's issuance of a certificate of dissolution under Section
 6387 [67-1a-6.5](#), submit to the recorder of the county in which the agency is located:

6388 (A) the original notice of an impending boundary action;

6389 (B) the original certificate of dissolution; and

6390 (C) a certified copy of the ordinance that dissolves the agency.

6391 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under
 6392 Section [67-1a-6.5](#), the agency is dissolved.

6393 (c) Within 10 days after receiving the certificate of dissolution from the lieutenant
 6394 governor under Section [67-1a-6.5](#), the community legislative body shall send a copy of the
 6395 certificate of dissolution and the ordinance adopted under Subsection (1) to the State Board of
 6396 Education, and each taxing entity.

6397 (d) The community legislative body shall post a notice of dissolution [~~on the Utah~~
 6398 ~~Public Notice Website created in Section [63A-16-601](#)]~~ within the community as a class A
 6399 notice under Section [63G-28-102](#).

6400 (3) The books, documents, records, papers, and seal of each dissolved agency shall be
 6401 deposited for safekeeping and reference with the recorder of the community that dissolved the
 6402 agency.

6403 (4) The agency shall pay all expenses of the dissolution.

6404 Section 117. Section **17C-1-804** is amended to read:

6405 **17C-1-804. Notice required for continued hearing.**

6406 The board shall give notice of a hearing continued under Section [17C-1-803](#) by
 6407 announcing at the hearing:

6408 (1) the date, time, and place the hearing will be resumed; or

6409 (2) (a) that the hearing is being continued to a later time; and

6410 (b) that the board will cause a notice of the continued hearing to be published [~~on the~~
 6411 ~~Utah Public Notice Website created in Section [63A-16-601](#)]~~ within the community as a class A
 6412 notice under Section [63G-28-102](#), at least seven days before the day on which the hearing is
 6413 scheduled to resume.

6414 Section 118. Section **17C-1-806** is amended to read:

6415 **17C-1-806. Requirements for notice provided by agency.**

6416 (1) The notice required by Section **17C-1-805** shall be given by:

6417 (a) posting notice within the county as a class A notice under Section **63G-28-102** at
6418 least 14 days before the day on which the hearing is held; and

6419 ~~[(i) posting notice at least 14 days before the day of the hearing in at least three~~
6420 ~~conspicuous places within the county in which the project area or proposed project area is~~
6421 ~~located; or]~~

6422 ~~[(ii) posting notice, excluding the map described in Subsection (3)(b), at least 14 days~~
6423 ~~before the day on which the hearing is held on:]~~

6424 ~~[(A) the Utah Public Notice Website described in Section **63A-16-601**; and]~~

6425 ~~[(B) the public website of a community located within the boundaries of the project~~
6426 ~~area; and]~~

6427 (b) at least 30 days before the hearing, mailing notice to:

6428 (i) each record owner of property located within the project area or proposed project
6429 area;

6430 (ii) the State Tax Commission;

6431 (iii) the assessor and auditor of the county in which the project area or proposed project
6432 area is located; and

6433 (iv) (A) if a project area is subject to a taxing entity committee, each member of the
6434 taxing entity committee and the State Board of Education; or

6435 (B) if a project area is not subject to a taxing entity committee, the legislative body or
6436 governing board of each taxing entity within the boundaries of the project area or proposed
6437 project area.

6438 (2) The mailing of the notice to record property owners required under Subsection
6439 (1)(b)(i) shall be conclusively considered to have been properly completed if:

6440 (a) the agency mails the notice to the property owners as shown in the records,
6441 including an electronic database, of the county recorder's office and at the addresses shown in
6442 those records; and

6443 (b) the county recorder's office records used by the agency in identifying owners to
6444 whom the notice is mailed and their addresses were obtained or accessed from the county

6445 recorder's office no earlier than 30 days before the mailing.

6446 (3) The agency shall include in each notice required under Section 17C-1-805:

6447 (a) (i) a boundary description of the project area or proposed project area; or

6448 (ii) (A) a mailing address or telephone number where a person may request that a copy
6449 of the boundary description be sent at no cost to the person by mail, email, or facsimile
6450 transmission; and

6451 (B) if the agency or community has an Internet website, an Internet address where a
6452 person may gain access to an electronic, printable copy of the boundary description and other
6453 related information;

6454 (b) a map of the boundaries of the project area or proposed project area;

6455 (c) an explanation of the purpose of the hearing; and

6456 (d) a statement of the date, time, and location of the hearing.

6457 (4) The agency shall include in each notice under Subsection (1)(b):

6458 (a) a statement that property tax revenue resulting from an increase in valuation of
6459 property within the project area or proposed project area will be paid to the agency for project
6460 area development rather than to the taxing entity to which the tax revenue would otherwise
6461 have been paid if:

6462 (i) (A) the taxing entity committee consents to the project area budget; or

6463 (B) one or more taxing entities agree to share property tax revenue under an interlocal
6464 agreement; and

6465 (ii) the project area plan provides for the agency to receive tax increment; and

6466 (b) an invitation to the recipient of the notice to submit to the agency comments
6467 concerning the subject matter of the hearing before the date of the hearing.

6468 (5) An agency may include in a notice under Subsection (1) any other information the
6469 agency considers necessary or advisable, including the public purpose achieved by the project
6470 area development and any future tax benefits expected to result from the project area
6471 development.

6472 Section 119. Section 17C-1-1003 is amended to read:

6473 **17C-1-1003. Interlocal agreement -- Notice requirements -- Effective date.**

6474 (1) An agency that enters into an interlocal agreement under Section 17C-1-1002 shall:

6475 (a) adopt the interlocal agreement at an open and public meeting; and

6476 (b) provide a notice, in accordance with Subsections (2) and (3), titled "Authorization
6477 to Levy a Property Tax."

6478 (2) Upon the execution of an interlocal agreement, the agency shall provide, subject to
6479 Subsection (3), notice of the execution by[~~:~~] publishing the notice within the agency's
6480 geographic boundaries as a class A notice under Section [63G-28-102](#).

6481 [~~(a)(i) publishing the notice in a newspaper of general circulation within the agency's~~
6482 ~~geographic boundaries; or]~~

6483 [~~(ii) if there is no newspaper of general circulation within the agency's geographic~~
6484 ~~boundaries, posting the notice in at least three public places within the agency's geographic~~
6485 ~~boundaries; and]~~

6486 [~~(b) posting the notice on the Utah Public Notice Website created in Section~~
6487 ~~[63A-16-601](#).]~~

6488 (3) A notice described in Subsection (2) shall include:

6489 (a) a summary of the interlocal agreement; and

6490 (b) a statement that the interlocal agreement:

6491 (i) is available for public inspection and the place and the hours for inspection; and

6492 (ii) authorizes the agency to:

6493 (A) receive all or a portion of a taxing entity's project area incremental revenue; and

6494 (B) levy a property tax on taxable property within the agency's boundaries.

6495 (4) An interlocal agreement described in Section [17C-1-1002](#) is effective the day on
6496 which the notice is published or posted in accordance with Subsections (2) and (3).

6497 (5) An eligible taxing entity that enters into an interlocal agreement under Section
6498 [17C-1-1002](#) shall make a copy of the interlocal agreement available to the public for inspecting
6499 and copying at the eligible taxing entity's office during normal business hours.

6500 Section 120. Section **17C-2-108** is amended to read:

6501 **17C-2-108. Notice of urban renewal project area plan adoption -- Effective date**
6502 **of plan -- Contesting the formation of the plan.**

6503 (1) (a) Upon the community legislative body's adoption of an urban renewal project
6504 area plan, or an amendment to a project area plan under Section [17C-2-110](#), the community
6505 legislative body shall provide notice as provided in Subsection (1)(b) by[~~:~~] posting a notice
6506 within the agency's boundaries as a class A notice under Section [63G-28-102](#).

6507 ~~[(i) causing a notice to be posted in at least three public places within the agency's~~
6508 ~~boundaries; and]~~

6509 ~~[(ii) posting a notice on the Utah Public Notice Website described in Section~~
6510 ~~63A-16-601.]~~

6511 (b) Each notice under Subsection (1)(a) shall:

6512 (i) set forth the community legislative body's ordinance adopting the project area plan
6513 or a summary of the ordinance; and

6514 (ii) include a statement that the project area plan is available for general public
6515 inspection and the hours for inspection.

6516 (2) The project area plan shall become effective on the date ~~[of:]~~ that the community
6517 legislative body completes the requirements for a class A notice under Section 63G-28-102.

6518 ~~[(a) if notice was published under Subsection (1)(a), publication of the notice; or]~~

6519 ~~[(b) if notice was posted under Subsection (1)(a), posting of the notice.]~~

6520 (3) (a) For a period of 30 days after the effective date of the project area plan under
6521 Subsection (2), any person may contest the project area plan or the procedure used to adopt the
6522 project area plan if the plan or procedure fails to comply with applicable statutory
6523 requirements.

6524 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest
6525 the project area plan or procedure used to adopt the project area plan for any cause.

6526 (4) Upon adoption of the project area plan by the community legislative body, the
6527 agency may carry out the project area plan.

6528 (5) Each agency shall make the project area plan available to the general public at the
6529 agency's office during normal business hours.

6530 Section 121. Section **17C-3-107** is amended to read:

6531 **17C-3-107. Notice of economic development project area plan adoption --**
6532 **Effective date of plan -- Contesting the formation of the plan.**

6533 (1) (a) Upon the community legislative body's adoption of an economic development
6534 project area plan, or an amendment to the project area plan under Section **17C-3-109** that
6535 requires notice, the legislative body shall provide notice as provided in Subsection (1)(b) by~~[:]~~
6536 posting a notice within the agency's boundaries as a class A notice under Section 63G-28-102.

6537 ~~[(i) causing a notice to be posted in at least three public places within the agency's~~

6538 boundaries; and]

6539 ~~[(ii) posting a notice on the Utah Public Notice Website described in Section~~

6540 ~~63A-16-601.]~~

6541 (b) Each notice under Subsection (1)(a) shall:

6542 (i) set forth the community legislative body's ordinance adopting the project area plan
6543 or a summary of the ordinance; and

6544 (ii) include a statement that the project area plan is available for public inspection and
6545 the hours for inspection.

6546 (2) The project area plan shall become effective on the date ~~[of:]~~ that the legislative
6547 body completes the requirements for a class A notice under Section 63G-28-102.

6548 ~~[(a) if notice was published under Subsection (1)(a), publication of the notice; or]~~

6549 ~~[(b) if notice was posted under Subsection (1)(a), posting of the notice.]~~

6550 (3) (a) For a period of 30 days after the effective date of the project area plan under
6551 Subsection (2), any person may contest the project area plan or the procedure used to adopt the
6552 project area plan if the plan or procedure fails to comply with applicable statutory
6553 requirements.

6554 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest
6555 the project area plan or procedure used to adopt the project area plan for any cause.

6556 (4) Upon adoption of the economic development project area plan by the community
6557 legislative body, the agency may implement the project area plan.

6558 (5) Each agency shall make the economic development project area plan available to
6559 the general public at the agency's office during normal business hours.

6560 Section 122. Section **17C-4-106** is amended to read:

6561 **17C-4-106. Notice of community development project area plan adoption --**

6562 **Effective date of plan -- Contesting the formation of the plan.**

6563 (1) (a) Upon the community legislative body's adoption of a community development
6564 project area plan, the community legislative body shall provide notice as provided in
6565 Subsection (1)(b) by~~[:]~~ posting a notice within the agency's boundaries as a class A notice
6566 under Section 63G-28-102.

6567 ~~[(i) causing a notice to be posted in at least three public places within the agency's~~
6568 ~~boundaries; and]~~

6569 ~~[(ii) posting a notice or causing a notice to be posted on the Utah Public Notice~~
6570 ~~Website created in Section [63A-16-601](#).]~~

6571 (b) Each notice under Subsection (1)(a) shall:

6572 (i) set forth the community legislative body's ordinance adopting the community
6573 development project area plan or a summary of the ordinance; and

6574 (ii) include a statement that the project area plan is available for general public
6575 inspection and the hours for inspection.

6576 (2) The community development project area plan shall become effective on the date
6577 ~~[of the posting of the notice under Subsection (1)(a)]~~ that the legislative body completes the
6578 requirements for a class A notice under Section [63G-28-102](#).

6579 (3) (a) For a period of 30 days after the effective date of the community development
6580 project area plan under Subsection (2), any person may contest the project area plan or the
6581 procedure used to adopt the project area plan if the plan or procedure fails to comply with
6582 applicable statutory requirements.

6583 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest
6584 the community development project area plan or procedure used to adopt the project area plan
6585 for any cause.

6586 (4) Upon adoption of the community development project area plan by the community
6587 legislative body, the agency may carry out the project area plan.

6588 (5) Each agency shall make the adopted project area plan available to the public at the
6589 agency's office during normal business hours.

6590 Section 123. Section **17C-4-109** is amended to read:

6591 **17C-4-109. Expedited community development project area plan -- Notice.**

6592 (1) As used in this section, "tax increment incentive" means the portion of tax
6593 increment awarded to an industry or business.

6594 (2) A community development project area plan may be adopted or amended without
6595 complying with the notice and public hearing requirements of this part and Chapter 1, Part 8,
6596 Hearing and Notice Requirements, if the following requirements are met:

6597 (a) the agency determines by resolution adopted in an open and public meeting the
6598 need to create or amend a project area plan on an expedited basis, which resolution shall
6599 include a description of why expedited action is needed;

6600 (b) a public hearing on the amendment or adoption of the project area plan is held by
6601 the agency;

6602 (c) notice of the public hearing is published at least 14 days before the day of the public
6603 hearing [om:] within the community that created the agency as a class A notice under Section
6604 63G-28-102;

6605 [~~(i) the website of the community that created the agency; and]~~

6606 [~~(ii) the Utah Public Notice Website created in Section 63A-16-601;~~]

6607 (d) written consent to the amendment or adoption of the project area plan is given by
6608 all record property owners within the existing or proposed project area;

6609 (e) each taxing entity that will be affected by the tax increment incentive enters into or
6610 amends an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation
6611 Act, and Sections 17C-4-201, 17C-4-203, and 17C-4-204;

6612 (f) the primary market for the goods or services that will be created by the industry or
6613 business entity that will receive a tax increment incentive from the amendment or adoption of
6614 the project area plan is outside of the state;

6615 (g) the industry or business entity that will receive a tax increment incentive from the
6616 amendment or adoption of the project area plan is not primarily engaged in retail trade; and

6617 (h) a tax increment incentive is only provided to an industry or business entity:

6618 (i) on a postperformance basis as described in Subsection (3); and

6619 (ii) on an annual basis after the tax increment is received by the agency.

6620 (3) An industry or business entity may only receive a tax increment incentive under this
6621 section after entering into an agreement with the agency that sets postperformance targets that
6622 shall be met before the industry or business entity may receive the tax increment incentive,
6623 including annual targets for:

6624 (a) capital investment in the project area;

6625 (b) the increase in the taxable value of the project area;

6626 (c) the number of new jobs created in the project area;

6627 (d) the average wages of the jobs created, which shall be at least 110% of the
6628 prevailing wage of the county where the project area is located; and

6629 (e) the amount of local vendor opportunity generated by the industry or business entity.

6630 Section 124. Section 17C-4-202 is amended to read:

6631 **17C-4-202. Resolution or interlocal agreement to provide project area funds for**
6632 **the community development project area plan -- Notice -- Effective date of resolution or**
6633 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**
6634 **of resolution or interlocal agreement.**

6635 (1) The approval and adoption of each resolution or interlocal agreement under
6636 Subsection [17C-4-201](#)(2) shall be in an open and public meeting.

6637 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section
6638 [17C-4-201](#), the agency shall provide notice as provided in Subsection (2)(b) by~~[:]~~ posting a
6639 notice within the agency's boundaries as a class A notice under Section [63G-28-102](#).

6640 ~~[(i) causing a notice to be posted in at least three public places within the agency's~~
6641 ~~boundaries; and]~~

6642 ~~[(ii) posting or causing to be posted a notice on the Utah Public Notice Website created~~
6643 ~~in Section [63A-16-601](#).]~~

6644 (b) Each notice under Subsection (2)(a) shall:

6645 (i) set forth a summary of the resolution or interlocal agreement; and

6646 (ii) include a statement that the resolution or interlocal agreement is available for
6647 public inspection and the hours of inspection.

6648 (3) The resolution or interlocal agreement shall become effective on the date ~~[of the~~
6649 ~~posting of the notice under Subsection (2)(a)]~~ that the agency completes the requirements for a
6650 class A notice under Section [63G-28-102](#).

6651 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal
6652 agreement under Subsection (3), any person may contest the resolution or interlocal agreement
6653 or the procedure used to adopt the resolution or interlocal agreement if the resolution or
6654 interlocal agreement or procedure fails to comply with applicable statutory requirements.

6655 (b) After the 30-day period under Subsection (4)(a) expires, a person may not contest:

6656 (i) the resolution or interlocal agreement;

6657 (ii) a distribution of tax increment to the agency under the resolution or interlocal
6658 agreement; or

6659 (iii) the agency's use of project area funds under the resolution or interlocal agreement.

6660 (5) Each agency that is to receive project area funds under a resolution or interlocal
6661 agreement under Section [17C-4-201](#) and each taxing entity that approves a resolution or enters

6662 into an interlocal agreement under Section [17C-4-201](#) shall make the resolution or interlocal
6663 agreement, as the case may be, available at the taxing entity's offices to the public for
6664 inspection and copying during normal business hours.

6665 Section 125. Section **17C-5-110** is amended to read:

6666 **17C-5-110. Notice of community reinvestment project area plan adoption --**
6667 **Effective date of plan -- Contesting the formation of the plan.**

6668 (1) (a) Upon a community legislative body's adoption of a community reinvestment
6669 project area plan in accordance with Section [17C-5-109](#), or an amendment to a community
6670 reinvestment project area plan in accordance with Section [17C-5-112](#), the community
6671 legislative body shall provide notice of the adoption or amendment in accordance with
6672 Subsection (1)(b) by ~~[:]~~ posting a notice within the community as a class A notice under Section
6673 [63G-28-102](#).

6674 ~~[(i) causing a notice to be posted in at least three public places within the community;~~
6675 ~~and]~~

6676 ~~[(ii) posting a notice on the Utah Public Notice Website described in Section~~
6677 ~~[63A-16-601](#).]~~

6678 (b) A notice described in Subsection (1)(a) shall include:

6679 (i) a copy of the community legislative body's ordinance, or a summary of the
6680 ordinance, that adopts the community reinvestment project area plan; and

6681 (ii) a statement that the community reinvestment project area plan is available for
6682 public inspection and the hours for inspection.

6683 (2) A community reinvestment project area plan is effective on the day on which notice
6684 of adoption is published or posted in accordance with Subsection (1)(a).

6685 (3) A community reinvestment project area is considered created the day on which the
6686 community reinvestment project area plan becomes effective as described in Subsection (2).

6687 (4) (a) Within 30 days after the day on which a community reinvestment project area
6688 plan is effective, a person may contest the community reinvestment project area plan or the
6689 procedure used to adopt the community reinvestment project area plan if the community
6690 reinvestment project area plan or the procedure fails to comply with a provision of this title.

6691 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not
6692 contest the community reinvestment project area plan or the procedure used to adopt the

6693 community reinvestment project area plan.

6694 (5) Upon adoption of a community reinvestment project area plan by the community
6695 legislative body, the agency may implement the community reinvestment project area plan.

6696 (6) The agency shall make the community reinvestment project area plan available to
6697 the public at the agency's office during normal business hours.

6698 Section 126. Section 17C-5-113 is amended to read:

6699 **17C-5-113. Expedited community reinvestment project area plan -- Hearing and**
6700 **notice requirements.**

6701 (1) As used in this section:

6702 (a) "Qualified business entity" means a business entity that:

6703 (i) has a primary market for the qualified business entity's goods or services outside of
6704 the state; and

6705 (ii) is not primarily engaged in retail sales.

6706 (b) "Tax increment incentive" means the portion of an agency's tax increment that is
6707 paid to a qualified business entity for the purpose of implementing a community reinvestment
6708 project area plan.

6709 (2) An agency and a qualified business entity may, in accordance with Subsection (3),
6710 enter into an agreement that allows the qualified business entity to receive a tax increment
6711 incentive.

6712 (3) An agreement described in Subsection (2) shall set annual postperformance targets
6713 for:

6714 (a) capital investment within the community reinvestment project area;

6715 (b) the number of new jobs created within the community reinvestment project area;

6716 (c) the average wage of the jobs described in Subsection (3)(b) that is at least 110% of
6717 the prevailing wage of the county within which the community reinvestment project area is
6718 located; and

6719 (d) the amount of local vendor opportunity generated by the qualified business entity.

6720 (4) A qualified business entity may only receive a tax increment incentive:

6721 (a) if the qualified business entity complies with the agreement described in Subsection
6722 (3);

6723 (b) on a postperformance basis; and

6724 (c) on an annual basis after the agency receives tax increment from a taxing entity.

6725 (5) An agency may create or amend a community reinvestment project area plan for the
6726 purpose of providing a tax increment incentive without complying with the requirements
6727 described in Chapter 1, Part 8, Hearing and Notice Requirements, if:

6728 (a) the agency:

6729 (i) holds a public hearing to consider the need to create or amend a community
6730 reinvestment project area plan on an expedited basis;

6731 (ii) posts notice within the community as a class A notice under Section 63G-28-102 at
6732 least 14 days before the day on which the public hearing described in Subsection (5)(a)(i) is
6733 held ~~[on:]; and~~

6734 ~~[(A) the community's website; and]~~

6735 ~~[(B) the Utah Public Notice Website as described in Section 63A-16-601; and]~~

6736 (iii) at the hearing described in Subsection (5)(a)(i), adopts a resolution to create or
6737 amend the community reinvestment project area plan on an expedited basis;

6738 (b) all record property owners within the existing or proposed community reinvestment
6739 project area plan give written consent; and

6740 (c) each taxing entity affected by the tax increment incentive consents and enters into
6741 an interlocal agreement with the agency authorizing the agency to pay a tax increment incentive
6742 to the qualified business entity.

6743 Section 127. Section **17C-5-205** is amended to read:

6744 **17C-5-205. Interlocal agreement to provide project area funds for the community**
6745 **reinvestment project area subject to interlocal agreement -- Notice -- Effective date of**
6746 **interlocal agreement -- Time to contest interlocal agreement -- Availability of interlocal**
6747 **agreement.**

6748 (1) An agency shall:

6749 (a) approve and adopt an interlocal agreement described in Section **17C-5-204** at an
6750 open and public meeting; and

6751 (b) provide a notice of the meeting titled "Diversion of Property Tax for a Community
6752 Reinvestment Project Area."

6753 (2) (a) Upon the execution of an interlocal agreement described in Section **17C-5-204**,
6754 the agency shall provide notice of the execution by posting the notice within the agency's

6755 boundaries as a class A notice under Section [63G-28-102](#).

6756 ~~[(i) causing the notice to be posted in at least three public places within the agency's~~
6757 ~~boundaries; and]~~

6758 ~~[(ii) posting the notice or causing the notice to be posted on the Utah Public Notice~~
6759 ~~Website created in Section [63A-16-601](#).]~~

6760 (b) A notice described in Subsection (2)(a) shall include:

6761 (i) a summary of the interlocal agreement; and

6762 (ii) a statement that the interlocal agreement:

6763 (A) is available for public inspection and the hours for inspection; and

6764 (B) authorizes the agency to receive all or a portion of a taxing entity's tax increment or
6765 sales and use tax revenue.

6766 (3) An interlocal agreement described in Section [17C-5-204](#) is effective the day on
6767 which the notice described in Subsection (2) is posted in accordance with Subsection (2)(a).

6768 (4) (a) Within 30 days after the day on which the interlocal agreement is effective, a
6769 person may contest the interlocal agreement or the procedure used to adopt the interlocal
6770 agreement if the interlocal agreement or procedure fails to comply with a provision of this title.

6771 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not
6772 contest:

6773 (i) the interlocal agreement;

6774 (ii) a distribution of tax increment to the agency under the interlocal agreement; or

6775 (iii) the agency's use of project area funds under the interlocal agreement.

6776 (5) A taxing entity that enters into an interlocal agreement under Section [17C-5-204](#)
6777 shall make a copy of the interlocal agreement available to the public at the taxing entity's office
6778 for inspection and copying during normal business hours.

6779 Section 128. Section **17D-3-305** is amended to read:

6780 **17D-3-305. Setting the date of nomination of the board of supervisors -- Notice**
6781 **requirements.**

6782 (1) The commission shall set the date of the nomination of members of the board of
6783 supervisors of a conservation district.

6784 (2) The commission shall publish notice of the nomination day described in Subsection

6785 (1):

6786 ~~[(a) (i) in a newspaper of general circulation within the conservation district at least~~
6787 ~~once, no later than four weeks before the day of the nomination; or]~~

6788 ~~[(ii) if there is no newspaper of general circulation in the conservation district, at least~~
6789 ~~four weeks before the nomination day, by posting one notice, and at least one additional notice~~
6790 ~~per 2,000 population of the conservation district, in places within the conservation district that~~
6791 ~~are most likely to give notice to the residents in the conservation district;]~~

6792 ~~[(b)] (a) [on the Utah Public Notice Website created in Section [63A-16-601](#)];~~ within
6793 the conservation district as a class A notice under Section [63G-28-102](#) for four weeks before
6794 the day of the nomination; and

6795 ~~[(c)] (b) in accordance with Section [45-1-101](#), for four weeks before the day of the~~
6796 ~~nomination[; and].~~

6797 ~~[(d) if the conservation district has a website, on the conservation district's website for~~
6798 ~~four weeks before the day of the nomination.]~~

6799 (3) The commissioner shall appoint the board of members by no later than six weeks
6800 after the date set by the commission for the close of nominations.

6801 (4) The notice required under Subsection (2) shall state:

6802 (a) the nomination date; and

6803 (b) the number of open board member positions for the conservation district.

6804 Section 129. Section **19-2-109** is amended to read:

6805 **19-2-109. Air quality standards -- Hearings on adoption -- Notice requirements --**

6806 **Orders of director -- Adoption of emission control requirements.**

6807 (1) (a) The board, in adopting standards of quality for ambient air, shall conduct public
6808 hearings.

6809 (b) Notice of any public hearing for the consideration, adoption, or amendment of air
6810 quality standards shall specify the locations to which the proposed standards apply and the
6811 time, date, and place of the hearing.

6812 (c) The notice shall be:

6813 (i) ~~[(A)]~~ published ~~[at least twice in any newspaper of general circulation in]~~ within the
6814 area affected as a class A notice under Section [63G-28-102](#); and

6815 ~~[(B)] published on the Utah Public Notice Website created in Section [63A-16-601](#), at~~
6816 ~~least 20 days before the public hearing; and]~~

6817 (ii) mailed at least 20 days before the public hearing to the chief executive of each
6818 political subdivision of the area affected and to other persons the director has reason to believe
6819 will be affected by the standards.

6820 (d) The adoption of air quality standards or any modification or changes to air quality
6821 standards shall be by order of the director following formal action of the board with respect to
6822 the standards.

6823 (e) The order shall be published:

6824 (i) [~~in a newspaper of general circulation in~~] within the area affected as a class A notice
6825 under Section 63G-28-102; and

6826 (ii) as required in Section 45-1-101.

6827 (2) (a) The board may establish emission control requirements by rule that in its
6828 judgment may be necessary to prevent, abate, or control air pollution that may be statewide or
6829 may vary from area to area, taking into account varying local conditions.

6830 (b) In adopting these requirements, the board shall give notice and conduct public
6831 hearings in accordance with the requirements in Subsection (1).

6832 Section 130. Section 20A-1-206 is amended to read:

6833 **20A-1-206. Cancellation of local election or local race -- Municipalities -- Local**
6834 **districts -- Notice.**

6835 (1) As used in this section:

6836 (a) "Contested race" means a race in a general election where the number of
6837 candidates, including any eligible write-in candidates, exceeds the number of offices to be
6838 filled in the race.

6839 (b) "Election" means an event, run by an election officer, that includes one or more
6840 races for public office or one or more ballot propositions.

6841 (c) (i) "Race" means a contest between candidates to obtain the number of votes
6842 necessary to take a particular public office.

6843 (ii) "Race," as the term relates to a contest for an at-large position, includes all open
6844 positions for the same at-large office.

6845 (iii) "Race," as the term relates to a contest for a municipal council position that is not
6846 an at-large position, includes only the contest to represent a particular district on the council.

6847 (2) A municipal legislative body may cancel a local election if:

6848 (a) the ballot for the local election will not include any contested races or ballot
6849 propositions; and

6850 (b) the municipal legislative body passes, no later than 20 days before the day of the
6851 scheduled election, a resolution that cancels the election and certifies that:

6852 (i) the ballot for the election would not include any contested races or ballot
6853 propositions; and

6854 (ii) the candidates who qualified for the ballot are considered elected.

6855 (3) A municipal legislative body may cancel a race in a local election if:

6856 (a) the ballot for the race will not include any contested races or ballot propositions;
6857 and

6858 (b) the municipal legislative body passes, no later than 20 days before the day of the
6859 scheduled election, a resolution that cancels the race and certifies that:

6860 (i) the ballot for the race would not include any contested races or ballot propositions;
6861 and

6862 (ii) the candidate for the race is considered elected.

6863 (4) A municipal legislative body that cancels a local election in accordance with
6864 Subsection (2) shall give notice that the election is cancelled by:

6865 (a) subject to Subsection (8), providing notice to the lieutenant governor's office to be
6866 posted on the Statewide Electronic Voter Information Website described in Section [20A-7-801](#),
6867 for 15 consecutive days before the day of the scheduled election; and

6868 (b) providing notice within the municipality as a class B notice under Section
6869 [63G-28-102](#) at least 15 days before the day of the scheduled election.

6870 [~~(b) if the municipality has a public website, posting notice on the municipality's public~~
6871 ~~website for 15 days before the day of the scheduled election;]~~

6872 [~~(c) if the elected officials or departments of the municipality regularly publish a~~
6873 ~~printed or electronic newsletter or other periodical, publishing notice in the next scheduled~~
6874 ~~newsletter or other periodical published before the day of the scheduled election;]~~

6875 [~~(d) (i) publishing notice at least twice in a newspaper of general circulation in the~~
6876 ~~municipality before the day of the scheduled election;]~~

6877 [~~(ii) at least 10 days before the day of the scheduled election, posting one notice, and at~~
6878 ~~least one additional notice per 2,000 population within the municipality, in places within the~~

6879 municipality that are most likely to give notice to the voters in the municipality, subject to a
6880 maximum of 10 notices; or]

6881 ~~[(iii) at least 10 days before the day of the scheduled election, mailing notice to each
6882 registered voter in the municipality; and]~~

6883 ~~[(e) posting notice on the Utah Public Notice Website, created in Section [63A-16-601](#),
6884 for at least 10 days before the day of the scheduled election.]~~

6885 (5) A local district board may cancel a local election if:

6886 (a) the ballot for the local election will not include any contested races or ballot
6887 propositions; and

6888 (b) the local district board passes, no later than 20 days before the day of the scheduled
6889 election, a resolution that cancels the election and certifies that:

6890 (i) the ballot for the election would not include any contested races or ballot
6891 propositions; and

6892 (ii) the candidates who qualified for the ballot are considered elected.

6893 (6) A local district board may cancel a local district race if:

6894 (a) the race is uncontested; and

6895 (b) the local district board passes, no later than 20 days before the day of the scheduled
6896 election, a resolution that cancels the race and certifies that the candidate who qualified for the
6897 ballot for that race is considered elected.

6898 (7) A local district that cancels a local election in accordance with Subsection (5) shall
6899 provide notice that the election is cancelled:

6900 (a) subject to Subsection (8), by posting notice on the Statewide Electronic Voter
6901 Information Website described in Section [20A-7-801](#), for 15 consecutive days before the day of
6902 the scheduled election; and

6903 (b) by providing notice within the local district as a class B notice under Section
6904 [63G-28-102](#) at least 15 days before the day of the scheduled election.

6905 ~~[(b) if the local district has a public website, by posting notice on the local district's
6906 public website for 15 days before the day of the scheduled election;]~~

6907 ~~[(c) if the local district publishes a newsletter or other periodical, by publishing notice
6908 in the next scheduled newsletter or other periodical published before the day of the scheduled
6909 election;]~~

6910 ~~[(d) (i) by publishing notice at least twice in a newspaper of general circulation in the~~
 6911 ~~local district before the scheduled election;]~~

6912 ~~[(ii) at least 10 days before the day of the scheduled election, by posting one notice,~~
 6913 ~~and at least one additional notice per 2,000 population of the local district, in places within the~~
 6914 ~~local district that are most likely to give notice to the voters in the local district, subject to a~~
 6915 ~~maximum of 10 notices; or]~~

6916 ~~[(iii) at least 10 days before the day of the scheduled election, by mailing notice to each~~
 6917 ~~registered voter in the local district; and]~~

6918 ~~[(e) by posting notice on the Utah Public Notice Website, created in Section~~
 6919 ~~63A-16-601, for at least 10 days before the day of the scheduled election.]~~

6920 (8) A municipal legislative body that posts a notice in accordance with Subsection
 6921 (4)(a) or a local district that posts a notice in accordance with Subsection (7)(a) is not liable for
 6922 a notice that fails to post due to technical or other error by the publisher of the Statewide
 6923 Electronic Voter Information Website.

6924 Section 131. Section **20A-1-512** is amended to read:

6925 **20A-1-512. Midterm vacancies on local district boards -- Notice.**

6926 (1) (a) When a vacancy occurs on any local district board for any reason, the following
 6927 shall appoint a replacement to serve out the unexpired term in accordance with this section:

- 6928 (i) the local district board, if the person vacating the position was elected; or
 6929 (ii) the appointing authority, as that term is defined in Section [17B-1-102](#), if the
 6930 appointing authority appointed the person vacating the position.

6931 (b) Except as provided in Subsection (1)(c) or (d), before acting to fill the vacancy, the
 6932 local district board or appointing authority shall:

- 6933 (i) give public notice of the vacancy at least two weeks before the local district board
 6934 or appointing authority meets to fill the vacancy by[:] publishing a class A notice under Section
 6935 [63G-28-102](#) within the local district; and

6936 ~~[(A) if there is a newspaper of general circulation, as that term is defined in Section~~
 6937 ~~[45-1-201](#), within the district, publishing the notice in the newspaper of general circulation;]~~

6938 ~~[(B) posting the notice in three public places within the local district; and]~~

6939 ~~[(C) posting on the Utah Public Notice Website created under Section [63A-16-601](#);~~

6940 ~~and]~~

- 6941 (ii) identify, in the notice:
- 6942 (A) the date, time, and place of the meeting where the vacancy will be filled;
- 6943 (B) the individual to whom an individual who is interested in an appointment to fill the
- 6944 vacancy may submit the individual's name for consideration; and
- 6945 (C) any submission deadline.
- 6946 (c) An appointing authority is not subject to Subsection (1)(b) if:
- 6947 (i) the appointing authority appoints one of the appointing authority's own members;
- 6948 and
- 6949 (ii) that member meets all applicable statutory board member qualifications.
- 6950 (d) When a vacancy occurs on the board of a water conservancy district located in
- 6951 more than one county:
- 6952 (i) the board shall give notice of the vacancy to the county legislative bodies that
- 6953 nominated the vacating trustee as provided in Section [17B-2a-1005](#);
- 6954 (ii) the county legislative bodies described in Subsection (1)(d)(i) shall collectively
- 6955 compile a list of three nominees to fill the vacancy; and
- 6956 (iii) the governor shall, with the advice and consent of the Senate, appoint an
- 6957 individual to fill the vacancy from nominees submitted as provided in Subsection
- 6958 [17B-2a-1005](#)(2)(c).
- 6959 (2) If the local district board fails to appoint an individual to complete an elected board
- 6960 member's term within 90 days, the legislative body of the county or municipality that created
- 6961 the local district shall fill the vacancy in accordance with the procedure for a local district
- 6962 described in Subsection (1)(b).
- 6963 Section 132. Section **20A-3a-604** is amended to read:
- 6964 **20A-3a-604. Notice of time and place of early voting.**
- 6965 (1) Except as provided in Section [20A-1-308](#) or Subsection [20A-3a-603](#)(2), the
- 6966 election officer shall, at least 19 days before the date of the election, provide notice of the
- 6967 dates, times, and locations of early voting[?] by publishing notice within the county as a class B
- 6968 notice under Section [63G-28-102](#).
- 6969 [~~(a) (i) by publishing notice in at least one issue of a newspaper of general circulation~~
- 6970 ~~in the county;~~]
- 6971 [~~(ii) by posting one notice, and at least one additional notice per 2,000 population of~~

6972 the county, in places within the county that are most likely to give notice to the residents in the
6973 county, subject to a maximum of 10 notices; or]

6974 [(iii) by mailing notice to each registered voter in the county;]

6975 [(b) by posting notice at each early voting polling place;]

6976 [(c) by posting notice on the Utah Public Notice Website, created in Section
6977 [63A-16-601](#), for 19 days before the day of the election; and]

6978 [(d) by posting notice on the county's website for 19 days before the day of the
6979 election.]

6980 (2) Instead of specifying all dates, times, and locations of early voting, a notice
6981 required under Subsection (1) may specify the following sources where a voter may view or
6982 obtain a copy of all dates, times, and locations of early voting:

6983 (a) the county's website;

6984 (b) the physical address of the county's offices; and

6985 (c) a mailing address and telephone number.

6986 (3) The election officer shall include in the notice described in Subsection (1):

6987 (a) the address of the Statewide Electronic Voter Information Website and, if available,
6988 the address of the election officer's website, with a statement indicating that the election officer
6989 will post on the website the location of each early voting polling place, including any changes
6990 to the location of an early voting polling place and the location of additional early voting
6991 polling places; and

6992 (b) a phone number that a voter may call to obtain information regarding the location
6993 of an early voting polling place.

6994 Section 133. Section **20A-4-104** is amended to read:

6995 **20A-4-104. Counting ballots electronically -- Notice of testing tabulating**
6996 **equipment.**

6997 (1) (a) Before beginning to count ballots using automatic tabulating equipment, the
6998 election officer shall test the automatic tabulating equipment to ensure that it will accurately
6999 count the votes cast for all offices and all measures.

7000 (b) The election officer shall provide public notice of the time and place of the test[:]
7001 by publishing a class B notice under Section [63G-28-102](#) within the county, municipality, or
7002 jurisdiction where the equipment is used at least four weeks before the day of the test.

7003 ~~[(i) (A) by publishing notice at least 48 hours before the test in a newspaper of general~~
7004 ~~circulation in the county, municipality, or jurisdiction where the equipment is used;]~~

7005 ~~[(B) at least 10 days before the day of the test, by posting one notice, and at least one~~
7006 ~~additional notice per 2,000 population of the county, municipality, or jurisdiction, in places~~
7007 ~~within the county, municipality, or jurisdiction that are most likely to give notice to the voters~~
7008 ~~in the county, municipality, or jurisdiction, subject to a maximum of 10 notices; or]~~

7009 ~~[(C) at least 10 days before the day of the test, by mailing notice to each registered~~
7010 ~~voter in the county, municipality, or jurisdiction where the equipment is used;]~~

7011 ~~[(ii) by posting notice on the Utah Public Notice Website, created in Section~~
7012 ~~63A-16-601, for four weeks before the day of the test, and]~~

7013 ~~[(iii) if the county, municipality, or jurisdiction has a website, by posting notice on the~~
7014 ~~website for four weeks before the day of the test.]~~

7015 (c) The election officer shall conduct the test by processing a preaudited group of
7016 ballots.

7017 (d) The election officer shall ensure that:

7018 (i) a predetermined number of valid votes for each candidate and measure are recorded
7019 on the ballots;

7020 (ii) for each office, one or more ballots have votes in excess of the number allowed by
7021 law in order to test the ability of the automatic tabulating equipment to reject those votes; and

7022 (iii) a different number of valid votes are assigned to each candidate for an office, and
7023 for and against each measure.

7024 (e) If any error is detected, the election officer shall determine the cause of the error
7025 and correct it.

7026 (f) The election officer shall ensure that:

7027 (i) the automatic tabulating equipment produces an errorless count before beginning
7028 the actual counting; and

7029 (ii) the automatic tabulating equipment passes the same test at the end of the count
7030 before the election returns are approved as official.

7031 (2) (a) The election officer or the election officer's designee shall supervise and direct
7032 all proceedings at the counting center.

7033 (b) (i) Proceedings at the counting center are public and may be observed by interested

7034 persons.

7035 (ii) Only those persons authorized to participate in the count may touch any ballot or
7036 return.

7037 (c) The election officer shall deputize and administer an oath or affirmation to all
7038 persons who are engaged in processing and counting the ballots that they will faithfully
7039 perform their assigned duties.

7040 (3) (a) If any ballot is damaged or defective so that it cannot properly be counted by the
7041 automatic tabulating equipment, the election officer shall ensure that two counting judges
7042 jointly:

7043 (i) make a true replication of the ballot with an identifying serial number;

7044 (ii) substitute the replicated ballot for the damaged or defective ballot;

7045 (iii) label the replicated ballot "replicated"; and

7046 (iv) record the replicated ballot's serial number on the damaged or defective ballot.

7047 (b) The lieutenant governor shall provide to each election officer a standard form on
7048 which the election officer shall maintain a log of all replicated ballots, that includes, for each
7049 ballot:

7050 (i) the serial number described in Subsection (3)(a);

7051 (ii) the identification of the individuals who replicated the ballot;

7052 (iii) the reason for the replication; and

7053 (iv) any other information required by the lieutenant governor.

7054 (c) An election officer shall:

7055 (i) maintain the log described in Subsection (3)(b) in a complete and legible manner, as
7056 ballots are replicated;

7057 (ii) at the end of each day during which one or more ballots are replicated, make an
7058 electronic copy of the log; and

7059 (iii) keep each electronic copy made under Subsection (3)(c)(ii) for at least 22 months.

7060 (4) The election officer may:

7061 (a) conduct an unofficial count before conducting the official count in order to provide
7062 early unofficial returns to the public;

7063 (b) release unofficial returns from time to time after the polls close; and

7064 (c) report the progress of the count for each candidate during the actual counting of

7065 ballots.

7066 (5) Beginning on the day after the date of the election, if an election officer releases
7067 early unofficial returns or reports the progress of the count for each candidate under Subsection
7068 (4), the election officer shall, with each release or report, disclose an estimate of the total
7069 number of voted ballots in the election officer's custody that have not yet been counted.

7070 (6) The election officer shall review and evaluate the provisional ballot envelopes and
7071 prepare any valid provisional ballots for counting as provided in Section [20A-4-107](#).

7072 (7) (a) The election officer or the election officer's designee shall:

7073 (i) separate, count, and tabulate any ballots containing valid write-in votes; and

7074 (ii) complete the standard form provided by the clerk for recording valid write-in votes.

7075 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
7076 more votes for an office than that voter is entitled to vote for that office, the poll workers shall
7077 count the valid write-in vote as being the obvious intent of the voter.

7078 (8) (a) The election officer shall certify the return printed by the automatic tabulating
7079 equipment, to which have been added write-in and absentee votes, as the official return of each
7080 voting precinct.

7081 (b) Upon completion of the count, the election officer shall make official returns open
7082 to the public.

7083 (9) If for any reason it becomes impracticable to count all or a part of the ballots with
7084 tabulating equipment, the election officer may direct that they be counted manually according
7085 to the procedures and requirements of this part.

7086 (10) After the count is completed, the election officer shall seal and retain the
7087 programs, test materials, and ballots as provided in Section [20A-4-202](#).

7088 Section 134. Section **20A-4-304** is amended to read:

7089 **20A-4-304. Declaration of results -- Canvassers' report.**

7090 (1) Each board of canvassers shall:

7091 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,
7092 declare "elected" or "nominated" those persons who:

7093 (i) had the highest number of votes; and

7094 (ii) sought election or nomination to an office completely within the board's
7095 jurisdiction;

- 7096 (b) declare:
- 7097 (i) "approved" those ballot propositions that:
- 7098 (A) had more "yes" votes than "no" votes; and
- 7099 (B) were submitted only to the voters within the board's jurisdiction; or
- 7100 (ii) "rejected" those ballot propositions that:
- 7101 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
- 7102 votes; and
- 7103 (B) were submitted only to the voters within the board's jurisdiction;
- 7104 (c) certify the vote totals for persons and for and against ballot propositions that were
- 7105 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
- 7106 the lieutenant governor; and
- 7107 (d) if applicable, certify the results of each local district election to the local district
- 7108 clerk.
- 7109 (2) As soon as the result is declared, the election officer shall prepare a report of the
- 7110 result, which shall contain:
- 7111 (a) the total number of votes cast in the board's jurisdiction;
- 7112 (b) the names of each candidate whose name appeared on the ballot;
- 7113 (c) the title of each ballot proposition that appeared on the ballot;
- 7114 (d) each office that appeared on the ballot;
- 7115 (e) from each voting precinct:
- 7116 (i) the number of votes for each candidate;
- 7117 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate
- 7118 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each
- 7119 potential ballot-counting phase and the name of the candidate excluded in each ballot-counting
- 7120 phase; and
- 7121 (iii) the number of votes for and against each ballot proposition;
- 7122 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
- 7123 and against each ballot proposition;
- 7124 (g) the number of ballots that were rejected; and
- 7125 (h) a statement certifying that the information contained in the report is accurate.
- 7126 (3) The election officer and the board of canvassers shall:

- 7127 (a) review the report to ensure that it is correct; and
- 7128 (b) sign the report.
- 7129 (4) The election officer shall:
- 7130 (a) record or file the certified report in a book kept for that purpose;
- 7131 (b) prepare and transmit a certificate of nomination or election under the officer's seal
- 7132 to each nominated or elected candidate;
- 7133 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 7134 (d) file a copy of the certified report with the lieutenant governor.
- 7135 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
- 7136 days after the day on which the board of canvassers declares the election results, publicize the
- 7137 certified report described in Subsection (2)[:] within the jurisdiction as a class A notice under
- 7138 Section [63G-28-102](#).
- 7139 ~~[(a) (i) by publishing notice at least once in a newspaper of general circulation within~~
- 7140 ~~the jurisdiction;]~~
- 7141 ~~[(ii) by posting one notice, and at least one additional notice per 2,000 population of~~
- 7142 ~~the jurisdiction, in places within the jurisdiction that are most likely to give notice to the~~
- 7143 ~~residents of the jurisdiction, subject to a maximum of 10 notices; or]~~
- 7144 ~~[(iii) by mailing notice to each residence within the jurisdiction;]~~
- 7145 ~~[(b) by posting notice on the Utah Public Notice Website, created in Section~~
- 7146 ~~[63A-16-601](#), for one week; and]~~
- 7147 ~~[(c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for~~
- 7148 ~~one week.]~~
- 7149 (6) Instead of including a copy of the entire certified report, a notice required under
- 7150 Subsection (5) may contain a statement that:
- 7151 (a) includes the following: "The Board of Canvassers for [indicate name of
- 7152 jurisdiction] has prepared a report of the election results for the [indicate type and date of
- 7153 election]."; and
- 7154 (b) specifies the following sources where an individual may view or obtain a copy of
- 7155 the entire certified report:
- 7156 (i) if the jurisdiction has a website, the jurisdiction's website;
- 7157 (ii) the physical address for the jurisdiction; and

7158 (iii) a mailing address and telephone number.

7159 (7) When there has been a regular general or a statewide special election for statewide
7160 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
7161 or more county ballot proposition, each board of canvassers shall:

7162 (a) prepare a separate report detailing the number of votes for each candidate and the
7163 number of votes for and against each ballot proposition; and

7164 (b) transmit the separate report by registered mail to the lieutenant governor.

7165 (8) In each county election, municipal election, school election, local district election,
7166 and local special election, the election officer shall transmit the reports to the lieutenant
7167 governor within 14 days after the date of the election.

7168 (9) In a regular primary election and in a presidential primary election, the board shall
7169 transmit to the lieutenant governor:

7170 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
7171 governor not later than the second Tuesday after the election; and

7172 (b) a complete tabulation showing voting totals for all primary races, precinct by
7173 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
7174 primary election.

7175 Section 135. Section **20A-5-101** is amended to read:

7176 **20A-5-101. Notice of election.**

7177 (1) On or before November 15 in the year before each regular general election year, the
7178 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

7179 (a) designates the offices to be filled at the next year's regular general election;

7180 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
7181 certifying nomination petition signatures, as applicable, under Sections [20A-9-403](#), [20A-9-407](#),
7182 and [20A-9-408](#) for those offices; and

7183 (c) contains a description of any ballot propositions to be decided by the voters that
7184 have qualified for the ballot as of that date.

7185 (2) (a) No later than seven business days after the day on which the lieutenant governor
7186 transmits the written notice described in Subsection (1), each county clerk shall provide notice
7187 in each voting precinct within the county as a class B notice under Section [63G-28-102](#), for
7188 seven days before the day of the election and in accordance with Subsection (3)[:].

7189 ~~[(i) by posting notice in a conspicuous place most likely to give notice of the election~~
 7190 ~~to the voters in each voting precinct within the county;]~~

7191 ~~[(ii) (A) by publishing notice in a newspaper of general circulation in the county;]~~

7192 ~~[(B) by posting one notice, and at least one additional notice per 2,000 population of~~
 7193 ~~the county, in places within the county that are most likely to give notice of the election to the~~
 7194 ~~voters in the county, subject to a maximum of 10 notices; or]~~

7195 ~~[(C) by mailing notice to each registered voter in the county;]~~

7196 ~~[(iii) by posting notice on the Utah Public Notice Website, created in Section~~

7197 ~~63A-16-601, for seven days before the day of the election; and]~~

7198 ~~[(iv) by posting notice on the county's website for seven days before the day of the~~
 7199 ~~election.]]~~

7200 (b) The county clerk shall prepare an affidavit of the posting under Subsection
 7201 ~~[(2)(a)(i)]~~ (2)(a), showing a copy of the notice and the places where the notice was posted.

7202 (3) The notice described in Subsection (2) shall:

7203 (a) designate the offices to be voted on in that election; and

7204 (b) identify the dates for filing a declaration of candidacy for those offices.

7205 (4) Except as provided in Subsection (6), before each election, the election officer shall
 7206 give printed notice of the following information:

7207 (a) the date of election;

7208 (b) the hours during which the polls will be open;

7209 (c) the polling places for each voting precinct, early voting polling place, and election
 7210 day voting center;

7211 (d) the address of the Statewide Electronic Voter Information Website and, if available,
 7212 the address of the election officer's website, with a statement indicating that the election officer
 7213 will post on the website any changes to the location of a polling place and the location of any
 7214 additional polling place;

7215 (e) a phone number that a voter may call to obtain information regarding the location of
 7216 a polling place; and

7217 (f) the qualifications for persons to vote in the election.

7218 (5) The election officer shall provide the notice described in Subsection (4)[:] within
 7219 the jurisdiction as a class B notice under Section 63G-28-102 at least five days before the day

7220 of the election.

7221 ~~[(a) (i) by publishing the notice in a newspaper of general circulation in the jurisdiction~~
7222 ~~to which the election pertains, at least two days before the day of the election;]~~

7223 ~~[(ii) at least two days before the day of the election, by posting one notice, and at least~~
7224 ~~one additional notice per 2,000 population of the jurisdiction, in places within the jurisdiction~~
7225 ~~that are most likely to give notice of the election to the voters in the jurisdiction, subject to a~~
7226 ~~maximum of 10 notices; or]~~

7227 ~~[(iii) by mailing the notice to each registered voter who resides in the jurisdiction to~~
7228 ~~which the election pertains at least five days before the day of the election;]~~

7229 ~~[(b) by posting notice on the Utah Public Notice Website, created in Section~~
7230 ~~63A-16-601, for two days before the day of the election; and]~~

7231 ~~[(c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for~~
7232 ~~two days before the day of the election.]~~

7233 (6) Instead of including the information described in Subsection (4) in the notice, the
7234 election officer may give printed notice that:

7235 (a) is entitled "Notice of Election";

7236 (b) includes the following: "A [indicate election type] will be held in [indicate the
7237 jurisdiction] on [indicate date of election]. Information relating to the election, including
7238 polling places, polling place hours, and qualifications of voters may be obtained from the
7239 following sources:"; and

7240 (c) specifies the following sources where an individual may view or obtain the
7241 information described in Subsection (4):

7242 (i) if the jurisdiction has a website, the jurisdiction's website;

7243 (ii) the physical address of the jurisdiction offices; and

7244 (iii) a mailing address and telephone number.

7245 Section 136. Section **20A-5-403.5** is amended to read:

7246 **20A-5-403.5. Ballot drop boxes -- Notice.**

7247 (1) An election officer:

7248 (a) shall designate at least one ballot drop box in each municipality and reservation
7249 located in the jurisdiction to which the election relates;

7250 (b) may designate additional ballot drop boxes for the election officer's jurisdiction;

7251 (c) shall clearly mark each ballot drop box as an official ballot drop box for the election
7252 officer's jurisdiction;

7253 (d) shall provide 24-hour video surveillance of each unattended ballot drop box; and

7254 (e) shall post a sign on or near each unattended ballot drop box indicating that the
7255 ballot drop box is under 24-hour video surveillance.

7256 (2) Except as provided in Section [20A-1-308](#) or Subsection (5), the election officer
7257 shall, at least 19 days before the date of the election, provide notice of the location of each
7258 ballot drop box designated under Subsection (1)~~[:]~~ by publishing notice within the jurisdiction
7259 holding the election as a class B notice under Section [63G-28-102](#) at least 19 days before the
7260 day of the election.

7261 [~~(a) (i) by publishing notice in at least one issue of a newspaper of general circulation~~
7262 ~~in the jurisdiction holding the election;]~~

7263 [~~(ii) by posting one notice, and at least one additional notice per 2,000 population of~~
7264 ~~the jurisdiction holding the election, in places within the jurisdiction that are most likely to give~~
7265 ~~notice to the residents in the jurisdiction, subject to a maximum of 10 notices; or]~~

7266 [~~(iii) by mailing notice to each registered voter in the jurisdiction holding the election;]~~

7267 [~~(b) by posting notice on the Utah Public Notice Website, created in Section~~
7268 ~~[63A-16-601](#), for 19 days before the day of the election; and]~~

7269 [~~(c) by posting notice on the jurisdiction's website for 19 days before the day of the~~
7270 ~~election.]~~

7271 (3) Instead of including the location of ballot drop boxes, a notice required under
7272 Subsection (2) may specify the following sources where a voter may view or obtain a copy of
7273 all ballot drop box locations:

7274 (a) the jurisdiction's website;

7275 (b) the physical address of the jurisdiction's offices; and

7276 (c) a mailing address and telephone number.

7277 (4) The election officer shall include in the notice described in Subsection (2):

7278 (a) the address of the Statewide Electronic Voter Information Website and, if available,
7279 the address of the election officer's website, with a statement indicating that the election officer
7280 will post on the website the location of each ballot drop box, including any changes to the
7281 location of a ballot drop box and the location of additional ballot drop boxes; and

7282 (b) a phone number that a voter may call to obtain information regarding the location
7283 of a ballot drop box.

7284 (5) (a) Except as provided in Section 20A-1-308, the election officer may, after the
7285 deadline described in Subsection (2):

7286 (i) if necessary, change the location of a ballot drop box; or

7287 (ii) if the election officer determines that the number of ballot drop boxes is
7288 insufficient due to the number of registered voters who are voting, designate additional ballot
7289 drop boxes.

7290 (b) Except as provided in Section 20A-1-308, if an election officer changes the
7291 location of a ballot box or designates an additional ballot drop box location, the election officer
7292 shall, as soon as is reasonably possible, give notice of the changed ballot drop box location or
7293 the additional ballot drop box location:

7294 (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;

7295 (ii) by posting the information on the website of the election officer, if available; and

7296 (iii) by posting notice:

7297 (A) for a change in the location of a ballot drop box, at the new location and, if
7298 possible, the old location; and

7299 (B) for an additional ballot drop box location, at the additional ballot drop box
7300 location.

7301 (6) An election officer may, at any time, authorize two or more poll workers to remove
7302 a ballot drop box from a location, or to remove ballots from a ballot drop box for processing.

7303 (7) (a) At least two poll workers must be present when a poll worker collects ballots
7304 from a ballot drop box and delivers the ballots to the location where the ballots will be opened
7305 and counted.

7306 (b) An election officer shall ensure that the chain of custody of ballots placed in a
7307 ballot box are recorded and tracked from the time the ballots are removed from the ballot box
7308 until the ballots are delivered to the location where the ballots will be opened and counted.

7309 Section 137. Section 20A-5-405 is amended to read:

7310 **20A-5-405. Election officer to provide ballots -- Notice of sample ballot.**

7311 (1) An election officer shall:

7312 (a) provide ballots for every election of public officers in which the voters, or any of

7313 the voters, within the election officer's jurisdiction participate;

7314 (b) cause the name of every candidate whose nomination has been certified to or filed
7315 with the election officer in the manner provided by law to be included on each ballot;

7316 (c) cause any ballot proposition that has qualified for the ballot as provided by law to
7317 be included on each ballot;

7318 (d) ensure that the ballots are prepared and in the possession of the election officer
7319 before commencement of voting;

7320 (e) allow candidates and their agents and the sponsors of ballot propositions that have
7321 qualified for the official ballot to inspect the ballots;

7322 (f) no later than 45 days before the day of the election, make sample ballots available
7323 for inspection, in the same form as official ballots and that contain the same information as
7324 official ballots, by:

7325 (i) posting a copy of the sample ballot in the election officer's office;

7326 (ii) sending a copy of the sample ballot to:

7327 (A) each candidate listed on the ballot; and

7328 (B) the lieutenant governor; and

7329 (iii) providing a copy of the sample ballot within the jurisdiction holding the election
7330 as a class B notice under Section [63G-28-102](#);

7331 [~~(iii) (A) posting one copy of the sample ballot, and at least one additional copy of the~~
7332 ~~sample ballot per 2,000 population of the jurisdiction, in places within the jurisdiction that are~~
7333 ~~most likely to give notice to the voters in the jurisdiction, subject to a maximum of 10 notices;~~
7334 ~~or]~~

7335 [~~(B) mailing a copy of the sample ballot to each registered voter who resides in the~~
7336 ~~jurisdiction holding the election;]~~

7337 [~~(iv) posting a copy of the sample ballot on the Utah Public Notice Website, created in~~
7338 ~~Section [63A-16-601](#); and]~~

7339 [~~(v) if the jurisdiction has a website, posting a copy of the sample ballot on the~~
7340 ~~jurisdiction's website;]~~

7341 (g) deliver a copy of the sample ballot to poll workers for each polling place and direct
7342 the poll workers to post the sample ballot as required by Section [20A-5-102](#); and

7343 (h) print and deliver, at the expense of the jurisdiction conducting the election, enough

7344 ballots, sample ballots, and instructions to meet the voting demands of the qualified voters in
7345 each voting precinct.

7346 (2) Instead of posting the entire sample ballot under Subsection [~~(1)(f)(iii)(A)~~]
7347 (1)(f)(iii), the election officer may post a statement that:

7348 (a) is entitled, "sample ballot";

7349 (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the
7350 upcoming [indicate type and date of election] may be obtained from the following sources:";
7351 and

7352 (c) specifies the following sources where an individual may view or obtain a copy of
7353 the sample ballot:

7354 (i) if the jurisdiction has a website, the jurisdiction's website;

7355 (ii) the physical address of the jurisdiction's offices; and

7356 (iii) a mailing address and telephone number.

7357 (3) (a) Each election officer shall, without delay, correct any error discovered in any
7358 ballot, if the correction can be made without interfering with the timely distribution of the
7359 ballots.

7360 (b) (i) If the election officer discovers an error or omission in a manual ballot, and it is
7361 not possible to correct the error or omission, the election officer shall direct the poll workers to
7362 make the necessary corrections on the manual ballots before the ballots are distributed.

7363 (ii) If the election officer discovers an error or omission in an electronic ballot and it is
7364 not possible to correct the error or omission by revising the electronic ballot, the election
7365 officer shall direct the poll workers to post notice of each error or omission with instructions on
7366 how to correct each error or omission in a prominent position at each polling booth.

7367 (4) (a) If the election officer refuses or fails to correct an error or omission in a ballot, a
7368 candidate or a candidate's agent may file a verified petition with the district court asserting that:

7369 (i) an error or omission has occurred in:

7370 (A) the publication of the name or description of a candidate;

7371 (B) the preparation or display of an electronic ballot; or

7372 (C) the posting of sample ballots or the printing of official manual ballots; and

7373 (ii) the election officer has failed to correct or provide for the correction of the error or
7374 omission.

7375 (b) The district court shall issue an order requiring correction of any error in a ballot or
7376 an order to show cause why the error should not be corrected if it appears to the court that the
7377 error or omission has occurred and the election officer has failed to correct or provide for the
7378 correction of the error or omission.

7379 (c) A party aggrieved by the district court's decision may appeal the matter to the Utah
7380 Supreme Court within five days after the day on which the district court enters the decision.

7381 Section 138. Section **20A-7-103** is amended to read:

7382 **20A-7-103. Constitutional amendments and other questions submitted by the**
7383 **Legislature -- Publication -- Ballot title -- Procedures for submission to popular vote.**

7384 (1) The procedures contained in this section govern when the Legislature submits a
7385 proposed constitutional amendment or other question to the voters.

7386 (2) The lieutenant governor shall, not more than 60 days or less than 14 days before the
7387 date of the election, publish the full text of the amendment, question, or statute [~~in at least one~~
7388 ~~newspaper in every county of the state where a newspaper is published~~] in each county of the
7389 state as a class A notice under Section [63G-28-102](#).

7390 (3) The legislative general counsel shall:

7391 (a) entitle each proposed constitutional amendment "Constitutional Amendment ___"
7392 and assign it a letter according to the requirements of Section [20A-6-107](#);

7393 (b) entitle each proposed question "Proposition Number ___" with the number assigned
7394 to the proposition under Section [20A-6-107](#) placed in the blank;

7395 (c) draft and designate a ballot title for each proposed amendment or question
7396 submitted by the Legislature that:

7397 (i) summarizes the subject matter of the amendment or question; and

7398 (ii) for a proposed constitutional amendment, summarizes any legislation that is
7399 enacted and will become effective upon the voters' adoption of the proposed constitutional
7400 amendment; and

7401 (d) deliver each letter or number and ballot title to the lieutenant governor.

7402 (4) The lieutenant governor shall certify the letter or number and ballot title of each
7403 amendment or question to the county clerk of each county no later than 65 days before the date
7404 of the election.

7405 (5) The county clerk of each county shall:

7406 (a) ensure that the letter or number and the ballot title of each amendment and question
7407 prepared in accordance with this section are included in the sample ballots and official ballots;
7408 and

7409 (b) publish the sample ballots and official ballots as provided by law.

7410 Section 139. Section **20A-7-204.1** is amended to read:

7411 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated --**
7412 **Changes to an initiative and initial fiscal impact estimate.**

7413 (1) (a) After issuance of the initial fiscal impact estimate by the Office of the
7414 Legislative Fiscal Analyst and before circulating initiative petitions for signature statewide,
7415 sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as
7416 follows:

7417 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

7418 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington
7419 County;

7420 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

7421 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne
7422 County;

7423 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

7424 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

7425 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber
7426 County.

7427 (b) Of the seven public hearings, the sponsors of the initiative shall hold at least two of
7428 the public hearings in a first or second class county, but not in the same county.

7429 (c) The sponsors may not hold a public hearing described in this section until the later
7430 of:

7431 (i) one day after the day on which a sponsor receives a copy of the initial fiscal impact
7432 estimate under Subsection [20A-7-202.5\(3\)\(b\)](#); or

7433 (ii) if three or more sponsors file a petition challenging the accuracy of the initial fiscal
7434 impact statement under Section [20A-7-202.5](#), the day after the day on which the action is final.

7435 (2) (a) The sponsors shall[~~;~~],

7436 [~~(a)~~] before 5 p.m. at least [~~three~~] seven calendar days before the date of the public

7437 hearing, provide written notice of the public hearing, including the time, date, and location of
 7438 the public hearing, to:

7439 (i) the lieutenant governor for posting on the state's website; [~~and~~]

7440 (ii) each state senator, state representative, and county commission or county council
 7441 member who is elected in whole or in part from the region where the public hearing will be
 7442 held; and

7443 (iii) each county clerk from the region where the public hearing will be held.

7444 (b) A county clerk who receives a notice from a sponsor under Subsection (2)(a) shall
 7445 publish written notice of the public hearing[~~including the time, date, and location of the~~
 7446 ~~public hearing, in each county in the region where the public hearing will be held:~~] within the
 7447 county as a class A notice under Section 63G-28-102 at least three calendar days before the day
 7448 of the public hearing.

7449 (c) A county clerk may bill the sponsors of the initiative petition for the cost of
 7450 preparing, printing, and publishing the notice required under Subsection (2)(b).

7451 [~~(i) (A) at least three calendar days before the day of the public hearing, in a newspaper~~
 7452 ~~of general circulation in the county;]~~

7453 [~~(B) if there is no newspaper of general circulation in the county, at least three calendar~~
 7454 ~~days before the day of the public hearing, by posting one copy of the notice, and at least one~~
 7455 ~~additional copy of the notice per 2,000 population of the county, in places within the county~~
 7456 ~~that are most likely to give notice to the residents of the county; or]~~

7457 [~~(C) at least seven days before the day of the public hearing, by mailing notice to each~~
 7458 ~~residence in the county;]~~

7459 [~~(ii) on the Utah Public Notice Website created in Section 63A-16-601, for at least~~
 7460 ~~three calendar days before the day of the public hearing;]~~

7461 [~~(iii) in accordance with Section 45-1-101, for at least three calendar days before the~~
 7462 ~~day of the public hearing; and]~~

7463 [~~(iv) on the county's website for at least three calendar days before the day of the public~~
 7464 ~~hearing;]~~

7465 (3) If the initiative petition proposes a tax increase, the written notice described in
 7466 Subsection (2) shall include the following statement, in bold, in the same font and point size as
 7467 the largest font and point size appearing in the notice:

7468 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
7469 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
7470 percent increase in the current tax rate."

7471 (4) (a) During the public hearing, the sponsors shall either:

7472 (i) video tape or audio tape the public hearing and, when the hearing is complete,
7473 deposit the complete audio or video tape of the meeting with the lieutenant governor; or

7474 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of
7475 each speaker and summarizing each speaker's comments.

7476 (b) The lieutenant governor shall make copies of the tapes or minutes available to the
7477 public.

7478 (c) For each public hearing, the sponsors shall:

7479 (i) during the entire time that the public hearing is held, post a copy of the initial fiscal
7480 impact statement in a conspicuous location at the entrance to the room where the sponsors hold
7481 the public hearing; and

7482 (ii) place at least 50 copies of the initial fiscal impact statement, for distribution to
7483 public hearing attendees, in a conspicuous location at the entrance to the room where the
7484 sponsors hold the public hearing.

7485 (5) (a) Before 5 p.m. within 14 days after the day on which the sponsors conduct the
7486 seventh public hearing described in Subsection (1)(a), and before circulating an initiative
7487 petition for signatures, the sponsors of the initiative petition may change the text of the
7488 proposed law if:

7489 (i) a change to the text is:

7490 (A) germane to the text of the proposed law filed with the lieutenant governor under
7491 Section [20A-7-202](#); and

7492 (B) consistent with the requirements of Subsection [20A-7-202\(5\)](#); and

7493 (ii) each sponsor signs, attested to by a notary public, an application addendum to
7494 change the text of the proposed law.

7495 (b) (i) Within three working days after the day on which the lieutenant governor
7496 receives an application addendum to change the text of the proposed law in an initiative
7497 petition, the lieutenant governor shall submit a copy of the application addendum to the Office
7498 of the Legislative Fiscal Analyst.

7499 (ii) The Office of the Legislative Fiscal Analyst shall update the initial fiscal impact
 7500 estimate by following the procedures and requirements of Section [20A-7-202.5](#) to reflect a
 7501 change to the text of the proposed law.

7502 Section 140. Section **20A-7-402** is amended to read:

7503 **20A-7-402. Local voter information pamphlet -- Notice -- Contents -- Limitations**
 7504 **-- Preparation -- Statement on front cover.**

7505 (1) The county or municipality that is subject to a ballot proposition shall prepare a
 7506 local voter information pamphlet that complies with the requirements of this part.

7507 (2) (a) Within the time requirements described in Subsection (2)(c)(i), a municipality
 7508 that is subject to a special local ballot proposition shall provide a notice that complies with the
 7509 requirements of Subsection (2)(c)(ii) to the municipality's residents by~~[:]~~ publishing the notice
 7510 within the municipality as a class B notice under Section [63G-28-102](#).

7511 [~~i) if the municipality regularly mails a newsletter, utility bill, or other material to the~~
 7512 ~~municipality's residents, including the notice with a newsletter, utility bill, or other material;]~~

7513 [~~ii) posting the notice, until after the deadline described in Subsection (2)(d) has~~
 7514 ~~passed, on:]~~

7515 [~~(A) the Utah Public Notice Website created in Section [63A-16-601](#); and]~~

7516 [~~(B) the home page of the municipality's website, if the municipality has a website;~~
 7517 ~~and]~~

7518 [~~iii) sending the notice electronically to each individual in the municipality for whom~~
 7519 ~~the municipality has an email address.]~~

7520 (b) A county that is subject to a special local ballot proposition shall~~[:]~~ publish a notice
 7521 that complies with the requirements of Subsection (2)(c)(ii) within the county as a class B
 7522 notice under Section [63G-28-102](#).

7523 [~~i) send an electronic notice that complies with the requirements of Subsection~~
 7524 ~~(2)(c)(ii) to each individual in the county for whom the county has an email address; or]~~

7525 [~~ii) until after the deadline described in Subsection (2)(d) has passed, post a notice that~~
 7526 ~~complies with the requirements of Subsection (2)(c)(ii) on:]~~

7527 [~~(A) the Utah Public Notice Website created in Section [63A-16-601](#); and]~~

7528 [~~(B) the home page of the county's website.]~~

7529 (c) A municipality or county that [~~mails, sends, or posts~~] publishes a notice under

7530 Subsection (2)(a) or (b) shall:

7531 (i) [~~mail, send, or post~~] publish the notice:

7532 (A) not less than 90 days before the date of the election at which a special local ballot
7533 proposition will be voted upon; or

7534 (B) if the requirements of Subsection (2)(c)(i)(A) cannot be met, as soon as practicable
7535 after the special local ballot proposition is approved to be voted upon in an election; and

7536 (ii) ensure that the notice contains:

7537 (A) the ballot title for the special local ballot proposition;

7538 (B) instructions on how to file a request under Subsection (2)(d); and

7539 (C) the deadline described in Subsection (2)(d).

7540 (d) To prepare a written argument for or against a special local ballot proposition, an
7541 eligible voter shall file a request with the election officer before 5 p.m. no later than 64 days
7542 before the day of the election at which the special local ballot proposition is to be voted on.

7543 (e) If more than one eligible voter requests the opportunity to prepare a written
7544 argument for or against a special local ballot proposition, the election officer shall make the
7545 final designation in accordance with the following order of priority:

7546 (i) sponsors have priority in preparing an argument regarding a special local ballot
7547 proposition; and

7548 (ii) members of the local legislative body have priority over others if a majority of the
7549 local legislative body supports the written argument.

7550 (f) The election officer shall grant a request described in Subsection (2)(d) or (e) no
7551 later than 60 days before the day of the election at which the ballot proposition is to be voted
7552 on.

7553 (g) (i) A sponsor of a special local ballot proposition may prepare a written argument in
7554 favor of the special local ballot proposition.

7555 (ii) Subject to Subsection (2)(e), an eligible voter opposed to the special local ballot
7556 proposition who submits a request under Subsection (2)(d) may prepare a written argument
7557 against the special local ballot proposition.

7558 (h) An eligible voter who submits a written argument under this section in relation to a
7559 special local ballot proposition shall:

7560 (i) ensure that the written argument does not exceed 500 words in length, not counting

7561 the information described in Subsection (2)(h)(ii) or (iv);

7562 (ii) list, at the end of the argument, at least one, but no more than five, names as
7563 sponsors;

7564 (iii) submit the written argument to the election officer before 5 p.m. no later than 55
7565 days before the election day on which the ballot proposition will be submitted to the voters;

7566 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's
7567 residential address; and

7568 (v) submit with the written argument the eligible voter's name, residential address,
7569 postal address, email address if available, and phone number.

7570 (i) An election officer shall refuse to accept and publish an argument submitted after
7571 the deadline described in Subsection (2)(h)(iii).

7572 (3) (a) An election officer who timely receives the written arguments in favor of and
7573 against a special local ballot proposition shall, within one business day after the day on which
7574 the election office receives both written arguments, send, via mail or email:

7575 (i) a copy of the written argument in favor of the special local ballot proposition to the
7576 eligible voter who submitted the written argument against the special local ballot proposition;
7577 and

7578 (ii) a copy of the written argument against the special local ballot proposition to the
7579 eligible voter who submitted the written argument in favor of the special local ballot
7580 proposition.

7581 (b) The eligible voter who submitted a timely written argument in favor of the special
7582 local ballot proposition:

7583 (i) may submit to the election officer a written rebuttal argument of the written
7584 argument against the special local ballot proposition;

7585 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,
7586 not counting the information described in Subsection (2)(h)(ii) or (iv); and

7587 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days
7588 before the election day on which the special local ballot proposition will be submitted to the
7589 voters.

7590 (c) The eligible voter who submitted a timely written argument against the special local
7591 ballot proposition:

7592 (i) may submit to the election officer a written rebuttal argument of the written
7593 argument in favor of the special local ballot proposition;

7594 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,
7595 not counting the information described in Subsection (2)(h)(ii) or (iv); and

7596 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days
7597 before the election day on which the special local ballot proposition will be submitted to the
7598 voters.

7599 (d) An election officer shall refuse to accept and publish a written rebuttal argument in
7600 relation to a special local ballot proposition that is submitted after the deadline described in
7601 Subsection (3)(b)(iii) or (3)(c)(iii).

7602 (4) (a) Except as provided in Subsection (4)(b), in relation to a special local ballot
7603 proposition:

7604 (i) an eligible voter may not modify a written argument or a written rebuttal argument
7605 after the eligible voter submits the written argument or written rebuttal argument to the election
7606 officer; and

7607 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not
7608 modify a written argument or a written rebuttal argument.

7609 (b) The election officer, and the eligible voter who submits a written argument or
7610 written rebuttal argument in relation to a special local ballot proposition, may jointly agree to
7611 modify a written argument or written rebuttal argument in order to:

7612 (i) correct factual, grammatical, or spelling errors; and

7613 (ii) reduce the number of words to come into compliance with the requirements of this
7614 section.

7615 (c) An election officer shall refuse to accept and publish a written argument or written
7616 rebuttal argument in relation to a special local ballot proposition if the eligible voter who
7617 submits the written argument or written rebuttal argument fails to negotiate, in good faith, to
7618 modify the written argument or written rebuttal argument in accordance with Subsection (4)(b).

7619 (5) In relation to a special local ballot proposition, an election officer may designate
7620 another eligible voter to take the place of an eligible voter described in this section if the
7621 original eligible voter is, due to injury, illness, death, or another circumstance, unable to
7622 continue to fulfill the duties of an eligible voter described in this section.

7623 (6) Sponsors whose written argument in favor of a standard local ballot proposition is
7624 included in a proposition information pamphlet under Section [20A-7-401.5](#):

7625 (a) may, if a written argument against the standard local ballot proposition is included
7626 in the proposition information pamphlet, submit a written rebuttal argument to the election
7627 officer;

7628 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;
7629 and

7630 (c) shall submit the written rebuttal argument no later than 45 days before the election
7631 day on which the standard local ballot proposition will be submitted to the voters.

7632 (7) (a) A county or municipality that submitted a written argument against a standard
7633 local ballot proposition that is included in a proposition information pamphlet under Section
7634 [20A-7-401.5](#):

7635 (i) may, if a written argument in favor of the standard local ballot proposition is
7636 included in the proposition information pamphlet, submit a written rebuttal argument to the
7637 election officer;

7638 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;
7639 and

7640 (iii) shall submit the written rebuttal argument no later than 45 days before the election
7641 day on which the ballot proposition will be submitted to the voters.

7642 (b) If a county or municipality submits more than one written rebuttal argument under
7643 Subsection (7)(a)(i), the election officer shall select one of the written rebuttal arguments,
7644 giving preference to a written rebuttal argument submitted by a member of a local legislative
7645 body.

7646 (8) (a) An election officer shall refuse to accept and publish a written rebuttal argument
7647 that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).

7648 (b) Before an election officer publishes a local voter information pamphlet under this
7649 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government
7650 Records Access and Management Act.

7651 (c) An election officer who receives a written rebuttal argument described in this
7652 section may not, before publishing the local voter information pamphlet described in this
7653 section, disclose the written rebuttal argument, or any information contained in the written

7654 rebuttal argument, to any person who may in any way be involved in preparing an opposing
7655 rebuttal argument.

7656 (9) (a) Except as provided in Subsection (9)(b), a person may not modify a written
7657 rebuttal argument after the written rebuttal argument is submitted to the election officer.

7658 (b) The election officer, and the person who submits a written rebuttal argument, may
7659 jointly agree to modify a written rebuttal argument in order to:

7660 (i) correct factual, grammatical, or spelling errors; or

7661 (ii) reduce the number of words to come into compliance with the requirements of this
7662 section.

7663 (c) An election officer shall refuse to accept and publish a written rebuttal argument if
7664 the person who submits the written rebuttal argument:

7665 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in
7666 accordance with Subsection (9)(b); or

7667 (ii) does not timely submit the written rebuttal argument to the election officer.

7668 (d) An election officer shall make a good faith effort to negotiate a modification
7669 described in Subsection (9)(b) in an expedited manner.

7670 (10) An election officer may designate another person to take the place of a person who
7671 submits a written rebuttal argument in relation to a standard local ballot proposition if the
7672 person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the
7673 person's duties.

7674 (11) (a) The local voter information pamphlet shall include a copy of the initial fiscal
7675 impact estimate and the legal impact statement prepared for each initiative under Section
7676 [20A-7-502.5](#).

7677 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall
7678 include the following statement in bold type:

7679 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
7680 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
7681 increase in the current tax rate."

7682 (12) (a) In preparing the local voter information pamphlet, the election officer shall:

7683 (i) ensure that the written arguments are printed on the same sheet of paper upon which
7684 the ballot proposition is also printed;

7685 (ii) ensure that the following statement is printed on the front cover or the heading of
7686 the first page of the printed written arguments:

7687 "The arguments for or against a ballot proposition are the opinions of the authors.";

7688 (iii) pay for the printing and binding of the local voter information pamphlet; and

7689 (iv) not less than 15 days before, but not more than 45 days before, the election at
7690 which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered
7691 voter entitled to vote on the ballot proposition:

7692 (A) a voter information pamphlet; or

7693 (B) the notice described in Subsection (12)(c).

7694 (b) (i) If the language of the ballot proposition exceeds 500 words in length, the
7695 election officer may summarize the ballot proposition in 500 words or less.

7696 (ii) The summary shall state where a complete copy of the ballot proposition is
7697 available for public review.

7698 (c) (i) The election officer may distribute a notice printed on a postage prepaid,
7699 preaddressed return form that a person may use to request delivery of a voter information
7700 pamphlet by mail.

7701 (ii) The notice described in Subsection (12)(c)(i) shall include:

7702 (A) the address of the Statewide Electronic Voter Information Website authorized by
7703 Section [20A-7-801](#); and

7704 (B) the phone number a voter may call to request delivery of a voter information
7705 pamphlet by mail or carrier.

7706 Section 141. Section **20A-9-203** is amended to read:

7707 **20A-9-203. Declarations of candidacy -- Municipal general elections -- Notice of**
7708 **candidates.**

7709 (1) An individual may become a candidate for any municipal office if:

7710 (a) the individual is a registered voter; and

7711 (b) (i) the individual has resided within the municipality in which the individual seeks
7712 to hold elective office for the 12 consecutive months immediately before the date of the
7713 election; or

7714 (ii) the territory in which the individual resides was annexed into the municipality, the
7715 individual has resided within the annexed territory or the municipality the 12 consecutive

7716 months immediately before the date of the election.

7717 (2) (a) For purposes of determining whether an individual meets the residency
7718 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months
7719 before the election, the municipality is considered to have been incorporated 12 months before
7720 the date of the election.

7721 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
7722 council position shall, if elected from a district, be a resident of the council district from which
7723 the candidate is elected.

7724 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
7725 individual, an individual convicted of a felony, or an individual convicted of treason or a crime
7726 against the elective franchise may not hold office in this state until the right to hold elective
7727 office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

7728 (3) (a) An individual seeking to become a candidate for a municipal office shall,
7729 regardless of the nomination method by which the individual is seeking to become a candidate:

7730 (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal
7731 Alternate Voting Methods Pilot Project, and subject to Subsection [20A-9-404\(3\)\(e\)](#), file a
7732 declaration of candidacy, in person with the city recorder or town clerk, during the office hours
7733 described in Section [10-3-301](#) and not later than the close of those office hours, between June 1
7734 and June 7 of any odd-numbered year; and

7735 (ii) pay the filing fee, if one is required by municipal ordinance.

7736 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
7737 declaration of candidacy with the city recorder or town clerk if:

7738 (i) the individual is located outside of the state during the entire filing period;

7739 (ii) the designated agent appears in person before the city recorder or town clerk;

7740 (iii) the individual communicates with the city recorder or town clerk using an
7741 electronic device that allows the individual and city recorder or town clerk to see and hear each
7742 other; and

7743 (iv) the individual provides the city recorder or town clerk with an email address to
7744 which the city recorder or town clerk may send the individual the copies described in
7745 Subsection (4).

7746 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

7747 (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting
7748 Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during
7749 the office hours described in Section 10-3-301 and not later than the close of those office
7750 hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support
7751 of the nomination petition of the lesser of at least:

7752 (A) 25 registered voters who reside in the municipality; or
7753 (B) 20% of the registered voters who reside in the municipality; and
7754 (ii) paying the filing fee, if one is required by municipal ordinance.

7755 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
7756 petition, the filing officer shall:

7757 (i) read to the prospective candidate or individual filing the petition the constitutional
7758 and statutory qualification requirements for the office that the candidate is seeking;

7759 (ii) require the candidate or individual filing the petition to state whether the candidate
7760 meets the requirements described in Subsection (4)(a)(i); and
7761 (iii) inform the candidate or the individual filing the petition that an individual who
7762 holds a municipal elected office may not, at the same time, hold a county elected office.

7763 (b) If the prospective candidate does not meet the qualification requirements for the
7764 office, the filing officer may not accept the declaration of candidacy or nomination petition.

7765 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
7766 filing officer shall:

7767 (i) inform the candidate that the candidate's name will appear on the ballot as it is
7768 written on the declaration of candidacy;

7769 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
7770 for the office the candidate is seeking and inform the candidate that failure to comply will
7771 result in disqualification as a candidate and removal of the candidate's name from the ballot;

7772 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
7773 Electronic Voter Information Website Program and inform the candidate of the submission
7774 deadline under Subsection 20A-7-801(4)(a);

7775 (iv) provide the candidate with a copy of the pledge of fair campaign practices
7776 described under Section 20A-9-206 and inform the candidate that:

7777 (A) signing the pledge is voluntary; and

7778 (B) signed pledges shall be filed with the filing officer; and
7779 (v) accept the declaration of candidacy or nomination petition.
7780 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
7781 officer shall:
7782 (i) accept the candidate's pledge; and
7783 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
7784 candidate's pledge to the chair of the county or state political party of which the candidate is a
7785 member.
7786 (5) (a) The declaration of candidacy shall be in substantially the following form:
7787 "I, (print name) ____, being first sworn and under penalty of perjury, say that I reside at
7788 ____ Street, City of ____, County of ____, state of Utah, Zip Code ____, Telephone Number
7789 (if any) ____; that I am a registered voter; and that I am a candidate for the office of ____
7790 (stating the term). I will meet the legal qualifications required of candidates for this office. If
7791 filing via a designated agent, I attest that I will be out of the state of Utah during the entire
7792 candidate filing period. I will file all campaign financial disclosure reports as required by law
7793 and I understand that failure to do so will result in my disqualification as a candidate for this
7794 office and removal of my name from the ballot. I request that my name be printed upon the
7795 applicable official ballots. (Signed) _____
7796 Subscribed and sworn to (or affirmed) before me by ____ on this
7797 _____(month\day\year).
7798 (Signed) _____ (Clerk or other officer qualified to administer oath)."
7799 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
7800 not sign the form described in Subsection (5)(a).
7801 (c) (i) A nomination petition shall be in substantially the following form:
7802 "NOMINATION PETITION
7803 The undersigned residents of (name of municipality), being registered voters, nominate
7804 (name of nominee) for the office of (name of office) for the (length of term of office)."
7805 (ii) The remainder of the petition shall contain lines and columns for the signatures of
7806 individuals signing the petition and each individual's address and phone number.
7807 (6) If the declaration of candidacy or nomination petition fails to state whether the
7808 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be

7809 for the four-year term.

7810 (7) (a) The clerk shall verify with the county clerk that all candidates are registered
7811 voters.

7812 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
7813 print the candidate's name on the ballot.

7814 (8) Immediately after expiration of the period for filing a declaration of candidacy, the
7815 clerk shall:

7816 (a) publicize a list of the names of the candidates as they will appear on the ballot[:] by
7817 publishing the list within the municipality as a class B notice under Section [63G-28-102](#) for
7818 seven days; and

7819 [~~(i)(A) by publishing the list in at least two successive publications of a newspaper of
7820 general circulation in the municipality;~~]

7821 [~~(B) by posting one copy of the list, and at least one additional copy of the list per
7822 2,000 population of the municipality, in places within the municipality that are most likely to
7823 give notice to the voters in the municipality, subject to a maximum of 10 lists; or]~~

7824 [~~(C) by mailing the list to each registered voter in the municipality;~~]

7825 [~~(ii) by posting the list on the Utah Public Notice Website, created in Section
7826 [63A-16-601](#), for seven days; and]~~

7827 [~~(iii) if the municipality has a website, by posting the list on the municipality's website
7828 for seven days; and]~~

7829 (b) notify the lieutenant governor of the names of the candidates as they will appear on
7830 the ballot.

7831 (9) Except as provided in Subsection (10)(c), an individual may not amend a
7832 declaration of candidacy or nomination petition filed under this section after the candidate
7833 filing period ends.

7834 (10) (a) A declaration of candidacy or nomination petition that an individual files under
7835 this section is valid unless a person files a written objection with the clerk before 5 p.m. within
7836 10 days after the last day for filing.

7837 (b) If a person files an objection, the clerk shall:

7838 (i) mail or personally deliver notice of the objection to the affected candidate
7839 immediately; and

7840 (ii) decide any objection within 48 hours after the objection is filed.

7841 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three
7842 days after the day on which the clerk sustains the objection, correct the problem for which the
7843 objection is sustained by amending the candidate's declaration of candidacy or nomination
7844 petition, or by filing a new declaration of candidacy.

7845 (d) (i) The clerk's decision upon objections to form is final.

7846 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
7847 prompt application is made to the district court.

7848 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
7849 of its discretion, agrees to review the lower court decision.

7850 (11) A candidate who qualifies for the ballot under this section may withdraw as a
7851 candidate by filing a written affidavit with the municipal clerk.

7852 Section 142. Section **26-8a-405.3** is amended to read:

7853 **26-8a-405.3. Use of competitive sealed proposals -- Procedure -- Notice -- Appeal**
7854 **rights.**

7855 (1) (a) Competitive sealed proposals for paramedic or 911 ambulance services under
7856 Section [26-8a-405.2](#), or for non-911 services under Section [26-8a-405.4](#), shall be solicited
7857 through a request for proposal and the provisions of this section.

7858 (b) The governing body of the political subdivision shall approve the request for
7859 proposal prior to the notice of the request for proposals under Subsection (1)(c).

7860 (c) ~~[Notice]~~ The governing body of the political subdivision shall publish notice of the
7861 request for proposals [shall be published:] in the county as a class A notice under Section
7862 [63G-28-102](#) for at least 20 days.

7863 ~~[(i) by posting the notice for at least 20 days in at least five public places in the county;~~
7864 ~~and]~~

7865 ~~[(ii) by posting the notice on the Utah Public Notice Website, created in Section~~
7866 ~~[63A-16-601](#), for at least 20 days.]~~

7867 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing
7868 offerors during the process of negotiations.

7869 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the
7870 political subdivision shall hold a presubmission conference with interested applicants for the

7871 purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

7872 (ii) A political subdivision shall allow at least 90 days from the presubmission
7873 conference for the proposers to submit proposals.

7874 (c) Subsequent to the presubmission conference, the political subdivision may issue
7875 addenda to the request for proposals. An addenda to a request for proposal shall be finalized
7876 and posted by the political subdivision at least 45 days before the day on which the proposal
7877 must be submitted.

7878 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with
7879 respect to any opportunity for discussion and revisions of proposals, and revisions may be
7880 permitted after submission and before a contract is awarded for the purpose of obtaining best
7881 and final offers.

7882 (e) In conducting discussions, there shall be no disclosures of any information derived
7883 from proposals submitted by competing offerors.

7884 (3) (a) (i) A political subdivision may select an applicant approved by the department
7885 under Section 26-8a-404 to provide 911 ambulance or paramedic services by contract to the
7886 most responsible offeror as defined in Section 63G-6a-103.

7887 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose
7888 proposal is determined in writing to be the most advantageous to the political subdivision,
7889 taking into consideration price and the evaluation factors set forth in the request for proposal.

7890 (b) The applicants who are approved under Section 26-8a-405 and who are selected
7891 under this section may be the political subdivision issuing the request for competitive sealed
7892 proposals, or any other public entity or entities, any private person or entity, or any
7893 combination thereof.

7894 (c) A political subdivision may reject all of the competitive proposals.

7895 (4) In seeking competitive sealed proposals and awarding contracts under this section,
7896 a political subdivision:

7897 (a) shall apply the public convenience and necessity factors listed in Subsections
7898 26-8a-408(2) through (6);

7899 (b) shall require the applicant responding to the proposal to disclose how the applicant
7900 will meet performance standards in the request for proposal;

7901 (c) may not require or restrict an applicant to a certain method of meeting the

7902 performance standards, including:

7903 (i) requiring ambulance medical personnel to also be a firefighter; or

7904 (ii) mandating that offerors use fire stations or dispatch services of the political
7905 subdivision;

7906 (d) shall require an applicant to submit the proposal:

7907 (i) based on full cost accounting in accordance with generally accepted accounting
7908 principals; and

7909 (ii) if the applicant is a governmental entity, in addition to the requirements of
7910 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and
7911 in compliance with the State of Utah Legal Compliance Audit Guide; and

7912 (e) shall set forth in the request for proposal:

7913 (i) the method for determining full cost accounting in accordance with generally
7914 accepted accounting principles, and require an applicant to submit the proposal based on such
7915 full cost accounting principles;

7916 (ii) guidelines established to further competition and provider accountability; and

7917 (iii) a list of the factors that will be considered by the political subdivision in the award
7918 of the contract, including by percentage, the relative weight of the factors established under this
7919 Subsection (4)(e), which may include such things as:

7920 (A) response times;

7921 (B) staging locations;

7922 (C) experience;

7923 (D) quality of care; and

7924 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

7925 (5) (a) Notwithstanding any provision of Title 63G, Chapter 6a, Utah Procurement
7926 Code, to the contrary, the provisions of Title 63G, Chapter 6a, Utah Procurement Code, apply
7927 to the procurement process required by this section, except as provided in Subsection (5)(c).

7928 (b) A procurement appeals panel described in Section [63G-6a-1702](#) shall have
7929 jurisdiction to review and determine an appeal of an offeror under this section.

7930 (c) (i) An offeror may appeal the solicitation or award as provided by the political
7931 subdivision's procedures. After all political subdivision appeal rights are exhausted, the offeror
7932 may appeal under the provisions of Subsections (5)(a) and (b).

7933 (ii) A procurement appeals panel described in Section [63G-6a-1702](#) shall determine
7934 whether the solicitation or award was made in accordance with the procedures set forth in this
7935 section and Section [26-8a-405.2](#).

7936 (d) The determination of an issue of fact by the appeals board shall be final and
7937 conclusive unless arbitrary and capricious or clearly erroneous as provided in Section
7938 [63G-6a-1705](#).

7939 Section 143. Section **26-61a-303** is amended to read:

7940 **26-61a-303. Renewal -- Notice of available license.**

7941 (1) The department shall renew a license under this part every year if, at the time of
7942 renewal:

7943 (a) the licensee meets the requirements of Section [26-61a-301](#);

7944 (b) the licensee pays the department a license renewal fee in an amount that, subject to
7945 Subsection [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#); and

7946 (c) if the medical cannabis pharmacy changes the operating plan described in Section
7947 [26-61a-304](#) that the department approved under Subsection [26-61a-301\(2\)\(b\)\(iv\)](#), the
7948 department approves the new operating plan.

7949 (2) (a) If a licensed medical cannabis pharmacy abandons the medical cannabis
7950 pharmacy's license, the department shall publish notice of an available license[:], within the
7951 geographic area in which the medical cannabis pharmacy license is available, as a class A
7952 notice under Section [63G-28-102](#).

7953 [~~(i) in a newspaper of general circulation for the geographic area in which the medical~~
7954 ~~cannabis pharmacy license is available; or]~~

7955 [~~(ii) on the Utah Public Notice Website established in Section [63A-16-601](#).]~~

7956 (b) The department may establish criteria, in collaboration with the Division of
7957 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter
7958 3, Utah Administrative Rulemaking Act, to identify the medical cannabis pharmacy actions that
7959 constitute abandonment of a medical cannabis pharmacy license.

7960 (3) If the department has not completed the necessary processes to make a
7961 determination on a license renewal under Subsections (1)(a) and (c) before the expiration of a
7962 license, the department may issue a conditional medical cannabis pharmacy license to a
7963 licensed medical cannabis pharmacy that has applied for license renewal under this section and

7964 paid the fee described in Subsection (1)(b).

7965 Section 144. Section **49-11-1102** is amended to read:

7966 **49-11-1102. Public notice of administrative board meetings -- Posting on Utah**
7967 **Public Notice Website.**

7968 (1) The office shall provide advance public notice of meetings and agendas [~~on the~~
7969 ~~Utah Public Notice Website established in Section 63A-16-601]~~ as a class A notice under
7970 Section 63G-28-102 for administrative board meetings.

7971 (2) The office may post other public materials, as directed by the board, on the Utah
7972 Public Notice Website.

7973 Section 145. Section **52-4-202** is amended to read:

7974 **52-4-202. Public notice of meetings -- Emergency meetings.**

7975 (1) (a) (i) A public body shall give not less than 24 hours' public notice of each
7976 meeting.

7977 (ii) A specified body shall give not less than 24 hours' public notice of each meeting
7978 that the specified body holds on the capitol hill complex.

7979 (b) The public notice required under Subsection (1)(a) shall include the meeting:

7980 (i) agenda;

7981 (ii) date;

7982 (iii) time; and

7983 (iv) place.

7984 (2) (a) In addition to the requirements under Subsection (1), a public body which holds
7985 regular meetings that are scheduled in advance over the course of a year shall give public
7986 notice at least once each year of its annual meeting schedule as provided in this section.

7987 (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of
7988 the scheduled meetings.

7989 (3) [~~(a)~~] A public body or specified body satisfies a requirement for public notice by[~~:~~]
7990 publishing the notice as a class A notice under Section 63G-28-102.

7991 [~~(i) posting written notice:~~]

7992 [~~(A) except for an electronic meeting held without an anchor location under Subsection~~
7993 ~~52-4-207(4), at the principal office of the public body or specified body, or if no principal~~
7994 ~~office exists, at the building where the meeting is to be held, and]~~

- 7995 ~~[(B) on the Utah Public Notice Website created under Section 63A-16-601; and]~~
7996 ~~[(ii) providing notice to:]~~
7997 ~~[(A) at least one newspaper of general circulation within the geographic jurisdiction of~~
7998 ~~the public body; or]~~
7999 ~~[(B) a local media correspondent.]~~
8000 ~~[(b) A public body or specified body is in compliance with the provisions of~~
8001 ~~Subsection (3)(a)(ii) by providing notice to a newspaper or local media correspondent under~~
8002 ~~the provisions of Subsection 63A-16-601(4)(d).]~~
8003 ~~[(c) A public body whose limited resources make compliance with Subsection~~
8004 ~~(3)(a)(i)(B) difficult may request the Division of Archives and Records Service, created in~~
8005 ~~Section 63A-12-101, to provide technical assistance to help the public body in its effort to~~
8006 ~~comply.]~~
8007 (4) A public body and a specified body are encouraged to develop and use additional
8008 electronic means to provide notice of their meetings under Subsection (3).
8009 (5) (a) The notice requirement of Subsection (1) may be disregarded if:
8010 (i) because of unforeseen circumstances it is necessary for a public body or specified
8011 body to hold an emergency meeting to consider matters of an emergency or urgent nature; and
8012 (ii) the public body or specified body gives the best notice practicable of:
8013 (A) the time and place of the emergency meeting; and
8014 (B) the topics to be considered at the emergency meeting.
8015 (b) An emergency meeting of a public body may not be held unless:
8016 (i) an attempt has been made to notify all the members of the public body; and
8017 (ii) a majority of the members of the public body approve the meeting.
8018 (6) (a) A public notice that is required to include an agenda under Subsection (1) shall
8019 provide reasonable specificity to notify the public as to the topics to be considered at the
8020 meeting. Each topic shall be listed under an agenda item on the meeting agenda.
8021 (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding
8022 member of the public body, a topic raised by the public may be discussed during an open
8023 meeting, even if the topic raised by the public was not included in the agenda or advance public
8024 notice for the meeting.
8025 (c) Except as provided in Subsection (5), relating to emergency meetings, a public

8026 body may not take final action on a topic in an open meeting unless the topic is:

8027 (i) listed under an agenda item as required by Subsection (6)(a); and

8028 (ii) included with the advance public notice required by this section.

8029 (7) Except as provided in this section, this chapter does not apply to a specified body.

8030 Section 146. Section **52-4-302** is amended to read:

8031 **52-4-302. Suit to void final action -- Limitation -- Exceptions.**

8032 (1) (a) Any final action taken in violation of Section [52-4-201](#), [52-4-202](#), [52-4-207](#), or
8033 [52-4-209](#) is voidable by a court of competent jurisdiction.

8034 (b) A court may not void a final action taken by a public body for failure to comply
8035 with the posting written notice requirements under Subsection [~~52-4-202(3)(a)(i)(B)~~]

8036 [52-4-202\(3\)\(a\)](#) if:

8037 (i) the posting is made for a meeting that is held before April 1, 2009; or

8038 (ii) (A) the public body otherwise complies with the provisions of Section [52-4-202](#);

8039 and

8040 (B) the failure was a result of unforeseen Internet hosting or communication
8041 technology failure.

8042 (2) Except as provided under Subsection (3), a suit to void final action shall be
8043 commenced within 90 days after the date of the action.

8044 (3) A suit to void final action concerning the issuance of bonds, notes, or other
8045 evidences of indebtedness shall be commenced within 30 days after the date of the action.

8046 Section 147. Section **53B-7-101.5** is amended to read:

8047 **53B-7-101.5. Proposed tuition increases -- Notice -- Hearings.**

8048 (1) If an institution within the State System of Higher Education listed in Section
8049 [53B-1-102](#) considers increasing tuition rates for undergraduate students in the process of
8050 preparing or implementing its budget, it shall hold a meeting to receive public input and
8051 response on the issue.

8052 (2) The institution shall advertise the hearing required under Subsection (1) using the
8053 following procedure:

8054 (a) The institution shall advertise its intent to consider an increase in student tuition
8055 rates[:] as a class A notice under Section [63G-28-102](#) at least 10 days prior to the meeting.

8056 [~~(i) in the institution's student newspaper twice during a period of 10 days prior to the~~]

8057 meeting; and]

8058 [(ii) on the Utah Public Notice Website created in Section ~~63A-16-601~~, for 10 days
8059 immediately before the meeting.]

8060 (b) The advertisement shall state that the institution will meet on a certain day, time,
8061 and place fixed in the advertisement, which shall not be less than seven days after the day the
8062 [second] advertisement is published, for the purpose of hearing comments regarding the
8063 proposed increase and to explain the reasons for the proposed increase.

8064 (3) The form and content of the notice shall be substantially as follows:

8065 "NOTICE OF PROPOSED TUITION INCREASE

8066 The (name of the higher education institution) is proposing to increase student tuition
8067 rates. This would be an increase of _____ %, which is an increase of \$ _____ per semester
8068 for a full-time resident undergraduate student. All concerned students and citizens are invited
8069 to a public hearing on the proposed increase to be held at (meeting place) on (date) at (time)."

8070 (4) (a) The institution shall provide the following information to those in attendance at
8071 the meeting required under Subsection (1):

8072 (i) the current year's student enrollment for:

8073 (A) the State System of Higher Education, if a systemwide increase is being
8074 considered; or

8075 (B) the institution, if an increase is being considered for just a single institution;

8076 (ii) total tuition revenues for the current school year;

8077 (iii) projected student enrollment growth for the next school year and projected tuition
8078 revenue increases from that anticipated growth; and

8079 (iv) a detailed accounting of how and where the increased tuition revenues would be
8080 spent.

8081 (b) The enrollment and revenue data required under Subsection (4)(a) shall be broken
8082 down into majors or departments if the proposed tuition increases are department or major
8083 specific.

8084 (5) If the institution does not make a final decision on the proposed tuition increase at
8085 the meeting, it shall announce the date, time, and place of the meeting where that determination
8086 shall be made.

8087 Section 148. Section **53E-4-202** is amended to read:

8088 **53E-4-202. Core standards for Utah public schools -- Notice and hearing**
8089 **requirements.**

8090 (1) (a) In establishing minimum standards related to curriculum and instruction
8091 requirements under Section [53E-3-501](#), the state board shall, in consultation with local school
8092 boards, school superintendents, teachers, employers, and parents implement core standards for
8093 Utah public schools that will enable students to, among other objectives:

8094 (i) communicate effectively, both verbally and through written communication;

8095 (ii) apply mathematics; and

8096 (iii) access, analyze, and apply information.

8097 (b) Except as provided in this public education code, the state board may recommend
8098 but may not require a local school board or charter school governing board to use:

8099 (i) a particular curriculum or instructional material; or

8100 (ii) a model curriculum or instructional material.

8101 (2) The state board shall, in establishing the core standards for Utah public schools:

8102 (a) identify the basic knowledge, skills, and competencies each student is expected to
8103 acquire or master as the student advances through the public education system; and

8104 (b) align with each other the core standards for Utah public schools and the
8105 assessments described in Section [53E-4-303](#).

8106 (3) The basic knowledge, skills, and competencies identified pursuant to Subsection
8107 (2)(a) shall increase in depth and complexity from year to year and focus on consistent and
8108 continual progress within and between grade levels and courses in the basic academic areas of:

8109 (a) English, including explicit phonics, spelling, grammar, reading, writing,
8110 vocabulary, speech, and listening; and

8111 (b) mathematics, including basic computational skills.

8112 (4) Before adopting core standards for Utah public schools, the state board shall:

8113 (a) publicize draft core standards for Utah public schools [~~on the state board's website~~
8114 ~~and the Utah Public Notice website created under Section [63A-16-601](#)]~~ as a class A notice
8115 under Section [63G-28-102](#);

8116 (b) invite public comment on the draft core standards for Utah public schools for a
8117 period of not less than 90 days; and

8118 (c) conduct three public hearings that are held in different regions of the state on the

8119 draft core standards for Utah public schools.

8120 (5) LEA governing boards shall design their school programs, that are supported by
8121 generally accepted scientific standards of evidence, to focus on the core standards for Utah
8122 public schools with the expectation that each program will enhance or help achieve mastery of
8123 the core standards for Utah public schools.

8124 (6) Except as provided in Sections 53G-10-103 and 53G-10-402, each school may
8125 select instructional materials and methods of teaching, that are supported by generally accepted
8126 scientific standards of evidence, that the school considers most appropriate to meet the core
8127 standards for Utah public schools.

8128 (7) The state may exit any agreement, contract, memorandum of understanding, or
8129 consortium that cedes control of the core standards for Utah public schools to any other entity,
8130 including a federal agency or consortium, for any reason, including:

8131 (a) the cost of developing or implementing the core standards for Utah public schools;

8132 (b) the proposed core standards for Utah public schools are inconsistent with
8133 community values; or

8134 (c) the agreement, contract, memorandum of understanding, or consortium:

8135 (i) was entered into in violation of Chapter 3, Part 8, Implementing Federal or National
8136 Education Programs, or Title 63J, Chapter 5, Federal Funds Procedures Act;

8137 (ii) conflicts with Utah law;

8138 (iii) requires Utah student data to be included in a national or multi-state database;

8139 (iv) requires records of teacher performance to be included in a national or multi-state
8140 database; or

8141 (v) imposes curriculum, assessment, or data tracking requirements on home school or
8142 private school students.

8143 (8) The state board shall submit a report in accordance with Section 53E-1-203 on the
8144 development and implementation of the core standards for Utah public schools, including the
8145 time line established for the review of the core standards for Utah public schools by a standards
8146 review committee and the recommendations of a standards review committee established under
8147 Section 53E-4-203.

8148 Section 149. Section 53G-3-204 is amended to read:

8149 **53G-3-204. Notice before preparing or amending a long-range plan or acquiring**

8150 **certain property.**

8151 (1) As used in this section:

8152 (a) "Affected entity" means each county, municipality, local district under Title 17B,
8153 Limited Purpose Local Government Entities - Local Districts, special service district under
8154 Title 17D, Chapter 1, Special Service District Act, interlocal cooperation entity established
8155 under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

8156 (i) whose services or facilities are likely to require expansion or significant
8157 modification because of an intended use of land; or

8158 (ii) that has filed with the school district a copy of the general or long-range plan of the
8159 county, municipality, local district, special service district, school district, interlocal
8160 cooperation entity, or specified public utility.

8161 (b) "Specified public utility" means an electrical corporation, gas corporation, or
8162 telephone corporation, as those terms are defined in Section 54-2-1.

8163 (2) (a) If a school district located in a county of the first or second class prepares a
8164 long-range plan regarding the school district's facilities proposed for the future or amends an
8165 already existing long-range plan, the school district shall, before preparing a long-range plan or
8166 amendments to an existing long-range plan, provide written notice, as provided in this section,
8167 of the school district's intent to prepare a long-range plan or to amend an existing long-range
8168 plan.

8169 (b) Each notice under Subsection (2)(a) shall:

8170 (i) indicate that the school district intends to prepare a long-range plan or to amend a
8171 long-range plan, as the case may be;

8172 (ii) describe or provide a map of the geographic area that will be affected by the
8173 long-range plan or amendments to a long-range plan;

8174 (iii) be:

8175 (A) sent to each county in whose unincorporated area and each municipality in whose
8176 boundaries is located the land on which the proposed long-range plan or amendments to a
8177 long-range plan are expected to indicate that the proposed facilities will be located;

8178 (B) sent to each affected entity;

8179 (C) sent to the Utah Geospatial Resource Center created in Section 63A-16-505;

8180 (D) sent to each association of governments, established pursuant to an interlocal

8181 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or
8182 municipality described in Subsection (2)(b)(iii)(A) is a member; and

8183 (E) [~~placed on the Utah Public Notice Website created under Section 63A-16-601]~~

8184 published within the geographic area that will be affected by the long-range plan, or

8185 amendments to a long-range plan, as a class A notice under Section 63G-28-102;

8186 (iv) with respect to the notice to counties and municipalities described in Subsection
8187 (2)(b)(iii)(A) and affected entities, invite them to provide information for the school district to
8188 consider in the process of preparing, adopting, and implementing the long-range plan or
8189 amendments to a long-range plan concerning:

8190 (A) impacts that the use of land proposed in the proposed long-range plan or
8191 amendments to a long-range plan may have on the county, municipality, or affected entity; and

8192 (B) uses of land that the county, municipality, or affected entity is planning or
8193 considering that may conflict with the proposed long-range plan or amendments to a long-range
8194 plan; and

8195 (v) include the address of an Internet website, if the school district has one, and the
8196 name and telephone number of an individual where more information can be obtained
8197 concerning the school district's proposed long-range plan or amendments to a long-range plan.

8198 (3) (a) Except as provided in Subsection (3)(d), each school district intending to
8199 acquire real property in a county of the first or second class for the purpose of expanding the
8200 district's infrastructure or other facilities shall provide written notice, as provided in this
8201 Subsection (3), of the school district's intent to acquire the property if the intended use of the
8202 property is contrary to:

8203 (i) the anticipated use of the property under the county or municipality's general plan;

8204 or

8205 (ii) the property's current zoning designation.

8206 (b) Each notice under Subsection (3)(a) shall:

8207 (i) indicate that the school district intends to acquire real property;

8208 (ii) identify the real property; and

8209 (iii) be sent to:

8210 (A) each county in whose unincorporated area and each municipality in whose

8211 boundaries the property is located; and

8212 (B) each affected entity.

8213 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
8214 [63G-2-305](#)(8).

8215 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the school district
8216 previously provided notice under Subsection (2) identifying the general location within the
8217 municipality or unincorporated part of the county where the property to be acquired is located.

8218 (ii) If a school district is not required to comply with the notice requirement of
8219 Subsection (3)(a) because of application of Subsection (3)(d)(i), the school district shall
8220 provide the notice specified in Subsection (3)(a) as soon as practicable after the school district's
8221 acquisition of the real property.

8222 Section 150. Section **53G-4-204** is amended to read:

8223 **53G-4-204. Compensation for services -- Additional per diem -- Notice of meeting**
8224 **-- Approval of expenses.**

8225 (1) Each member of a local school board, except the student member, shall receive
8226 compensation for services and for necessary expenses in accordance with compensation
8227 schedules adopted by the local school board in accordance with the provisions of this section.

8228 (2) Beginning on July 1, 2007, if a local school board decides to adopt or amend its
8229 compensation schedules, the local school board shall set a time and place for a public hearing
8230 at which all interested persons shall be given an opportunity to be heard.

8231 (3) Notice of the time, place, and purpose of the meeting shall be provided at least
8232 seven days prior to the meeting by[:] publishing a class A notice under Section [63G-28-102](#)
8233 within the school district.

8234 [~~(a) (i) publication at least once in a newspaper published in the county where the~~
8235 ~~school district is situated and generally circulated within the school district; and]~~

8236 [~~(ii) publication on the Utah Public Notice Website created in Section [63A-16-601](#);~~
8237 ~~and]~~

8238 [~~(b) posting a notice:]~~

8239 [~~(i) at each school within the school district;]~~

8240 [~~(ii) in at least three other public places within the school district; and]~~

8241 [~~(iii) on the Internet in a manner that is easily accessible to citizens that use the~~
8242 ~~Internet.]~~

8243 (4) After the conclusion of the public hearing, the local school board may adopt or
8244 amend its compensation schedules.

8245 (5) Each member shall submit an itemized account of necessary travel expenses for
8246 local school board approval.

8247 (6) A local school board may, without following the procedures described in
8248 Subsections (2) and (3), continue to use the compensation schedule that was in effect prior to
8249 July 1, 2007, until, at the discretion of the local school board, the compensation schedule is
8250 amended or a new compensation schedule is adopted.

8251 Section 151. Section **53G-4-402** is amended to read:

8252 **53G-4-402. Powers and duties generally.**

8253 (1) A local school board shall:

8254 (a) implement the core standards for Utah public schools using instructional materials
8255 that best correlate to the core standards for Utah public schools and graduation requirements;

8256 (b) administer tests, required by the state board, which measure the progress of each
8257 student, and coordinate with the state superintendent and state board to assess results and create
8258 plans to improve the student's progress, which shall be submitted to the state board for
8259 approval;

8260 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
8261 students that need remediation and determine the type and amount of federal, state, and local
8262 resources to implement remediation;

8263 (d) for each grading period and for each course in which a student is enrolled, issue a
8264 grade or performance report to the student:

8265 (i) that reflects the student's work, including the student's progress based on mastery,
8266 for the grading period; and

8267 (ii) in accordance with the local school board's adopted grading or performance
8268 standards and criteria;

8269 (e) develop early warning systems for students or classes failing to make progress;

8270 (f) work with the state board to establish a library of documented best practices,
8271 consistent with state and federal regulations, for use by the local districts;

8272 (g) implement training programs for school administrators, including basic
8273 management training, best practices in instructional methods, budget training, staff

8274 management, managing for learning results and continuous improvement, and how to help
8275 every child achieve optimal learning in basic academic subjects; and

8276 (h) ensure that the local school board meets the data collection and reporting standards
8277 described in Section [53E-3-501](#).

8278 (2) Local school boards shall spend Minimum School Program funds for programs and
8279 activities for which the state board has established minimum standards or rules under Section
8280 [53E-3-501](#).

8281 (3) (a) A local school board may purchase, sell, and make improvements on school
8282 sites, buildings, and equipment and construct, erect, and furnish school buildings.

8283 (b) School sites or buildings may only be conveyed or sold on local school board
8284 resolution affirmed by at least two-thirds of the members.

8285 (4) (a) A local school board may participate in the joint construction or operation of a
8286 school attended by children residing within the district and children residing in other districts
8287 either within or outside the state.

8288 (b) Any agreement for the joint operation or construction of a school shall:

8289 (i) be signed by the president of the local school board of each participating district;

8290 (ii) include a mutually agreed upon pro rata cost; and

8291 (iii) be filed with the state board.

8292 (5) A local school board may establish, locate, and maintain elementary, secondary,
8293 and applied technology schools.

8294 (6) Except as provided in Section [53E-3-905](#), a local school board may enroll children
8295 in school who are at least five years old before September 2 of the year in which admission is
8296 sought.

8297 (7) A local school board may establish and support school libraries.

8298 (8) A local school board may collect damages for the loss, injury, or destruction of
8299 school property.

8300 (9) A local school board may authorize guidance and counseling services for children
8301 and their parents before, during, or following enrollment of the children in schools.

8302 (10) (a) A local school board shall administer and implement federal educational
8303 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National
8304 Education Programs.

8305 (b) Federal funds are not considered funds within the school district budget under
8306 Chapter 7, Part 3, Budgets.

8307 (11) (a) A local school board may organize school safety patrols and adopt policies
8308 under which the patrols promote student safety.

8309 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
8310 parental consent for the appointment.

8311 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
8312 of a highway intended for vehicular traffic use.

8313 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
8314 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
8315 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

8316 (12) (a) A local school board may on its own behalf, or on behalf of an educational
8317 institution for which the local school board is the direct governing body, accept private grants,
8318 loans, gifts, endowments, devises, or bequests that are made for educational purposes.

8319 (b) These contributions are not subject to appropriation by the Legislature.

8320 (13) (a) A local school board may appoint and fix the compensation of a compliance
8321 officer to issue citations for violations of Subsection 76-10-105(2)(b).

8322 (b) A person may not be appointed to serve as a compliance officer without the
8323 person's consent.

8324 (c) A teacher or student may not be appointed as a compliance officer.

8325 (14) A local school board shall adopt bylaws and policies for the local school board's
8326 own procedures.

8327 (15) (a) A local school board shall make and enforce policies necessary for the control
8328 and management of the district schools.

8329 (b) Local school board policies shall be in writing, filed, and referenced for public
8330 access.

8331 (16) A local school board may hold school on legal holidays other than Sundays.

8332 (17) (a) A local school board shall establish for each school year a school traffic safety
8333 committee to implement this Subsection (17).

8334 (b) The committee shall be composed of one representative of:

8335 (i) the schools within the district;

- 8336 (ii) the Parent Teachers' Association of the schools within the district;
- 8337 (iii) the municipality or county;
- 8338 (iv) state or local law enforcement; and
- 8339 (v) state or local traffic safety engineering.
- 8340 (c) The committee shall:
 - 8341 (i) receive suggestions from school community councils, parents, teachers, and others
 - 8342 and recommend school traffic safety improvements, boundary changes to enhance safety, and
 - 8343 school traffic safety program measures;
 - 8344 (ii) review and submit annually to the Department of Transportation and affected
 - 8345 municipalities and counties a child access routing plan for each elementary, middle, and junior
 - 8346 high school within the district;
 - 8347 (iii) consult the Utah Safety Council and the Division of Family Health Services and
 - 8348 provide training to all school children in kindergarten through grade 6, within the district, on
 - 8349 school crossing safety and use; and
 - 8350 (iv) help ensure the district's compliance with rules made by the Department of
 - 8351 Transportation under Section [41-6a-303](#).
- 8352 (d) The committee may establish subcommittees as needed to assist in accomplishing
- 8353 the committee's duties under Subsection (17)(c).
- 8354 (18) (a) A local school board shall adopt and implement a comprehensive emergency
- 8355 response plan to prevent and combat violence in the local school board's public schools, on
- 8356 school grounds, on its school vehicles, and in connection with school-related activities or
- 8357 events.
- 8358 (b) The plan shall:
 - 8359 (i) include prevention, intervention, and response components;
 - 8360 (ii) be consistent with the student conduct and discipline policies required for school
 - 8361 districts under Chapter 11, Part 2, Miscellaneous Requirements;
 - 8362 (iii) require professional learning for all district and school building staff on what their
 - 8363 roles are in the emergency response plan;
 - 8364 (iv) provide for coordination with local law enforcement and other public safety
 - 8365 representatives in preventing, intervening, and responding to violence in the areas and activities
 - 8366 referred to in Subsection (18)(a); and

8367 (v) include procedures to notify a student, to the extent practicable, who is off campus
8368 at the time of a school violence emergency because the student is:

8369 (A) participating in a school-related activity; or

8370 (B) excused from school for a period of time during the regular school day to

8371 participate in religious instruction at the request of the student's parent.

8372 (c) The state board, through the state superintendent, shall develop comprehensive
8373 emergency response plan models that local school boards may use, where appropriate, to
8374 comply with Subsection (18)(a).

8375 (d) A local school board shall, by July 1 of each year, certify to the state board that its
8376 plan has been practiced at the school level and presented to and reviewed by its teachers,
8377 administrators, students, and their parents and local law enforcement and public safety
8378 representatives.

8379 (19) (a) A local school board may adopt an emergency response plan for the treatment
8380 of sports-related injuries that occur during school sports practices and events.

8381 (b) The plan may be implemented by each secondary school in the district that has a
8382 sports program for students.

8383 (c) The plan may:

8384 (i) include emergency personnel, emergency communication, and emergency
8385 equipment components;

8386 (ii) require professional learning on the emergency response plan for school personnel
8387 who are involved in sports programs in the district's secondary schools; and

8388 (iii) provide for coordination with individuals and agency representatives who:

8389 (A) are not employees of the school district; and

8390 (B) would be involved in providing emergency services to students injured while
8391 participating in sports events.

8392 (d) The local school board, in collaboration with the schools referred to in Subsection
8393 (19)(b), may review the plan each year and make revisions when required to improve or
8394 enhance the plan.

8395 (e) The state board, through the state superintendent, shall provide local school boards
8396 with an emergency plan response model that local school boards may use to comply with the
8397 requirements of this Subsection (19).

8398 (20) A local school board shall do all other things necessary for the maintenance,
8399 prosperity, and success of the schools and the promotion of education.

8400 (21) (a) Before closing a school or changing the boundaries of a school, a local school
8401 board shall:

8402 (i) at least 120 days before approving the school closure or school boundary change,
8403 provide notice to the following that the local school board is considering the closure or
8404 boundary change:

8405 (A) parents of students enrolled in the school, using the same form of communication
8406 the local school board regularly uses to communicate with parents;

8407 (B) parents of students enrolled in other schools within the school district that may be
8408 affected by the closure or boundary change, using the same form of communication the local
8409 school board regularly uses to communicate with parents; and

8410 (C) the governing council and the mayor of the municipality in which the school is
8411 located;

8412 (ii) provide an opportunity for public comment on the proposed school closure or
8413 school boundary change during at least two public local school board meetings; and

8414 (iii) hold a public hearing as defined in Section 10-9a-103 and provide public notice of
8415 the public hearing as described in Subsection (21)(b).

8416 (b) The notice of a public hearing required under Subsection (21)(a)(iii) shall:

8417 (i) indicate the:

8418 (A) school or schools under consideration for closure or boundary change; and

8419 (B) the date, time, and location of the public hearing;

8420 (ii) at least 10 days before the public hearing, be~~[:]~~ published within the municipality in
8421 which the school is located as a class A notice under Section 63G-28-102; and

8422 [~~(A) published;~~]

8423 [~~(F) in a newspaper of general circulation in the area; and]~~

8424 [~~(H) on the Utah Public Notice Website created in Section 63A-16-601; and]~~

8425 [~~(B) posted in at least three public locations within the municipality in which the~~
8426 ~~school is located on the school district's official website, and prominently at the school; and]~~

8427 (iii) at least 30 days before the public hearing described in Subsection (21)(a)(iii), be
8428 provided as described in Subsections (21)(a)(i)(A), (B), and (C).

8429 (22) A local school board may implement a facility energy efficiency program
8430 established under Title 11, Chapter 44, Performance Efficiency Act.

8431 (23) A local school board may establish or partner with a certified youth court in
8432 accordance with Section 80-6-902 or establish or partner with a comparable restorative justice
8433 program, in coordination with schools in that district. A school may refer a student to a youth
8434 court or a comparable restorative justice program in accordance with Section 53G-8-211.

8435 (24) A local school board shall:

8436 (a) make curriculum that the school district uses readily accessible and available for a
8437 parent to view;

8438 (b) annually notify a parent of a student enrolled in the school district of how to access
8439 the information described in Subsection (24)(a); and

8440 (c) include on the school district's website information about how to access the
8441 information described in Subsection (24)(a).

8442 Section 152. Section 53G-5-504 is amended to read:

8443 **53G-5-504. Charter school closure.**

8444 (1) As used in this section, "receiving charter school" means a charter school that an
8445 authorizer permits under Subsection (13)(a), to accept enrollment applications from students of
8446 a closing charter school.

8447 (2) If a charter school is closed for any reason, including the termination of a charter
8448 agreement in accordance with Section 53G-5-503 or the conversion of a charter school to a
8449 private school, the provisions of this section apply.

8450 (3) A decision to close a charter school is made:

8451 (a) when a charter school authorizer approves a motion to terminate described in
8452 Subsection 53G-5-503(2)(c);

8453 (b) when the state board takes final action described in Subsection 53G-5-503(2)(d)(ii);
8454 or

8455 (c) when a charter school provides notice to the charter school's authorizer that the
8456 charter school is relinquishing the charter school's charter.

8457 (4) (a) No later than 10 days after the day on which a decision to close a charter school
8458 is made, the charter school shall:

8459 (i) provide notice to the following, in writing, of the decision:

- 8460 (A) if the charter school made the decision to close, the charter school's authorizer;
- 8461 (B) the State Charter School Board;
- 8462 (C) if the state board did not make the decision to close, the state board;
- 8463 (D) parents of students enrolled at the charter school;
- 8464 (E) the charter school's creditors;
- 8465 (F) the charter school's lease holders;
- 8466 (G) the charter school's bond issuers;
- 8467 (H) other entities that may have a claim to the charter school's assets;
- 8468 (I) the school district in which the charter school is located and other charter schools
- 8469 located in that school district; and
- 8470 (J) any other person that the charter school determines to be appropriate; and
- 8471 (ii) post notice of the decision [~~on the Utah Public Notice Website, created in Section~~
- 8472 ~~63A-16-601~~] within the school district in which the charter school is located as a class A notice
- 8473 under Section 63G-28-102.
- 8474 (b) The notice described in Subsection (4)(a) shall include:
- 8475 (i) the proposed date of the charter school closure;
- 8476 (ii) the charter school's plans to help students identify and transition into a new school;
- 8477 and
- 8478 (iii) contact information for the charter school during the transition.
- 8479 (5) No later than 10 days after the day on which a decision to close a charter school is
- 8480 made, the closing charter school shall:
- 8481 (a) designate a custodian for the protection of student files and school business records;
- 8482 (b) designate a base of operation that will be maintained throughout the charter school
- 8483 closing, including:
- 8484 (i) an office;
- 8485 (ii) hours of operation;
- 8486 (iii) operational telephone service with voice messaging stating the hours of operation;
- 8487 and
- 8488 (iv) a designated individual to respond to questions or requests during the hours of
- 8489 operation;
- 8490 (c) assure that the charter school will maintain private insurance coverage or risk

8491 management coverage for covered claims that arise before closure, throughout the transition to
8492 closure and for a period following closure of the charter school as specified by the charter
8493 school's authorizer;

8494 (d) assure that the charter school will complete by the set deadlines for all fiscal years
8495 in which funds are received or expended by the charter school a financial audit and any other
8496 procedure required by state board rule;

8497 (e) inventory all assets of the charter school; and

8498 (f) list all creditors of the charter school and specifically identify secured creditors and
8499 assets that are security interests.

8500 (6) The closing charter school's authorizer shall oversee the closing charter school's
8501 compliance with Subsection (5).

8502 (7) (a) A closing charter school shall return any assets remaining, after all liabilities
8503 and obligations of the closing charter school are paid or discharged, to the closing charter
8504 school's authorizer.

8505 (b) The closing charter school's authorizer shall liquidate assets at fair market value or
8506 assign the assets to another public school.

8507 (8) The closing charter school's authorizer shall oversee liquidation of assets and
8508 payment of debt in accordance with state board rule.

8509 (9) The closing charter school shall:

8510 (a) comply with all state and federal reporting requirements; and

8511 (b) submit all documentation and complete all state and federal reports required by the
8512 closing charter school's authorizer or the state board, including documents to verify the closing
8513 charter school's compliance with procedural requirements and satisfaction of all financial
8514 issues.

8515 (10) When the closing charter school's financial affairs are closed out and dissolution is
8516 complete, the authorizer shall ensure that a final audit of the charter school is completed.

8517 (11) On or before January 1, 2017, the state board shall, in accordance with Title 63G,
8518 Chapter 3, Utah Administrative Rulemaking Act, and after considering suggestions from
8519 charter school authorizers, make rules that:

8520 (a) provide additional closure procedures for charter schools; and

8521 (b) establish a charter school closure process.

8522 (12) (a) Upon termination of the charter school's charter agreement:
8523 (i) notwithstanding provisions to the contrary in Title 16, Chapter 6a, Part 14,
8524 Dissolution, the nonprofit corporation under which the charter school is organized and
8525 managed may be unilaterally dissolved by the authorizer; and
8526 (ii) the net assets of the charter school shall revert to the authorizer as described in
8527 Subsection (7).
8528 (b) The charter school and the authorizer shall mutually agree in writing on the
8529 effective date and time of the dissolution described in Subsection (12)(a).
8530 (c) The effective date and time of dissolution described in Subsection (12)(b) may not
8531 exceed five years after the date of the termination of the charter agreement.
8532 (13) Notwithstanding the provisions of Chapter 6, Part 5, Charter School Enrollment:
8533 (a) an authorizer may permit a specified number of students from a closing charter
8534 school to be enrolled in another charter school, if the receiving charter school:
8535 (i) (A) is authorized by the same authorizer as the closing charter school; or
8536 (B) is authorized by a different authorizer and the authorizer of the receiving charter
8537 school approves the increase in enrollment; and
8538 (ii) agrees to accept enrollment applications from students of the closing charter
8539 school;
8540 (b) a receiving charter school shall give new enrollment preference to applications
8541 from students of the closing charter school in the first school year in which the closing charter
8542 school is not operational; and
8543 (c) a receiving charter school's enrollment capacity is increased by the number of
8544 students enrolled in the receiving charter school from the closing charter school under this
8545 Subsection (13).
8546 (14) A member of the governing board or staff of the receiving charter school that is
8547 also a member of the governing board of the receiving charter school's authorizer, shall recuse
8548 himself or herself from a decision regarding the enrollment of students from a closing charter
8549 school as described in Subsection (13).
8550 Section 153. Section **54-8-10** is amended to read:
8551 **54-8-10. Public hearing -- Notice -- Publication.**
8552 (1) [~~Such notice shall be:~~] The governing body shall provide notice of a public hearing

8553 on the proposed improvement within the proposed district as a class C notice under Section
 8554 63G-28-102.

8555 ~~[(a) published on the Utah Public Notice Website created in Section 63A-16-601; and]~~
 8556 ~~[(b) posted in not less than three public places in the district.]~~

8557 ~~[(2) A copy of the notice shall be mailed by certified mail to the last known address of~~
 8558 ~~each owner of land within the proposed district whose property will be assessed for the cost of~~
 8559 ~~the improvement.]~~

8560 ~~[(3)]~~ (2) The ~~[address]~~ addresses to be used for ~~[that purpose]~~ the purpose of mailing
 8561 notice under Subsection 63G-28-102(4)(b)(i) shall be [that]:

8562 (a) the last address appearing on the real property assessment rolls of the county [in
 8563 which the property is located.] for each owner of real property whose property will be assessed
 8564 for the cost of the improvement; and

8565 ~~[(4)]~~ (b) ~~[In addition, a copy of the notice shall be addressed to "Owner" and shall be~~
 8566 ~~so mailed addressed to]~~ the street number of each piece of improved property to be affected by
 8567 the assessment.

8568 ~~[(5)]~~ (3) Mailed notices and the published notice shall state where a copy of the
 8569 resolution creating the district will be available for inspection by any interested parties.

8570 Section 154. Section **54-8-16** is amended to read:

8571 **54-8-16. Notice of assessment -- Publication.**

8572 (1) (a) After the preparation of a resolution under Section **54-8-14**, the governing body
 8573 shall give notice of a public hearing on the proposed assessments [shall be given].

8574 (2) (a) The governing body shall provide the notice described in Subsection (1) [shall
 8575 be:] within the district as a class C notice under Section 63G-28-102 no less than 20 days
 8576 before the date of the hearing.

8577 (b) The addresses to be used for the purpose of mailing notice under Subsection
 8578 63G-28-102(4)(b)(i) are:

8579 (i) the last address appearing on the real property assessment rolls of the county for
 8580 each owner of real property whose property will be assessed for part of the cost of the
 8581 improvement; and

8582 (ii) the street number of each piece of improved property to be affected by the proposed
 8583 assessment.

8584 ~~[(a) published on the Utah Public Notice Website created in Section 63A-16-601, for at~~
8585 ~~least 20 days before the date fixed for the hearing; and]~~

8586 ~~[(b) mailed by certified mail not less than 15 days prior to the date fixed for such~~
8587 ~~hearing to each owner of real property whose property will be assessed for part of the cost of~~
8588 ~~the improvement at the last known address of such owner using for such purpose the names~~
8589 ~~and addresses appearing on the last completed real property assessment rolls of the county~~
8590 ~~wherein said affected property is located.]~~

8591 ~~[(3) In addition, a copy of such notice shall be addressed to "Owner" and shall be so~~
8592 ~~mailed addressed to the street number of each piece of improved property to be affected by~~
8593 ~~such assessment.]~~

8594 ~~[(4)]~~ (3) Each notice shall state that at the specified time and place, the governing body
8595 will hold a public hearing upon the proposed assessments and shall state that any owner of any
8596 property to be assessed pursuant to the resolution will be heard on the question of whether [his]
8597 the owner's property will be benefited by the proposed improvement to the amount of the
8598 proposed assessment against [his] the owner's property and whether the amount assessed
8599 against [his] the owner's property constitutes more than [his] the owner's proper proportional
8600 share of the total cost of the improvement.

8601 ~~[(5)]~~ (4) The notice shall further state where a copy of the resolution proposed to be
8602 adopted levying the assessments against all real property in the district will be on file for public
8603 inspection, and that subject to such changes and corrections therein as may be made by the
8604 governing body, it is proposed to adopt the resolution at the conclusion of the hearing.

8605 ~~[(6)]~~ (5) A published notice shall describe the boundaries or area of the district with
8606 sufficient particularity to permit each owner of real property therein to ascertain that [his] the
8607 owner's property lies in the district.

8608 ~~[(7)]~~ (6) The mailed notice may refer to the district by name and date of creation and
8609 shall state the amount of the assessment proposed to be levied against the real property of the
8610 person to whom the notice is mailed.

8611 Section 155. Section 54-8-23 is amended to read:

8612 **54-8-23. Objection to amount of assessment -- Civil action -- Litigation to**
8613 **question or attack proceedings or legality of bonds -- Notice.**

8614 (1) No special assessment levied under this chapter shall be declared void, nor shall

8615 any such assessment or part thereof be set aside in consequence of any error or irregularity
8616 permitted or appearing in any of the proceedings under this chapter, but any party feeling
8617 aggrieved by any such special assessment or proceeding may bring a civil action to cause such
8618 grievance to be adjudicated if such action is commenced prior to the expiration of the period
8619 specified in this section.

8620 (2) The burden of proof to show that such special assessment or part thereof is invalid,
8621 inequitable or unjust shall rest upon the party who brings such suit.

8622 (3) Any such litigation shall not be regarded as an appeal within the meaning of the
8623 prohibition contained in Section [54-8-18](#).

8624 (4) Every person whose property is subject to such special assessment and who fails to
8625 appear during the public hearings on said assessments to raise his objection to such tax shall be
8626 deemed to have waived all objections to such levy except the objection that the governing body
8627 lacks jurisdiction to levy such tax.

8628 (5) For a period of 20 days after the governing body has adopted the enactment
8629 authorizing the assessment, any taxpayer in the district shall have the right to institute litigation
8630 for the purpose of questioning or attacking the proceedings pursuant to which the assessments
8631 have been authorized subject to the provisions of the preceding paragraph.

8632 (6) Whenever any enactment authorizing the issuance of any bonds pursuant to the
8633 improvement contemplated shall have been adopted such resolution shall be [~~posted on the~~
8634 ~~Utah Public Notice Website created in Section [63A-16-601](#)~~] provided within the district as a
8635 class A notice under Section [63G-28-102](#).

8636 (7) For a period of 20 days thereafter, any person whose property shall have been
8637 assessed and any taxpayer in the district shall have the right to institute litigation for the
8638 purpose of questioning or attacking the legality of such bonds.

8639 (8) After the expiration of such 20-day period, all proceedings theretofore had by the
8640 governing body, the bonds to be issued pursuant thereto, and the special assessments from
8641 which such bonds are to be paid, shall become incontestable, and no suit attacking or
8642 questioning the legality thereof may be instituted in this state, and no court shall have the
8643 authority to inquire into such matters.

8644 Section 156. Section **57-11-11** is amended to read:

8645 **57-11-11. Rules of division -- Notice and hearing requirements -- Filing**

8646 **advertising material -- Injunctions -- Intervention by division in suits -- General powers**
8647 **of division.**

8648 (1) (a) The division shall prescribe reasonable rules which shall be adopted, amended,
8649 or repealed only after a public hearing.

8650 (b) The division shall:

8651 (i) publish notice of the public hearing described in Subsection (1)(a)[:] statewide as a
8652 class A notice under Section 63G-28-102 at least 20 days before the day of the hearing; and

8653 [~~(A) once in a newspaper or newspapers with statewide circulation and at least 20 days~~
8654 ~~before the hearing; and]~~

8655 [~~(B) on the Utah Public Notice Website created in Section 63A-16-601, for at least 20~~
8656 ~~days before the hearing; and]~~

8657 (ii) send a notice to a nonprofit organization which files a written request for notice
8658 with the division at least 20 days [~~prior to~~] before the day of the hearing.

8659 (2) The rules shall include but need not be limited to:

8660 (a) provisions for advertising standards to assure full and fair disclosure; and

8661 (b) provisions for escrow or trust agreements, performance bonds, or other means
8662 reasonably necessary to assure that all improvements referred to in the application for
8663 registration and advertising will be completed and that purchasers will receive the interest in
8664 land contracted for.

8665 (3) These provisions, however, shall not be required if the city or county in which the
8666 subdivision is located requires similar means of assurance of a nature and in an amount no less
8667 adequate than is required under said rules:

8668 (a) provisions for operating procedures;

8669 (b) provisions for a shortened form of registration in cases where the division
8670 determines that the purposes of this act do not require a subdivision to be registered pursuant to
8671 an application containing all the information required by Section 57-11-6 or do not require that
8672 the public offering statement contain all the information required by Section 57-11-7; and

8673 (c) other rules necessary and proper to accomplish the purpose of this chapter.

8674 (4) The division by rule or order, after reasonable notice, may require the filing of
8675 advertising material relating to subdivided lands prior to its distribution, provided that the
8676 division must approve or reject any advertising material within 15 days from the receipt thereof

8677 or the material shall be considered approved.

8678 (5) If it appears that a person has engaged or is about to engage in an act or practice
8679 constituting a violation of a provision of this chapter or a rule or order hereunder, the agency,
8680 with or without prior administrative proceedings, may bring an action in the district court of the
8681 district where said person maintains his residence or a place of business or where said act or
8682 practice has occurred or is about to occur, to enjoin the acts or practices and to enforce
8683 compliance with this chapter or any rule or order hereunder. Upon proper showing, injunctive
8684 relief or temporary restraining orders shall be granted, and a receiver or conservator may be
8685 appointed. The division shall not be required to post a bond in any court proceedings.

8686 (6) The division shall be allowed to intervene in a suit involving subdivided lands,
8687 either as a party or as an amicus curiae, where it appears that the interpretation or
8688 constitutionality of any provision of law will be called into question. In any suit by or against a
8689 subdivider involving subdivided lands, the subdivider promptly shall furnish the agency notice
8690 of the suit and copies of all pleadings. Failure to do so may, in the discretion of the division,
8691 constitute grounds for the division withholding any approval required by this chapter.

8692 (7) The division may:

- 8693 (a) accept registrations filed in other states or with the federal government;
8694 (b) contract with public agencies or qualified private persons in this state or other
8695 jurisdictions to perform investigative functions; and
8696 (c) accept grants-in-aid from any source.

8697 (8) The division shall cooperate with similar agencies in other jurisdictions to establish
8698 uniform filing procedures and forms, uniform public offering statements, advertising standards,
8699 rules, and common administrative practices.

8700 Section 157. Section **57-13a-104** is amended to read:

8701 **57-13a-104. Abandonment of prescriptive easement for water conveyance.**

8702 (1) A holder of a prescriptive easement for a water conveyance established under
8703 Section **57-13a-102** may, in accordance with this section, abandon all or part of the easement.

8704 (2) (a) A holder of a prescriptive easement for a water conveyance established under
8705 Section **57-13a-102** who seeks to abandon the easement or part of the easement shall~~[:]~~, in each
8706 county where the easement or part of the easement is located, file in the office of the county
8707 recorder a notice of intent to abandon the prescriptive easement that describes the easement or

8708 part of the easement to be abandoned.

8709 (b) A county recorder who receives a notice of intent to abandon a prescriptive
8710 easement shall:

8711 (i) publish copies of the notice within the area generally served by the water
8712 conveyance that utilizes the easement as a class A notice under Section 63G-28-102; and

8713 ~~[(a) in each county where the easement or part of the easement is located, file in the~~
8714 ~~office of the county recorder a notice of intent to abandon the prescriptive easement that~~
8715 ~~describes the easement or part of the easement to be abandoned;]~~

8716 ~~[(b) post copies of the notice of intent to abandon the prescriptive easement in three~~
8717 ~~public places located within the area generally served by the water conveyance that utilizes the~~
8718 ~~easement;]~~

8719 ~~[(c)]~~ (ii) mail a copy of the notice of intent to abandon the prescriptive easement to
8720 each municipal and county government where the easement or part of the easement is
8721 located[;].

8722 ~~[(d) post a copy of the notice of intent to abandon the prescriptive easement on the~~
8723 ~~Utah Public Notice Website created in Section 63A-16-601; and]~~

8724 ~~[(e)]~~ (3) ~~[after]~~ After meeting the requirements of ~~[Subsections (2)(a), (b), (c), and (d)]~~
8725 Subsection (2)(a) and at least 45 days after the last day on which the ~~[holder of the easement]~~
8726 county recorder posts the notice of intent to abandon the prescriptive easement in accordance
8727 with Subsection (2)(b), the holder of the prescriptive easement shall file in the office of the
8728 county recorder for each county where the easement or part of the easement is located a notice
8729 of abandonment that contains the same description required by Subsection (2)(a).

8730 ~~[(3)]~~ (4) (a) Upon completion of the requirements described in Subsection (2) ~~[by the~~
8731 ~~holder of a prescriptive easement for a water conveyance established under Section~~
8732 ~~57-13a-102]:~~

8733 (i) all interest to the easement or part of the easement abandoned by the holder of the
8734 easement is extinguished; and

8735 (ii) subject to each legal right that exists as described in Subsection ~~[(3)(b)]~~ (4)(b), the
8736 owner of a servient estate whose land was encumbered by the easement or part of the easement
8737 abandoned may reclaim the land area occupied by the former easement or part of the easement
8738 and resume full utilization of the land without liability to the former holder of the easement.

8739 (b) Abandonment of a prescriptive easement under this section does not affect a legal
8740 right to have water delivered or discharged through the water conveyance and easement
8741 established by a person other than the holder of the easement who abandons an easement as
8742 provided in this section.

8743 (5) A county recorder may bill the holder of the prescriptive easement for the cost of
8744 preparing, printing, and publishing the notice required under Subsection (2)(b).

8745 Section 158. Section **59-2-919** is amended to read:

8746 **59-2-919. Notice and public hearing requirements for certain tax increases --**

8747 **Exceptions.**

8748 (1) As used in this section:

8749 (a) "Additional ad valorem tax revenue" means ad valorem property tax revenue
8750 generated by the portion of the tax rate that exceeds the taxing entity's certified tax rate.

8751 (b) "Ad valorem tax revenue" means ad valorem property tax revenue not including
8752 revenue from:

8753 (i) eligible new growth as defined in Section **59-2-924**; or

8754 (ii) personal property that is:

8755 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and

8756 (B) semiconductor manufacturing equipment.

8757 (c) "Calendar year taxing entity" means a taxing entity that operates under a fiscal year
8758 that begins on January 1 and ends on December 31.

8759 (d) "County executive calendar year taxing entity" means a calendar year taxing entity
8760 that operates under the county executive-council form of government described in Section
8761 **17-52a-203**.

8762 (e) "Current calendar year" means the calendar year immediately preceding the
8763 calendar year for which a calendar year taxing entity seeks to levy a tax rate that exceeds the
8764 calendar year taxing entity's certified tax rate.

8765 (f) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year that
8766 begins on July 1 and ends on June 30.

8767 (g) "Last year's property tax budgeted revenue" does not include revenue received by a
8768 taxing entity from a debt service levy voted on by the public.

8769 (2) A taxing entity may not levy a tax rate that exceeds the taxing entity's certified tax

8770 rate unless the taxing entity meets:

8771 (a) the requirements of this section that apply to the taxing entity; and

8772 (b) all other requirements as may be required by law.

8773 (3) (a) Subject to Subsection (3)(b) and except as provided in Subsection (5), a
8774 calendar year taxing entity may levy a tax rate that exceeds the calendar year taxing entity's
8775 certified tax rate if the calendar year taxing entity:

8776 (i) 14 or more days before the date of the regular general election or municipal general
8777 election held in the current calendar year, states at a public meeting:

8778 (A) that the calendar year taxing entity intends to levy a tax rate that exceeds the
8779 calendar year taxing entity's certified tax rate;

8780 (B) the dollar amount of and purpose for additional ad valorem tax revenue that would
8781 be generated by the proposed increase in the certified tax rate; and

8782 (C) the approximate percentage increase in ad valorem tax revenue for the taxing entity
8783 based on the proposed increase described in Subsection (3)(a)(i)(B);

8784 (ii) provides notice for the public meeting described in Subsection (3)(a)(i) in
8785 accordance with Title 52, Chapter 4, Open and Public Meetings Act, including providing a
8786 separate item on the meeting agenda that notifies the public that the calendar year taxing entity
8787 intends to make the statement described in Subsection (3)(a)(i);

8788 (iii) meets the advertisement requirements of Subsections (6) and (7) before the
8789 calendar year taxing entity conducts the public hearing required by Subsection (3)(a)(v);

8790 (iv) provides notice by mail:

8791 (A) seven or more days before the regular general election or municipal general
8792 election held in the current calendar year; and

8793 (B) as provided in Subsection (3)(c); and

8794 (v) conducts a public hearing that is held:

8795 (A) in accordance with Subsections (8) and (9); and

8796 (B) in conjunction with the public hearing required by Section [17-36-13](#) or [17B-1-610](#).

8797 (b) (i) For a county executive calendar year taxing entity, the statement described in
8798 Subsection (3)(a)(i) shall be made by the:

8799 (A) county council;

8800 (B) county executive; or

8801 (C) both the county council and county executive.
8802 (ii) If the county council makes the statement described in Subsection (3)(a)(i) or the
8803 county council states a dollar amount of additional ad valorem tax revenue that is greater than
8804 the amount of additional ad valorem tax revenue previously stated by the county executive in
8805 accordance with Subsection (3)(a)(i), the county executive calendar year taxing entity shall:
8806 (A) make the statement described in Subsection (3)(a)(i) 14 or more days before the
8807 county executive calendar year taxing entity conducts the public hearing under Subsection
8808 (3)(a)(v); and
8809 (B) provide the notice required by Subsection (3)(a)(iv) 14 or more days before the
8810 county executive calendar year taxing entity conducts the public hearing required by
8811 Subsection (3)(a)(v).
8812 (c) The notice described in Subsection (3)(a)(iv):
8813 (i) shall be mailed to each owner of property:
8814 (A) within the calendar year taxing entity; and
8815 (B) listed on the assessment roll;
8816 (ii) shall be printed on a separate form that:
8817 (A) is developed by the commission;
8818 (B) states at the top of the form, in bold upper-case type no smaller than 18 point
8819 "NOTICE OF PROPOSED TAX INCREASE"; and
8820 (C) may be mailed with the notice required by Section [59-2-1317](#);
8821 (iii) shall contain for each property described in Subsection (3)(c)(i):
8822 (A) the value of the property for the current calendar year;
8823 (B) the tax on the property for the current calendar year; and
8824 (C) subject to Subsection (3)(d), for the calendar year for which the calendar year
8825 taxing entity seeks to levy a tax rate that exceeds the calendar year taxing entity's certified tax
8826 rate, the estimated tax on the property;
8827 (iv) shall contain the following statement:
8828 "[Insert name of taxing entity] is proposing a tax increase for [insert applicable calendar
8829 year]. This notice contains estimates of the tax on your property and the proposed tax increase
8830 on your property as a result of this tax increase. These estimates are calculated on the basis of
8831 [insert previous applicable calendar year] data. The actual tax on your property and proposed

8832 tax increase on your property may vary from this estimate.";

8833 (v) shall state the date, time, and place of the public hearing described in Subsection
8834 (3)(a)(v); and

8835 (vi) may contain other property tax information approved by the commission.

8836 (d) For purposes of Subsection (3)(c)(iii)(C), a calendar year taxing entity shall
8837 calculate the estimated tax on property on the basis of:

8838 (i) data for the current calendar year; and

8839 (ii) the amount of additional ad valorem tax revenue stated in accordance with this
8840 section.

8841 (4) Except as provided in Subsection (5), a fiscal year taxing entity may levy a tax rate
8842 that exceeds the fiscal year taxing entity's certified tax rate if the fiscal year taxing entity:

8843 (a) provides notice by meeting the advertisement requirements of Subsections (6) and
8844 (7) before the fiscal year taxing entity conducts the public meeting at which the fiscal year
8845 taxing entity's annual budget is adopted; and

8846 (b) conducts a public hearing in accordance with Subsections (8) and (9) before the
8847 fiscal year taxing entity's annual budget is adopted.

8848 (5) (a) A taxing entity is not required to meet the notice or public hearing requirements
8849 of Subsection (3) or (4) if the taxing entity is expressly exempted by law from complying with
8850 the requirements of this section.

8851 (b) A taxing entity is not required to meet the notice requirements of Subsection (3) or
8852 (4) if:

8853 (i) Section 53F-8-301 allows the taxing entity to levy a tax rate that exceeds that
8854 certified tax rate without having to comply with the notice provisions of this section; or

8855 (ii) the taxing entity:

8856 (A) budgeted less than \$20,000 in ad valorem tax revenue for the previous fiscal year;
8857 and

8858 (B) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax
8859 revenue.

8860 (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this
8861 section shall be published:

8862 (i) subject to Section 45-1-101, in a newspaper or combination of newspapers of

8863 general circulation in the taxing entity;

8864 (ii) electronically in accordance with Section 45-1-101; and

8865 (iii) [~~on the Utah Public Notice Website created in Section 63A-16-601~~] within the
8866 taxing entity as a class A notice under Section 63G-28-102.

8867 (b) The advertisement described in Subsection (6)(a)(i) shall:

8868 (i) be no less than 1/4 page in size;

8869 (ii) use type no smaller than 18 point; and

8870 (iii) be surrounded by a 1/4-inch border.

8871 (c) The advertisement described in Subsection (6)(a)(i) may not be placed in that
8872 portion of the newspaper where legal notices and classified advertisements appear.

8873 (d) It is the intent of the Legislature that:

8874 (i) whenever possible, the advertisement described in Subsection (6)(a)(i) appear in a
8875 newspaper that is published at least one day per week; and

8876 (ii) the newspaper or combination of newspapers selected:

8877 (A) be of general interest and readership in the taxing entity; and

8878 (B) not be of limited subject matter.

8879 (e) (i) The advertisement described in Subsection (6)(a)(i) shall:

8880 (A) except as provided in Subsection (6)(f), be run once each week for the two weeks
8881 before a taxing entity conducts a public hearing described under Subsection (3)(a)(v) or (4)(b);
8882 and

8883 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the
8884 advertisement, which shall be seven or more days after the day the first advertisement is
8885 published, for the purpose of hearing comments regarding any proposed increase and to explain
8886 the reasons for the proposed increase.

8887 (ii) The advertisement described in Subsection (6)(a)(ii) shall:

8888 (A) be published two weeks before a taxing entity conducts a public hearing described
8889 in Subsection (3)(a)(v) or (4)(b); and

8890 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the
8891 advertisement, which shall be seven or more days after the day the first advertisement is
8892 published, for the purpose of hearing comments regarding any proposed increase and to explain
8893 the reasons for the proposed increase.

8894 (f) If a fiscal year taxing entity's public hearing information is published by the county
8895 auditor in accordance with Section 59-2-919.2, the fiscal year taxing entity is not subject to the
8896 requirement to run the advertisement twice, as required by Subsection (6)(e)(i), but shall run
8897 the advertisement once during the week before the fiscal year taxing entity conducts a public
8898 hearing at which the taxing entity's annual budget is discussed.

8899 (g) For purposes of Subsection (3)(a)(iii) or (4)(a), the form and content of an
8900 advertisement shall be substantially as follows:

8901 "NOTICE OF PROPOSED TAX INCREASE

8902 (NAME OF TAXING ENTITY)

8903 The (name of the taxing entity) is proposing to increase its property tax revenue.

8904 ● The (name of the taxing entity) tax on a (insert the average value of a residence
8905 in the taxing entity rounded to the nearest thousand dollars) residence would
8906 increase from \$_____ to \$_____, which is \$_____ per year.

8907 ● The (name of the taxing entity) tax on a (insert the value of a business having
8908 the same value as the average value of a residence in the taxing entity) business
8909 would increase from \$_____ to \$_____, which is \$_____ per year.

8910 ● If the proposed budget is approved, (name of the taxing entity) would increase
8911 its property tax budgeted revenue by ___% above last year's property tax
8912 budgeted revenue excluding eligible new growth.

8913 All concerned citizens are invited to a public hearing on the tax increase.

8914 PUBLIC HEARING

8915 Date/Time: (date) (time)

8916 Location: (name of meeting place and address of meeting place)

8917 To obtain more information regarding the tax increase, citizens may contact the (name
8918 of the taxing entity) at (phone number of taxing entity)."

8919 (7) The commission:

8920 (a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
8921 Rulemaking Act, governing the joint use of one advertisement described in Subsection (6) by
8922 two or more taxing entities; and

8923 (b) subject to Section 45-1-101, may authorize:

8924 (i) the use of a weekly newspaper:

8925 (A) in a county having both daily and weekly newspapers if the weekly newspaper
8926 would provide equal or greater notice to the taxpayer; and

8927 (B) if the county petitions the commission for the use of the weekly newspaper; or
8928 (ii) the use by a taxing entity of a commission approved direct notice to each taxpayer
8929 if:

8930 (A) the cost of the advertisement would cause undue hardship;

8931 (B) the direct notice is different and separate from that provided for in Section
8932 [59-2-919.1](#); and

8933 (C) the taxing entity petitions the commission for the use of a commission approved
8934 direct notice.

8935 (8) (a) (i) (A) A fiscal year taxing entity shall, on or before March 1, notify the county
8936 legislative body in which the fiscal year taxing entity is located of the date, time, and place of
8937 the first public hearing at which the fiscal year taxing entity's annual budget will be discussed.

8938 (B) A county that receives notice from a fiscal year taxing entity under Subsection
8939 (8)(a)(i)(A) shall include on the notice required by Section [59-2-919.1](#) the date, time, and place
8940 of the public hearing described in Subsection (8)(a)(i)(A).

8941 (ii) A calendar year taxing entity shall, on or before October 1 of the current calendar
8942 year, notify the county legislative body in which the calendar year taxing entity is located of the
8943 date, time, and place of the first public hearing at which the calendar year taxing entity's annual
8944 budget will be discussed.

8945 (b) (i) A public hearing described in Subsection (3)(a)(v) or (4)(b) shall be:

8946 (A) open to the public; and

8947 (B) held at a meeting of the taxing entity with no items on the agenda other than
8948 discussion and action on the taxing entity's intent to levy a tax rate that exceeds the taxing
8949 entity's certified tax rate, the taxing entity's budget, a local district's or special service district's
8950 fee implementation or increase, or a combination of these items.

8951 (ii) The governing body of a taxing entity conducting a public hearing described in
8952 Subsection (3)(a)(v) or (4)(b) shall provide an interested party desiring to be heard an
8953 opportunity to present oral testimony:

8954 (A) within reasonable time limits; and

8955 (B) without unreasonable restriction on the number of individuals allowed to make

8956 public comment.

8957 (c) (i) Except as provided in Subsection (8)(c)(ii), a taxing entity may not schedule a
8958 public hearing described in Subsection (3)(a)(v) or (4)(b) at the same time as the public hearing
8959 of another overlapping taxing entity in the same county.

8960 (ii) The taxing entities in which the power to set tax levies is vested in the same
8961 governing board or authority may consolidate the public hearings described in Subsection
8962 (3)(a)(v) or (4)(b) into one public hearing.

8963 (d) A county legislative body shall resolve any conflict in public hearing dates and
8964 times after consultation with each affected taxing entity.

8965 (e) (i) A taxing entity shall hold a public hearing described in Subsection (3)(a)(v) or
8966 (4)(b) beginning at or after 6 p.m.

8967 (ii) If a taxing entity holds a public meeting for the purpose of addressing general
8968 business of the taxing entity on the same date as a public hearing described in Subsection
8969 (3)(a)(v) or (4)(b), the public meeting addressing general business items shall conclude before
8970 the beginning of the public hearing described in Subsection (3)(a)(v) or (4)(b).

8971 (f) (i) Except as provided in Subsection (8)(f)(ii), a taxing entity may not hold the
8972 public hearing described in Subsection (3)(a)(v) or (4)(b) on the same date as another public
8973 hearing of the taxing entity.

8974 (ii) A taxing entity may hold the following hearings on the same date as a public
8975 hearing described in Subsection (3)(a)(v) or (4)(b):

8976 (A) a budget hearing;

8977 (B) if the taxing entity is a local district or a special service district, a fee hearing
8978 described in Section [17B-1-643](#);

8979 (C) if the taxing entity is a town, an enterprise fund hearing described in Section
8980 [10-5-107.5](#); or

8981 (D) if the taxing entity is a city, an enterprise fund hearing described in Section
8982 [10-6-135.5](#).

8983 (9) (a) If a taxing entity does not make a final decision on budgeting additional ad
8984 valorem tax revenue at a public hearing described in Subsection (3)(a)(v) or (4)(b), the taxing
8985 entity shall:

8986 (i) announce at that public hearing the scheduled time and place of the next public

8987 meeting at which the taxing entity will consider budgeting the additional ad valorem tax
8988 revenue; and

8989 (ii) if the taxing entity is a fiscal year taxing entity, hold the public meeting described
8990 in Subsection (9)(a)(i) before September 1.

8991 (b) A calendar year taxing entity may not adopt a final budget that budgets an amount
8992 of additional ad valorem tax revenue that exceeds the largest amount of additional ad valorem
8993 tax revenue stated at a public meeting under Subsection (3)(a)(i).

8994 (c) A public hearing on levying a tax rate that exceeds a fiscal year taxing entity's
8995 certified tax rate may coincide with a public hearing on the fiscal year taxing entity's proposed
8996 annual budget.

8997 Section 159. Section **59-2-919.2** is amended to read:

8998 **59-2-919.2. Consolidated advertisement of public hearings.**

8999 (1) (a) Except as provided in Subsection (1)(b), on the same day on which a taxing
9000 entity provides the notice to the county required under Subsection **59-2-919(8)(a)(i)**, the taxing
9001 entity shall provide to the county auditor the information required by Subsection
9002 **59-2-919(8)(a)(i)**.

9003 (b) A taxing entity is not required to notify the county auditor of the taxing entity's
9004 public hearing in accordance with Subsection (1)(a) if the taxing entity is exempt from the
9005 notice requirements of Section **59-2-919**.

9006 (2) If as of July 22, two or more taxing entities notify the county auditor under
9007 Subsection (1), the county auditor shall by no later than July 22 of each year:

9008 (a) compile a list of the taxing entities that notify the county auditor under Subsection
9009 (1);

9010 (b) include on the list described in Subsection (2)(a), the following information for
9011 each taxing entity on the list:

9012 (i) the name of the taxing entity;

9013 (ii) the date, time, and location of the public hearing described in Subsection
9014 **59-2-919(8)(a)(i)**;

9015 (iii) the average dollar increase on a residence in the taxing entity that the proposed tax
9016 increase would generate; and

9017 (iv) the average dollar increase on a business in the taxing entity that the proposed tax

9018 increase would generate;

9019 (c) provide a copy of the list described in Subsection (2)(a) to each taxing entity that
9020 notifies the county auditor under Subsection (1); and

9021 (d) in addition to the requirements of Subsection (3), if the county has a webpage,
9022 publish a copy of the list described in Subsection (2)(a) on the county's webpage until
9023 December 31.

9024 (3) (a) At least two weeks before any public hearing included in the list under
9025 Subsection (2) is held, the county auditor shall publish:

9026 (i) the list compiled under Subsection (2); and

9027 (ii) a statement that:

9028 (A) the list is for informational purposes only;

9029 (B) the list should not be relied on to determine a person's tax liability under this
9030 chapter; and

9031 (C) for specific information related to the tax liability of a taxpayer, the taxpayer
9032 should review the taxpayer's tax notice received under Section [59-2-919.1](#).

9033 (b) Except as provided in Subsection (3)(d)(ii), the information described in Subsection
9034 (3)(a) shall be published:

9035 (i) in no less than 1/4 page in size;

9036 (ii) in type no smaller than 18 point; and

9037 (iii) surrounded by a 1/4-inch border.

9038 (c) The published information described in Subsection (3)(a) and published in
9039 accordance with Subsection (3)(d)(i) may not be placed in the portion of a newspaper where a
9040 legal notice or classified advertisement appears.

9041 (d) A county auditor shall publish the information described in Subsection (3)(a):

9042 (i) (A) in a newspaper or combination of newspapers that are:

9043 (I) published at least one day per week;

9044 (II) of general interest and readership in the county; and

9045 (III) not of limited subject matter; and

9046 (B) once each week for the two weeks preceding the first hearing included in the list
9047 compiled under Subsection (2); and

9048 (ii) for two weeks preceding the first hearing included in the list compiled under

9049 Subsection (2):

9050 (A) as required in Section [45-1-101](#); and

9051 (B) [~~on the Utah Public Notice Website created in Section [63A-16-601](#)~~] within the
 9052 county as a class A notice under Section [63G-28-102](#).

9053 (4) A taxing entity that notifies the county auditor under Subsection (1) shall provide
 9054 the list described in Subsection (2)(c) to a person:

9055 (a) who attends the public hearing described in Subsection [59-2-919](#)(8)(a)(i) of the
 9056 taxing entity; or

9057 (b) who requests a copy of the list.

9058 (5) (a) A county auditor shall by no later than 30 days from the day on which the last
 9059 publication of the information required by Subsection (3)(a) is made:

9060 (i) determine the costs of compiling and publishing the list; and

9061 (ii) charge each taxing entity included on the list an amount calculated by dividing the
 9062 amount determined under Subsection (5)(a) by the number of taxing entities on the list.

9063 (b) A taxing entity shall pay the county auditor the amount charged under Subsection
 9064 (5)(a).

9065 (6) The publication of the list under this section does not remove or change the notice
 9066 requirements of Section [59-2-919](#) for a taxing entity.

9067 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 9068 commission may make rules:

9069 (a) relating to the publication of a consolidated advertisement which includes the
 9070 information described in Subsection (2) for a taxing entity that overlaps two or more counties;

9071 (b) relating to the payment required in Subsection (5)(b); and

9072 (c) to oversee the administration of this section and provide for uniform
 9073 implementation.

9074 Section 160. Section **59-12-402** is amended to read:

9075 **59-12-402. Additional resort communities sales and use tax -- Base -- Rate --**

9076 **Collection fees -- Resolution and voter approval requirements -- Election requirements --**

9077 **Notice requirements -- Ordinance requirements -- Prohibition of military installation**

9078 **development authority imposition of tax.**

9079 (1) (a) Subject to Subsections (2) through (6), the governing body of a municipality in

9080 which the transient room capacity as defined in Section 59-12-405 is greater than or equal to
9081 66% of the municipality's permanent census population may, in addition to the sales tax
9082 authorized under Section 59-12-401, impose an additional resort communities sales tax in an
9083 amount that is less than or equal to .5% on the transactions described in Subsection
9084 59-12-103(1) located within the municipality.

9085 (b) Notwithstanding Subsection (1)(a), the governing body of a municipality may not
9086 impose a tax under this section on:

9087 (i) the sale of:

9088 (A) a motor vehicle;

9089 (B) an aircraft;

9090 (C) a watercraft;

9091 (D) a modular home;

9092 (E) a manufactured home; or

9093 (F) a mobile home;

9094 (ii) the sales and uses described in Section 59-12-104 to the extent the sales and uses
9095 are exempt from taxation under Section 59-12-104; and

9096 (iii) except as provided in Subsection (1)(d), amounts paid or charged for food and
9097 food ingredients.

9098 (c) For purposes of this Subsection (1), the location of a transaction shall be
9099 determined in accordance with Sections 59-12-211 through 59-12-215.

9100 (d) A municipality imposing a tax under this section shall impose the tax on the
9101 purchase price or sales price for amounts paid or charged for food and food ingredients if the
9102 food and food ingredients are sold as part of a bundled transaction attributable to food and food
9103 ingredients and tangible personal property other than food and food ingredients.

9104 (2) (a) An amount equal to the total of any costs incurred by the state in connection
9105 with the implementation of Subsection (1) which exceed, in any year, the revenues received by
9106 the state from its collection fees received in connection with the implementation of Subsection
9107 (1) shall be paid over to the state General Fund by the cities and towns which impose the tax
9108 provided for in Subsection (1).

9109 (b) Amounts paid under Subsection (2)(a) shall be allocated proportionally among
9110 those cities and towns according to the amount of revenue the respective cities and towns

9111 generate in that year through imposition of that tax.

9112 (3) To impose an additional resort communities sales tax under this section, the
9113 governing body of the municipality shall:

9114 (a) pass a resolution approving the tax; and

9115 (b) except as provided in Subsection (6), obtain voter approval for the tax as provided
9116 in Subsection (4).

9117 (4) To obtain voter approval for an additional resort communities sales tax under
9118 Subsection (3)(b), a municipality shall:

9119 (a) hold the additional resort communities sales tax election during:

9120 (i) a regular general election; or

9121 (ii) a municipal general election; and

9122 (b) post notice of the election[+] within the municipality as a class A notice under
9123 Section 63G-28-102 at least 15 days before the day on which the election is held.

9124 [~~(i) 15 days or more before the day on which the election is held; and]~~

9125 [~~(ii) on the Utah Public Notice Website created in Section 63A-16-601.~~]

9126 (5) An ordinance approving an additional resort communities sales tax under this
9127 section shall provide an effective date for the tax as provided in Section 59-12-403.

9128 (6) (a) Except as provided in Subsection (6)(b), a municipality is not subject to the
9129 voter approval requirements of Subsection (3)(b) if, on or before January 1, 1996, the
9130 municipality imposed a license fee or tax on businesses based on gross receipts pursuant to
9131 Section 10-1-203.

9132 (b) The exception from the voter approval requirements in Subsection (6)(a) does not
9133 apply to a municipality that, on or before January 1, 1996, imposed a license fee or tax on only
9134 one class of businesses based on gross receipts pursuant to Section 10-1-203.

9135 (7) A military installation development authority authorized to impose a resort
9136 communities tax under Section 59-12-401 may not impose an additional resort communities
9137 sales tax under this section.

9138 Section 161. Section 59-12-1102 is amended to read:

9139 **59-12-1102. Base -- Rate -- Imposition of tax -- Distribution of revenue --**

9140 **Administration -- Administrative charge -- Commission requirement to retain an amount**

9141 **to be deposited into the Qualified Emergency Food Agencies Fund -- Enactment or repeal**

9142 **of tax -- Effective date -- Notice requirements.**

9143 (1) (a) (i) Subject to Subsections (2) through (6), and in addition to any other tax
9144 authorized by this chapter, a county may impose by ordinance a county option sales and use tax
9145 of .25% upon the transactions described in Subsection 59-12-103(1).

9146 (ii) Notwithstanding Subsection (1)(a)(i), a county may not impose a tax under this
9147 section on the sales and uses described in Section 59-12-104 to the extent the sales and uses are
9148 exempt from taxation under Section 59-12-104.

9149 (b) For purposes of this Subsection (1), the location of a transaction shall be
9150 determined in accordance with Sections 59-12-211 through 59-12-215.

9151 (c) The county option sales and use tax under this section shall be imposed:

9152 (i) upon transactions that are located within the county, including transactions that are
9153 located within municipalities in the county; and

9154 (ii) except as provided in Subsection (1)(d) or (5), beginning on the first day of
9155 January:

9156 (A) of the next calendar year after adoption of the ordinance imposing the tax if the
9157 ordinance is adopted on or before May 25; or

9158 (B) of the second calendar year after adoption of the ordinance imposing the tax if the
9159 ordinance is adopted after May 25.

9160 (d) The county option sales and use tax under this section shall be imposed:

9161 (i) beginning January 1, 1998, if an ordinance adopting the tax imposed on or before
9162 September 4, 1997; or

9163 (ii) beginning January 1, 1999, if an ordinance adopting the tax is imposed during 1997
9164 but after September 4, 1997.

9165 (2) (a) Before imposing a county option sales and use tax under Subsection (1), a
9166 county shall hold two public hearings on separate days in geographically diverse locations in
9167 the county.

9168 (b) (i) At least one of the hearings required by Subsection (2)(a) shall have a starting
9169 time of no earlier than 6 p.m.

9170 (ii) The earlier of the hearings required by Subsection (2)(a) shall be no less than seven
9171 days after the day the first advertisement required by Subsection (2)(c) is published.

9172 (c) (i) Before holding the public hearings required by Subsection (2)(a), the county

9173 shall advertise:

9174 (A) its intent to adopt a county option sales and use tax;

9175 (B) the date, time, and location of each public hearing; and

9176 (C) a statement that the purpose of each public hearing is to obtain public comments

9177 regarding the proposed tax.

9178 (ii) The advertisement shall be published:

9179 (A) in a newspaper of general circulation in the county once each week for the two
9180 weeks preceding the earlier of the two public hearings; and

9181 (B) ~~[on the Utah Public Notice Website created in Section 63A-16-601]~~ within the
9182 county as a class A notice under Section 63G-28-102, for two weeks ~~[preceding]~~ before the
9183 [earlier of] day on which the first of the two public hearings is held.

9184 (iii) The advertisement described in Subsection (2)(c)(ii)(A) shall be no less than 1/8
9185 page in size, and the type used shall be no smaller than 18 point and surrounded by a 1/4-inch
9186 border.

9187 (iv) The advertisement described in Subsection (2)(c)(ii)(A) may not be placed in that
9188 portion of the newspaper where legal notices and classified advertisements appear.

9189 (v) In accordance with Subsection (2)(c)(ii)(A), whenever possible:

9190 (A) the advertisement shall appear in a newspaper that is published at least five days a
9191 week, unless the only newspaper in the county is published less than five days a week; and

9192 (B) the newspaper selected shall be one of general interest and readership in the
9193 community, and not one of limited subject matter.

9194 (d) The adoption of an ordinance imposing a county option sales and use tax is subject
9195 to a local referendum election and shall be conducted as provided in Title 20A, Chapter 7, Part
9196 6, Local Referenda - Procedures.

9197 (3) (a) Subject to Subsection (5), if the aggregate population of the counties imposing a
9198 county option sales and use tax under Subsection (1) is less than 75% of the state population,
9199 the tax levied under Subsection (1) shall be distributed to the county in which the tax was
9200 collected.

9201 (b) Subject to Subsection (5), if the aggregate population of the counties imposing a
9202 county option sales and use tax under Subsection (1) is greater than or equal to 75% of the state
9203 population:

9204 (i) 50% of the tax collected under Subsection (1) in each county shall be distributed to
9205 the county in which the tax was collected; and

9206 (ii) except as provided in Subsection (3)(c), 50% of the tax collected under Subsection
9207 (1) in each county shall be distributed proportionately among all counties imposing the tax,
9208 based on the total population of each county.

9209 (c) Except as provided in Subsection (5), the amount to be distributed annually to a
9210 county under Subsection (3)(b)(ii), when combined with the amount distributed to the county
9211 under Subsection (3)(b)(i), does not equal at least \$75,000, then:

9212 (i) the amount to be distributed annually to that county under Subsection (3)(b)(ii) shall
9213 be increased so that, when combined with the amount distributed to the county under
9214 Subsection (3)(b)(i), the amount distributed annually to the county is \$75,000; and

9215 (ii) the amount to be distributed annually to all other counties under Subsection
9216 (3)(b)(ii) shall be reduced proportionately to offset the additional amount distributed under
9217 Subsection (3)(c)(i).

9218 (d) The commission shall establish rules to implement the distribution of the tax under
9219 Subsections (3)(a), (b), and (c).

9220 (4) (a) Except as provided in Subsection (4)(b) or (c), a tax authorized under this part
9221 shall be administered, collected, and enforced in accordance with:

9222 (i) the same procedures used to administer, collect, and enforce the tax under:

9223 (A) Part 1, Tax Collection; or

9224 (B) Part 2, Local Sales and Use Tax Act; and

9225 (ii) Chapter 1, General Taxation Policies.

9226 (b) A tax under this part is not subject to Subsections 59-12-205(2) through (6).

9227 (c) (i) Subject to Subsection (4)(c)(ii), the commission shall retain and deposit an
9228 administrative charge in accordance with Section 59-1-306 from the revenue the commission
9229 collects from a tax under this part.

9230 (ii) Notwithstanding Section 59-1-306, the administrative charge described in
9231 Subsection (4)(c)(i) shall be calculated by taking a percentage described in Section 59-1-306 of
9232 the distribution amounts resulting after:

9233 (A) the applicable distribution calculations under Subsection (3) have been made; and

9234 (B) the commission retains the amount required by Subsection (5).

9235 (5) (a) Beginning on July 1, 2009, the commission shall calculate and retain a portion
9236 of the sales and use tax collected under this part as provided in this Subsection (5).

9237 (b) For a county that imposes a tax under this part, the commission shall calculate a
9238 percentage each month by dividing the sales and use tax collected under this part for that
9239 month within the boundaries of that county by the total sales and use tax collected under this
9240 part for that month within the boundaries of all of the counties that impose a tax under this part.

9241 (c) For a county that imposes a tax under this part, the commission shall retain each
9242 month an amount equal to the product of:

9243 (i) the percentage the commission determines for the month under Subsection (5)(b)
9244 for the county; and

9245 (ii) \$6,354.

9246 (d) The commission shall deposit an amount the commission retains in accordance
9247 with this Subsection (5) into the Qualified Emergency Food Agencies Fund created by Section
9248 [35A-8-1009](#).

9249 (e) An amount the commission deposits into the Qualified Emergency Food Agencies
9250 Fund shall be expended as provided in Section [35A-8-1009](#).

9251 (6) (a) For purposes of this Subsection (6):

9252 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2, County
9253 Consolidations and Annexations.

9254 (ii) "Annexing area" means an area that is annexed into a county.

9255 (b) (i) Except as provided in Subsection (6)(c) or (d), if, on or after July 1, 2004, a
9256 county enacts or repeals a tax under this part:

9257 (A) (I) the enactment shall take effect as provided in Subsection (1)(c); or

9258 (II) the repeal shall take effect on the first day of a calendar quarter; and

9259 (B) after a 90-day period beginning on the date the commission receives notice meeting
9260 the requirements of Subsection (6)(b)(ii) from the county.

9261 (ii) The notice described in Subsection (6)(b)(i)(B) shall state:

9262 (A) that the county will enact or repeal a tax under this part;

9263 (B) the statutory authority for the tax described in Subsection (6)(b)(ii)(A);

9264 (C) the effective date of the tax described in Subsection (6)(b)(ii)(A); and

9265 (D) if the county enacts the tax described in Subsection (6)(b)(ii)(A), the rate of the

9266 tax.

9267 (c) (i) If the billing period for a transaction begins before the effective date of the
9268 enactment of the tax under Subsection (1), the enactment of the tax takes effect on the first day
9269 of the first billing period that begins on or after the effective date of the enactment of the tax.

9270 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing
9271 period is produced on or after the effective date of the repeal of the tax imposed under
9272 Subsection (1).

9273 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
9274 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
9275 Subsection (6)(b)(i) takes effect:

9276 (A) on the first day of a calendar quarter; and

9277 (B) beginning 60 days after the effective date of the enactment or repeal under
9278 Subsection (6)(b)(i).

9279 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
9280 commission may by rule define the term "catalogue sale."

9281 (e) (i) Except as provided in Subsection (6)(f) or (g), if, for an annexation that occurs
9282 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this
9283 part for an annexing area, the enactment or repeal shall take effect:

9284 (A) on the first day of a calendar quarter; and

9285 (B) after a 90-day period beginning on the date the commission receives notice meeting
9286 the requirements of Subsection (6)(e)(ii) from the county that annexes the annexing area.

9287 (ii) The notice described in Subsection (6)(e)(i)(B) shall state:

9288 (A) that the annexation described in Subsection (6)(e)(i) will result in an enactment or
9289 repeal of a tax under this part for the annexing area;

9290 (B) the statutory authority for the tax described in Subsection (6)(e)(ii)(A);

9291 (C) the effective date of the tax described in Subsection (6)(e)(ii)(A); and

9292 (D) the rate of the tax described in Subsection (6)(e)(ii)(A).

9293 (f) (i) If the billing period for a transaction begins before the effective date of the
9294 enactment of the tax under Subsection (1), the enactment of the tax takes effect on the first day
9295 of the first billing period that begins on or after the effective date of the enactment of the tax.

9296 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing

9297 period is produced on or after the effective date of the repeal of the tax imposed under
9298 Subsection (1).

9299 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
9300 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
9301 Subsection (6)(e)(i) takes effect:

9302 (A) on the first day of a calendar quarter; and

9303 (B) beginning 60 days after the effective date of the enactment or repeal under
9304 Subsection (6)(e)(i).

9305 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
9306 commission may by rule define the term "catalogue sale."

9307 Section 162. Section **59-12-2208** is amended to read:

9308 **59-12-2208. Legislative body approval requirements -- Notice -- Voter approval**
9309 **requirements.**

9310 (1) Subject to the other provisions of this section, before imposing a sales and use tax
9311 under this part, a county, city, or town legislative body shall:

9312 (a) obtain approval to impose the sales and use tax from a majority of the members of
9313 the county, city, or town legislative body; and

9314 (b) submit an opinion question to the county's, city's, or town's registered voters voting
9315 on the imposition of the sales and use tax so that each registered voter has the opportunity to
9316 express the registered voter's opinion on whether a sales and use tax should be imposed under
9317 this section.

9318 (2) The opinion question required by this section shall state:

9319 "Shall (insert the name of the county, city, or town), Utah, be authorized to impose a
9320 (insert the tax rate of the sales and use tax) sales and use tax for (list the purposes for which the
9321 revenues collected from the sales and use tax shall be expended)?"

9322 (3) (a) Subject to Subsection (3)(b), the election required by this section shall be held:

9323 (i) at a regular general election conducted in accordance with the procedures and
9324 requirements of Title 20A, Election Code, governing regular general elections; or

9325 (ii) at a municipal general election conducted in accordance with the procedures and
9326 requirements of Section [20A-1-202](#).

9327 (b) (i) Subject to Subsection (3)(b)(ii), the county clerk of the county in which the

9328 opinion question required by this section will be submitted to registered voters shall[.];

9329 (A) provide notice within a county, city, or town as a class A notice under Section

9330 63G-28-102 no later than 15 days before the date of the election[.]; and

9331 ~~(B) [(A) post a notice on the Utah Public Notice Website created in Section~~

9332 ~~63A-16-601, or]~~

9333 ~~[(B) (f) cause a copy of the notice to be posted in a conspicuous place most likely to~~

9334 ~~give notice of the election to the registered voters voting on the imposition of the sales and use~~

9335 ~~tax; and]~~

9336 ~~[(H)]~~ prepare an affidavit of that posting, showing a copy of the notice and the places

9337 where the notice was posted.

9338 (ii) The notice under Subsection (3)(b)(i) shall:

9339 (A) state that an opinion question will be submitted to the county's, city's, or town's

9340 registered voters voting on the imposition of a sales and use tax under this section so that each

9341 registered voter has the opportunity to express the registered voter's opinion on whether a sales

9342 and use tax should be imposed under this section; and

9343 (B) list the purposes for which the revenues collected from the sales and use tax shall

9344 be expended.

9345 (4) A county, city, or town that submits an opinion question to registered voters under

9346 this section is subject to Section 20A-11-1203.

9347 (5) Subject to Section 59-12-2209, if a county, city, or town legislative body

9348 determines that a majority of the county's, city's, or town's registered voters voting on the

9349 imposition of a sales and use tax under this part have voted in favor of the imposition of the

9350 sales and use tax in accordance with this section, the county, city, or town legislative body shall

9351 impose the sales and use tax.

9352 (6) If, after imposing a sales and use tax under this part, a county, city, or town

9353 legislative body seeks to impose a tax rate for the sales and use tax that exceeds or is less than

9354 the tax rate stated in the opinion question described in Subsection (2) or repeals the tax rate

9355 stated in the opinion question described in Subsection (2), the county, city, or town legislative

9356 body shall:

9357 (a) obtain approval from a majority of the members of the county, city, or town

9358 legislative body to impose a tax rate for the sales and use tax that exceeds or is less than the tax

9359 rate stated in the opinion question described in Subsection (2) or repeals the tax rate stated in
9360 the opinion question described in Subsection (2); and

9361 (b) in accordance with the procedures and requirements of this section, submit an
9362 opinion question to the county's, city's, or town's registered voters voting on the tax rate so that
9363 each registered voter has the opportunity to express the registered voter's opinion on whether to
9364 impose a tax rate for the sales and use tax that exceeds or is less than the tax rate stated in the
9365 opinion question described in Subsection (2) or repeal the tax rate stated in the opinion
9366 question described in Subsection (2).

9367 Section 163. Section **62A-5-202.5** is amended to read:

9368 **62A-5-202.5. Utah State Developmental Center Board -- Creation -- Membership**
9369 **-- Duties -- Powers.**

9370 (1) There is created the Utah State Developmental Center Board within the Department
9371 of Human Services.

9372 (2) The board is composed of nine members as follows:

9373 (a) the director of the division or the director's designee;

9374 (b) the superintendent of the developmental center or the superintendent's designee;

9375 (c) the executive director of the Department of Human Services or the executive
9376 director's designee;

9377 (d) a resident of the developmental center selected by the superintendent; and

9378 (e) five members appointed by the governor with the advice and consent of the Senate
9379 as follows:

9380 (i) three members of the general public; and

9381 (ii) two members who are parents or guardians of individuals who receive services at
9382 the developmental center.

9383 (3) In making appointments to the board, the governor shall ensure that:

9384 (a) no more than three members have immediate family residing at the developmental
9385 center; and

9386 (b) members represent a variety of geographic areas and economic interests of the state.

9387 (4) (a) The governor shall appoint each member described in Subsection (2)(e) for a
9388 term of four years.

9389 (b) An appointed member may not serve more than two full consecutive terms unless

9390 the governor determines that an additional term is in the best interest of the state.

9391 (c) Notwithstanding the requirements of Subsections (4)(a) and (b), the governor shall,
9392 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
9393 of appointed members are staggered so that approximately half of the appointed members are
9394 appointed every two years.

9395 (d) Appointed members shall continue in office until the expiration of their terms and
9396 until their successors are appointed, which may not exceed 120 days after the formal expiration
9397 of a term.

9398 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
9399 appointed for the unexpired term.

9400 (5) (a) The director shall serve as the chair.

9401 (b) The board shall appoint a member to serve as vice chair.

9402 (c) The board shall hold meetings quarterly or as needed.

9403 (d) Five members are necessary to constitute a quorum at any meeting, and, if a
9404 quorum exists, the action of the majority of members present shall be the action of the board.

9405 (e) The chair shall be a non-voting member except that the chair may vote to break a tie
9406 vote between the voting members.

9407 (6) An appointed member may not receive compensation or benefits for the member's
9408 service, but, at the executive director's discretion, may receive per diem and travel expenses in
9409 accordance with:

9410 (a) Section [63A-3-106](#);

9411 (b) Section [63A-3-107](#); and

9412 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
9413 [63A-3-107](#).

9414 (7) (a) The board shall adopt bylaws governing the board's activities.

9415 (b) Bylaws shall include procedures for removal of a member who is unable or
9416 unwilling to fulfill the requirements of the member's appointment.

9417 (8) The board shall:

9418 (a) act for the benefit of the developmental center and the division;

9419 (b) advise and assist the division with the division's functions, operations, and duties
9420 related to the developmental center, described in Sections [62A-5-102](#), [62A-5-103](#), [62A-5-201](#),

9421 [62A-5-203](#), and [62A-5-206](#);

9422 (c) administer the Utah State Developmental Center Miscellaneous Donation Fund, as
9423 described in Section [62A-5-206.5](#);

9424 (d) administer the Utah State Developmental Center Land Fund, as described in
9425 Section [62A-5-206.6](#);

9426 (e) approve the sale, lease, or other disposition of real property or water rights
9427 associated with the developmental center, as described in Subsection [62A-5-206.6\(2\)](#); and

9428 (f) within 21 days after the day on which the board receives the notice required under
9429 Subsection [~~10-2-419(3)(c)~~] [10-2-419\(3\)\(b\)](#), provide a written opinion regarding the proposed
9430 boundary adjustment to:

9431 (i) the director of the Division of Facilities and Construction Management; and

9432 (ii) the Legislative Management Committee.

9433 Section 164. Section **63A-5b-305** is amended to read:

9434 **63A-5b-305. Duties and authority of director.**

9435 (1) The director shall:

9436 (a) administer the division's duties and responsibilities;

9437 (b) report all property acquired by the state, except property acquired by an institution
9438 of higher education or the trust lands administration, to the director of the Division of Finance
9439 for inclusion in the state's financial records;

9440 (c) after receiving the notice required under Subsection [~~10-2-419(3)(c)~~]

9441 [10-2-419\(3\)\(b\)](#), file a written protest at or before the public hearing under Subsection

9442 [10-2-419\(2\)\(b\)](#), if:

9443 (i) it is in the best interest of the state to protest the boundary adjustment; or

9444 (ii) the Legislature instructs the director to protest the boundary adjustment; and

9445 (d) take all other action that the director is required to take under this chapter or other
9446 applicable statute.

9447 (2) The director may:

9448 (a) create forms and make policies necessary for the division or director to perform the
9449 division or director's duties;

9450 (b) (i) hire or otherwise procure assistance and service, professional, skilled, or
9451 otherwise, necessary to carry out the director's duties under this chapter; and

9452 (ii) expend funds provided for the purpose described in Subsection (2)(b)(i) through
9453 annual operation budget appropriations or from other nonlapsing project funds;

9454 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
9455 make rules necessary for the division or director to perform the division or director's duties;
9456 and

9457 (d) take all other action necessary for carrying out the purposes of this chapter.

9458 Section 165. Section **63A-5b-905** is amended to read:

9459 **63A-5b-905. Notice required before division may effect a transfer of ownership**
9460 **or lease of division-owned property.**

9461 (1) Before the division may effect a transfer of ownership or lease of vacant
9462 division-owned property, the division shall give notice as provided in Subsection (2).

9463 (2) A notice required under Subsection (1) shall:

9464 (a) identify and describe the vacant division-owned property;

9465 (b) indicate the availability of the vacant division-owned property;

9466 (c) invite persons interested in the vacant division-owned property to submit a written
9467 proposal to the division;

9468 (d) indicate the deadline for submitting a written proposal;

9469 (e) be posted [~~on the division's website for~~] statewide as a class A notice under Section

9470 63G-28-102, at least 60 consecutive days before the deadline for submitting a written

9471 proposal[~~; in a location specifically designated for notices dealing with vacant division-owned~~

9472 ~~property~~]; and

9473 [~~(f) be posted on the Utah Public Notice Website created in Section 63A-16-601 for at~~

9474 ~~least 60 consecutive days before the deadline for submitting a written proposal; and]~~

9475 [(g)] (f) be sent by email to each person who has previously submitted to the division a

9476 written request to receive notices under this section.

9477 Section 166. Section **63A-16-602** is amended to read:

9478 **63A-16-602. Notice and training by the Division of Archives and Records Service.**

9479 (1) The Division of Archives and Records Service shall provide notice of the
9480 provisions and requirements of this chapter to all public bodies that are subject to the provision

9481 of Subsection [~~52-4-202(3)(a)(ii)~~] 52-4-202(3)(a).

9482 (2) The Division of Archives and Records Service shall, as necessary, provide periodic

9483 training on the use of the website to public bodies that are authorized to post notice on the
9484 website.

9485 Section 167. Section **63G-6a-112** is amended to read:

9486 **63G-6a-112. Required public notice.**

9487 (1) A procurement unit that issues a solicitation shall post notice of the solicitation[~~:]~~
9488 within the procurement unit as a class A notice under Section 63G-28-102 at least seven days
9489 before the day of the deadline for submission of a solicitation response.

9490 [~~(a) at least seven days before the day of the deadline for submission of a solicitation~~
9491 ~~response; and]~~

9492 [~~(b) (i) on the main website for the procurement unit; or]~~

9493 [~~(ii) on a state website that is owned, managed by, or provided under contract with, the~~
9494 ~~division for posting a public procurement notice.]~~

9495 (2) A procurement unit may reduce the seven-day period described in Subsection (1), if
9496 the procurement unit's procurement official signs a written statement that:

9497 (a) states that a shorter time is needed; and

9498 (b) determines that competition from multiple sources may be obtained within the
9499 shorter period of time.

9500 (3) (a) It is the responsibility of a person seeking information provided by a notice
9501 published under this section to seek out, find, and respond to the notice.

9502 (b) As a courtesy and in order to promote competition, a procurement unit may
9503 provide, but is not required to provide, individual notice.

9504 Section 168. Section **63G-9-303** is amended to read:

9505 **63G-9-303. Meeting to examine claims -- Notice of meeting.**

9506 (1) At least 60 days preceding the annual general session of the Legislature, the board
9507 shall hold a session for the purpose of examining the claims referred to in Section 63G-9-302,
9508 and may adjourn from time to time until the work is completed.

9509 (2) The board shall cause notice of such meeting or meetings to be published [~~on the~~
9510 ~~Utah Public Notice Website created in Section 63A-16-601]~~ as a class A notice under Section
9511 63G-28-102.

9512 Section 169. Section **63G-28-101** is enacted to read:

9513 **CHAPTER 28. PUBLIC NOTICE**

9514 **63G-28-101. Definitions.**

9515 As used in this chapter:

9516 (1) "Affected area" means the area that is designated in statute, county ordinance, or
9517 municipal ordinance as the area within which public notice must be provided.

9518 (2) "Class A notice" means public notice provided in accordance with Subsection
9519 63G-28-102(2).

9520 (3) "Class B notice" means public notice provided in accordance with Subsection
9521 63G-28-102(3).

9522 (4) "Class C notice" means public notice provided in accordance with Subsection
9523 63G-28-102(4).

9524 (5) "Elected official" means an individual elected to a state office, county office,
9525 municipal office, school board, school district office, local district office, or special service
9526 district office.

9527 (6) (a) "Electronic means" means to send, convey, or communicate an electronic
9528 message by:

9529 (i) email;

9530 (ii) text message;

9531 (iii) if a public body communicates with the public through a social media platform,
9532 publishing the message using the social media platform; or

9533 (iv) any other electronic method that facilitates the communication of a message from a
9534 public body to a person who may be affected by the subject of the notice, including members of
9535 the public within the public entity's jurisdiction.

9536 (b) "Electronic means" does not include publishing an electronic message on a public
9537 body's website.

9538 (7) "Notice summary statement" means a statement related to a public notice that
9539 includes:

9540 (a) the name of the public body that is providing the public notice;

9541 (b) a summary of the public notice; and

9542 (c) information specifying where the individual may obtain the complete public notice,
9543 which may include:

9544 (i) the web address for the Utah Public Notice Website;

9545 (ii) if the public body publishes the public notice on the public body's website, the web
9546 address of the public body's website;

9547 (iii) if the public body publishes the public notice through a social media platform, the
9548 name of the social media account or profile where the notice is published;

9549 (iv) if the public body posts the public notice at a physical location, the address where
9550 the public notice is posted; or

9551 (v) a telephone number where the individual may obtain the information in the public
9552 notice.

9553 (8) "Public body" means the same as that term is defined in Section [52-4-103](#).

9554 (9) "Public notice" means a notice that is required to be provided to the public by a
9555 public body or an elected official.

9556 (10) "Text messaging" means a communication in the form of electronic text or one or
9557 more electronic images sent from a telephone, computer, or other electronic communication
9558 device to another telephone, computer, or other electronic communication device by addressing
9559 the communication to a telephone number or other electronic communication access code or
9560 number.

9561 (11) "Utah Public Notice Website" means the Utah Public Notice Website created in
9562 Section [63A-16-601](#).

9563 Section 170. Section **63G-28-102** is enacted to read:

9564 **63G-28-102. Public notice classifications and requirements.**

9565 (1) A public body or elected official shall provide public notice in accordance with the
9566 classifications described in this section.

9567 (2) A public body or elected official who is required to provide a class A notice shall:

9568 (a) publish the public notice on the Utah Public Notice Website;

9569 (b) if the public body or elected official has an official website, publish the public
9570 notice on the official website;

9571 (c) post the public notice in a public location within the affected area where the public
9572 notice is reasonably likely to be seen by members of the public; and

9573 (d) complete at least one of the following:

9574 (i) publish a notice summary statement in a newspaper of general circulation within the
9575 affected area;

9576 (ii) post one notice summary statement, and at least one additional notice summary
9577 statement per 2,000 population within the affected area, in places that are reasonably likely to
9578 be seen by members of the public, subject to a maximum of 10 notices;

9579 (iii) include a notice summary statement with a newsletter, periodical, utility bill, or
9580 other material that is regularly distributed by the public body or elected official to members of
9581 the public within the affected area;

9582 (iv) mail a notice summary statement to each residence within the affected area; or

9583 (v) transmit a notice summary statement by electronic means in a manner that the
9584 notice summary statement is reasonably likely to be seen by members of the public within the
9585 public entity's or elected official's jurisdiction.

9586 (3) (a) A public body or elected official who is required to provide a class B notice
9587 shall:

9588 (i) comply with the requirements for a class A notice; and

9589 (ii) subject to Subsection (3)(b), complete at least one of the following:

9590 (A) mail a notice summary statement to each residence in the affected area;

9591 (B) include a notice summary statement with a newsletter, periodical, utility bill, or
9592 other material that is regularly distributed by the public body or elected official to members of
9593 the public within the affected area; or

9594 (C) send a notice summary statement by email to each resident within the affected area
9595 for whom the public body or elected official has an email address.

9596 (b) If, to comply with the requirements for a class A notice as required under
9597 Subsection (3)(a)(i), the public body or elected official providing a class B notice:

9598 (i) mails a notice summary statement in accordance with Subsection (2)(d)(iv), the
9599 public body or elected official must comply with either Subsection (3)(a)(ii)(B) or (C) to satisfy
9600 Subsection (3)(a)(ii);

9601 (ii) publishes a notice summary statement in a newsletter or periodical in accordance
9602 with Subsection (2)(d)(iii), the public body or elected official must comply with Subsection
9603 (3)(a)(ii)(A) or (C) to satisfy Subsection (3)(a)(ii); or

9604 (iii) transmits a notice summary statement by electronic means in accordance with
9605 Subsection (2)(d)(v), the public body or elected official must comply with Subsection
9606 (3)(a)(ii)(A) or (B) to satisfy Subsection (3)(a)(ii).

9607 (4) A public body or elected official that is required to provide a class C notice shall:

9608 (a) comply with the requirements for a class A notice;

9609 (b) if a statute, county ordinance, or municipal ordinance requires that the notice be
9610 provided within a designated geographic area, mail a notice summary statement to each
9611 residence within, and to each owner of real property located within, the designated geographic
9612 area; and

9613 (c) if a statute, county ordinance, or municipal ordinance requires that the notice be
9614 provided to one or more designated persons or properties, mail a notice summary statement to
9615 each designated person and property.

9616 Section 171. Section **63H-1-202** is amended to read:

9617 **63H-1-202. Applicability of other law.**

9618 (1) As used in this section:

9619 (a) "Subsidiary" means an authority subsidiary that is a public body as defined in
9620 Section [52-4-103](#).

9621 (b) "Subsidiary board" means the governing body of a subsidiary.

9622 (2) The authority or land within a project area is not subject to:

9623 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act;

9624 (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act;

9625 (c) ordinances or regulations of a county or municipality, including those relating to
9626 land use, health, business license, or franchise; or

9627 (d) the jurisdiction of a local district under Title 17B, Limited Purpose Local
9628 Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1,
9629 Special Service District Act.

9630 (3) The authority is subject to and governed by Sections [63E-2-106](#), [63E-2-107](#),
9631 [63E-2-108](#), [63E-2-109](#), [63E-2-110](#), and [63E-2-111](#), but is not otherwise subject to or governed
9632 by Title 63E, Independent Entities Code.

9633 (4) (a) The definitions in Section [57-8-3](#) apply to this Subsection (4).

9634 (b) Notwithstanding the provisions of Title 57, Chapter 8, Condominium Ownership
9635 Act, or any other provision of law:

9636 (i) if the military is the owner of land in a project area on which a condominium project
9637 is constructed, the military is not required to sign, execute, or record a declaration of a

9638 condominium project; and

9639 (ii) if a condominium unit in a project area is owned by the military or owned by the
9640 authority and leased to the military for \$1 or less per calendar year, not including any common
9641 charges that are reimbursements for actual expenses:

9642 (A) the condominium unit is not subject to any liens under Title 57, Chapter 8,
9643 Condominium Ownership Act;

9644 (B) condominium unit owners within the same building or commercial condominium
9645 project may agree on any method of allocation and payment of common area expenses,
9646 regardless of the size or par value of each unit; and

9647 (C) the condominium project may not be dissolved without the consent of all the
9648 condominium unit owners.

9649 (5) Notwithstanding any other provision, when a law requires the consent of a local
9650 government, the authority is the consenting entity for a project area.

9651 (6) (a) A department, division, or other agency of the state and a political subdivision
9652 of the state shall cooperate with the authority to the fullest extent possible to provide whatever
9653 support, information, or other assistance the authority requests that is reasonably necessary to
9654 help the authority fulfill the authority's duties and responsibilities under this chapter.

9655 (b) Subsection (6)(a) does not apply to a political subdivision that does not have any of
9656 a project area located within the boundary of the political subdivision.

9657 (7) (a) The authority and a subsidiary are subject to Title 52, Chapter 4, Open and
9658 Public Meetings Act, except that:

9659 (i) notwithstanding Section 52-4-104, the timing and nature of training to authority
9660 board members or subsidiary board members on the requirements of Title 52, Chapter 4, Open
9661 and Public Meetings Act, may be determined by:

9662 (A) the board chair, for the authority board; or

9663 (B) the subsidiary board chair, for a subsidiary board;

9664 (ii) authority staff may adopt a rule governing the use of electronic meetings under
9665 Section 52-4-207, if, under Subsection 63H-1-301(3), the board delegates to authority staff the
9666 power to adopt the rule; and

9667 (iii) for an electronic meeting of the authority board or subsidiary board that otherwise
9668 complies with Section 52-4-207, the authority board or subsidiary board, respectively:

- 9669 (A) is not required to establish an anchor location; and
- 9670 (B) may convene and conduct the meeting without the written determination otherwise
- 9671 required under Subsection [52-4-207\(4\)](#).
- 9672 (b) Except as provided in Subsection (7)(c), the authority is not required to physically
- 9673 post notice notwithstanding any other provision of law.
- 9674 (c) The authority shall physically post notice in accordance with Subsection
- 9675 [~~52-4-202(3)(a)(i)~~] [52-4-202\(3\)\(a\)](#).
- 9676 (8) The authority and a subsidiary are subject to Title 63G, Chapter 2, Government
- 9677 Records Access and Management Act, except that:
- 9678 (a) notwithstanding Section [63G-2-701](#):
- 9679 (i) the authority may establish an appeals board consisting of at least three members;
- 9680 (ii) an appeals board established under Subsection (8)(a)(i) shall include:
- 9681 (A) one of the authority board members appointed by the governor;
- 9682 (B) the authority board member appointed by the president of the Senate; and
- 9683 (C) the authority board member appointed by the speaker of the House of
- 9684 Representatives; and
- 9685 (iii) an appeal of a decision of an appeals board is to district court, as provided in
- 9686 Section [63G-2-404](#), except that the State Records Committee is not a party; and
- 9687 (b) a record created or retained by the authority or a subsidiary acting in the role of a
- 9688 facilitator under Subsection [63H-1-201\(3\)\(v\)](#) is a protected record under Title 63G, Chapter 2,
- 9689 Government Records Access and Management Act.
- 9690 (9) The authority or a subsidiary acting in the role of a facilitator under Subsection
- 9691 [63H-1-201\(3\)\(v\)](#) is not prohibited from receiving a benefit from a public-private partnership
- 9692 that results from the facilitator's work as a facilitator.
- 9693 (10) (a) (i) A subsidiary created as a public infrastructure district under Title 17D,
- 9694 Chapter 4, Public Infrastructure District Act, may, subject to limitations of Title 17D, Chapter
- 9695 4, Public Infrastructure District Act, levy a property tax for the operations and maintenance of
- 9696 the public infrastructure district's financed infrastructure and related improvements, subject to a
- 9697 maximum rate of .015.
- 9698 (ii) A levy under Subsection (10)(a)(i) may be separate from a public infrastructure
- 9699 district property tax levy for a bond.

9700 (b) If a subsidiary created as a public infrastructure district issues a bond:
9701 (i) the subsidiary may:
9702 (A) delay the effective date of the property tax levy for the bond until after the period
9703 of capitalized interest payments; and
9704 (B) covenant with bondholders not to reduce or impair the property tax levy; and
9705 (ii) notwithstanding a provision to the contrary in Title 17D, Chapter 4, Public
9706 Infrastructure District Act, the tax rate for the property tax levy for the bond may not exceed a
9707 rate that generates more revenue than required to pay the annual debt service of the bond plus
9708 administrative costs, subject to a maximum of .02.

9709 (c) (i) A subsidiary created as a public infrastructure district under Title 17D, Chapter
9710 4, Public Infrastructure District Act, may create tax areas, as defined in Section [59-2-102](#),
9711 within the public infrastructure district and apply a different property tax rate to each tax area,
9712 subject to the maximum rate limitations described in Subsections (10)(a)(i) and (10)(b)(ii).

9713 (ii) If a subsidiary created by a public infrastructure district issues bonds, the subsidiary
9714 may issue bonds secured by property taxes from:
9715 (A) the entire public infrastructure district; or
9716 (B) one or more tax areas within the public infrastructure district.

9717 (11) (a) Terms defined in Section [57-11-2](#) apply to this Subsection (11).

9718 (b) Title 57, Chapter 11, Utah Uniform Land Sales Practices Act, does not apply to an
9719 offer or disposition of an interest in land if the interest in land lies within the boundaries of the
9720 project area and the authority:
9721 (i) (A) has a development review committee using at least one professional planner;
9722 (B) enacts standards and guidelines that require approval of planning, land use, and
9723 plats, including the approval of plans for streets, culinary water, sanitary sewer, and flood
9724 control; and
9725 (C) will have the improvements described in Subsection (11)(b)(i)(B) plus
9726 telecommunications and electricity; and
9727 (ii) if at the time of the offer or disposition, the subdivider furnishes satisfactory
9728 assurance of completion of the improvements described in Subsection (11)(b)(i)(C).

9729 (12) (a) As used in this Subsection (12), "officer" means the same as an officer within
9730 the meaning of the Utah Constitution Article IV, Section 10.

9731 (b) An official act of an officer may not be invalidated for the reason that the officer
9732 failed to take the oath of office.

9733 Section 172. Section **63H-1-701** is amended to read:

9734 **63H-1-701. Annual authority budget -- Fiscal year -- Public hearing required --**
9735 **Auditor forms -- Requirement to file form.**

9736 (1) The authority shall prepare and its board adopt an annual budget of revenues and
9737 expenditures for the authority for each fiscal year.

9738 (2) Each annual authority budget shall be adopted before June 30.

9739 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

9740 (4) (a) Before adopting an annual budget, the authority board shall hold a public
9741 hearing on the annual budget.

9742 (b) The authority shall provide notice of the public hearing on the annual budget by
9743 publishing notice[:] statewide as a class A notice under Section [63G-28-102](#) at least one week
9744 immediately before the day of the public hearing.

9745 ~~[(i) at least once in a newspaper of general circulation within the state, at least one~~
9746 ~~week before the public hearing; and]~~

9747 ~~[(ii) on the Utah Public Notice Website created in Section [63A-16-601](#), for at least one~~
9748 ~~week immediately before the public hearing.]~~

9749 (c) The authority shall make the annual budget available for public inspection at least
9750 three days before the date of the public hearing.

9751 (5) The state auditor shall prescribe the budget forms and the categories to be contained
9752 in each authority budget, including:

9753 (a) revenues and expenditures for the budget year;

9754 (b) legal fees; and

9755 (c) administrative costs, including rent, supplies, and other materials, and salaries of
9756 authority personnel.

9757 (6) (a) Within 30 days after adopting an annual budget, the authority board shall file a
9758 copy of the annual budget with the auditor of each county in which a project area of the
9759 authority is located, the State Tax Commission, the state auditor, the State Board of Education,
9760 and each taxing entity that levies a tax on property from which the authority collects property
9761 tax allocation.

9762 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
9763 state as a taxing entity is met if the authority files a copy with the State Tax Commission and
9764 the state auditor.

9765 Section 173. Section **67-3-13** is amended to read:

9766 **67-3-13. State privacy officer.**

9767 (1) As used in this section:

9768 (a) "Designated government entity" means a government entity that is not a state
9769 agency.

9770 (b) "Independent entity" means the same as that term is defined in Section [63E-1-102](#).

9771 (c) (i) "Government entity" means the state, a county, a municipality, a higher
9772 education institution, a local district, a special service district, a school district, an independent
9773 entity, or any other political subdivision of the state or an administrative subunit of any
9774 political subdivision, including a law enforcement entity.

9775 (ii) "Government entity" includes an agent of an entity described in Subsection
9776 (1)(c)(i).

9777 (d) (i) "Personal data" means any information relating to an identified or identifiable
9778 individual.

9779 (ii) "Personal data" includes personally identifying information.

9780 (e) (i) "Privacy practice" means the acquisition, use, storage, or disposal of personal
9781 data.

9782 (ii) "Privacy practice" includes:

9783 (A) a technology use related to personal data; and

9784 (B) policies related to the protection, storage, sharing, and retention of personal data.

9785 (f) (i) "State agency" means the following entities that are under the direct supervision
9786 and control of the governor or the lieutenant governor:

9787 (A) a department;

9788 (B) a commission;

9789 (C) a board;

9790 (D) a council;

9791 (E) an institution;

9792 (F) an officer;

- 9793 (G) a corporation;
- 9794 (H) a fund;
- 9795 (I) a division;
- 9796 (J) an office;
- 9797 (K) a committee;
- 9798 (L) an authority;
- 9799 (M) a laboratory;
- 9800 (N) a library;
- 9801 (O) a bureau;
- 9802 (P) a panel;
- 9803 (Q) another administrative unit of the state; or
- 9804 (R) an agent of an entity described in Subsections (A) through (Q).
- 9805 (ii) "State agency" does not include:
- 9806 (A) the legislative branch;
- 9807 (B) the judicial branch;
- 9808 (C) an executive branch agency within the Office of the Attorney General, the state
- 9809 auditor, the state treasurer, or the State Board of Education; or
- 9810 (D) an independent entity.
- 9811 (2) The state privacy officer shall:
- 9812 (a) when completing the duties of this Subsection (2), focus on the privacy practices of
- 9813 designated government entities;
- 9814 (b) compile information about government privacy practices of designated government
- 9815 entities;
- 9816 (c) make public and maintain information about government privacy practices on the
- 9817 state auditor's website;
- 9818 (d) provide designated government entities with educational and training materials
- 9819 developed by the Personal Privacy Oversight Commission established in Section [63C-24-201](#)
- 9820 that include the information described in Subsection [63C-24-202\(1\)\(b\)](#);
- 9821 (e) implement a process to analyze and respond to requests from individuals for the
- 9822 state privacy officer to review a designated government entity's privacy practice;
- 9823 (f) identify annually which designated government entities' privacy practices pose the

9824 greatest risk to individual privacy and prioritize those privacy practices for review;

9825 (g) review each year, in as timely a manner as possible, the privacy practices that the

9826 privacy officer identifies under Subsection (2)(e) or (2)(f) as posing the greatest risk to

9827 individuals' privacy;

9828 (h) when reviewing a designated government entity's privacy practice under Subsection

9829 (2)(g), analyze:

9830 (i) details about the technology or the policy and the technology's or the policy's

9831 application;

9832 (ii) information about the type of data being used;

9833 (iii) information about how the data is obtained, stored, shared, secured, and disposed;

9834 (iv) information about with which persons the designated government entity shares the

9835 information;

9836 (v) information about whether an individual can or should be able to opt out of the

9837 retention and sharing of the individual's data;

9838 (vi) information about how the designated government entity de-identifies or

9839 anonymizes data;

9840 (vii) a determination about the existence of alternative technology or improved

9841 practices to protect privacy; and

9842 (viii) a finding of whether the designated government entity's current privacy practice

9843 adequately protects individual privacy; and

9844 (i) after completing a review described in Subsections (2)(g) and (h), determine:

9845 (i) each designated government entity's use of personal data, including the designated

9846 government entity's practices regarding data:

9847 (A) acquisition;

9848 (B) storage;

9849 (C) disposal;

9850 (D) protection; and

9851 (E) sharing;

9852 (ii) the adequacy of the designated government entity's practices in each of the areas

9853 described in Subsection (2)(i)(i); and

9854 (iii) for each of the areas described in Subsection (2)(i)(i) that the state privacy officer

9855 determines to require reform, provide recommendations for reform to the designated
9856 government entity and the legislative body charged with regulating the designated government
9857 entity.

9858 (3) (a) The legislative body charged with regulating a designated government entity
9859 that receives a recommendation described in Subsection (2)(i)(iii) shall hold a public hearing
9860 on the proposed reforms:

9861 (i) with a quorum of the legislative body present; and

9862 (ii) within 90 days after the day on which the legislative body receives the
9863 recommendation.

9864 (b) (i) The legislative body shall provide notice of the hearing described in Subsection
9865 (3)(a).

9866 (ii) Notice of the public hearing and the recommendations to be discussed shall be
9867 posted ~~[on:]~~ within the designated government entity as a class A notice under Section
9868 63G-28-102 at least 30 days before the day on which the legislative body will hold the public
9869 hearing.

9870 ~~[(A) the Utah Public Notice Website created in Section 63A-16-601 for 30 days before~~
9871 ~~the day on which the legislative body will hold the public hearing; and]~~

9872 ~~[(B) the website of the designated government entity that received a recommendation,~~
9873 ~~if the designated government entity has a website, for 30 days before the day on which the~~
9874 ~~legislative body will hold the public hearing.]~~

9875 (iii) Each notice required under Subsection (3)(b)(i) shall:

9876 (A) identify the recommendations to be discussed; and

9877 (B) state the date, time, and location of the public hearing.

9878 (c) During the hearing described in Subsection (3)(a), the legislative body shall:

9879 (i) provide the public the opportunity to ask questions and obtain further information
9880 about the recommendations; and

9881 (ii) provide any interested person an opportunity to address the legislative body with
9882 concerns about the recommendations.

9883 (d) At the conclusion of the hearing, the legislative body shall determine whether the
9884 legislative body shall adopt reforms to address the recommendations and any concerns raised
9885 during the public hearing.

9886 (4) (a) Except as provided in Subsection (4)(b), if the government operations privacy
 9887 officer described in Section [67-1-17](#) is not conducting reviews of the privacy practices of state
 9888 agencies, the state privacy officer may review the privacy practices of a state agency in
 9889 accordance with the processes described in this section.

9890 (b) Subsection (3) does not apply to a state agency.

9891 (5) The state privacy officer shall:

9892 (a) quarterly report, to the Personal Privacy Oversight Commission:

9893 (i) recommendations for privacy practices for the commission to review; and

9894 (ii) the information provided in Subsection (2)(i); and

9895 (b) annually, on or before October 1, report to the Judiciary Interim Committee:

9896 (i) the results of any reviews described in Subsection (2)(g), if any reviews have been
 9897 completed;

9898 (ii) reforms, to the extent that the state privacy officer is aware of any reforms, that the
 9899 designated government entity made in response to any reviews described in Subsection (2)(g);

9900 (iii) the information described in Subsection (2)(i); and

9901 (iv) recommendations for legislation based on any results of a review described in
 9902 Subsection (2)(g).

9903 Section 174. Section **72-3-108** is amended to read:

9904 **72-3-108. County roads -- Vacation and narrowing -- Notice requirements.**

9905 (1) A county may, by ordinance, vacate, narrow, or change the name of a county road
 9906 without petition or after petition by a property owner.

9907 (2) A county may not vacate a county road unless notice of the hearing is:

9908 (a) published[?] within the county as a class A notice under Section [63G-28-102](#) at
 9909 least four weeks before the day of the hearing; and

9910 [~~(i) in a newspaper of general circulation in the county once a week for four~~
 9911 ~~consecutive weeks before the hearing; and]~~

9912 [~~(ii) on the Utah Public Notice Website created in Section [63A-16-601](#), for four weeks~~
 9913 ~~before the hearing; and]~~

9914 [~~(b) posted in three public places for four consecutive weeks prior to the hearing; and]~~

9915 [~~(c)~~] (b) mailed to the department and all owners of property abutting the county road.

9916 (3) The right-of-way and easements, if any, of a property owner and the franchise rights

9917 of any public utility may not be impaired by vacating or narrowing a county road.

9918 (4) Except as provided in Section 72-5-305, if a county vacates a county road, the
9919 state's right-of-way interest in the county road is also vacated.

9920 Section 175. Section 72-5-105 is amended to read:

9921 **72-5-105. Highways, streets, or roads once established continue until abandoned**
9922 **-- Temporary closure -- Notice.**

9923 (1) Except as provided in Subsections (3) and (7), all public highways, streets, or roads
9924 once established shall continue to be highways, streets, or roads until formally abandoned or
9925 vacated by written order, resolution, or ordinance resolution of a highway authority having
9926 jurisdiction or by court decree, and the written order, resolution, ordinance, or court decree has
9927 been duly recorded in the office of the recorder of the county or counties where the highway,
9928 street, or road is located.

9929 (2) (a) For purposes of assessment, upon the recordation of an order executed by the
9930 proper authority with the county recorder's office, title to the vacated or abandoned highway,
9931 street, or road shall vest to the adjoining record owners, with one-half of the width of the
9932 highway, street, or road assessed to each of the adjoining owners.

9933 (b) Provided, however, that should a description of an owner of record extend into the
9934 vacated or abandoned highway, street, or road that portion of the vacated or abandoned
9935 highway, street, or road shall vest in the record owner, with the remainder of the highway,
9936 street, or road vested as otherwise provided in this Subsection (2).

9937 (c) Title to a highway, street, or road that a local highway authority closes to vehicular
9938 traffic under Subsection (3) or (7) remains vested in the city.

9939 (3) (a) In accordance with this section, a state or local highway authority may
9940 temporarily close a class B, C, or D road, an R.S. 2477 right-of-way, or a portion of a class B,
9941 C, or D road or R.S. 2477 right-of-way.

9942 (b) (i) A temporary closure authorized under this section is not an abandonment.

9943 (ii) The erection of a barrier or sign on a highway, street, or road once established is
9944 not an abandonment.

9945 (iii) An interruption of the public's continuous use of a highway, street, or road once
9946 established is not an abandonment even if the interruption is allowed to continue unabated.

9947 (c) A temporary closure under Subsection (3)(a) may be authorized only under the

9948 following circumstances:

9949 (i) when a federal authority, or other person, provides an alternate route to an R.S.

9950 2477 right-of-way or portion of an R.S. 2477 right-of-way if the alternate route is:

9951 (A) accepted by the highway authority; and

9952 (B) formalized by a federal permit or a written agreement between the federal authority
9953 or other person and the highway authority;

9954 (ii) when a state or local highway authority determines that correction or mitigation of
9955 injury to private or public land resources is necessary on or near a class B or D road or portion
9956 of a class B or D road; or

9957 (iii) when a local highway authority makes a finding that temporary closure of all or
9958 part of a class C road is necessary to mitigate unsafe conditions.

9959 (d) (i) If a local highway authority temporarily closes all or part of a class C road under
9960 Subsection (3)(c)(iii), the local highway authority may convert the closed portion of the road to
9961 another public use or purpose related to the mitigation of the unsafe condition.

9962 (ii) If a local highway authority temporarily closes all or part of a class C road under
9963 Subsection (3)(c)(iii), and the closed portion of road is the subject of a lease agreement
9964 between the local highway authority and another entity, the local highway authority may not
9965 reopen the closed portion of the road until the lease agreement terminates.

9966 (e) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S.
9967 2477 right-of-way temporarily closed under this section if the alternate route is closed for any
9968 reason.

9969 (f) A temporary closure authorized under Subsection (3)(c)(ii) shall:

9970 (i) be authorized annually; and

9971 (ii) not exceed two years or the time it takes to complete the correction or mitigation,
9972 whichever is less.

9973 (4) To authorize a closure of a road under Subsection (3) or (7), a local highway
9974 authority shall pass an ordinance to temporarily or indefinitely close the road.

9975 (5) Before authorizing a temporary or indefinite closure as described in Subsection (4),
9976 a highway authority shall:

9977 (a) hold a hearing on the proposed temporary or indefinite closure;

9978 (b) provide notice of the hearing by mailing a notice to the Department of

9979 Transportation [~~and all owners of property abutting the highway~~]; and

9980 (c) except for a closure under Subsection (3)(c)(iii), [~~post~~] provide the notice[±] to the
 9981 properties abutting the highway as a class C notice under Section 63G-28-102 at least four
 9982 weeks before the day of the hearing.

9983 [~~(i) on the Utah Public Notice Website created in Section 63A-16-601, for four weeks~~
 9984 ~~before the hearing; or]~~

9985 [~~(ii) in three public places for at least four consecutive weeks before the hearing.]~~

9986 (6) The right-of-way and easements, if any, of a property owner and the franchise rights
 9987 of any public utility may not be impaired by a temporary or indefinite closure authorized under
 9988 this section.

9989 (7) (a) A local highway authority may close to vehicular travel and convert to another
 9990 public use or purpose a highway, road, or street over which the local highway authority has
 9991 jurisdiction, for an indefinite period of time, if the local highway authority makes a finding
 9992 that:

9993 (i) the closed highway, road, or street is not necessary for vehicular travel;

9994 (ii) the closure of the highway, road, or street is necessary to correct or mitigate injury
 9995 to private or public land resources on or near the highway, road, or street; or

9996 (iii) the closure of the highway, road, or street is necessary to mitigate unsafe
 9997 conditions.

9998 (b) If a local highway authority indefinitely closes all or part of a highway, road, or
 9999 street under Subsection (7)(a)(iii), and the closed portion of road is the subject of a lease
 10000 agreement between the local highway authority and another entity, the local highway authority
 10001 may not reopen the closed portion of the road until the lease agreement terminates.

10002 (c) An indefinite closure authorized under this Subsection (7) is not an abandonment.
 10003 Section 176. Section **72-6-108** is amended to read:

10004 **72-6-108. Class B and C roads -- Improvement projects -- Notice -- Contracts --**
 10005 **Retainage.**

10006 (1) A county executive for class B roads and the municipal executive for class C roads
 10007 shall cause plans, specifications, and estimates to be made prior to the construction of any
 10008 improvement project, as defined in Section 72-6-109, on a class B or C road if the estimated
 10009 cost for any one project exceeds the bid limit as defined in Section 72-6-109 for labor,

10010 equipment, and materials.

10011 (2) (a) All projects in excess of the bid limit shall be performed under contract to be let
10012 to the lowest responsible bidder.

10013 (b) If the estimated cost of the improvement project exceeds the bid limit for labor,
10014 equipment, and materials, the project may not be divided to permit the construction in parts,
10015 unless each part is done by contract.

10016 (3) The advertisement on bids shall be ~~[posted:]~~ provided within the county as a class
10017 A notice under Section 63G-28-102 for three weeks.

10018 ~~[(a) on the Utah Public Notice Website, created in Section 63A-16-601, for three~~
10019 ~~weeks; and]~~

10020 ~~[(b) for at least 20 days in at least five public places in the county.]~~

10021 (4) The county or municipal executive or their designee shall receive sealed bids and
10022 open the bids at the time and place designated in the advertisement. The county or municipal
10023 executive or their designee may then award the contract but may reject any and all bids.

10024 (5) The person, firm, or corporation that is awarded a contract under this section is
10025 subject to the provisions of Title 63G, Chapter 6a, Utah Procurement Code.

10026 (6) If any payment on a contract with a private contractor for construction or
10027 improvement of a class B or C road is retained or withheld, the payment shall be retained or
10028 withheld and released as provided in Section 13-8-5.

10029 Section 177. Section 73-5-14 is amended to read:

10030 **73-5-14. Determination by the state engineer of watershed to which particular**
10031 **source is tributary -- Publications of notice and result -- Hearing -- Judicial review.**

10032 (1) The state engineer may determine for administrative and distribution purposes the
10033 watershed to which any particular stream or source of water is tributary.

10034 (2) A determination under Subsection (1) may be made only after publication of notice
10035 to the water users.

10036 (3) Publication of notice under Subsection (2) shall be made:

10037 (a) ~~[in a newspaper or newspapers having general circulation]~~ in every county in the
10038 state in which any rights might be affected~~[, once each week for five consecutive weeks]~~ as a
10039 class A notice under Section 63G-28-102 at least five weeks before the date of the hearing
10040 described in Subsection (4); and

10041 (b) in accordance with Section 45-1-101 for five weeks~~;~~ and].
10042 [~~(c) on the Utah Public Notice Website created in Section 63A-16-601, for five weeks.~~]

10043 (4) The state engineer shall fix the date and place of hearing and at the hearing any
10044 water user shall be given an opportunity to appear and adduce evidence material to the
10045 determination of the question involved.

10046 (5) (a) The state engineer shall publish the result of the determination as provided in
10047 Subsections (3)(a) and (b), and the notice of the decision of the state engineer shall notify the
10048 public that any person aggrieved by the decision may appeal the decision as provided by
10049 Section 73-3-14.

10050 (b) The notice under Subsection (5)(a) shall be considered to have been given so as to
10051 start the time for appeal upon completion of the publication of notice.

10052 Section 178. Section 73-10-32 is amended to read:

10053 **73-10-32. Definitions -- Water conservation plan required -- Notice.**

10054 (1) As used in this section:

10055 (a) "Division" means the Division of Water Resources created under Section 73-10-18.

10056 (b) "Water conservancy district" means an entity formed under Title 17B, Chapter 2a,
10057 Part 10, Water Conservancy District Act.

10058 (c) "Water conservation plan" means a written document that contains existing and
10059 proposed water conservation measures describing what will be done by a water provider, and
10060 the end user of culinary water to help conserve water in the state in terms of per capita use of
10061 water provided through culinary water infrastructure owned or operated by the water provider
10062 so that adequate supplies of water are available for future needs.

10063 (d) "Water provider" means:

10064 (i) a retail water supplier, as defined in Section 19-4-102; or

10065 (ii) a water conservancy district.

10066 (2) (a) A water conservation plan shall contain:

10067 (i) (A) a clearly stated overall water use reduction goal that is consistent with
10068 Subsection (2)(d); and

10069 (B) an implementation plan for each water conservation measure a water provider
10070 chooses to use, including a timeline for action and an evaluation process to measure progress;

10071 (ii) a requirement that a notification procedure be implemented that includes the

10072 delivery of the water conservation plan to the media and to the governing body of each
10073 municipality and county served by the water provider;

10074 (iii) a copy of the minutes of the meeting regarding a water conservation plan and the
10075 notification procedure required in Subsection (2)(a)(ii) that shall be added as an appendix to the
10076 water conservation plan; and

10077 (iv) for a retail water supplier, as defined in Section 19-4-102, the retail water
10078 supplier's rate structure that is:

10079 (A) adopted by the retail water supplier's governing body in accordance with Section
10080 73-10-32.5; and

10081 (B) current as of the day the retail water supplier files a water conservation plan.

10082 (b) A water conservation plan may include information regarding:

10083 (i) the installation and use of water efficient fixtures and appliances, including toilets,
10084 shower fixtures, and faucets;

10085 (ii) residential and commercial landscapes and irrigation that require less water to
10086 maintain;

10087 (iii) more water efficient industrial and commercial processes involving the use of
10088 water;

10089 (iv) water reuse systems, both potable and not potable;

10090 (v) distribution system leak repair;

10091 (vi) dissemination of public information regarding more efficient use of water,
10092 including public education programs, customer water use audits, and water saving
10093 demonstrations;

10094 (vii) water rate structures designed to encourage more efficient use of water;

10095 (viii) statutes, ordinances, codes, or regulations designed to encourage more efficient
10096 use of water by means such as water efficient fixtures and landscapes;

10097 (ix) incentives to implement water efficient techniques, including rebates to water
10098 users to encourage the implementation of more water efficient measures; and

10099 (x) other measures designed to conserve water.

10100 (c) The division may be contacted for information and technical resources regarding
10101 measures listed in Subsection (2)(b).

10102 (d) (i) The division shall adopt by rule, made in accordance with Title 63G, Chapter 3,

- 10103 Utah Administrative Rulemaking Act, regional water conservation goals that:
- 10104 (A) are developed by the division;
- 10105 (B) are reevaluated by December 31, 2030, and every 10 years after December 31,
- 10106 2030; and
- 10107 (C) define what constitutes "water being conserved" under a water conservation goal
- 10108 after considering factors such as depletion, diversion, use, consumption, or return flows.
- 10109 (ii) As part of a water conservation plan, a water provider shall adopt one of the
- 10110 following:
- 10111 (A) the regional water conservation goal applicable to the water provider;
- 10112 (B) a water conservation goal that would result in more water being conserved than
- 10113 would be conserved under the regional water conservation goal; or
- 10114 (C) a water conservation goal that would result in less water being conserved than
- 10115 would be conserved under the regional water conservation goal with a reasonable justification
- 10116 as to why the different water conservation goal is adopted and an explanation of the factors
- 10117 supporting the reasonable justification, such as demographics, geography, lot sizes, make up of
- 10118 water service classes, or availability of secondary water.
- 10119 (3) (a) A water provider shall:
- 10120 (i) prepare and adopt a water conservation plan; and
- 10121 (ii) file a copy of the water conservation plan with the division.
- 10122 (b) (i) Before adopting or amending a water conservation plan, a water provider shall
- 10123 hold a public hearing with reasonable, advance public notice in accordance with this
- 10124 Subsection (3)(b).
- 10125 (ii) The water provider shall provide public notice at least 14 days before the date of
- 10126 the public hearing.
- 10127 (iii) A water provider meets the requirements of reasonable notice required by this
- 10128 Subsection (3)(b) if the water provider posts notice of the public hearing [~~in at least three~~
- 10129 ~~public places within the service area of the water provider and~~];
- 10130 (A) if the water provider is a public entity, [~~posts notice on the Utah Public Notice~~
- 10131 ~~Website, created in Section 63A-16-601~~] within the service area of the water provider as a
- 10132 class A notice under Section 63G-28-102; or
- 10133 (B) in at least three public places within the service area of the water provider and, if

10134 the water provider is a private entity and has a public website, [~~posts notice~~] on the water
10135 provider's public website.

10136 (iv) Proof that notice described in Subsection (3)(b)(iii) was given is prima facie
10137 evidence that notice was properly given.

10138 (v) If notice given under authority of this Subsection (3)(b) is not challenged within 30
10139 days from the date of the public hearing for which the notice was given, the notice is
10140 considered adequate and proper.

10141 (c) A water provider shall:

10142 (i) post the water provider's water conservation plan on a public website; or

10143 (ii) if the water provider does not have a public website, make the water provider's
10144 water conservation plan [~~publically~~] publicly available for inspection upon request.

10145 (4) (a) The division shall:

10146 (i) provide guidelines and technical resources to help water providers prepare and
10147 implement water conservation plans;

10148 (ii) assist water providers by identifying water conservation methods upon request; and

10149 (iii) provide an online submission form that allows for an electronic copy of the water
10150 conservation plan to be filed with the division under Subsection (3)(a)(ii).

10151 (b) The division shall post an annual report at the end of a calendar year listing water
10152 providers in compliance with this section.

10153 (5) A water provider may only receive state funds for water development if the water
10154 provider complies with the requirements of this section.

10155 (6) A water provider specified under Subsection (3)(a) shall:

10156 (a) update the water provider's water conservation plan no less frequently than every
10157 five years; and

10158 (b) follow the procedures required under Subsection (3) when updating the water
10159 conservation plan.

10160 (7) It is the intent of the Legislature that the water conservation plans, amendments to
10161 existing water conservation plans, and the studies and report by the division be handled within
10162 the existing budgets of the respective entities or agencies.

10163 Section 179. Section **75-1-401** is amended to read:

10164 **75-1-401. Notice -- Method and time of giving.**

10165 (1) If notice of a hearing on any petition is required and except for specific notice
10166 requirements as otherwise provided, the petitioner shall cause notice of the time and place of
10167 hearing of any petition to be given to any interested person or the person's attorney if the person
10168 has appeared by attorney or requested that notice be sent to the person's attorney. Notice shall
10169 be given by the clerk posting a copy of the notice for the 10 consecutive days immediately
10170 preceding the time set for the hearing in at least three public places in the county, one of which
10171 must be at the courthouse of the county and:

10172 (a) (i) by the clerk mailing a copy thereof at least 10 days before the time set for the
10173 hearing by certified, registered, or ordinary first class mail addressed to the person being
10174 notified at the post-office address given in the demand for notice, if any, or at the person's
10175 office or place of residence, if known; or

10176 (ii) by delivering a copy thereof to the person being notified personally at least 10 days
10177 before the time set for the hearing; and

10178 (b) if the address, or identity of any person is not known and cannot be ascertained with
10179 reasonable diligence, by publishing[:] in the county where the hearing is to be held as a class A
10180 notice under Section 63G-28-102 at least 10 days before the day of the hearing.

10181 [~~(i) at least once a week for three consecutive weeks a copy thereof in a newspaper~~
10182 ~~having general circulation in the county where the hearing is to be held, the last publication of~~
10183 ~~which is to be at least 10 days before the time set for the hearing; and]~~

10184 [~~(ii) on the Utah Public Notice Website created in Section 63A-16-601, for three~~
10185 ~~weeks.]~~

10186 (2) The court for good cause shown may provide for a different method or time of
10187 giving notice for any hearing.

10188 (3) Proof of the giving of notice shall be made on or before the hearing and filed in the
10189 proceeding.

10190 Section 180. Section **76-8-809** is amended to read:

10191 **76-8-809. Closing or restricting use of highways abutting defense or war facilities**
10192 **-- Posting of notices.**

10193 Any individual, partnership, association, corporation, municipal corporation or state or
10194 any political subdivision thereof engaged in or preparing to engage in the manufacture,
10195 transportation or storage of any product to be used in the preparation of the United States or

10196 any of the states for defense or for war or in the prosecution of war by the United States, or in
10197 the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or
10198 any of said natural or artificial persons operating any public utility who has property so used
10199 which he or it believes will be endangered if public use and travel is not restricted or prohibited
10200 on one or more highways or parts thereof upon which the property abuts, may petition the
10201 highway commissioners of any city, town, or county to close one or more of the highways or
10202 parts thereof to public use and travel or to restrict by order the use and travel upon one or more
10203 of the highways or parts thereof.

10204 Upon receipt of the petition, the highway commissioners shall set a day for hearing and
10205 give notice of the hearing by posting a class A notice [~~on the Utah Public Notice Website,~~
10206 ~~created in Section 63A-16-601~~] under Section 63G-28-102 within the city, town, or county, at
10207 least seven days [prior to the date set for] before the day of the hearing. If, after hearing, the
10208 highway commissioners determine that the public safety and the safety of the property of the
10209 petitioner so require, they shall by suitable order close to public use and travel or reasonably
10210 restrict the use of and travel upon one or more of the highways or parts thereof; provided the
10211 highway commissioners may issue written permits to travel over the highway so closed or
10212 restricted to responsible and reputable persons for a term, under conditions and in a form as the
10213 commissioners may prescribe. Appropriate notices in letters at least three inches high shall be
10214 posted conspicuously at each end of any highway so closed or restricted by an order. The
10215 highway commissioners may at any time revoke or modify any order so made.

10216 Section 181. Section **78A-7-202** is amended to read:

10217 **78A-7-202. Justice court judges to be appointed -- Procedure.**

10218 (1) As used in this section:

10219 (a) "Local government executive" means:

10220 (i) for a county:

10221 (A) the chair of the county commission in a county operating under the county
10222 commission or expanded county commission form of county government;

10223 (B) the county executive in a county operating under the county executive-council form
10224 of county government; and

10225 (C) the county manager in a county operating under the council-manager form of
10226 county government;

- 10227 (ii) for a city or town:
- 10228 (A) the mayor of the city or town; or
- 10229 (B) the city manager, in the council-manager form of government described in
- 10230 Subsection 10-3b-103(7); and
- 10231 (iii) for a metro township, the chair of the metro township council.
- 10232 (b) "Local legislative body" means:
- 10233 (i) for a county, the county commission or county council; and
- 10234 (ii) for a city or town, the council of the city or town.
- 10235 (2) (a) There is created in each county a county justice court nominating commission to
- 10236 review applicants and make recommendations to the appointing authority for a justice court
- 10237 position.
- 10238 (b) The commission shall be convened when a new justice court judge position is
- 10239 created or when a vacancy in an existing court occurs for a justice court located within the
- 10240 county.
- 10241 (c) Membership of the justice court nominating commission shall be as follows:
- 10242 (i) one member appointed by:
- 10243 (A) the county commission if the county has a county commission form of
- 10244 government; or
- 10245 (B) the county executive if the county has an executive-council form of government;
- 10246 (ii) one member appointed by the municipalities in the counties as follows:
- 10247 (A) if the county has only one municipality, appointment shall be made by the
- 10248 governing authority of that municipality; or
- 10249 (B) if the county has more than one municipality, appointment shall be made by a
- 10250 municipal selection committee composed of the mayors of each municipality and the chairs of
- 10251 each metro township in the county;
- 10252 (iii) one member appointed by the county bar association; and
- 10253 (iv) two members appointed by the governing authority of the jurisdiction where the
- 10254 judicial office is located.
- 10255 (d) (i) If there is no county bar association, the member in Subsection (2)(c)(iii) shall
- 10256 be appointed by the regional bar association.
- 10257 (ii) If no regional bar association exists, the state bar association shall make the

10258 appointment.

10259 (e) Members appointed under Subsections (2)(c)(i) and (ii) may not be the appointing
10260 authority or an elected official of a county or municipality.

10261 (f) (i) Except as provided in Subsection (2)(d)(ii), the nominating commission shall
10262 submit at least three names to the appointing authority of the jurisdiction expected to be served
10263 by the judge.

10264 (ii) If there are fewer than three applicants for a justice court vacancy, the nominating
10265 commission shall submit all qualified applicants to the appointing authority of the jurisdiction
10266 expected to be served by the judge.

10267 (iii) The local government executive shall appoint a judge from the list submitted and
10268 the appointment ratified by the local legislative body.

10269 (g) (i) The state court administrator shall provide staff to the commission.

10270 (ii) The Judicial Council shall establish rules and procedures for the conduct of the
10271 commission.

10272 (3) (a) A judicial vacancy for a justice court shall be announced:

10273 (i) as an employment opportunity on the Utah Courts' website;

10274 (ii) in an email to the members of the Utah State Bar; and

10275 (iii) ~~[on the Utah Public Notice Website, created in Section 63A-16-601]~~ within the
10276 geographic boundaries of the justice court's jurisdiction as a class A notice under Section
10277 63G-28-102.

10278 (b) A judicial vacancy for a justice court may also be advertised through other
10279 appropriate means.

10280 (4) Selection of candidates shall be based on compliance with the requirements for
10281 office and competence to serve as a judge.

10282 (5) (a) Once selected, every prospective justice court judge shall attend an orientation
10283 seminar conducted under the direction of the Judicial Council.

10284 (b) Upon completion of the orientation seminar described in Subsection (5)(a), the
10285 Judicial Council shall certify the justice court judge as qualified to hold office.

10286 (6) (a) The selection of a person to fill the office of justice court judge is effective upon
10287 certification of the judge by the Judicial Council.

10288 (b) A justice court judge may not perform judicial duties until certified by the Judicial

10289 Council.

10290 Section 182. Section **79-6-402** is amended to read:

10291 **79-6-402. In-state generator need -- Merchant electric transmission line -- Notice**
10292 **requirements.**

10293 (1) As used in this section:

10294 (a) "Capacity allocation process" means the process outlined by the Federal Energy
10295 Regulatory Commission in its final policy statement dated January 17, 2013, "Allocation of
10296 Capacity on New Merchant Transmission Projects and New Cost-Based, Participant-Funded
10297 Transmission Projects, Priority Rights to New Participant-Funded Transmission," 142 F.E.R.C.
10298 P61,038 (2013).

10299 (b) "Certificate of in-state need" means a certificate issued by the office in accordance
10300 with this section identifying an in-state generator that meets the requirements and qualifications
10301 of this section.

10302 (c) "Expression of need" means a document prepared and submitted to the office by an
10303 in-state merchant generator that describes or otherwise documents the transmission needs of
10304 the in-state merchant generator in conformance with the requirements of this section.

10305 (d) "In-state merchant generator" means an electric power provider that generates
10306 power in Utah and does not provide service to retail customers within the boundaries of Utah.

10307 (e) "Merchant electric transmission line" means a transmission line that does not
10308 provide electricity to retail customers within the boundaries of Utah.

10309 (f) "Office" means the Office of Energy Development established in Section [79-6-401](#).

10310 (g) "Open solicitation notice" means a document prepared and submitted to the office
10311 by a merchant electric transmission line regarding the commencement of the line's open
10312 solicitation in compliance with 142 F.E.R.C. P61,038 (2013).

10313 (2) As part of the capacity allocation process, a merchant electric transmission line
10314 shall file an open solicitation notice with the office containing a description of the merchant
10315 electric transmission line, including:

10316 (a) the proposed capacity;

10317 (b) the location of potential interconnection for in-state merchant generators;

10318 (c) the planned date for commencement of construction; and

10319 (d) the planned commercial operations date.

- 10320 (3) Upon receipt of the open solicitation notice, the office shall:
- 10321 (a) publish the notice [~~on the Utah Public Notice Website created under Section~~
- 10322 ~~63A-16-601~~] as a class A notice under Section [63G-28-102](#);
- 10323 (b) include in the notice contact information; and
- 10324 (c) provide the deadline date for submission of an expression of need.
- 10325 (4) (a) In response to the open solicitation notice published by the office, and no later
- 10326 than 30 days after publication of the notice, an in-state merchant generator may submit an
- 10327 expression of need to the office.
- 10328 (b) An expression of need submitted under Subsection (4)(a) shall include:
- 10329 (i) a description of the in-state merchant generator; and
- 10330 (ii) a schedule of transmission capacity requirement provided in megawatts, by point of
- 10331 receipt and point of delivery and by operating year.
- 10332 (5) No later than 60 days after notice is published under Subsection (3), the office shall
- 10333 prepare a certificate of in-state need identifying the in-state merchant generators.
- 10334 (6) Within five days of preparing the certificate of in-state need, the office shall:
- 10335 (a) publish the certificate [~~on the Utah Public Notice Website created under Section~~
- 10336 ~~63A-16-601~~] as a class A notice under Section [63G-28-102](#); and
- 10337 (b) provide the certificate to the merchant electric transmission line for consideration in
- 10338 the capacity allocation process.
- 10339 (7) The merchant electric transmission line shall:
- 10340 (a) provide the Federal Energy Regulatory Commission with a copy of the certificate of
- 10341 in-state need; and
- 10342 (b) certify that the certificate is being provided to the Federal Energy Regulatory
- 10343 Commission in accordance with the requirements of this section, including a citation to this
- 10344 section.
- 10345 (8) At the conclusion of the capacity allocation process, and unless prohibited by a
- 10346 contractual obligation of confidentiality, the merchant electric transmission line shall report to
- 10347 the office whether a merchant in-state generator reflected on the certificate of in-state need has
- 10348 entered into a transmission service agreement with the merchant electric transmission line.
- 10349 (9) This section may not be interpreted to:
- 10350 (a) create an obligation of a merchant electric transmission line to pay for, or construct

10351 any portion of, the transmission line on behalf of an in-state merchant generator; or
10352 (b) preempt, supersede, or otherwise conflict with Federal Energy Regulatory
10353 Commission rules and regulations applicable to a commercial transmission agreement,
10354 including agreements, or terms of agreements, as to cost, terms, transmission capacity, or key
10355 rates.
10356 (10) Subsections (2) through (9) do not apply to a project entity as defined in Section
10357 [11-13-103](#).